INDEX TO DOCUMENTATION OF COUNTRY CONDITIONS REGARDING PERSECUTION OF LGBTQ INDIVIDUALS IN HONDURAS

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<th>GOVERNMENTAL SOURCES</th>
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<td>1.</td>
<td>Bureau of Democracy, Human Rights, and Labor, U.S. Dep’t of State, Honduras</td>
<td>“Local media and LGBTI human rights NGOs reported an increase in the number of killings of LGBTI persons during the year. Impunity for</td>
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<td>Country Reports on Human Rights Practices - 2019 (Mar. 11, 2020), available at:</td>
<td>such crimes was a problem, as was the impunity rate for all types of crime. According to the Violence Observatory, of the 317 cases</td>
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<td><a href="https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/honduras/">https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/honduras/</a></td>
<td>since 2009 of hate crimes and violence against members of the LGBTI population, 92 percent had gone unpunished.” (p. 19)</td>
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<td>“CONADEH reported 16 hate crimes against transgender women through September. In June, three LGBTI individuals were killed, and four</td>
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<td>LGBTI persons were killed during one weekend in July. One of the victims, a young transgender woman known as Shakira or “La Moy,”</td>
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<td>was violently killed in the department of Cortes.” (p. 19)</td>
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<td>“LGBTI rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices. Transgender</td>
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<td>women were particularly vulnerable to</td>
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<td>employment and education discrimination; many could find employment only as sex workers, substantially increasing their risk of violence.” (p. 19)</td>
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<td>• “A study conducted on stigma and discrimination associated with HIV found that 13 percent of citizens believed that anyone has the right to assault a person for identifying as transgender, an increase of 4 percent between 2016 and 2019.” (p. 20)</td>
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<td>• “Transgender individuals noted their inability to update identity documents to reflect their gender identity.” (p. 19)</td>
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<td>• “In September a lesbian student in Tegucigalpa was suspended from school for eight days and forced to attend a private graduation after classmates found photographs on a social media platform of her kissing another young woman.” (p. 19)</td>
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<td>• “Significant human rights issues included […] threats and violence against indigenous, Afro-descendant communities, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.” (p. 1)</td>
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<td>• “The HNP’s Violent Crimes Task Force investigated crimes against high-profile and particularly vulnerable victims, including journalists (as well as judges, human rights activists, and members of the LGBTI community).” (p. 9)</td>
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<td>• “Many employers discriminated against women. Persons with disabilities, indigenous and Afro-Honduran persons, LGBTI persons, and persons with HIV/AIDS also faced discrimination in employment and occupation […]” (p. 24)</td>
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|     | • “LGBTI human rights NGOs alleged that the PMOP and other elements of the security forces harassed and abused LGBTI persons. One international NGO reported that five members of the PMOP in uniform allegedly assaulted and raped a gay man on July 16 in Tegucigalpa.” (p. 20-21) |
|     | • “The Association for a Better Life, an NGO that works with LGBTI persons, reported an incident of discrimination at San Felipe Hospital in Tegucigalpa where a physician asserted that the victim’s sexual orientation caused him to contract the human papillomavirus and colon cancer.” (p. 21) |
|     | • “Transgender women were particularly vulnerable to employment and education discrimination; many could find employment only as sex workers, substantially increasing their risk of violence.” (p. 21) |
|     | • “LGBTI rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices.” (p. 21) |
|     | • “Transgender individuals noted their inability to update identity documents to reflect their gender identity.” (p. 21) |
|     | • “Human rights issues included […] threats and violence against indigenous, Afro-descendant communities and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.” (p. 1) |
• “The HNP’s Violent Crimes Task Force investigated crimes against high-profile and particularly vulnerable victims, including judges, journalists, human rights activists, and members of the LGBTI community.” (p. 11)

• “Many employers discriminated against women. Persons with disabilities, indigenous and Afro-Honduran persons, LGBTI persons, and persons with HIV/AIDS also faced discrimination in employment and occupation [...]” (p. 26)


   • “[T]he IACHR has observed with concern the violence perpetrated against women in particularly vulnerable situations, such as lesbian, gay, bisexual, trans, and intersex (LGBTI) women and human rights defenders.” (p. 3)

   • “However, the IACHR has observed that in Honduras, LGBTI people face acts of violence and widespread discrimination that continue with impunity. According to information provided by civil society organizations, in the last five years, there have been 177 killings of LGBTI people, 21 of which have taken place this year and two during the IACHR’s visit. Investigations into 65 of these killings have been started, but none of them have led to convictions. Violence against LGBTI people is widespread in Honduras and constitutes a clear human rights violation. These cases go unpunished, which generates the impression that violence and discrimination are acceptable.” (p. 4)


   • “As of August APUVIMEH, an NGO that works with LGBTI persons, reported eight violent deaths of LGBTI persons in the central areas of the country. The UNAH Violence Observatory reported five homicides as of August. NGOs also documented multiple instances of assaults and discrimination against LGBTI persons, leading to forced displacement of some individuals.” (p. 27)

   • “The most significant human rights issues included [...] societal violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.” (p. 1)

   • “The HNP’s Violent Crimes Task Force (VCTF) investigated crimes against high profile and particularly vulnerable victims, including judges, journalists, human rights activists, and members of the LGBTI community.” (p. 15)

   • “Transgender women were particularly vulnerable to employment and education discrimination; many could find employment only as sex workers, substantially increasing their risk of violence. Transgender individuals noted their inability to get identity documents with their chosen gender.” (p. 27)

   • “Access to employment, educational opportunities, and health services continued to be major challenges for persons with HIV/AIDS.” (p. 27)
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<td>• “Persons with disabilities, indigenous and Afro-Honduran persons, LGBTI persons, and persons with HIV/AIDS also faced discrimination in employment and occupation […]” (p. 33)</td>
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<td>• “[…] [S]ocial discrimination against LGBTI persons was widespread. As of October the special prosecutor for human rights was investigating nine formal complaints of discrimination by LGBTI individuals in previous years. Representatives of NGOs that focused on the right to sexual diversity alleged that the PMOP and other elements of the security forces harassed and abused LGBTI persons.” (p. 27)</td>
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<td>• “LGBTI rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices.” (p. 27)</td>
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<td>• “The mission learned that sexual minorities have been targeted and killed. APUVIMEH indicated that sexual minorities have been killed in a ‘very dehumanizing manner’ and in ‘very savage’ ways in their homes and in public spaces, including being stoned to death and mutilated.” (p. 60)</td>
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<td>• “While the mission participants were in Honduras, Sherlyn Montoya, a transwoman, was killed and found dead in Tegucigalpa on 4 April 2017. Sources indicate that Sherlyn Montoya was an LGBTI human rights defender and that she was a member of Asociación LGBT Arcoíris and of Grupo de Mujeres Transexuales – Muñecas de Arcoíris (Transsexual Women’s Group – Rainbow Dolls), ‘which is part of Arcoíris and is dedicated to promoting dialogue and advocacy for issues concerning transgender women.’ Sources indicate that her body was found wrapped in sacks and that it showed signs of torture and strangulation.” (p. 60)</td>
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<td>• “Asociación Trans Cozumel stated that the situation of transwomen in Honduras is ‘horrible’ and that there have been cases of transwomen who have been attacked, threatened, stabbed, kidnapped, forcibly disappeared, and assassinated.” (p. 60)</td>
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<td>• “Security forces have subjected sexual minorities to robbery, extortion, physical abuse, kidnapping, and death. According to Asociación LGBT Arcoíris, security forces have also subjected sexual minorities to sexual abuse, including children as young as 12 years old.” (p. 58)</td>
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<td>• “Asociación Trans Cozumel indicated that there is a case where military representatives targeted and attacked transwomen.” (p. 58)</td>
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<td>• “A 2017 report by CATRACHAS, a Tegucigalpa-based feminist lesbian organization dedicated to research, communication and advocacy to defend the human rights of sexual minorities in Honduras, indicates that in 2016, 22 sexual minorities were killed in Honduras. The same report indicates that between 1994 and 2017, 269 deaths of sexual minorities were registered in Honduras, of which 153 were gay men, 23 were lesbian women and 93 were transsexuals. In the vast majority of cases involving gay men, the bodies of the victims were found in their own homes.” (p. 61)</td>
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<td>• “Sources indicate that in 2015, 37 sexual minorities were killed in Honduras.” (p. 61)</td>
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“According to the [2017 report by CATTRACHAS], the highest number of cases involving sexual minorities were registered in the Francisco Morazán Department (115 cases), followed by the Cortés Department (114). By municipalities, the highest number of cases were registered in the Central District (110 cases), which includes Tegucigalpa and Comayagüela, followed by San Pedro Sula (80), Choloma (17), La Ceiba (8), Chamelecón (6), El Progreso (5), Roatán (5), La Lima (4), Tocoa (4), San Manuel (2), Quimistán (2), and Santa Cruz de Yojoa (2). CATTRACHAS indicated that between January and 22 September 2017, a total of 27 sexual minorities were killed in Honduras, including 7 lesbian women, 6 transsexual persons and 14 gay men.” (p. 61)

“In the public domain, persecution occurs at the hands of state authorities, including the police and the military. According to Asociación LGTB Arcoíris, the principal agents of persecution are security forces, including the National Police, the Military Police of Public Order (Policía Militar Del Orden Público), municipal police (policía municipal), DPI, ATIC, Special Operations Command (Comando de Operaciones Especiales, COBRA), and the Armed Forces (Fuerzas Armadas).” (p. 58)

“The mission also learned that complaints against the police can be fatal for the complainant. Asociación Trans Cozumel provided the example of a case where transwomen were threatened by the police while they were reporting a crime, and they were reportedly told by police officers that if they continued filing complaints, they would be killed.” (p. 65)

“According to Asociación Kukulcán, transwomen and gay men are not only stigmatized by gangs, they are also forced to sell drugs and are used as drug mules. Asociación LGTB Arcoíris explained that it can be deadly if one declines to sell drugs.” (p. 59)

“The mission also learned that gangs discriminate against sexual minorities and have used them for various gang-related activities. According to APUVIMEH, gangs, including M-18, MS-13, and criminal organizations, like the Cachiros, among others, express a high level of intolerance, homophobia, transphobia and lesbophobia towards sexual minorities.” (p. 59)

“Asociación Kukulcán further explained that when transwomen and gay men seek to escape gang control, gangs threaten them, causing transwomen and gay men to move to another city or to leave the country.” (p. 59)

“In addition, the mission learned that filing complaints can be risky for sexual minorities. APUVIMEH provided the example that, in many cases, there is a lack of evidence or witnesses to prosecute crimes, because witnesses fear that they will be in danger if they provide information. There have been cases of persons whose houses were burnt down by the same perpetrators against whom a complaint was filed. APUVIMEH indicated that such acts have caused fear among sexual minorities, making it less likely that they will file complaints.” (p. 64)

“Asociación LGTB Arcoíris explained that there is a sentiment among sexual minorities that reporting a crime is ‘futile’ given that no adequate investigation results from reporting a crime. The mission noted that impunity is commonplace, because state institutions do not function effectively.” (p. 65)

“According to the 2017 report by CATTRACHAS, 48 of the 225 cases involving the deaths of sexual minorities between 2008 and 2015 were prosecuted. The rate of cases that went unsolved for those prosecuted between 2008 and 2015 is reportedly 80 percent.
The same report indicates that of the 29 cases involving the deaths of sexual minorities that occurred between 2016 and April 2017, 4 were prosecuted. According to Asociación Colectivo Violeta, between 2009 and April 2017, there were 242 cases of sexual minorities who were murdered, 10 per cent of which were prosecuted. Asociación Colectivo Violeta explained that the majority of these cases were dropped, because the state did not have enough capacity to investigate.” (p. 65-66)

- “CONADEH indicated that there is a "large vacuum" in the area of protection measures. Protection orders for sexual minorities experiencing violence do not exist.” (p. 66)
- “The mission learned that protection mechanisms, including the police system to report crimes, do not function effectively and do not guarantee protection for victims and witnesses of crimes.” (p. 64)
- “Other sources further indicated that investigations carried out by state authorities are not effective. Asociación LGTB Arcoíris added that the Public Ministry does not carry out appropriate measures for the effective investigation and punishment of crimes that are committed against sexual minorities.” (p. 65)
- “Sources indicated that while it is possible for sexual minorities to relocate elsewhere in Honduras, it is unlikely that they are able to relocate to a secure location. According to the Asociación Kukulcán, there are no safe neighbourhoods for the LGBTI community.” (p. 68)
- “The mission learned that, in an effort to escape violence, sexual minorities have fled internally or have sought to leave Honduras. According to Asociación LGTB Arcoíris, LGBT organizations have seen an increase in cases of forced internal displacement over the last nine years. In many instances, sexual minorities who are internally displaced do not receive support.” (p. 67)
- “Asociación LGTB Arcoíris explained that LGBTI persons experience high levels of repression within their homes from family members, including parents, brothers and sisters, which affects their psychosocial and psychological state. The same source indicated that the stigma and discrimination against their sexual orientation causes LGBTI persons to leave their homes at an early age.” (p. 59)
- “Sources indicated that sexual minorities are vulnerable and face obstacles when trying to access opportunities, including in the areas of employment and education. Sources indicated that transwomen have been forced to cut their hair, in order to access employment or education.” (p. 60)
- “Between 2013 and 2017, there have been no cases of punishment on the basis of discrimination against sexual minorities.” (p. 62)
- “According to Asociación LGTB Arcoíris, the state ‘permits the social cleansing’ of sexual minorities in Honduras by not condemning newspapers that spread anti-LGBTI rhetoric and by allowing state ministers and religious entities to spread negative rhetoric about sexual minorities.” (p. 63)
- “According to Asociación Colectivo Violeta, the state exacerbates the vulnerability of sexual minorities due to their sexual orientation and gender identity. APUVIMEH added that severe institutional homophobia exists and that in the past, public officials have carried out smear campaigns against sexual diversity.” (p. 62-63)
“Other interlocutors also indicated that sexual minorities are stigmatized and discriminated against by Christian-based religious entities. For example, according to Asociación Colectivo Violeta, religious groups, such as the Evangelical Brotherhood of Honduras (Confraternidad Evangélica de Honduras), advocate for violence and discrimination against sexual minorities. According to APUVIMEH, SDHJGD had created a campaign in 2012 to raise awareness about SOGI, but due to interventions by the Evangelical Brotherhood and the Catholic Church, the campaign launch was suspended.” (p. 63)

“There are no state-run shelters specifically for sexual minorities fleeing violence carried out by gangs, family members or state authorities.” (p. 67)

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<td>“A highly qualified American Ph.D. professor of Latin American studies, Suyapa Portillo, who specializes in the LGBTQ community (lesbian, gay, bisexual, transgender, and queer—an acronym that covers the entire spectrum of homosexual and related sexual orientations) in Honduras, testified as an expert witness for the petitioner. In the last 12 years she’s visited Honduras three to four times a year to conduct research. The immigration judge qualified Dr. Portillo to testify as an expert witness regarding ‘the experience of LGBTQ people in Honduras’ and also of ‘HIV-positive people’ in that country—overlapping groups, obviously—and having been thus qualified Dr. Portillo testified that it’s very difficult for people with HIV to find employment—employers often require proof that an applicant does not have HIV.” (p. 260-261)</td>
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<td>“She testified that since Honduras’s 2009 coup d’état (when the Honduran Army, following orders from the Honduran Supreme Court to oust President Manuel Zelaya, sent him into exile), more than 200 LGBTQ people have been murdered according to a pattern she thought indicated an ‘LGBT cleansing,’ in which transgendered women were murdered with a single shot to the head and homosexual men tied up and mutilated. Dr. Portillo believes that the police are complicit in the murders and that laws purporting to protect LGBTQ people from assaults and murders are rarely enforced.” (p. 261)</td>
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<td>“She discussed one case in which a transgender person was assaulted, on camera, and the footage showed police officers watching and laughing. Although the police officers involved were taken off active duty for a period of time, she does not believe they were prosecuted for any crimes.” (p. 265)</td>
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<td>“Dr. Portillo also discussed the homophobic nature of Honduran society. Since 2009, more than 200 LGBTQ people have been murdered, often in a particularly gruesome manner that she believes indicates they were targeted due to their gender identity.” (p. 265)</td>
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<td>“She cited an example in which two transgender people ran for public office, and a well-known church leader made a derogatory televised speech encouraging the public to vote against them. But despite evidence of discrimination against them, the two individuals had their lawsuit dismissed for lack of evidence.” (p. 265)</td>
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“And for cultural reasons related to Honduran’s belief about these two diseases, the medical treatment of both HIV and AIDS in Honduras is often deficient and often invasive of privacy […]” (p. 259)

**INTER-GOVERNMENTAL SOURCES**


- “Since the beginning of the state of emergency in mid-March, OHCHR-Honduras has documented seven killings of trans women; three of them occurred in July alone.” (p. 5)
- “In Honduras, attacks on and violent deaths of LGBTI persons continue to increase.” (p. 5)


- “In the course of 2019 at least 31 lesbian, gay transgender, bisexual and intersex persons were killed.” (p. 13)
- “Many gaps and shortcomings hampered the recognition of sexual orientation and gender identity and the protection of the rights of lesbian, gay, transgender, bisexual and intersex persons. Lack of public awareness, prejudices and misconceptions contributed to continued discrimination in all areas of life and to violence.” (p. 13)
- “In May, the Constitutional Chamber dismissed an appeal alleging discrimination in the requirement to present a marriage or civil union certificate to allow conjugal visits for a lesbian, gay, transgender, bisexual or intersex couple in a detention centre because such certificates are not issued for such couples.” (p. 13-14)
- “No progress was made in the adoption of a law on gender identity and a law against discrimination, despite the efforts of civil society groups.” (p. 13)
- “Religious groups continued to play a critical role in preventing advances in protection of the rights of lesbian, gay, transgender, bisexual and intersex persons.” (p. 14)


- “JS16 reported that, according to data published by the Office of the National Commissioner for Human Rights (CONADEH), more than 280 persons of diverse sexual orientation had lost their lives in violent circumstances in the last decade and that over 90 per cent of those crimes had gone unpunished.” (p. 4)
- “Several submissions highlighted the persistence of widespread violence against lesbian, gay, bisexual, transgender and intersex persons.” (p. 4)
• “Two submissions indicated that the Act on Policing and Harmonious Social Relations continued to be used to justify the arbitrary detention of transgender persons.” (p. 4)

• “JS6 noted that the main causes of forced displacement were threats, killings, extortion, forced recruitment into criminal organizations, sexual and domestic violence and land dispossession for the development of mining, energy, tourism and agro-industrial projects, and that indigenous communities, women, lesbian, gay, bisexual, transgender and intersex persons, children and adolescents were the population segments most likely to be adversely affected.” (p. 9)

• “Three submissions noted that lesbian, gay, bisexual, transgender and intersex people faced persistent discrimination and that, rather than safeguarding the rights of that community, the State appeared to be doing just the opposite.” (p. 3)

• “Cattrachas noted that the media had had a prominent role in heightening the climate of hatred towards persons of diverse sex and gender and that religious fundamentalists encouraged discrimination against lesbian, gay, bisexual, transsexual, transgender, transvestite and intersex persons.” (p. 3)

• “Joint Submission 16 (JS16) highlighted that a gender identity law allowing transgender and transsexual persons to obtain identity documents that accurately reflected their gender identity had not yet been adopted.” (p. 3)


• “The IACHR notes with concern the 155 murders of gays, lesbians, and transgender people in the last five years, including two cases that occurred during the time the IACHR was conducting its on-site visit on June 30 and July 7, 2018.” (p. 121)

• “In addition, the IACHR emphasizes that in many of the cases of violence there were high levels of viciousness and cruelty, such as stabbing, riddling, execution, asphyxiation by strangulation, beating, calcination, and beheading.” (p. 121)

• “[…] In this regard, the Commission highlights the case of Michelle Hernandez, a 24-year-old trans woman whose body was burned after being beaten to death in the municipality of Villanueva, department of Cortés, in early 2019. According to what has been reported in the media, to date no suspect has been identified or punished.” (p. 121)

• “According to data provided on cases of violence, most of the killings occurred against gay men and trans women. Likewise, regarding trans women, the IACHR notes with concern that according to the information received, all the victims were under 34 years, which reinforces the low average life expectancy of this population in the hemisphere.” (p. 121)

• “The IACHR also expresses concern regarding the murders committed against human rights defenders of LGBTI people. Between 2015 and 2016, the Commission had knowledge of the following murders: Juan Carlos Cruz Andara, Angy Ferreira, Violeta Rivas, Jorge Alberto Castillo, Gloria Carolina Hernández Vásquez, Paola Barraza and René Martínez Izaguirre. Similarly, the case of David Valle, whom, in 2017, was stabbed by an unknown man in his home in Tegucigalpa. The IACHR stresses that women human rights defenders face increased vulnerability to violence due to a combination of
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<td>factors related to their perceived sexual orientation and gender identity, their advocacy role, and the issues they advocate for and work on, which is why states must ensure their safety.” (p. 121-122)</td>
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<td>“Four years gone by since the issuance of the Report on the Situation of Human Rights in Honduras, the IACHR notes that LGBTI persons in the country continue to live in contexts characterized by frequent physical, psychological and sexual violence.” (p. 121)</td>
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<td>“The Commission notes with concern the information received that in the country, 11.9% of trans women live with the immunodeficiency virus (HIV). The Commission takes note of the discrimination faced by trans people, in particular, exposing them to a process of exclusion, which in turn makes them more vulnerable, among other causes, because they are more susceptible to HIV infection.” (p. 125)</td>
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<td>“Furthermore, [LGBTI] persons do not have effective access to justice. In that sense, their claims to justice face obstacles and the respective cases result in widespread impunity. In this regard, despite some convictions in judicial cases of violence against LGBTI persons, rulings are scarce and do not take into account possible motivations based on prejudice as a factor for the commission of crimes. This transmits a social message that legitimizes discrimination and hatred against LGBTI persons.” (p. 121)</td>
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<td>“[…] [T]he Commission was informed about the number of cases of murders based on sexual orientation and gender identity, as well as about the high degree of impunity in these cases. It also obtained information on structural discrimination committed by State agents and legislative changes that generated possible discriminatory situations against LGBTI persons.” (p. 120)</td>
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<td>“[…] [T]he IACHR learned that the violence suffered by LGBTI persons in Honduras is a factor in several cases of forced displacement, both internal and international. According to the information received, LGBTI persons, who through different intersections of vulnerability are more likely to be victims of violence, are forced to seek safer spaces, which often means fleeing and leaving their place of origin. In this sense, violence, death threats, insecurity and impunity force people whose sexual orientation and diverse gender identity and/or expression to consider the possibility of leaving their homes as the only alternative to protect their life and physical integrity.” (p. 121-122)</td>
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<td>“The Commission further takes note of the concern expressed by civil society, indicating that the “hatred” was deleted in May 2019 from the aggravating grounds of Article 32.8 of the Criminal Code, which has been considered a step backwards in the framework of legal protection. This situation would leave without defense the legal protection against discrimination based on sexual orientation and gender identity.” (p. 123)</td>
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<td>“With regard to the widespread context of discrimination against LGBTI persons, the Commission received information from civil society indicating that in 2004, the right to marriage was restricted only between men and women ‘who have the quality of such naturally’, forbidding thereby marriage and de facto union between persons of the same sex and trans persons. Article 116 also prohibited adoption by same-sex couples.” (p. 124)</td>
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| •   | “The Commission also learned of the approval of the change to article 22 of the Act on Adoption by the National Congress of Honduras, which expressly prohibits the adoption of children into marriages or de facto unions formed by persons of the same sex, even though such marriages or unions are not legal in the country. In this regard, the IACHR
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<td>notes that this reform represents a form of differentiated treatment of same-sex couples, representing a violation in the light of the principles of equality and non-discrimination, and considers that this article may in itself constitute an act of discrimination.” (p. 124)</td>
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<td>• “Regarding public perceptions of LGBTI persons, civil society organizations denounced to the IACHR that in the framework of the 2017 general elections some media used discriminatory expressions, images, cartoons, and polls against LGBTI candidates who participated in the elections.” (p. 125)</td>
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<td>• “During the visit, the experts were informed that violence against women is rampant in the country, fuelled by inequality, insecurity and impunity, and the lack of socioeconomic opportunities. […] Certain groups of women are particularly vulnerable, such as women human rights defenders, lesbian, bisexual, transgender, queer and intersex women, women engaged in sex work/prostitution, and young girls.” (p. 13)</td>
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<td>• “During the visit, the experts met with the representatives of indigenous, Garífuna and Afro-Honduran women, peasant farmers and rural women, transgender women, women engaged in sex work/prostitution and women living with HIV. They also visited women’s prison in Tegucigalpa. All these women recounted stories of discrimination, marginalization and exclusion.” (p. 15)</td>
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<td>• “[…] [L]esbian, bisexual, transgender, queer and intersex women, women engaged in sex work/prostitution and women living with HIV have reportedly less access to quality health care due to stigmatization and discriminatory attitudes.”” (p. 11)</td>
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<td>• “The experts were informed during the visit that women requesting conjugal visits were subjected to various invasive procedures and medical checks, including tests for HIV and forced contraception, which often effectively prevented them from exercising that right. More stringent requirements for unmarried partners, coupled with the prohibition of same-sex marriage, has discriminatory effects on unmarried and lesbian, bisexual, transgender, queer and intersex women prisoners.” (p. 16)</td>
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<td>• “According to reports, in 2018, at least 22 lesbian, gay, transgender, bisexual or intersex persons were killed […]” (p. 13)</td>
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<td>• “Lesbian, gay, transgender, bisexual and intersex persons continue to be discriminated against in all areas of life.” (p. 13)</td>
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<td>• “The law on adoption passed by Congress in August explicitly excludes same-sex couples from adopting.” (p. 13)</td>
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“Defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons and members of that community in Honduras are often victims of generalized violence. They lack appropriate protection from the State, and attacks against them occur in a context of total impunity and discrimination. According to the lesbian network Cattrachas, between 2008 and November 2018, at least 304 members of that community were murdered, including 11 human rights defenders. To date, there has not been a single conviction, despite the establishment of a special unit on violent deaths among that community.” (p. 11)

“Since early 2016, at least four women defenders of the rights of lesbians, gays, bisexuals and transgender and intersex persons have been murdered.” (p. 13)

“While the Special Rapporteur was in the country, the decision of the Supreme Court to hear the amparo application that had been filed in an effort to obtain the recognition of same-sex marriages or civil unions and allow name and gender changes for members of this community was made public. The Special Rapporteur observed how various national television and print media either produced or conveyed hate speech, discriminatory messages and threats online and on social media directed at lesbian, gay, bisexual, transgender and intersex persons and their defenders. The Special Rapporteur notes that lesbian activists face additional challenges, including attempts by other defenders of sectors of this community to undermine and marginalize them.” (p. 11)

“The Special Rapporteur also received reports from defenders with whom he met during his visit, including members of the organizations Muñecas de Arcoiris (Rainbow Dolls) and the Centro para el Desarrollo y la Cooperación LGBTI (“Somos CDC”), who had been victims of attempted murder, harassment, assault, death threats and sexual offences.” (p. 11)

“During his visit, the Special Rapporteur heard from many defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons who decried the role of the media and new communications technologies in spreading messages vindicating hate speech directed at this group and its defenders in a climate of total impunity.” (p. 11)

“Cases have been documented in which members of Catholic and evangelical church authorities have made public statements in various media, including social media, which seem intended to whip up an atmosphere marked by exclusion, harassment and even hatred and discrimination against lesbian, gay, transgender, bisexual and intersex persons and defenders of sexual and reproductive rights.” (p. 17)

“According to another report, between 2008 and 2016, there were 89 recorded killings of trans persons, with Honduras as the country with the highest relative murder rate of trans individuals worldwide, with 10.77 per million inhabitants. CEJIL has also said that ‘trans women, in particular, suffer violence doubly, especially when they are perceived as engaging in sex work.’ It said that the bodies of murdered ‘trans women or transvestites’
in Honduras are often dumped in public places, in full sight of people, and that "the majority of documented assaults and murders were committed with a firearm." (p. 4-5)

- “The IACHR, the Office of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Office of the UN Special Rapporteur on violence against women have stated that discrimination and violence against members of the LGBT community in Honduras has been cause for great concern in recent years. Civil society organizations have informed the IACHR about the high number of murders of lesbian, gay, bisexual, and trans people in the country, saying that there is a 'social environment ... of traditional discrimination against LGBT people, leading to violence motivated by prejudice.'” (p. 4)

- “The IACHR has expressed concern about police abuses against LGBT persons, saying that police involvement ‘leads others to believe that they can harm persons of non-normative sexual orientations and gender identities with impunity.’ It has found that ‘[n]umerous reports indicate that trans women and trans sex workers are particularly vulnerable to police abuse and are regularly subjected to inhumane treatment by law enforcement when detained.’ The IACHR has received information about attempted extrajudicial executions of trans persons by members of the police in Honduras. The IACHR has said that the most commonly reported forms of abuse are extortion and the demand for sexual favors; use of excessive force; vicious beatings; the use of firearms to hurt or incapacitate victims; instances in which trans women are forced to strip fully naked in public; and constant hostility and acts of humiliation such as forcible removal of wigs, misgendering, and constant verbal abuse.” (p. 5)

- “According to CEJIL, there is a recurring pattern of arbitrary arrests and assaults committed by the police against trans persons in Honduras.

- “Since the coup d'état in Honduras, the IACHR and the UN Special Rapporteur on the situation of human rights defenders have found that LGBT persons were among the groups suffering severe violence in Honduras. The Special Rapporteur indicated that the persistence of such acts could indicate a pattern of hate crimes, primarily committed by the police and private security guards.” (p. 6)

- “The Commission cannot help but note that, according to information gathered by various civil society organizations, people from the LGBT community, especially trans sex workers, were murdered during the multiple curfews instituted during the coup and reportedly found in public places and on the streets.” (p. 17)

- “By virtue of the foregoing, the IACHR considers that the context of violence against LGBTI persons in Honduras, along with the high incidence of participation by security agents in such violence, its upsurge as a result of the coup d'état, the general climate of militarization generated in the wake of the coup with the resulting control imposed by the state's security forces, as well as the fact that Vicky Hernández's murder occurred precisely in the context of a curfew during which, at the exact time of her death, the streets were under the control of state security agents, amount to strong circumstantial evidence of direct state involvement in the events.” (p. 17-18)

- “[...] [T]he Commission finds that the Honduran State was aware of the existence of the context of historical discrimination against LGBT people, particularly against trans persons, which has resulted in violence motivated by prejudice in Honduras, as has been documented over the past several years by civil society organizations and by the United Nations. Despite that, the State provided no information regarding steps taken to address
that context and prevent it from continuing. Indeed, trans persons in Honduras are still not recognized by their gender identity and expression. In that connection, the Commission underscores that the failure legally to recognize the gender identity and expression of trans persons is to deny their very existence.” *(p. 19)*

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### NON-GOVERNMENTAL SOURCES


- “Honduras, by some estimates, has the highest rate of murders of transgender people in the world. Other forms of violence against trans people are also common. Human Rights Watch first reported on violence against trans women in Honduras in 2009. At that time we reported on a range of abuses based on gender identity and expression, including rape, beatings, extortion, and arbitrary detentions by law enforcement officials, as well as police inaction and recurrent failure to investigate violence against transgender people. Such violations persist. Eleven of the 25 LGBT Hondurans whom Human Rights Watch interviewed had experienced some form of violence related to their sexual orientation or gender identity.” *(p. 102)*

- “The story of Perla M., a 29-year-old transwoman from San Pedro Sula, is emblematic of the multiple forms of violence that trans people, and some lesbian, gay, and bisexual people, experience in Honduras. As a child who did not conform to a male gender expression from an early age, Perla was repeatedly targeted. She told Human Rights Watch that her uncle and two of his friends raped her when she was six years old. Two years later, she said, a schoolteacher raped her. Perla began doing sex work at age 15. At age 20, Perla and five other trans friends were briefly detained by police: They were joking, saying that we don’t have any rights. They put us in a cell with men. We were in a cell for 24 hours. I asked the police for water, and one of them threw water in my face. He said, ‘You all shouldn’t exist, we work guarding the community but not animals like you.’ Perla said that police abuse, based on her own experience and the experience of others, was the main reason she joined a caravan of asylum seekers in January 2019. She said that a friend of hers was arrested and later found dead, and she had heard other stories of police allegedly killing trans women. Police violence against the general population was also a factor, she said, referencing an abusive police response to election-related protests in December 2017. ‘So many people were beaten, killed. After all this death I decided to go in the caravan, because I wanted to protect my life.’” *(p. 102-103)*

- “Human Rights Watch interviewed four LGBT Hondurans who described experiencing domestic violence or neglect at the hands of family members or intimate partners, or both. One went to the police to file a complaint, but only faced further abuse. The other three did not consider filing complaints, expecting police would not be responsive.” *(p. 104)*

- “Anabel H., a trans woman from Tegucigalpa, said that after her father saw her wearing makeup and women’s clothing, he kicked her out of the home at age 17, with nothing but the clothes she was wearing. She walked for four hours to find friends who she thought might be able to help her. They introduced her to sex work, the only way they knew to
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<td>survive. For children under age 18, sex work is considered under international law as one of the worst forms of child labor, and Anabel experienced it as rape.” (p. 104)</td>
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<td>“Gabriela P., a 21-year-old trans woman who grew up in Cortés department, experienced severe domestic violence as a child, leading to a life on the move. Gabriela’s mother left home when she was one month old, and she was raised by her father. She told Human Rights Watch how the abuse began: ‘At age eight, I told my dad not to buy me boys’ toys, but to buy me dolls and dresses. I said, ‘I feel like a girl.’ He grabbed me by the hair and hit me with a broomstick. He locked me in a room. I spent days without eating. He said, ‘If you don’t want to be a boy, you’re going to die.’ When my father beat me, I tried to go to the police, and they called me a faggot and said they wouldn’t help me. I went to the police twice in Honduras. The second time I went dressed as a girl and they pulled my hair, pushed me with a gun and told me to leave.’ […] Back at home, she said, she would go for days without being given food. At one point her father submerged her in a pila, a clothes-washing trough, because of her gender expression, only stopping when a neighbor intervened.” (p. 105)</td>
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<td>“Lucía P., a trans woman from Comayagüela, experienced violence in the form of repeated sexual assault by an uncle, from age 7 through age 11. As an adult, she also suffered violence. In 2017 an intimate partner sent people to attack her following an argument: ‘My partner in Honduras said that he sent for me to be attacked by others. I don’t know if he was the one who sent them, but two people assaulted me. I fell unconscious, six to eight minutes. I had a black eye, a bleeding nose. I thought it was a robbery, but I was not robbed.’ In around 2014, her partner put a gun in her mouth. ‘Then I decided to leave,’ Lucía P. said. She told Human Rights Watch she never considered filing a police report: ‘We [trans women] don’t get any support from the government.’” (p. 105-106)</td>
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<td>“Scarlett, a 35-year-old bisexual woman, left Honduras after she was beaten by her male former partner, who discovered Scarlett was in a relationship with a woman. ‘He realized I was with a woman and started to say bad words, lesbian, dyke. He pushed me on the bed and hit me on the back. My son was 10 years old and realized what he was doing and prevented him from doing more. I never went to the police because the police don’t do anything about women who are with men [and are beaten], let alone those of us who are with women. My ex-partner’s sister was beaten seriously and she filed a report and the police never did anything.’” (p. 106)</td>
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<td>“Of the 25 interviews with LGBT people in or from Honduras, eight recounted violations by state security agents. These security agents included the National Police as well as the Military Police, a special command of the Armed Forces that was created by former president Porfirio Lobo Sosa in 2013 to fight organized crime, but that works with the National Police to combat common crime. Four reported being sexually or physically assaulted, while others said the National or Military police had humiliated, sexually harassed, or discriminated against them. Only one person, William S., whose case is documented below, reported filing a complaint about violence by members of the security forces, and in his case it led to reprisals, ultimately leading him to seek asylum.” (p. 106-107)</td>
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|     | “Perla M., a 29-year-old trans woman from San Pedro Sula, told Human Rights Watch that police harassed her on the street when she was engaging in sex work. According to Perla, the police informed her and her fellow sex workers that if they wanted to work, they had to sell drugs that the police confiscated from others and to provide sexual
services to police officers. Extorting sexual services is a form of sexual assault.” (p. 107-108)

- “Alberto G., a 34-year-old gay man from the Department of Colón, said that in 2018 he was biking back home after curfew when he was stopped by police in a patrol car, who asked for his identification. He said that the police likely assumed he was gay because he was wearing tight-fitting clothes. They took him to a police post, where they asked if he was out cruising for men, taunted him with terms like ‘little butterfly,’ an offensive term used for gay people, and asked him to provide sexual favors. They detained him for the night, only allowing him to leave the next day after he cleaned the patrol car. Alberto G. told Human Rights Watch he didn’t consider filing a complaint: ‘The police don’t take gay people seriously,’ he said.” (p. 108-109)

- “Perla M., a 29-year-old trans woman from San Pedro Sula, told Human Rights Watch that in 2017, three military police officers came to her home and told her that someone had filed a complaint against her, and that she needed to come with them. ‘But they didn’t take me to a court, or a jail,’ she said. ‘They told me I was about to live my worst nightmare, and they took me to an abandoned house and raped me.’ Perla said she attempted to file a complaint with the National Civil Police, but that an officer called her a ‘faggot’ and told her to come back another day.” (p. 111)

- “Gang violence is pervasive in Honduras, and LGBT people report physical assault, extortion, and intimidation at the hands of gang members. LGBT people who felt compelled to leave their homes and communities frequently cited gang violence as a factor…[G]ang members appeared to target LGBT people motivated by anti-LGBT animus, to exert power, or due to their perceived vulnerability to extortion. Victims rarely file complaints when they are victimized by gangs, with reason: as an official from the National Human Rights Commission explained, “If people complain, it gets worse. Some do file complaints, but then they don’t want you to investigate.”’ (p.112)

- “Noé E., a trans man from Comayagua, described the attack to which three gay friends were subjected by gang members, and the subsequent police inaction. ‘One day I was walking with my friends. There were gang members where I lived, and they couldn’t stand to see a travesti or a person who was visibly gay, and they attacked and beat up my friends. The police arrived, and they didn’t do anything. The police said: ‘That’s what happens when you go around tempting men.’ My friends made a complaint, but the police who were present said nothing was going to happen with that complaint.’” (p. 113-114)

- “Carla T., a 24-year-old transgender woman from Comayagüela, said eight gang members visited the home where she lived with her grandmother in December 2017 and told her, ‘We don’t want people like you here. You have to leave. You will infect children.’ In January 2018, the same gang members came to her house to attempt to extort her for 100 lempiras (US$4). Carla tried to file a complaint at the police station in San Isidro, but she said police officers did not take her seriously and called her ‘faggot.’ While she was at the police station, the gang members showed up and claimed that Carla had been harassing them. ‘So then the police locked me up for the night, for giving the gang members problems,’ she told Human Rights Watch.” (p. 116)

- “Interviews conducted by Human Rights Watch revealed that everyday violence, not necessarily linked to gangs, plagues many LGBT people in Honduras. As with other forms of violence against LGBT people, several factors prevent access to justice: fear of
repercussions or skepticism about the likelihood of a positive outcome that discourages victims from filing complaints; actual and perceived anti-LGBT attitudes on the part of police; and a broken, corrupt judicial system.” (p. 116)

- “Anabel H., a 29-year-old trans woman from Tegucigalpa, said three men ambushed her when she arrived in her apartment in June 2011. They robbed and punched her, hit her with a pole, doused her with alcohol, and lit her on fire. Anabel managed to escape as they debated how to kill her. She spent nine months in hospital after the attack.” (p. 117)

- “LGBT people in Honduras experience discrimination both during job searches and in the workplace. Of the twenty-five LGBT Hondurans interviewed by Human Rights Watch, eight, including seven trans people and one gay man, described experiences of employment discrimination.” (p. 120)

- “Carla T., a 24-year-old trans woman from Comayagüela, said she applied for a job at a clothing store but was turned away on grounds that she would ‘ruin the clientele.’ She also tried to get a job washing dishes and cleaning homes, but was unsuccessful.” (p. 121)

• “Several interviewees described being targeted and stigmatized from a young age because of their non-normative gender expression. Their perceived difference rendered them vulnerable to bullying and abuse. The cumulative effect of being rejected at home, bullied at school and ostracized from the community is to reinforce a cycle of marginalization and poverty. […] Seven interviewees told Human Rights Watch that they had experienced bullying and discrimination in educational settings. They described being targeted by peers, teachers, and administrators. Some said that they felt compelled to leave school as a result, reducing their life chances and placing them on a path to heightened economic insecurity.” (p. 117)

• “Interviewees described school as an unsafe space, especially for those who are visibly gender non-conforming. For two trans people interviewed by Human Rights Watch, pervasive bullying led them to drop out of school. Carla T., a 24-year-old transgender woman from Comayagüela, dropped out at age 13 because of bullying and direct discrimination from teachers who forced her to sit separately from other students. Anabel H., a trans woman from Tegucigalpa, said that from the age of 10, she stopped attending school halfway through every year because of bullying. In high school, she said, her classmates threatened to rape her and threw water bottles at her. When she complained to the school director, she was told she should act like a boy if she did not want to be bothered. Anabel dropped out of school.” (p. 117-118)

• “Noé E., a non-binary person from Comayagua, dropped out at age 12. Their teachers knew they were being bullied and did not address it, they said. ‘They didn’t do anything. They knew how I was and to them it was always my fault.’ Noé E. was also suspended from school multiple times for refusing to wear the girls’ uniform. ‘Sometimes the teacher expelled me for two weeks, for not wearing the uniform. Because I was required to put on a skirt and blouse. Sometimes I put on a male uniform, but then I always had problems with my family, and with the school, because the teachers told me, ‘Why are you wearing that? Why are you putting on boys’ clothes when you’re a girl?’ I always said, ‘Because I like it, what is the problem?’ and they would send me home.’” (p. 118)

16. Org. for Refuge, Asylum, and Migration (ORAM) and the Univ. of Minn. Law School, “Country of Origin Report: Sexual Orientation and Gender Identity and
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<td>“While in recent years the number of overall murders in Honduras has decreased, the number of LGBT murders has increased.” (p. 14-15)</td>
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<td>“CATTRACHAS reports that between 1994 and 2019 there were 347 murders of LGBT people in Honduras, resulting in 68 adjudicated cases (just under 20 percent). […] In 2018, there were 29 reported LGBT murders and three adjudicated cases (10 percent). In 2019, there were 40 reported LGBT murders and just three adjudicated cases (8 percent).” (p. 16-17)</td>
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<td>“Between October and December of 2017, Expediente Abierto surveyed fifty transgender women. 60% of those surveyed reported having suffered physical violence, and 39% identified members of public government security forces as their principal aggressors.” (p. 17)</td>
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<td>“Murder rates within the LGBT population have skyrocketed in the past decade. Between 1994 and 2008, there were fewer than two reported murders of LGBT people on average in Honduras annually. The murder rate of LGBT individuals increased to an annual average of 31 people after the coup (between 2009 and 2018). In 2019, the number of LGBT people murdered in the country increased to 40. This trend indicates that the situation for LGBT people in Honduras continues to deteriorate.” (p. 1)</td>
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<td>“Widespread impunity for crimes against the LGBT community in Honduras continues to undermine trust in authorities and the justice system. Authorities continue to lack sufficient capacity and resources to investigate, prosecute and punish those responsible. Furthermore, sometimes this failure is due to the intentional mishandling of cases by police, prosecutors, and judges.” (p. 15)</td>
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<td>“Certain Honduran religious and cultural beliefs both reflect and encourage the population’s widespread condemnation of LGBT persons. For example, Honduran adherence to the concept of machismo fuels controlling masculine behavior and violence against the general population. The religious beliefs of the Christian majority bolster the violent actions of individuals by confirming and demanding adherence to traditional gender and heterosexual standards. The mixture of these traditional values and homophobic beliefs has created extremely dangerous conditions for the LGBT community in Honduras.” (p. 1-2)</td>
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<td>“A 2018 poll conducted by CID Gallup revealed 75% of Hondurans reject the idea of legalizing same-sex marriage, with only 17% approving of extending marriage rights.” (p. 20)</td>
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<p>| “Numerous sources indicate that discrimination and violence directed at members of the LGBTQ community have been escalating in recent years, with 264 LGBTQ people reportedly having been murdered in the country between 2009 and 2017.” (p. 3) |</p>
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<td>“Honduras is frequently referred to as the murder capital of the world, and many LGBTQ people in Honduras experience discrimination, harassment and violence.” (p. 3)</td>
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<td>• “Violence based on gender identity or sexual orientation is widespread in Honduras. Several United Nations agencies working in Honduras have noted that violence against LGBT individuals forces them into ‘internal displacement’ or to flee in search of international protection.” (p. 4)</td>
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<td>• “The Honduras government keeps no data on killings based on sexual orientation or gender identity, but the Lesbian Network Cattrachas reported that between January and August 2019, at least 26 LGBT people had been killed.” (p. 4)</td>
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<td>• “In one case documented by Human Rights Watch in June 2019, a transgender woman was killed and mutilated near San Pedro Sula in an apparent hate crime.” (p. 4)</td>
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<td>• “Journalists, environmental activists, and lesbian, gay, bisexual, and transgender (LGBT) individuals are vulnerable to violence.” (p. 1)</td>
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<td>• “In March, a new adoption law that prohibits same-sex couples from adopting children went into effect.” (p. 5)</td>
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<td>• “From 2008 until the beginning of 2018, at least 295 LGBTIQ+ people were killed in Honduras; and at least 11 of them were recognised as human rights defenders. […] LGBTIQ+ organisations frequently report that the perpetrators are members of the state security forces. This situation does not seem to have improved during 2019. So far this year, the Complaints Service in the Asociación Arcoiris has registered at least 21 murders of its sexually diverse membership, including 13 trans women.” (p. 22)</td>
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<td>• “Trans women represent a high percentage of victims of these attacks, although they are a minority within the LGBTIQ + community. ‘We are more vulnerable and we are more exposed to attacks, because we are more visible and, on many occasions, as a group we are often forced to engage in street sex work’, said JL Córdova, coordinator of the Grupo Muñecas in the Asociación Arcoiris. ‘We are being killed, and we are victims of hate crimes and terrible cruelty’, added Córdova, who also mentioned the lack of progress in investigating these murders.” (p. 22-23)</td>
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<td>• “In Honduras, impunity rates are higher than 90%, and in the case of attacks against the LGBTIQ + community, this percentage exceeds 95%.” (p. 23)</td>
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<td>• “This concern is shared by United Nations Special Rapporteur Michael Forst, who stated in his visit to Honduras in 2018 that he was very worried about ‘the high number of violent killings and attacks against LGBT people, the prevailing lack of accountability and almost total impunity’.” (p. 22)</td>
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|     | • “In the same way, María Soledad Pazo, current Representative of the Office in Honduras of the United Nations High Commissioner for Human Rights (OHCHR), explains […] that ‘LGBTI people in Honduras are particularly vulnerable because of certain highly
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<td>• “Rony Araque’s HIV test result was bad enough. He wasn’t expecting to be humiliated in the process. But when Araque, who works the night shift at a meat processing plant, went to a public hospital in Honduras to get his lab results, he said, a nurse shouted at him that he was a sinner and his disease was a punishment.” (p. 2)</td>
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<td>• “In conservative Honduras, being HIV positive – or a sex worker, prisoner, or member of the LGBTQ community – is ‘horribly stigmatized,’ said Denise Main, a doctor and activist. ‘Commercial sex workers, gay men, and then transsexual women are…the lowest that you can be.’ These groups experience widespread violence, discrimination, and stigma.” (p. 2)</td>
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<td>• “[Commercial sex workers, gay men, and then transsexual women] also – along with poor people, members of the Garifuna community (an indigenous group), and soldiers – have particularly high incidences of HIV, in a country that’s long been battling an epidemic. Although rates have improved since the 1990s, the medical nonprofit Siempre Unidos estimates that one in 50 Hondurans is HIV positive.” (p. 2)</td>
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<td>• “Ms. R, a transgender Honduran woman, reported that she had been persecuted by police officers based on her gender-identity. In October 2018, police officers detained her as she was leaving work and took her to a desolate area, where officers severely beat and tortured her. They initially planned to murder her, but ultimately gave her 15 minutes to flee, and threatened to kill her and her mother if she was ever found again. The attack was motivated by the police officers’ ties to the MS-13 gang, which Ms. R refused to join. Ms. R reported that she had faced persecution from gang members. Police officers did not offer her protection from these gang members. The MS-13 gang pressured her into selling and moving drugs for them while she was in prison for a crime of which she was wrongly accused and later acquitted. The gang targeted her because, as a transgender woman, she was more vulnerable to their recruitment because of her need for greater protection in prison. When she refused to work with MS-13, gang members outside the prison murdered two of her brothers and gang members inside the prison showed her pictures of their bodies.” (p. 4-5)</td>
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<td>• “LGBTI individuals and human rights defenders are at particular risk for human rights violations in Honduras. The Special Rapporteur on the situation of human rights defenders observed that between 2008 and 2018, at least 295 LGBTI individuals—including 11 LGBTI human rights defenders—have been murdered in Honduras. LGBTI human rights defenders also report that the media promotes discrimination and the state...”</td>
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fails to constrain such actions. Gang violence compounds safety concerns of an already vulnerable LGBTI community.” (p. 2)

- “According to the coordinator of the LGTB Rainbow Association, a Tegucigalpa-based LGBTI advocacy organization, LBTI individuals have been ‘victims of discrimination’ and violence by Honduran state agents such as the national police, municipal police, and armed forces. The National Human Rights Commission (CONADEH) found that police officers and security guards constitute a large portion of the ‘attackers’ and ‘violators’ of LGBTI rights.” (p. 4)

- “LGBTI individuals fear reporting abuse or harassment to the police due to a culture of impunity and fear of reprisal. Karen Spring, coordinator for the Honduran Solidarity Network, described Honduras as a ‘mafia state’ where the institution of policing is systematically intertwined with organized crime. Individuals who report to the police often find themselves extorted or threatened by gangs, if not harmed by the police themselves.” (p. 4)

- “The Inter-American Commission on Human Rights has noted that the Police and Social Coexistence Act of Honduras facilitates police abuse and arbitrary detention of transgender individuals by granting security forces the authority to arrest anyone who ‘violates modesty, decency or public morals’ or who ‘by their immoral behavior disturbs the tranquility of the neighbors.’ In effect, this law leaves transgender individuals at a higher risk of police abuse.” (p. 4)

- “Ms. R explained that LGBTI individuals experience difficulty accessing proper healthcare in Honduras. She said that ‘if [doctors] see me [as a transgender woman] they will not provide me service.’” (p. 5)

- “Honduras currently has no process allowing transgender individuals to change their name and gender on official documents.” (p. 4)

- “Marcela Laitano, Head of Public Policy at the Honduran Human Rights Ministry, cited a widespread and entrenched ‘machismo culture’ and ‘conservative religious values’ as nationwide conditions that fuel discrimination and prejudice against LGBTI individuals.” (p. 4)

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- “Absent official statistics, Lesbian Network Cattrachas maintains an observatory tallying cases of violence against LGBT people based on media monitoring and direct reports. According to Cattrachas, in 2018, 25 LGBT people were killed: 16 gay men, 5 trans people, and 4 lesbian women. And the situation appears to be worsening: the number of killings tallied between January and August of 2019 – 13 gay men, 7 trans people, and 6 lesbian women – already outpaces the entire year of 2018.” (p. 2)

- “In a country where many cannot safely express their sexual orientation or gender identity publicly, it is hard to measure how much violence LGBT people in Honduras suffer. The Honduran government told Human Rights Watch it has no data on how many victims of violence are LGBT.” (p. 2)
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<td><strong>•</strong></td>
<td>“More crimes are observed during the month of July, the same month as the celebration of Pride. In Honduras, for example, July was the most violent month of 2019, with 8 violent deaths registered (4 gay people, 1 lesbian person, 3 trans people).” (p. 6)</td>
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<td><strong>•</strong></td>
<td>“According to a poll of 50 trans women in Honduras, 60% responded having suffered physical violence.” (p. 6)</td>
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<td><strong>•</strong></td>
<td>“According to a poll conducted with 50 Honduran trans women, 39% identified members of the police or armed forces as their main aggressors.” (p. 8)</td>
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<td><strong>•</strong></td>
<td>“[...][D]ue to fear or distrust of authorities, few victims in the NCA dare to file complaints. This is even more common for LGBTI people, who may suffer abuse and discrimination from authorities. High levels of impunity also discourage people from seeking help, and as a consequence, it is estimated that in Honduras, for example, 90% of police abuse cases are not investigated.” (p. 7)</td>
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<td><strong>•</strong></td>
<td>“In Honduras, certain legal dispositions, particularly the Law for Police and Social Coexistence, result in discrimination against trans people. Article 99 allows for the detention of ‘street prostitutes’, and article 142 grants the police the authority to arrest ‘attempts against modesty, good customs and public morals’ allowing the abuse and arbitrary detentions of sex workers, and particularly affecting trans women.” (p. 8)</td>
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<td><strong>•</strong></td>
<td>“In 2017 in Honduras, four trans women ran for public office, but were subject to threats and hate crimes and none were elected.” (p. 4)</td>
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<td><strong>•</strong></td>
<td>“In [Honduras], the LGBTI rights organization, Cattrachas, is litigating a case before the Inter-American Court of Human Rights on the extrajudicial killing of a trans woman, Vicky Hernández, during the 2009 coup. According to the Inter-American Commission on Human Rights, ‘this case presents the Inter-American Court with the opportunity to develop jurisprudence regarding violence against LGBT persons, with special emphasis on the situation of trans women.’” (p. 8)</td>
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<td><strong>•</strong></td>
<td>“In the three countries, approximately 88% of the general public opposes equal marriage, and in Honduras, the same proportion of the public considers homosexuality as immoral.” (p. 4)</td>
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<td><strong>•</strong></td>
<td>“In August 2018, the IACHR reported 177 murders of LGBT people in the previous five years, which resulted in 65 investigations and no convictions.” (p. 12)</td>
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<td><strong>•</strong></td>
<td>“Violence and discrimination against LGBT (lesbian, gay, bisexual, and transgender) people and indigenous and Garifuna populations persist, and while antidiscrimination laws are on the books, in practice victims of such abuses have little recourse.” (p. 12)</td>
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<td>•</td>
<td>“While violence, included gang violence and violence perpetrated by organized crime networks, is generally among the highest in the world per capita in Honduras, Lesbian, Gay, Bisexual, Transgender people/Transvestites/Transsexuals and Intersexed people are particularly targeted because of widespread stereotyping and discriminatory attitudes.” (p. 31)</td>
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<td>•</td>
<td>“High levels of discriminatory attitudes were also found in a public opinion survey conducted by USAID in 2016, with 35.5% of Hondurans believing that God punishes sex workers and gay men with HIV for their way of life; 33.3% agreeing that employers should have the right to test prospective employees for HIV; only 41% agreeing that women living with HIV have the right to become pregnant; almost 70% agreeing that children living with HIV should have to receive a separate education from the general population of children;…” (p. 26)</td>
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<td>•</td>
<td>“When asked about specific vulnerabilities faced by different groups, however, a number of focus group discussants spoke of the specific difficulties the transgender population faced, in part because they are unable to ‘hide’ their identity…” (p. 31)</td>
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<td>•</td>
<td>“One recent report stated that the level of stigma experienced is higher among the following groups: older people, transgender people/transvestites/transsexuals, those with lower levels of education; people who have migrated to another country, bisexuals, and those whose self-perception of their health is particularly low.” (p. 26)</td>
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<td>“Key populations and populations in vulnerable situations often encounter multi-layered forms of stigma and discrimination that are based both on their identification as members of these populations and because of the assumed relationship this identity has with HIV, as exemplified by a focus group participant who said: ‘if they [health system personnel] see a trans girl who was stabbed, they don’t even want to touch her because of the stigmatization, that all the homosexual people and trans have HIV…so what do they do? They wait to have her tested to see if she has HIV or not…they won’t attend to her because there might be contact and the medical staff might get infected[.]’” (p. 27)</td>
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<td>“These issues with treatment were often compounded by explicit experience with stigma in the health setting itself. Focus group participants discussed experiences with health care providers, including a counsellor, where the providers explicitly blamed clients’ immoral behavior for their infection and suggested religious conversions or treatments […]” (p. 28)</td>
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<td>“As noted above, the persistent use of ‘birth names’ for transgender people/transvestites/transsexual individuals in the medical setting, even when it was requested that the social name be used, was of particular concern to this group, particularly as the law does not provide the option of easily changing names or gender on formal identification documentation” (p. 32)</td>
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<td>•</td>
<td>“As in other settings, non-hetero-normative sexual orientations are considered by many in Honduras to be immoral and sinful, creating psychosocial pressures that are particularly acute when paired with a positive HIV diagnosis […]” (p. 27)</td>
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- **“Cultural and religious values, particularly conservative religious values within the Catholic and evangelical churches, were also raised in a number of interviews and discussions. These were seen as underlying many of the broader values that lead to the stigmatization of people living with HIV and Lesbian, Gay, Bisexual, Transgender people/Transvestites/Transsexuals and Intersexed populations, inequitable gender norms, and the lack of the development or implementation of further legal protections of the human rights of key populations […]” (p. 34)**


- “In Honduras, the CATRACHAS Lesbian Network (Red Lésbica CATRACHAS) has recorded 277 violent deaths of LGBTI persons since 2009, marking an escalation of violence against LGBTI persons since the coup in June of that year. Activists at CATRACHAS with whom we met during our trip noted that between 2015 and 2017, only one of the multiple cases of violence against an LGBTI person was completely resolved.” (p. 4)

- “In Honduras, the security situation for outspoken LGBTI leaders has significantly deteriorated since the 2009 coup. Many LGBTI leaders have been killed and virtually all cases remain in impunity. Rene Martinez, an vocal LGBTI leader and then-president of the Sampedrana Gay Community (Comunidad Gay Sampedrana) in San Pedro Sula, was found dead in his home on June 3, 2017 after having been reported missing. His body showed clear signs of torture and indications that he was strangled to death.” (p. 4-5)

- “The Worldwide Movement for Human Rights denounced that between June 2015 and April 2017, at least seven members of the Rainbow Association (Asociación Arcoiris), a Honduran LGBTI advocacy group, were murdered.” (p. 5)

- “LGBTI persons in El Salvador and Honduras face discrimination by society, and are often targets of violence by gangs and organized crime, as well as state forces. Due to difficulties identifying and documenting sexuality- and gender-based crimes and high levels of impunity, the majority of cases of violence against LGBTI community members remain in the dark.” (p. 4)

- “According to the Inter-American Commission for Human Rights, Honduras’ Law of Police and Social Coexistence (Ley de Policía y Convivencia Social), as it is applied, has led to human rights violations, particularly against trans persons. The law facilitates police abuse and arbitrary detentions of trans people, particularly sex workers, without any sort of accountability.” (p. 5)


- “According to the NGO Cattrachas Lesbian Network —which monitors violent deaths of LGBTI people on the basis of information appearing in the media—264 murders of LGBTI people were reported in Honduras between 2009 and July 2017, of which 152 (or
58 percent) were gay men and 86 (or 32.5 percent) were trans people. Among these were a number of activists and defenders of LGBTI rights, such as René Martínez Izaguirre, President of the Sampedrana Gay Community, who was disappeared and killed in June 2016.” (p. 9)

- “In a study conducted into impunity for such attacks, the NGO Cattrachas noted that, of the 264 violent deaths of LGBTI people recorded during the period 2008 to 2015 [in Honduras], only 13 had resulted in a conviction.” (p. 18)

- “According to UNHCR, 88 percent of LGBTI asylum seekers and refugees from the Northern Triangle interviewed in the context of a study reported having suffered sexual and gender-based violence in their countries of origin.” (p. 7)

- “Carlos, a young Honduran of 25 years of age recalls that, on various occasions during his childhood and adolescence, he experienced humiliation, rejection as well as beatings from family members ‘for being gay.’ Members of the gang that controlled his neighbourhood also attacked and threatened him for the same reason, and so he was forced to flee his country.” (p. 6)

- “Carlos decided not to report the attacks and threats he received in Honduras, having seen how many of his friends, also gay, were attacked and persecuted specifically for having made complaints.” (p. 12)

- “In the countries of the Northern Triangle, where high levels of impunity are common, LGBTI people very rarely obtain justice when they report the serious attacks they have suffered.” (p. 18)

- “Despite the difficulty in obtaining accurate figures from the countries’ governments, there is evidence that Lesbian, Gay, Bisexual, Transgender and Intersex people (LGBTI) are particularly exposed to violence in the Northern Triangle countries, and that this is related intrinsically to the multiple forms of discrimination that LGBTI people face in the different spheres of their family and working life, as part of society more widely and institutionally, on the basis of their gender identity and/or sexual orientation.” (p. 4)


- “A journalist in Honduras who publicly condemned anti-LGBTQ violence has been killed.” (p. 1)

- “Santi Carvajal, a trans woman who hosted a program on a television station in Puerto Cortés, a city on Honduras’ Caribbean coast, was shot to death in July 2019.” (p. 2)

- “Violence based on sexual orientation and gender identity remains commonplace in Honduras, which has one of the world’s highest per capita murder rates. Activists say President Juan Orlando Hernández’s government has either done little to address the problem or made it worse.” (p. 2)

- “One of Almendares’ colleagues told CNN en Español that he had been receiving death threats because of his work. Sources in Honduras with whom the Washington Blade
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<td>spoke on Tuesday also confirmed Almendares publicly condemned violence against LGBTQ Hondurans.” (p. 2)</td>
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<td>“One source said Almendares condemned an attack against a transgender woman that took place in Comayagua on Sept. 6. Almendares six days later in a Facebook post he titled “To be Gay in a Country of Machos” wrote about a gay man who was attacked inside a Comayagua bar with a machete. The post notes police officers and a judge refused to help the man after the attack. Almendares urged his Facebook friends to help the man pay the $89.65 (2,200 Honduran lempiras) he owed to the clinic that treated him.” (p. 2)</td>
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<td>“Marivian Muñoz, a transgender woman, was 14 when she first fell in love. His name was Roniel, and they went out secretly for a year. It was hard to be openly LGBTQ in La Ceiba, a seaside city on the northern coast of Honduras.” (p. 1)</td>
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<td>“A year later, Roniel — just 19 — was murdered by Mara 18, also known as the 18th Street Gang, a violent transnational group. Muñoz suspects Roniel was killed because of his sexuality, but the crime was never solved.” (p. 2)</td>
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<td>“‘The gang members went into his house and shot him, leaving him stretched out in the living room,’ Muñoz wrote in her March 2018 asylum application. ‘I never had a serious relationship again.’” (p. 2)</td>
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<td>“‘Walking on the streets in Honduras is a veritable hell for me, since I have to tolerate sexual harassment, insults, taunts, and violent acts by people who think they have the right to impose their anti-LGBTI ideas on me,’ Muñoz wrote in her asylum application. ‘I came to the United States because it is a symbol of freedom. Here, I will be able to be the woman I want to be, without the constant fear of being killed or attacked.’” (p. 3)</td>
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<td>“In late July, Muñoz said she felt ‘destroyed’ after receiving the news that her best friend of 14 years, Cristal López, another trans woman, was killed in Honduras alongside her partner. ‘She always felt really unsafe in Honduras,’ Muñoz said of her friend, whom she long ago gave up trying to persuade to emigrate to the U.S.” (p. 11-12)</td>
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<td>“On June 28, 2009, the night of the coup in Honduras, Vicky Hernández, a trans rights activist, went to work with her friends — other trans sex workers — without knowing about a military-imposed curfew. According to Hernández’s friends, the troops in the town of San Pedro Sula threatened and chased the sex workers. Hernández disappeared. She was later found dead due to gunshot wounds to her head.” (p. 1-2)</td>
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<td>• “In the first week of the coup alone, seven trans women were executed. The number of violent deaths of LGBTQ people went from five in 2008 to 31 in 2009, and only eight of those cases have been prosecuted.”</td>
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<td>• “In the weeks that had led up to Honduran President Manuel Zelaya’s ouster and exile, violence against Honduras’ lesbian, gay, bisexual, transgender and queer (LGBTQ) community spiked along with a heavy military crackdown and nightly curfews.”</td>
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<td>• “According to Cattarachas, the state of Honduras carried out an incomplete investigation in the months following Hernández’s murder in 2009, and briefly resumed the investigation two years later, in 2011. Yet, to this day, police have only gathered a statement from Hernández’s mother and no other witnesses were contacted. A condom was allegedly found at the scene but has yet to be tested for genetic material, according to the Merits Report by the Inter-American Commission on Human Rights.”</td>
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<td>• “Cattrachas says that Honduras is responsible for Hernández's murder due to high levels of military personnel in the area at the time, and a clear pattern of murders of trans women by the state during the first week of the coup — all seven women were shot in the head at night during the military-enforced curfew.”</td>
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- “Roxsana Hernández was a transgender woman with HIV from Comayagua, a city that is roughly 50 miles northwest of the Honduran capital of Tegucigalpa.” (p. 1)
- “Hernández on May 9, 2018, asked for asylum in the U.S. at the San Ysidro Port of Entry in San Diego after she joined a migrant caravan that left Honduras a few months earlier. Hernández died at a New Mexico hospital 16 days later while in U.S. Immigration and Customs Enforcement custody.” (p. 1)
- “The second autopsy also concluded the cause of death was ’most probably severe complications of dehydration superimposed upon HIV infection, with the probable presence of one or more opportunistic infections.’” (p. 1)
- “Rihanna Ferrera, director of Asociación de Derechos Humanos Cozumel Trans, a trans Honduran advocacy group, on Jan. 22 told the Washington Blade during an interview in Tegucigalpa that Hernández decided to leave Honduras, in part, because she wanted access to better antiretroviral drugs. (p. 1-2)
- “She left in search of a better life, a better quality of life, better medications,” said Ferrera. (p. 2)
- “[Roxsana] Hernández’s case underscores the precarious situation in which many Hondurans with HIV face because of a combination of factors that include poverty and a lack of access to treatment.” (p. 2)
- “A UNAIDS report notes an estimated 23,000 Hondurans were living with HIV in 2018, and 50 percent of them were receiving antiretroviral drugs. The report notes 42 percent of Hondurans with HIV had suppressed viral loads.” (p. 2)
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<td>“The report identifies trans Hondurans as one of ‘the key populations most affected by HIV’ in the country. It notes 8.2 percent of trans Hondurans lived with HIV in 2018.” (p. 2)</td>
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<td>“[Rihanna] Ferrera’s sister, Bessy Ferrera, who was also trans, was murdered in Comayagüela, which borders Tegucigalpa in Honduras’ Central District, on July 8, 2019.” (p. 2)</td>
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<td>“Ferrera told the Blade ‘the first thing’ that members of her family told her when she arrived at the cemetery after her sister’s murder is ‘we don’t want to bury a faggot in front of all of my relatives.’” (p. 3)</td>
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<td>“Ferrera said none of her relatives attended the hearing because they rejected her and her sister over their gender identity.” (p. 3)</td>
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<td>“Violence based on sexual orientation and gender identity remains one of the main factors that prompts LGBTQ Hondurans to leave the country.” (p. 3)</td>
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| •  | “Josué, who asked to only be identified by his middle name, fled Honduras after receiving death threats for being gay. He vividly remembers one day in summer 2016 when four men surrounded him and his boyfriend and called them ‘faggots’ and told them they would be made into ‘men.’” (p. 8) |
| •  | “‘I told my boyfriend to run. I stayed so they wouldn’t run after him. They threw me to the floor. They attacked me — I screamed for help,’ he said. ‘They left me beaten and told me they wanted me to disappear because they didn’t want faggots in their community.’” (p. 9) |

| •  | “According to data compiled by Honduran NGO Cattrachas, 264 LGBT people were murdered in the country between 2009 and 2017. In most cases, those responsible were never brought to justice.” (p. 4) |
| •  | “Jerson grew up in Honduras' industrial second city, San Pedro Sula. In 2015, it was known as the murder capital of the world. Here, he lived a double life. He had a circle of gay friends, but had to meet them in safe houses. If he saw one of them in public, he would have to pretend he did not know them.” (p. 2) |
| •  | “Jerson's family had long been targeted by a gang for extortion. His father and his brother had already been killed. If his sexuality was known, he thought he was even more likely to be next.” (p. 3) |
| •  | “At work - in the distribution department of a pharmaceutical company - [Jerson] made sure to keep his sexuality a secret. Then one day, he was called in for a routine medical check. The doctor asked a list of conventional tick-box questions. But then he asked: ‘Do you like men or women?’ The question surprised Jerson. He was not sure why the doctor
needed to know, but he felt he must have had his best interests at heart, so Jerson
mustered the courage to answer honestly for one of the first times in his life. ‘Men.’ Ten
minutes after leaving the room, he got a call from human resources. They fired him. For
Jerson, the connection was clear. ‘I thought I will never, ever tell anyone I am gay
again.’” (p. 2-3)

34. Moloney, “Top Americas rights commission condemns Honduras LGBT+
murders,” Reuters (July 18, 2019), available at: https://www.reuters.com/article/us-
honduras-lgbt-murders-idUSKCN1UD323

- “Twenty-one LGBT+ people have been murdered since January, according to local
watchdog group Cattrachas, up from 18 in the same period last year. More than 300 gay
and trans people have been murdered since 2009, the LGBT+ rights group said.” (p. 1)
- “Three transgender women, including a TV show host and a LGBT+ rights activist, have
been gunned down in three Honduran cities in July.” (p. 2)
- “‘These acts of violence are not isolated,’ the IACHR warned, adding that during a 2018
visit it observed that ‘LGBTI people live in a context characterized by frequent physical,
psychological and sexual violence against them, in addition to widespread impunity in
those cases.’” (p. 2)
- “The Americas’ top human rights commission on Thursday called on Honduras to
investigate growing violence against trans people in the Central American nation, where
three transgender women were killed in the first week of this month alone.” (p. 1)
- “Cattrachas head Indyra Mendoza noted LGBT+ people have virtually no legal rights in
Honduras, where gay marriage and adoption are banned. This month’s murders of trans
women caused little outcry or condemnation from society at large in Honduras, she said.
‘There’s a great indifference among society,’ Mendoza said. ‘In fact our bodies are
disposable, and we are also disposable.’” (p. 3-4)
- “‘The IACHR has followed with serious concern the increase in violence against trans
women in Honduras,’ the human rights arm of the 35-member Organization of American
States said in a statement.” (p. 1)
- “An entrenched machismo culture and conservative religious values in Honduras fuel
discrimination against LGBT+ people, stymieing efforts to change attitudes in the
Catholic-majority nation, [Marcela Laitano, head of public policy at the Honduran
human rights ministry] said. ‘It’s much to do with the discourse of hate, of
discrimination, prejudice that exists in society,’ Laitano said.” (p. 3)

35. Lopez, “Transgender murders in Honduras stoke fears of backlash against LGBT+

- “Bessy Ferrera, a 40-year-old LGBT rights activist, was gunned down by unknown
assailants early on July 8 in the capital Tegucigalpa.” (p. 2)
- “Santi Carvajal, a trans TV show host, was shot on July 5 and died a day later in the
northern city of Puerto Cortes, and a third trans woman was killed in the city of El
Negrito on July 3, local media reported.” (p. 2)
“Trans people are being ‘kidnapped and killed with gunshots, kicks and punches,’ said Ferrera’s sister, Rihanna Ferrera Sanchez, who ran as the first trans candidate for office in Honduras’s 2017 elections. ‘There has never been so many attacks of hate.’” (p. 2)

“Twenty-one LGBT people have been murdered in Honduras since January, according to Cattrachas, a local watchdog group, compared to 18 in the same period last year.” (p. 2)

“More than 300 gay and trans people have been murdered since 2009, according to the group funded by the Arcus Foundation, which supports social justice for the LGBT community.” (p. 2)

“Lesbian, gay, bisexual and transgender people encounter persistent abuse and harassment in Honduras, where gay marriage is illegal and gangs rule lawless city neighbourhoods.” (p. 2)

“People live in communities that are basically controlled by gangs, where the state has very little presence,” said Mirte Postema, a researcher with Human Rights Watch's LGBT program. ‘If then you are also part of a minority that is excluded and discriminated against and socially vilified ... when you are visibly part of that minority, then you run extra risks.’” (p. 3)

“[…] Impunity rates in Honduras range between 95 per cent and 98 per cent, according to the Inter-American Commission on Human Rights, the autonomous, member-funded human rights arm of the Organization of American States.” (p. 4)

“Of 141 known killings of LGBT people between 2010 and 2014, only nine resulted in convictions, [the Inter-American Commission on Human Rights] found.” (p. 4)

“Marcela Laitano, director of public policy at the Honduran Human Rights Ministry, said that machismo and conservative religious values in Honduras stymie LGBT rights progress.” (p. 4)


“Bessy Ferrera, a well-known HIV and transgender activist and the sister of Rihanna Ferrera — the only transgender person to run in the country’s 2017 elections — was gunned down early Monday morning in Comayagüela. Ferrera was with a group of transgender women when some men approached and shot at them.” (p. 1)

“Another transgender woman present was also shot at the scene, after which she was taken to the Hospital Escuela in Tegucigalpa.” (p. 2)

“A transgender television personality known for her commentary on LGBTQ issues was also killed this past weekend. Santiago “Santi” Carvajal was shot by strangers Friday, while she was walking with friends toward a television station in the city of Puerto Cortés.” (p. 2-3)

“This year to date, at least 21 LGBTQ people have been murdered in Honduras: nine gay men, seven trans people and five lesbians. (p. 3)

“At least three transgender women have been killed in Honduras during the first week of July, according to local press reports and activists.” (p. 1)
### SUMMARY

- “Jansen ascribes the violence against trans individuals in Honduras to multiple factors: rampant impunity, government corruption, gang violence and a pervasive culture of heteronormativity and enduring patriarchy. ‘It’s the ideal cocktail for people to do what they please,’ Jansen said. ‘Trans people in Honduras are viewed as the lowest of the low; they’re seen as horrible people, and when they are visible and vocal, people take it as an invitation to kill them, which is unacceptable and unjustifiable.’” *(p. 4)*

- “‘Cattrachas worked with Bessy in 2008 when she issued a complaint after she was attacked by some police officers. She was beaten and almost killed,’ [Astrid Ramos, a lawyer for Cattrachas] said. ‘The case is still going on, more than 10 years later. We’ve been pressuring prosecutors, but there’s still impunity and the complaints are not taken seriously.’” *(p. 2)*

- “LGBTQ people are an especially vulnerable population in [Honduras]. Cattrachas has recorded 327 violent murders of LGBTQ individuals in the last 10 years, but Ramos said this number could underrepresent the number of people murdered, since the organization’s database is derived from media reports.” *(p. 3)*

- “‘Honduras is a hostile environment for LGBT people because of several statements by, for example, President Hernández, members of Congress, and influential religious leaders against LGBT people and same-sex marriage,’ a spokesperson for Human Rights Watch said in a statement. ‘That makes LGBT people more vulnerable to violence, in a context that is already violent.’” *(p. 4)*

- “[…] Astrid Ramos, a lawyer for Cattrachas, an LGBTQ human rights organization in Honduras, told NBC News that Ferrera’s case is indicative of the lack of protections for trans women in the country.” *(p. 2)*


- “The men drove Rachell to a desolate lot by a sugar factory, beat her and yelled, ‘If you were more of a man this wouldn’t be happening to you!’ Rachell lay in the dirt, bleeding and weak. Her abductors let her escape on her promise never to return. So she fled Honduras and began the long journey to the United States that eventually led her to a sponsor’s home in the Twin Cities’ northwest suburbs to wait for her asylum case to be heard.” *(p. 1)*

- “Amid a record number of Central American asylum-seekers seeking refuge from gang violence, Rachell’s case features a rarer claim of persecution: She was targeted by the gang MS-13 because she is a transgender woman. Central America, like much of the world, can be a dangerous place for the LGBT community, and Rachell and human rights activists say they face threats from gangs there who want to use them for drug-running and prostitution.” *(p. 1)*

- “Rachell said she grew up in a poor family in San Pedro Sula, Honduras, where her hard-drinking father beat her with electrical cords, used homophobic slurs when he saw her playing with dolls and said he wanted to make her a man. The family kicked her out of the house when she was 12. Rachell said she ate in churches and begged for money in the streets.” *(p. 2)*

- “At least 300 LGBT people have died violently over the past decade in Honduras, according to Catrachas, a human rights monitoring network in the country, and the Honduran State Human Rights Commission, Conadeh. Half were gay men and almost a third were transgender people. Honduras, with a population of just over 9 million people, ranks among the world’s seven most dangerous countries to be LGBT.” (p. 1)

- “‘They kill us all differently,’ the coordinator of Catrachas, Indyra Mendoza, told me matter-of-factly in a recent interview. ‘Transgender people are usually killed in the street with firearms. Gay men are usually murdered brutally in their homes or workplaces. Most lesbians are shot in the street, usually by gangs who kill the woman, her partner, and their children if there are any.’” (p. 1)

- “‘About three and a half years ago, I was living in a neighborhood I could afford, but it was pretty dangerous,’ Jose Cortes, who now lives in San Diego, told me recently. ‘Then the gangs found out that I am gay and started threatening me, so I moved, but they found me again. I complained to the authorities, but nothing was ever done. In that neighborhood in a couple of years, four transgender people and three gay men were murdered, so I knew I had to get out to survive.’” (p. 2-3)

- “Many human rights advocates say that the trouble escalated for LGBT people after democratically elected President Manuel Zelaya was ousted during a constitutional crisis in 2009, destabilizing the government. […] What followed was relentless scrutiny, persecution, arbitrary arrests, attacks, robberies and sexual assault of LGBT activists. At the same time, the LGBT murder rate spiked from an average of two a year to 31 murders annually.” (p. 2)

- “One of those murdered was Rene Martinez Izaguirre, the president of the Comunidad Gay Sampredrana, or the Gay Community of Sampredrana, a group that advocated for LGBT rights throughout northern Honduras. In June 2016, Martinez was strangled to death after unknown assailants forced him into a car on his way home from work.” (p. 2)

- “A caravan that left Honduras’ second-largest city, San Pedro Sula, in mid-January included LGBT people escaping the rampant homophobia in a country that Amnesty International, in a 2017 report, characterized as a ‘circle of constant violence.’” (p. 1)

- “Zuleyka Flores fled when she was 22 years old, ‘because of the violence and discrimination that I faced as a trans woman,’ she said in a phone interview from her home in New York. ‘I am completely convinced that making this move was the best thing I could have done given the circumstances I faced,’ she added.” (p. 1)

- “If this persecution were not bad enough, there is also widespread impunity. Only 30 cases of 141 murders of LGBT people between 2010 and 2014 were brought to trial in Honduras, according to the Inter-American Commission on Human Rights.” (p. 2)

- “A 2017 study by the United Nations High Commission on Human Rights found that 88 percent of LGBT asylum-seekers and refugees from Honduras, El Salvador and...
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<td>Nicaragua have been subjected to sexual and gender-based violence in their home country.” (p. 2)</td>
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<td>• “Despite the determination of LGBT activists in Honduras, most don’t have much hope that the situation will improve any time soon. Honduras is the second-poorest country in the Americas after Haiti, and its long history of military rule, corruption and crime has made its government unstable and ineffective. ‘There is no state capacity or will to prevent violence against LGBT people,’ Indrya Mendoza told me. ‘People complain to the authorities, but nothing happens, so they see little choice but to flee.’” (p. 3)</td>
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<td>• “[Nicole García Aguilar, a Honduran transgender woman], 24, fled Choluteca in southern Honduras in early 2018 after surviving a violent attack and receiving death threats which police refused to investigate.” (p. 2)</td>
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<td>• “Since a coup in Honduras in 2009, violence against the LGBT community has escalated, prompting many to leave. At least 306 LGBT people, including 97 trans people, have been killed in the past decade, and only 20% of cases have been prosecuted, according to Cattrachas, a Honduran LGBT group.” (p. 2)</td>
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<td>• “Raul Valdivia, a gay man and human rights activist who still lives in Honduras, said he understands that discrimination firsthand. ‘I’ve suffered many instances of discrimination based on my sexual orientation, but I remember the most violent came from state forces,’ Valdivia told ABC News. ‘I was abused by police while on one of my very first dates. They took me and the other guy to a dark secluded area in a park and forced us to simulate sex. They also beat us with a belt. These are police who patrol downtown Tegucigalpa and I have seen them after, but I’m unable to speak out for fear of repercussions.’ Valdivia said LGBT people in his country face ‘assassinations, political attacks, legal discrimination and targeted street violence.’” (p. 4-5)</td>
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<td>• “In July 2017, David Valle, project coordinator of the Center for LGBTI Cooperation and Development, was stabbed in his home after receiving threats, Human Rights Watch reported. He survived the attack, but it highlighted the deadly violence LGBT people face in the country.” (p. 6-7)</td>
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### SUMMARY


- “An attack in Honduras reported to have been motivated by homophobia has left a Canadian man and his partner dead. Gerard Argiud, 80, described as a Canadian national, and his partner, a 42-year-old Honduran named Jorge Sarmiento, were attacked by multiple people on Friday, May 12 in the home they shared in Tela, Atlántida, Honduras, according to local media.” (p. 2)
- “Sarmiento has been referred to as a member of the local LGBT community, reportedly being the previous owner of a gay bar that had shut down recently in the area.” (p. 2)


- “René Martínez was president of Comunidad Gay Sampedrana, an LGBT advocacy group in San Pedro Sula, a city in northwest Honduras, in June 2016. . . . Martínez was a ‘well-known’ member of President Juan Orlando Hernández’s ruling National Party when he disappeared on June 1, 2016. Martínez’s relatives identified his body in San Pedro Sula’s morgue two days later. . . . Martínez’s murder underscores the very real risks that San Pedro Sula’s LGBT activists face in one of the world’s most dangerous cities.” (p. 1)
- “Cattrachas, an advocacy group based in the Honduran capital of Tegucigalpa, and activists with whom the Blade spoke said members of the country’s military and Policía Militar (Military Police) routinely commit human rights abuses. LGBT people are the frequent targets.” (p. 2)
- “‘Sometimes the worst violations that we have are with the government,’ a San Pedro Sula-based activist told the Blade during a Feb. 10 interview. The activist, who has been the target of two assassination attempts over the last year, asked the Blade not to publish their name. ‘Police officers, soldiers are the ones who violate our rights,’ said the activist. The activist said those who publicly criticize the gangs and the police and file formal complaints against them receive threats and often go into hiding.” (p. 2)
- “Freddy Funez, an LGBT activist who worked closely with Martínez . . . told the Blade that police officers are responsible for ‘a great number of’ murders of LGBT people in San Pedro Sula. He cited a case in which officers cut off a gay man’s penis before they
dismembered him. ‘The police can carry out more atrocities and violence than the gang members,’ said Funez.” (p. 2)

- Funez, Hernández and the activist with whom the Blade spoke all said the lack of employment, education and health care and poverty have made San Pedro Sula’s LGBT community particularly vulnerable to violence and discrimination from the police and gangs. Many feel as though they have no choice but to flee the country.” (p. 2)

- “‘They kill them; they assault them,’ said the activist. ‘This, therefore, forces them to migrate. We have a forced migration. They don’t do it because they want to. They are doing it because the situation in which we are living in our country is very difficult.’” (p. 2)

Dated: [DATE] Respectfully submitted,

[CITY, STATE]

[FIRM]

Pro Bono Counsel for Respondent

By: ______________________

[NAME]

[FIRM]

[ADDRESS]

[PHONE NUMBER]

[FAX NUMBER]
TAB 1
HONDURAS 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Honduras is a constitutional, multiparty republic. The country last held national and local elections in November 2017. Voters elected Juan Orlando Hernandez of the National Party as president for a four-year term beginning January 2018. International observers generally recognized the elections as free but disputed the fairness and transparency of the results.

The Honduran National Police (HNP) maintain internal security and report to the Secretariat of Security. The armed forces, which report to the Secretariat of Defense, are responsible for external security but also exercise some domestic security responsibilities in a supporting role to the HNP and other civilian authorities. Some larger cities have police forces that operate independently of the HNP and report to municipal authorities. The Military Police of Public Order (PMOP) report to military authorities but conduct operations sanctioned by civilian security officials as well as by military leaders. The National Interinstitutional Security Force (FUSINA) coordinates the overlapping responsibilities of the HNP, PMOP, National Intelligence Directorate, Public Ministry, and national court system. Although FUSINA reports to the National Security and Defense Council, it did not have an effective command and control infrastructure. As a result, civilian authorities at times did not maintain effective control over the security forces.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings; torture; harsh and life-threatening prison conditions; arbitrary arrest or detention; killings of and threats to media members by criminal elements; criminalization of libel, although no cases were reported; widespread government corruption; and threats and violence against indigenous, Afro-descendent communities, and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

The government continued to prosecute and punish officials who committed abuses, but a weak judicial system and corruption were major obstacles to gaining convictions.

Organized criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, torture, kidnapping, extortion, human trafficking, intimidation, and other
threats and violence directed against human rights defenders, judicial authorities, lawyers, the business community, journalists, bloggers, women, and members of vulnerable populations. The government investigated and prosecuted many of these crimes, particularly through the HNP’s Violent Crimes Task Force.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary or unlawful killings. In general the killings took place during law enforcement operations or were linked to other criminal activity by government agents. Civilian authorities investigated and arrested members of the security forces accused of human rights abuses. Impunity, however, remained a serious problem, with significant delays in some prosecutions and sources alleging corruption in judicial proceedings.

The Public Ministry reported 307 arbitrary or unlawful killings by security forces during the year, of which 34 cases were dismissed, 103 resulted in convictions, 87 resulted in fines, and 83 were still under investigation at year’s end. The HNP’s Internal Affairs Directorate conducted internal investigations of HNP members in a continuation of the police purge begun in 2016.

On August 9, HNP sub inspector Omar Rolando Rodriguez Morazan, assigned to a police checkpoint in Pavana, Choluteca, was arrested in connection with the June 30 killing of Melvin Adolfo Bonilla in the village of La Vigilia, Moroceli. Bonilla was allegedly killed for working with authorities against the individuals who had killed his brother.

Authorities continued to investigate the deaths of 22 protesters that occurred during civil unrest following the disputed 2017 elections. On March 24, the Public Ministry’s Agency for Technical Investigations (ATIC) executed an arrest warrant against PMOP soldier Denis Omar Caceres Ramirez for his alleged involvement in the death of postelection protester David Octavio Quiroz Urrutia in Progreso, Yoro, in 2017. Caceres’ arrest was the second arrest of a member of the security forces allegedly involved in killings of election protesters.

The government continued to pursue legal actions against individuals allegedly involved in the 2016 killing of environmental and indigenous activist Berta
Caceres. On December 2, a court handed down sentences ranging from 30 to 50 years’ imprisonment for seven defendants, who had been convicted in November 2018 of planning and carrying out the killing of Caceres and attempted killing of Gustavo Castro, a Mexican activist. The legal process against Roberto David Castillo Mejia, one of the alleged intellectual authors of the killing, was proceeding slowly, and Castillo remained incarcerated. His trial resumed on October 10. On September 12, an appeals court annulled the criminal proceedings against two former police officers, Carlos Cruz and Miguel Arcangel Rosa, who had been accused of falsifying evidence in favor of the defendants accused of killing Berta Caceres. The Public Ministry appealed that ruling on September 17.

There continued to be reports of violence related to land conflicts and criminal activity. Near a mining project in Tocoa, Colon Department, unknown gunmen killed Gerson Geovanny Leiva and Lucas Evangelista Bonilla in their homes. Both community leaders supported the mine operated by Los Pinares Investments, the company that managed mining operations.

Organized-criminal elements, including drug traffickers and local and transnational gangs including MS-13 and the 18th Street gang, committed killings, extortion, kidnappings, human trafficking, and intimidation of police, prosecutors, journalists, women, and human rights defenders. Major urban centers and drug trafficking routes experienced disproportionate rates of violence. The Violence Observatory of the Autonomous University of Honduras (UNAH) reported that as of June, 87 individuals working in the transportation sector, including taxi, bus, motorcycle taxi, and private company drivers, had been killed by criminal gangs.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

The government continued to make significant advances in combatting kidnappings by criminals. The HNP reported 11 kidnappings through October, a 40 percent decrease from the same period in 2018. The HNP secured the release of all 11 kidnapping victims, and investigations were underway in each case.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
Although the law prohibits such practices, government officials received complaints and investigated alleged abuse by members of the security forces on the streets and in detention centers.

The Public Ministry reported 23 cases of alleged torture by security forces through September. As of September, none of these cases had been prosecuted. The ministry also reported 16 cases of alleged cruel and inhuman treatment, of which 13 were being prosecuted at year’s end. The quasi-governmental National Committee for the Prevention of Torture, Cruel, Inhuman, or Degrading Treatment (CONAPREV) received 33 complaints of the use of excessive force by security forces against citizens.

**Prison and Detention Center Conditions**

Prison conditions were harsh and sometimes life threatening due to pervasive gang-related violence and the government’s failure to control criminal activity within the prisons. Prisoners suffered from overcrowding, insufficient access to food and water, violence, and alleged abuse by prison officials.

**Physical Conditions:** Prisoners suffered from severe overcrowding, malnutrition, lack of adequate sanitation and medical care, and, in some prisons, lack of adequate ventilation and lighting. The Secretariat of Human Rights reported that, as of September, the total prison population was 21,629 in 27 prisons. According to the secretariat, the system had a designed capacity for approximately 10,600 inmates.

The National Prison Institute (INP) reported nine violent deaths. In October prison gang members shot, killed, and mutilated prisoner Nery Orlando Lopez Sanabria in the La Tolva maximum security prison.

As of September the Secretariat of Human Rights reported that the country’s three pretrial detention centers held 79 individuals. These three centers were on military installations and received some support services from the military, but the INP administered them. The government used pretrial detention centers to hold high-profile suspects and those in need of additional security. Long periods of pretrial detention remained common and problematic, with many other pretrial detainees held in the general population with convicted prisoners.

The government failed to control adequately pervasive gang-related violence and criminal activity within the prisons. Many prisons lacked sufficient security
personnel. Many prisoners had access to weapons and other contraband, inmates attacked other inmates with impunity, escapes were frequent, and inmates and their associates outside prison threatened prison officials and their families. These conditions contributed to an unstable, dangerous environment in the penitentiary system. Media reported prison riots and violent confrontations between gang members in prisons throughout the year.

Authorities did not generally segregate those with tuberculosis or other infectious diseases from the general prison population; as of September the INP reported 90 prisoners were being treated for tuberculosis. There was only limited support for persons with mental illnesses or disabilities. CONAPREV reported that every prison had a functioning health clinic with at least one medical professional, but basic medical supplies and medicines, particularly antibiotics, were in short supply throughout the prison system. In most prisons only inmates who purchased bottled water or had water filters in their cells had access to potable water.

Administration: As of August CONAPREV received 199 complaints of alleged use of excessive force against prisoners. As of December no information was available from the government on whether authorities investigated these complaints. Media reports noted that family members often faced long delays or were unable to visit detainees.

Independent Monitoring: The government generally permitted prison visits by independent local and international human rights observers, including the International Committee of the Red Cross. CONAPREV conducted more than 60 visits to adult prisons as of the end of August. The judicial system was legally responsible for monitoring prison conditions and providing for the rights of prisoners.

Improvements: Through August, CONAPREV trained 890 technical, administrative, and security personnel on topics including first aid and appropriate use of force.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The Inter-American Commission on Human Rights (IACHR) reported that authorities at times failed to enforce these requirements effectively.
HONDURAS

Arrest Procedures and Treatment of Detainees

The law provides that police may make arrests only with a warrant unless they make the arrest during the commission of a crime, there is strong suspicion that a person has committed a crime and might otherwise evade criminal prosecution, they catch a person in possession of evidence related to a crime, or a prosecutor has ordered the arrest after obtaining a warrant. The law requires police to inform persons of the grounds for their arrest and bring detainees before a competent judicial authority within 24 hours. It stipulates that a prosecutor has 24 additional hours to decide if there is probable cause for indictment, whereupon a judge has 24 more hours to decide whether to issue a temporary detention order. Such an order may be effective for up to six days, after which the judge must hold a pretrial hearing to examine whether there is probable cause to continue pretrial detention. The law allows persons charged with some felonies to avail themselves of bail and gives prisoners the right of prompt access to family members. The law allows the release of other suspects pending formal charges, on the condition that they periodically report to authorities, although management of this reporting mechanism was often weak. The government generally respected these provisions. Persons suspected of any of 22 specific felonies must remain in custody, pending the conclusion of judicial proceedings against them. Some judges, however, ruled that such suspects may be released on the condition that they continue to report periodically to authorities. The law grants prisoners the right to prompt access to a lawyer of their choice and, if indigent, to government-provided counsel, although the public defender mechanism was weak, and authorities did not always abide by these requirements.

Arbitrary Arrest: The Public Ministry reported 19 cases of alleged illegal detention or arbitrary arrest as of September, and the National Human Rights Commission of Honduras (CONADEH) reported 80 cases of arbitrary or illegal arrests by security forces.

Pretrial Detention: Judicial inefficiency, corruption, and insufficient resources delayed proceedings in the criminal justice system, and lengthy pretrial detention was a serious problem. For crimes with minimum sentences of six years’ imprisonment, the law authorizes pretrial detention of up to two years. The prosecution may request an additional six-month extension, but many detainees remained in pretrial detention much longer, including for more time than the maximum period of incarceration for their alleged crime. The law does not authorize pretrial detention for crimes with a maximum sentence of five years or less. The law mandates that authorities release detainees whose cases have not yet
come to trial and whose time in pretrial detention already exceeds the maximum prison sentence for their alleged crime. Even so, many prisoners remained in custody after completing their full sentences, and sometimes even after an acquittal, because officials failed to process their releases expeditiously.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the justice system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to intimidation, corruption, politicization, and patronage. Low salaries and a lack of internal controls rendered judicial officials susceptible to bribery, although the Supreme Court did significantly raise salaries during the year and was making improvements in transparency. Powerful special interests, including organized criminal groups, exercised influence on the outcomes of some court proceedings.

Trial Procedures

The law provides for the right to a fair and public trial; however, the judiciary did not always enforce this right.

The law presumes an accused person is innocent. The accused has the right to an initial hearing before a judge, to ask for bail, consult with legal counsel in a timely manner, have a lawyer provided by the state if necessary, and request an appeal. Defendants may receive free assistance of an interpreter. The law permits defendants to confront witnesses against them and offer witnesses and evidence in their defense. Defendants may not be compelled to testify or confess guilt. Authorities generally respected these rights.

Credible observers, including Peace Brigades International, noted problems in trial procedures, such as a lack of admissible evidence, judicial corruption, widespread public distrust of the legal system, witness intimidation, and an ineffective witness protection program.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies
The law establishes an independent and impartial judiciary in civil matters, including access to a court to seek damages for human rights violations. Litigants may sue a criminal defendant for damages if authorized by a criminal court. Individuals and organizations may appeal adverse domestic decisions to the Inter-American Human Rights System.

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

Although the law generally prohibits such actions, a legal exception allows government authorities to enter a private residence to prevent a crime or in case of another emergency. There were credible complaints that police occasionally failed to obtain the required authorization before entering private homes.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, with some restrictions, and the government generally respected this right. A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the major news media.

Freedom of Expression: The law includes a provision to punish persons who directly or through public media incite discrimination, contempt, repression, or violence against a person, group, or organization for reasons of gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or national origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance, or any other characteristic that would offend the victim’s human dignity.

Violence and Harassment: There were continued reports of harassment and threats against journalists, media figures, and bloggers. On March 17, a gunman shot and killed journalist Gabriel Hernandez in Nacome, Valle Department. Hernandez directed the television program *The People Speak*, where he discussed social issues and local politics. As of December the Secretariat of Human Rights had no information regarding an investigation or arrest in the case. In June a court found 12 members of the 18th Street gang guilty for their connections to the 2017 murder of Igor Padilla, a television journalist with the network HCH.
Government officials at all levels publicly denounced violence and threats of violence against media members and social communicators. It was usually unclear whether violence and threats against journalists were linked to their work or were products of generalized violence.

The government allocated a budget of nearly 25 million lempiras (one million dollars) for the continued operation of a protection mechanism that included provision of protection to journalists. By August it had provided protection to 39 journalists, among other types of activists and human rights defenders. Some nongovernmental organizations (NGOs) continued to express concern about weak implementation of the law and limited resources available to operate the government’s protection mechanism. Civil society organizations continued to criticize the government’s failure to investigate threats adequately.

The HNP’s Violent Crimes Task Force investigated crimes against high-profile and particularly vulnerable victims, including journalists (as well as judges, human rights activists, and members of the LGBTI community). As of September the task force had submitted 17 cases to the Public Ministry, arrested 24 persons, and obtained four convictions.

Censorship or Content Restrictions: Media members and NGOs stated the press self-censored due to fear of retaliation from organized crime or corrupt government officials.

Libel/Slander Laws: Citizens, including public officials, may initiate criminal proceedings for libel and slander. No cases were reported during the year.

Nongovernmental Impact: Some journalists and other members of civil society reported threats from members of organized crime. It was unclear how many of these threats were related to the victims’ professions or activism. Several anonymous social media sites, possibly linked to political parties, criticized journalists (as well as activists and civil society organizations) who were critical of the government or opposition party policies.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, but in contrast with 2018, there were no credible reports that the government monitored private online communications without appropriate legal authority.
Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. The law requires a judge to issue an eviction order for individuals occupying public and private property if security forces have not evicted the individuals within a specified period of the occupation. Some local and international civil society organizations, including students, agricultural workers groups, political parties, and indigenous rights groups, alleged that members of the security forces used excessive force to break up demonstrations. The IACHR reported that the government at times used a policy of arbitrary detentions or arrests to inhibit protest.

On June 19, a soldier allegedly killed Eblin Noel Corea Maradiaga, a 17-year-old student, in Yarumela, La Paz, where a road had been blocked during a protest earlier that day. On September 19, the Office of the Special Prosecutor for Crimes against Life and ATIC arrested Adan Garcia Banegas, a member of the armed forces, for his alleged role in Maradiaga’s death. The Secretariat of Defense’s Human Rights Division worked with the Attorney General’s Office to investigate the June 19 incident, which occurred in the context of widespread unrest in the country.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right. The law prohibits illicit association, defined as gatherings by persons bearing arms, explosive devices, or dangerous objects with the purpose of committing a crime, and prescribes prison terms of two to four years and a fine of 30,000 to 60,000 lempiras ($1,200 to $2,400) for anyone who convokes or directs an illicit meeting or demonstration. There were no reports of such cases during the year, although authorities charged some protesters with sedition. Public-sector
unions expressed concern over some officials refusing to honor bargaining agreements and firing union leaders. The law prohibits police from unionizing (see section 7.a.).

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at https://www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: There were areas where authorities could not assure freedom of movement because of criminal activity and a lack of significant government presence.

e. Internally Displaced Persons

In 2018 the Internal Displacement Monitoring Center estimated there were approximately 191,000 internally displaced persons (IDPs) in the country. Internal displacement was generally caused by violence, national and transnational gang activity, and human trafficking. Official data on forced internal displacement was limited in part because gangs controlled many of the neighborhoods that were sources of internal displacement (see section 6, Displaced Children).

The government maintained the Interinstitutional Commission for the Protection of People Displaced by Violence and created the Directorate for the Protection of Persons Internally Displaced by Violence within the Secretariat of Human Rights. Both the ministry and the commission focused on developing policies to address IDPs. Under the Regional Integral Framework for Protection and Solutions, the government continued to strengthen its capacity to provide services to key population groups, including refugees and returned migrants, through 14 commitments and 28 specific actions between 2018 and 2020. As of November 14, the government had implemented 15 of the 28 actions to promote the safe, voluntary, dignified return, resettlement, or local integration of IDPs.

f. Protection of Refugees
Abuse of Migrants, Refugees, and Stateless Persons: Transiting migrants were vulnerable to abuse by criminal organizations. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to refugees and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status. The government has a nascent system to provide protection to refugees, the effectiveness of which had not been fully proven by year’s end, but at times there were delays in processing provisional permits for asylum applicants.

g. Stateless Persons

Not Applicable.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the right to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal and equal suffrage. The law does not permit active members of the military or civilian security forces to vote. The constitution prohibits practicing clergy from running for office or participating in political campaigns.

Elections and Political Participation

Recent Elections: In December 2017 Juan Orlando Hernandez of the National Party was declared the winner in the November elections. International observers generally agreed the elections were free but disputed the fairness and transparency of the results. The Organization of American States (OAS) and EU observer teams agreed that the margin of victory separating incumbent president Hernandez from challenger Salvador Nasralla was extremely narrow. The OAS mission found that the 1.5 percent margin of victory, combined with numerous irregularities in vote processing, left it unable to state with certainty who won the presidential election. The EU mission agreed there were serious irregularities in the process but concluded that safeguards built into the system, including posting of voting results forms on a public website, helped promote transparency. NGOs reported irregularities, including problems with voter rolls, buying and selling of electoral workers’ credentials, and lack of transparency in campaign financing.
Political Parties and Political Participation: Civil society and opposition parties accused officials of using government resources to attract voters.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. Women, however, suffered political violence, which ranged from harassment for voting against party lines to receiving death threats for their political participation. Women held 22 percent of seats in the National Congress, and fewer women participated in regional and local politics.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for corruption by officials, but authorities did not implement the law effectively, and officials continued to engage in corrupt practices with impunity. There were numerous reports of government corruption during the year. The government took steps to address corruption at high levels in government agencies, including arresting and charging members of congress, judges, prosecutors, sitting and former senior officials, mayors and other local authorities, and police officers. Anticorruption efforts continued to lag and remained an area of concern, as well as the government’s ability to protect justice operators, such as prosecutors and judges.

In 2016 the OAS Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) began collaborating with the judiciary, the Public Ministry, and other institutions to prevent and investigate acts of corruption. Prompted by MACCIH’s work, the Public Ministry created an anticorruption unit (UFECIC) that undertook cases for investigation, including 13 major cases in conjunction with MACCIH. MACCIH assisted the Supreme Court with the establishment of an anticorruption court with national jurisdiction.

Corruption: As of October UFECIC, in collaboration with MACCIH, had presented 13 case investigations, including against former first lady Rosa Elena Bonilla de Lobo, spouse of former president Porfirio Lobo, which resulted in her conviction in August on fraud and misappropriation of public funds and a sentence of 58 years in prison. Several cases involved accusations against members of congress, such as the fe de erratas (erratum) case against two members of congress accused of altering legislation and the Network of Congresspersons case, in which five officials were accused of diverting public funds. In March, UFECIC presented two cases to the anticorruption court related to hydroelectric projects, Patuca III Collusion and Corruption and Fraud in el Gualcarque. The latter was
based on multiple reports of irregularities in hydroelectric projects managed by the company DESA, presented by the deceased environmental defender Berta Caceres and involving David Castillo, accused of being one of the alleged intellectual authors in Caceres’ killing. In May UFECIC presented a case referred to as Narcopolitics, which accused 12 citizens of being part of a money-laundering scheme that moved funds from international drug trafficking through large-scale public works projects contracted by the government, most of which were never carried out. The son of former president Porfirio Lobo Sosa, who was serving a prison sentence in the United States, was named in this case.

During the year the National Anticorruption Council (CNA) presented eight high-profile cases to the Public Ministry, citing several public administration and elected officials and relatives of former presidents. In February the CNA presented a case against former president Lobo and former Central Bank president Wilfredo Cerrato for violation of the duties of public servants and embezzlement of public funds. Following the announcements of these cases, the CNA reported being the target of harassment campaigns and threats.

Financial Disclosure: Public officials are subject to a financial disclosure law but did not always comply. The law mandates that the Supreme Auditing Tribunal monitor and verify disclosures. The tribunal published its reports on its website and cited the names of public officials who did not comply with the disclosure law.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 were somewhat cooperative and responsive to their views, but some human rights organizations criticized government officials for lack of access and responsiveness.

The United Nations or Other International Bodies: Some civil society organizations criticized the government for failing to comply with, or inadequately complying with, recommendations by the Inter-American Commission of Human Rights and protection measures ordered by the government and recommended by the IACHR.

Government Human Rights Bodies: A semiautonomous commissioner for human rights served as an ombudsman and investigated complaints of human rights
abuses. With offices throughout the country, the ombudsman received cases that otherwise may not have risen to national attention. The Secretariat of Human Rights served as an effective advocate for human rights within the government. The Public Ministry’s Office of the Special Prosecutor for Human Rights handled cases involving charges of human rights abuses by government officials. In 2018 the Public Ministry also created the Special Prosecutor’s Office for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Officials. There is also a Human Rights Committee in the National Congress. The Ministries of Security and Defense both have human rights offices that investigated alleged human rights abuses and coordinated human rights-related activities with the Secretariat of Human Rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes all forms of rape of men or women, including spousal rape. The government considers rape a crime of public concern, and the state prosecutes rapists even if victims do not press charges. The penalties for rape range from three to nine years’ imprisonment, and the courts enforced these penalties.

According to UNAH Violence Observatory statistics, killings of women decreased from 9.1 deaths per 100,000 in 2016 to 8.2 per 100,000 in 2018, and to 7.9 per 100,000 as of June. Women in domestic situations were the most vulnerable group, accounting for approximately 40 percent of these deaths.

The law criminalizes domestic violence and provides penalties of up to four years in prison for domestic violence. If a victim’s physical injuries do not reach the severity required to categorize the violence as a criminal act, the legal penalty for a first offense is a sentence of one to three months of community service. Female victims of domestic violence are entitled to certain protective measures. Abusers caught in the act may be detained for up to 24 hours as a preventive measure. The law provides a maximum sentence of three years in prison for disobeying a restraining order connected with the crime of intrafamilial violence.

The law was not effectively enforced, and weak public institutional structures contributed to the inadequate enforcement of the law. Due to impunity rates of up to 90 percent in the courts, women often did not report the crime, or withdrew the case, because they feared or were economically dependent on the aggressor. In
addition, women experienced delays in accessing justice due to police who failed to process complaints in a timely manner or judicial system officials who deferred scheduling hearings. Institutions such as the judiciary, the Public Ministry, the National Police, and the Secretariat of Health attempted to enhance their response to domestic violence, but obstacles included insufficient political will, inadequate budgets, limited or no services in rural areas, absence of or inadequate training and awareness of domestic violence among police and other authorities, and a pattern of male-dominant culture and norms. Additionally, the National Institute for Women lost authority and power to advocate for female victims when it was folded into the Sectorial Cabinet of Inclusion and Social Development. 

NGOs, human rights organizations, and universities offered alternative legal services, care, and support but were limited by budget and size.

In cooperation with the UN Development Program, the government operated consolidated reporting centers in Tegucigalpa and San Pedro Sula where women could report crimes, seek medical and psychological attention, and receive other services. These reporting centers were in addition to the 298 government-operated women’s offices—one in each municipality—that provided a wide array of services to women, focusing on education, personal finance, health, social and political participation, environmental stewardship, and prevention of gender-based violence.

**Sexual Harassment:** The law criminalizes various forms of sexual harassment. Violators face penalties of one to three years in prison and possible suspension of their professional licenses, but the government did not effectively enforce the law.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization.

**Discrimination:** Although the law accords women and men the same legal rights and status, including property rights in divorce cases, many women did not fully enjoy such rights. Most women in the workforce engaged in lower-status and lower-paying informal occupations, such as domestic service, without the benefit of legal protections. By law women have equal access to educational opportunities.

**Children**

**Birth Registration:** Children derive citizenship by birth in the country, from the citizenship of their parents, or by naturalization.
Child Abuse: Child abuse remained a serious problem. The law establishes prison sentences of up to three years for child abuse. As of July 30, the Violence Observatory reported killings of 264 persons younger than 23.

Early and Forced Marriage: The minimum legal age of marriage for both boys and girls is 18. According to UNICEF, 8 percent of children were married before age 15 and 34 percent before age 18.

Sexual Exploitation of Children: The commercial sexual exploitation of children, especially in sex trafficking, continued to be a problem. The country was a destination for child sex tourism. The legal age of consent is 18. There is no statutory rape law, but the penalty for rape of a minor younger than 12 is 15 to 20 years in prison, or nine to 13 years in prison if the victim is 13 or older. Penalties for facilitating child sex trafficking are 10 to 15 years in prison, with fines ranging from one million to 2.5 million lempiras ($40,000 to $100,000). The law prohibits the use of children younger than 18 for exhibitions or performances of a sexual nature or in the production of pornography.

Displaced Children: Civil society organizations reported that common causes of forced displacement for youth included death threats for failure to pay extortion, attempted recruitment by gangs, witnessing criminal activity by gangs or organized crime, domestic violence, attempted kidnappings, family members’ involvement in drug dealing, victimization by traffickers, discrimination based on sexual orientation, sexual harassment, and discrimination for having a chronic illness.


Anti-Semitism

The Jewish community numbered more than 250 members. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.
Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The Public Ministry is responsible for prosecuting violations. The law requires that persons with disabilities have access to buildings, but few buildings were accessible, and the national government did not effectively implement laws or programs to provide such access.

The government has an Office for People with Disabilities located within the Ministry of Development and Social Inclusion, but its ability to provide services to persons with disabilities was limited. Mental health professionals expressed concern about social stigma by families and communities against persons with mental disabilities and a lack of access to mental health care throughout the country.

Indigenous People

In the 2013 census, approximately 8.5 percent of the population identified themselves as members of indigenous communities, but other estimates were higher. Indigenous groups included the Miskito, Tawahkas, Pech, Tolupans, Lencas, Maya-Chortis, Nahual, Bay Islanders, and Garifunas. They had limited representation in the national government and consequently little direct input into decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

Indigenous communities continued to report threats and acts of violence against them and against community and environmental activists. Violence was often rooted in a broader context of conflict over land and natural resources, extensive corruption, lack of transparency and community consultation, other criminal activity, and limited state ability to protect the rights of vulnerable communities.

Ethnic minority rights leaders, international NGOs, and farmworker organizations continued to claim that the government failed to redress actions taken by security forces, government agencies, and private individuals and businesses to dislodge farmers and indigenous persons from lands over which they claimed ownership based on land reform law or ancestral land titles.

Persons from indigenous and Afro-descendent communities continued to experience discrimination in employment, education, housing, and health services.
An IACHR report noted there were insufficient hospital beds and inadequate supplies at the only hospital that services Gracias a Dios Department, home to the majority of the Miskito community. On September 8, Garifuna leader Mirna Suazo was shot and killed by two assailants on a motorcycle. Three other Garifuna women also were killed within three days of Suazo’s killing. The government was investigating these crimes and had arrested suspects as of November.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law states that sexual orientation and gender identity characteristics merit special protection from discrimination and includes these characteristics in a hate crimes amendment to the penal code. Nevertheless, social discrimination against LGBTI persons persisted, as did physical violence. Local media and LGBTI human rights NGOs reported an increase in the number of killings of LGBTI persons during the year. Impunity for such crimes was a problem, as was the impunity rate for all types of crime. According to the Violence Observatory, of the 317 cases since 2009 of hate crimes and violence against members of the LGBTI population, 92 percent had gone unpunished.

CONADEH reported 16 hate crimes against transgender women through September. In June, three LGBTI individuals were killed, and four LGBTI persons were killed during one weekend in July. One of the victims, a young transgender woman known as Shakira or “La Moy,” was violently killed in the department of Cortes. The government responded to the multiple LGBTI murders with social media messages condemning the violence against the LGBTI community. The HNP was investigating these crimes and had arrested multiple suspects as of November.

LGBTI rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices. Transgender women were particularly vulnerable to employment and education discrimination; many could find employment only as sex workers, substantially increasing their risk of violence. Transgender individuals noted their inability to update identity documents to reflect their gender identity. In September a lesbian student in Tegucigalpa was suspended from school for eight days and forced to attend a private graduation after classmates found photographs on a social media platform of her kissing another young woman.

**HIV and AIDS Social Stigma**
Persons with HIV and AIDS continued to be targets of discrimination. According to NGO Association for a Better Life, there were reports of forced sterilization of women with HIV, and they suffered disproportionately from gender-based violence. The Ministry of Human Rights reported a study that found that six of 10 persons believed that women with HIV had no right to become pregnant. A study conducted on stigma and discrimination associated with HIV found that 13 percent of citizens believed that anyone has the right to assault a person for identifying as transgender, an increase of 4 percent between 2016 and 2019.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law grants workers the right to form and join unions of their choice, bargain collectively, and strike. It prohibits employer retribution against employees for engaging in trade union activities. The law places restrictions on these rights, such as requiring that a recognized trade union represent at least 30 workers, prohibiting foreign nationals from holding union offices, and requiring that union officials work in the same substantive area of the business as the workers they represent. Through August, eight new unions had been formed. The law prohibits members of the armed forces and police, as well as certain other public employees, from forming labor unions.

The law requires an employer to begin collective bargaining once workers establish a union, and it specifies that if more than one union exists at a company the employer must negotiate with the largest.

The law allows only local unions to call strikes, prohibits labor federations and confederations from calling strikes, and requires that a two-thirds majority of both union and nonunion employees at an enterprise approve a strike. The law prohibits workers from legally striking until after they have attempted and failed to come to agreement with their employer, and it requires workers and employers to participate in a mediation and conciliation process. In addition, the law prohibits strikes in a wide range of economic activities that the government has designated as essential services or that it considers would affect the rights of individuals in the larger community to security, health, education, and economic and social well-being.
HONDURAS

The law permits workers in public health care, social security, staple food production, and public utilities (municipal sanitation, water, electricity, and telecommunications) to strike as long as they continue to provide basic services. The law also requires that public-sector workers involved in the refining, transportation, and distribution of petroleum products submit their grievances to the Secretariat of Labor and Social Security (STSS) before striking. The law permits strikes by workers in export-processing zones and free zones for companies that provide services to industrial parks, but it requires that strikes not impede the operations of other factories in such parks. The STSS has the power to declare a work stoppage illegal, and employers may discipline employees consistent with their internal regulations, including by firing strikers, if the STSS rules that a work stoppage is illegal.

The government did not effectively enforce the law. Nearly two years after passage of a comprehensive labor inspection law in 2017, the STSS released implementing regulations based on extensive consultations with the private sector and unions. Employers frequently refused to comply with STSS orders that required them to reinstate workers who had been dismissed for participating in union activities. By law the STSS may fine companies that violate the right to freedom of association. The law permits fines, and while the monetary penalty is sufficient to deter violations, the failure of the government to collect those fines facilitated continued labor code violations. Through August the STSS administered fines of more than 17.6 million lempiras ($704,000). Despite administering fines, through September 30, the government had not collected a fine originating from a labor violation. Both the STSS and the courts may order a company to reinstate workers, but the STSS lacked the means to verify compliance. While there were cases where a worker was reinstated, such as the reinstatement of a union leader in Tegucigalpa following his unlawful dismissal, the reinstatement process in the courts was unduly long, lasting from six months to more than five years.

Workers had difficulty exercising the rights to form and join unions and to engage in collective bargaining, and the government failed to enforce applicable laws effectively. Public-sector trade unionists raised concerns about government interference in trade union activities, including its suspension or ignoring of collective agreements and its dismissals of union members and leaders.

Some employers either refused to engage in collective bargaining or made it very difficult to do so. Some companies also delayed appointing or failed to appoint representatives for required STSS-led mediation, a practice that prolonged the
mediation process and impeded the right to strike. There were allegations that companies used collective pacts, which are collective contracts with nonunionized workers, to prevent unionization and collective bargaining because only one collective contract can exist in each workplace. Unions also raised concerns about the use of temporary contracts and part-time employment, suggesting that employers used these mechanisms to prevent unionization and avoid providing full benefits. A Supreme Court ruling requires that both unions and employers notify the STSS of new collective agreements before they go into effect.

Antiunion discrimination continued to be a serious problem. The three major union federations and several civil society groups noted that many companies continued to violate the law despite being fined by government authorities for violations of the labor code. Some failed to remedy violations despite multiple visits by STSS inspectors. Local unions, the AFL-CIO’s Solidarity Center, and other organizations reported that some employers harassed union leaders in attempts to undermine union operations.

The Solidarity Center reported threats against several labor leaders, including a public-sector labor union leader. The Antiunion Violence Network reported more than 50 cases of antiunion violence, including the killing of a trade unionist during protests by the education and health sectors.

Labor activists alleged that automotive component producer Honduras Electrical Distribution Systems (Kyungshin Lear) refused to engage in collective bargaining. Some companies in other sectors, including the melon and palm industries, established employer-controlled unions that prevented the formation of independent unions because of legal restrictions on the number of unions and collective bargaining agreements allowed per company.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced labor, but the government did not effectively implement or enforce these laws. Administrative penalties were insufficient to deter violations and were rarely enforced. Penalties for forced labor under antitrafficking law range from 10 to 15 years’ imprisonment, but authorities often did not enforce them.

Forced labor occurred in street vending, domestic service, the transport of drugs and other illicit goods, and other criminal activity. Victims were primarily impoverished individuals in both rural and urban areas (see section 7.c.). The law
requiring prisoners to work at least five hours a day, six days a week took effect in 2016. Regulations for implementing the law were still under development as of September. The Secretariat of Human Rights stated it was taking every precaution to protect prisoners’ rights and assure that the work provided opportunities for prisoners to develop skills they could use in legal economic activities after their release.

Also see the Department of State’s *Trafficking in Persons Report* at [https://www.state.gov/trafficking](https://www.state.gov/trafficking).

**c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all of the worst forms of child labor. The law regulates child labor, sets the minimum age for employment at 14, and regulates the hours and types of work that minors younger than 18 may perform. By law all minors between the ages of 14 and 18 in most industries must receive special permission from the STSS to work, and the STSS must perform a home study to verify that there is an economic need for the child to work and that the child not work outside the country or in hazardous conditions, including in offshore fishing. The STSS approved 91 such authorizations through September. The vast majority of children who worked did so without STSS permits. If the STSS grants permission, children between 14 and 16 may work a maximum of four hours a day, and those between 16 and 18 may work up to six hours a day. The law prohibits night work and overtime for minors younger than 18, but the STSS may grant special permission for minors between the ages of 16 to 18 to work in the evening if such employment does not adversely affect their education.

The law requires individuals and companies that employ more than 20 school-age children at their facilities to provide a location for a school.

The government did not effectively enforce the law. Fines for child labor were not sufficient to deter violations. The law also imposes prison sentences of three to five years for child labor violations that endanger the life or morality of a child. The STSS completed 74 inspections and 19 verification inspections as of September and sanctioned two companies for not correcting noncompliant child labor practices.

Estimates of the number of children younger than 18 in the country’s workforce ranged from 370,000 to 510,000. Children often worked on melon, coffee, okra, and sugarcane plantations as well as in other agricultural production; scavenged at
garbage dumps; worked in the forestry, hunting, and fishing sectors; worked as domestic servants; peddled goods such as fruit; begged; washed cars; hauled goods; and labored in limestone quarrying and lime production. Most child labor occurred in rural areas. Children often worked alongside family members in agriculture and other work, such as fishing, construction, transportation, and small businesses. Some of the worst forms of child labor occurred, including commercial sexual exploitation of children, and NGOs reported that gangs often forced children to commit crimes, including homicide (see section 6, Children).

Also see the Department of Labor’s Findings on the Worst Forms of Child Labor at https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings and the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor at https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or national origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance, or any other characteristic that would offend the victim’s human dignity. Penalties include prison sentences of up to five years and monetary fines. The law prohibits employers from requiring pregnancy tests as a prerequisite for employment; penalties were not sufficient to deter violations. The government did not effectively enforce these laws and regulations.

Many employers discriminated against women. Persons with disabilities, indigenous and Afro-Honduran persons, LGBTI persons, and persons with HIV/AIDS also faced discrimination in employment and occupation (see section 6).

e. Acceptable Conditions of Work

There are 42 categories of monthly minimum wages, based on the industry and the size of a company’s workforce; the minimum average is above the poverty line. The law does not cover domestic workers.

The law applies equally to citizens and foreigners, regardless of gender, and prescribes a maximum eight-hour shift per day for most workers, a 44-hour workweek, and at least one 24-hour rest period for every six days of work. It also provides for paid national holidays and annual leave. The law requires overtime
pay, bans excessive compulsory overtime, limits overtime to four hours a day for a maximum workday of 12 hours, and prohibits the practice of requiring workers to complete work quotas before leaving their place of employment. The law does not protect domestic workers effectively. In many industries, including agriculture, cleaning, and security, employers did not respect maternity rights or pay minimum wage, overtime, or vacation. In these sectors employers frequently paid workers for the standard 44-hour workweek no matter how many additional hours they worked. In the agricultural sector, companies frequently paid less than minimum wage to most workers, with less than 1 percent of agricultural workers receiving the minimum wage. In security and domestic service sectors, workers were frequently forced to work more than 60 hours per week but paid only for 44 hours. Through August the STSS recovered 761 million lempiras ($30 million) in overtime payments for 139,135 workers.

Occupational safety and health standards were current but not effectively enforced. By law workers may remove themselves from situations that endanger their health or safety without jeopardizing continued employment. Under the new inspection law, the STSS has the authority temporarily to shut down workplaces where there is an imminent danger of fatalities. There were not enough trained inspectors, however, to deter violations sufficiently.

The STSS is responsible for enforcing the national minimum wage, hours of work, and occupational health and safety laws, but it did so inconsistently and ineffectively. Civil society continued to raise issues of minimum wage violations, highlighting agricultural companies in the south as frequent violators. The 2017 inspection law permits fines, and while the monetary penalty is sufficient to deter violations, the failure of the government to collect those fines facilitated continued labor code violations. As part of the monitoring and action plan agreed between Honduras and a foreign government, the government increased the STSS budget to approximately 79.4 million lempiras (three million dollars). As of September inspectors conducted 14,039 total inspections, including 1,345 unannounced inspections. As of November the STSS had an insufficient number of inspectors to enforce the law effectively.

The STSS reported a significant reduction in company obstruction of labor inspectors, with 226 cases through September. Because labor inspectors continued to be concentrated in Tegucigalpa and San Pedro Sula, full labor inspections and follow-up visits to confirm compliance were far less frequent in other parts of the country. Many inspectors asked workers to provide them with transportation so that they could conduct inspections, since the STSS did not have sufficient
resources to pay for travel to worksites. Credible allegations of corruption in the Secretariat of Labor continued.

Authorities did not effectively enforce worker safety standards, particularly in the construction, garment assembly, and agricultural sectors, as well as in the informal economy. Employers rarely paid the minimum wage in the agricultural sector and paid it inconsistently in other sectors. Employers frequently penalized agricultural workers for taking legally authorized days off.

While all formal workers are entitled to social security, there were reports that both public- and private-sector employers failed to pay into the social security system. The STSS may levy a fine against companies that fail to pay social security obligations, but the amount was not sufficient to deter violations.

There continued to be reports of violations of occupational health and safety law affecting the approximately 5,000 persons who made a living by diving for seafood such as lobster, conch, and sea cucumber, most from the Miskito indigenous community and other ethnic minority groups in Gracias a Dios Department. The violations included lack of access to appropriate safety equipment. Through September the STSS inspected 15 fishing boats.
TAB 2
HONDURAS 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Honduras is a constitutional, multiparty republic. The country last held national and local elections in November 2017. Voters elected Juan Orlando Hernandez of the National Party as president for a four-year term beginning January 2018. International observers generally recognized the elections as free but disputed the fairness and transparency of the results.

Civilian authorities at times did not maintain effective control over the security forces.

Human rights issues included reports of arbitrary and unlawful killings; complaints of torture; harsh and life-threatening prison conditions; arbitrary arrest or detention; killings of and threats to media members by criminal elements; criminalization of libel, although no cases were reported; widespread government corruption; and threats and violence against indigenous, Afro-descendent communities and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

The government took steps to prosecute and punish officials who committed abuses. Impunity existed in many cases, however, as evidenced by lengthy judicial processes, few convictions of perpetrators, and failures to prosecute intellectual authors of crimes.

Organized criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, extortion, kidnapping, torture, human trafficking, intimidation, and other threats and violence directed against human rights defenders, judicial authorities, lawyers, the business community, journalists, bloggers, women, and members of vulnerable populations.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary or unlawful killings. In general the killings took place during law enforcement
operations or were linked to other criminal activity by government agents. Civilian authorities investigated and arrested members of the security forces accused of human rights abuses. Impunity, however, remained a serious problem, with significant delays in some prosecutions and sources alleging corruption in judicial proceedings. The Violence Observatory of the Autonomous University of Honduras (UNAH) reported 16 deaths involving security forces during the first six months of the year. These included eight deaths involving the Honduran National Police (HNP) and eight involving the military.

On September 6, 2nd Lieutenant Chemis Xavier Paz Cruz, assigned to the 5th Battalion of the Military Police for Public Order (PMOP), was convicted of the 2016 murder of Elias Jireh Elver during a patrol in Tegucigalpa. Paz’s sentencing was pending at year’s end.

Following months of investigations into postelection violence, the HNP and the Public Ministry’s Technical Agency for Criminal Investigations (ATIC) concluded 22 investigations into alleged human rights violations by members of both the HNP and PMOP and passed the cases to the Public Ministry for possible prosecution. The Public Ministry launched 17 cases related to abuse of authority in August, noting that more cases would be forthcoming. On September 18, the Public Ministry announced the first case against an HNP officer for the death of a protester.

The government continued to investigate the 2016 killing of environmental and indigenous activist Berta Caceres. On March 2, the Public Ministry’s ATIC arrested a ninth suspect, Roberto David Castillo Mejia, the former president of the company building the Agua Zarca dam, which Caceres had long opposed. Throughout the year both the Caceres family private attorneys and the defense team complained the Public Ministry restricted access to evidence. Both legal parties asserted their right to review additional evidence that investigators had collected but not analyzed, including electronics such as laptops, cell phones, memory sticks, and tablets. On August 24, the three-judge tribunal ordered the Public Ministry to grant the prosecution and defense access to the requested evidence. The oral hearings for the first eight individuals accused of planning and executing the murder of Berta Caceres, scheduled to begin on September 17, were delayed due to legal motions filed by the Caceres family’s attorneys that called for removal of the three presiding judges. An appellate court denied the motion to dismiss the judges, and oral hearings began on October 20. On November 29, the court convicted seven of the eight defendants of murder and fully acquitted the eighth. The defendants were expected to appeal the verdict.
There continued to be reports of violence related to land conflicts and criminal activity in the Bajo Aguan region, but the overall level of violence in the area was far below its 2012 peak. On September 7, collaboration among the government’s Bajo Aguan Task Force, INTERPOL, and Mexican law enforcement authorities resulted in the arrest and extradition from Mexico to Honduras of Osvin Naun Caballero Santamaria. Caballero was a suspect in several crimes, including the 2016 killings of Jose Angel Flores and Silmer Dionisio George, two leaders of the Unified Peasant Movement of the Bajo Aguan (known as MUCA).

Organized criminal elements, including drug traffickers and local and transnational gangs such as MS-13 and the 18th Street gang, committed killings, extortion, kidnappings, human trafficking, and intimidation of police, prosecutors, journalists, women, and human rights defenders. Major urban centers and drug trafficking routes experienced disproportionate rates of violence. The UNAH Violence Observatory reported that as of June, 82 individuals working in the transportation sector had been killed, including 49 taxi, bus, and motorcycle taxi drivers and 33 private company drivers.

On September 5, the HNP reported a national homicide rate of 39.6 per 100,000 inhabitants for the months of January to August. The UNAH Violence Observatory projected a final homicide rate of approximately 40 per 100,000 inhabitants through year’s end. Reports linked many of these homicides to organized crime and gangs.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

The government continued to make significant advances in combatting kidnappings by criminals. In July the HNP rescued a nine-year-old child within 72 hours of his abduction in El Negrito, Yoro Department. The HNP reported 15 kidnappings through August, a 35 percent decrease from the same period in 2017. The HNP reported it rescued 11 of the 15 kidnap victims. The HNP recovered an additional person through negotiations, one victim remained captive, and two victims were killed while in captivity. The HNP estimated that it prevented more than 58.6 million lempiras ($2.44 million) in ransom payments to kidnappers between January and August.
c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, government officials received complaints and investigated alleged abuse by members of the security forces on the streets and in detention centers. The quasi-governmental National Committee for the Prevention of Torture, Cruel, Inhuman, or Degrading Treatment (CONAPREV) reported two complaints of torture or cruel, inhuman, or degrading treatment.

Prison and Detention Center Conditions

Prison conditions were harsh and sometimes life threatening due to pervasive gang-related violence and the government’s failure to control criminal activity within the prisons. Prisoners suffered from overcrowding, insufficient access to food and water, violence, and alleged abuse by prison officials.

Physical Conditions: Prisoners suffered from severe overcrowding, malnutrition, lack of adequate sanitation and medical care, and, in some prisons, lack of adequate ventilation and lighting. The Ministry of Human Rights reported that, as of September 20, the total prison population was 20,506 in 27 prisons. According to the ministry, the system had designed capacity for approximately 10,600 inmates.

The National Prison Institute (INP) reported that as of September, 23 inmates had died in prison (16 from natural causes, four from violence, two from accidents, and one from suicide). The INP reported no deaths involving prison officials. CONAPREV registered 25 deaths through September and confirmed four inmates died from violence within the prison.

As of September the Ministry of Human Rights reported that the country’s three pretrial detention centers held 62 individuals. These three centers were on military installations and received some support services from the military, but the INP administered them. The government used pretrial detention centers to hold high-profile suspects and those in need of additional security. Pretrial detainees were often held with convicted prisoners.

There was pervasive gang-related violence, and the government failed to control criminal activity effectively within the prisons. Some prisons lacked sufficient security personnel. Many prisoners had access to weapons and other contraband, inmates attacked other inmates with impunity, escapes were frequent, and inmates
and their associates outside prison threatened prison officials and their families. These conditions contributed to an unstable, dangerous environment in the penitentiary system. Media reported prison riots and violent confrontations between gang members in prisons throughout the year.

Through October 2018 the national prisons had approximately 1,160 female prisoners, 810 of whom the government detained at the National Women’s Social Adjustment penitentiary. Others were held in separate areas of men’s prisons. Children younger than age three could stay with their mothers in prison.

Authorities did not segregate those with tuberculosis or other infectious diseases from the general prison population; there was only limited support for persons with mental illnesses or disabilities. As of September officials reported that 151 prisoners were being treated for tuberculosis. Officials also stated that all penitentiary centers had an antiretroviral treatment program. CONAPREV reported that every prison had a functioning health clinic with at least one medical professional. Basic medical supplies and medicines, particularly antibiotics, were in short supply throughout the prison system. In most prisons only inmates who purchased bottled water or had water filters in their cells had access to potable water.

Administration: As of September the INP reported no formal complaints for mistreatment of detainees, although CONAPREV alleged 39 possible cases of torture or cruel, inhuman, or degrading treatment. Authorities conducted no official investigations of mistreatment because they received no formal complaints. Media reports noted that family members often face long delays or are unable to visit detainees.

Independent Monitoring: The government generally permitted prison visits by independent local and international human rights observers, including the International Committee of the Red Cross. CONAPREV conducted seven visits to juvenile detention facilities as of the end of August. The judicial system was legally responsible for monitoring prison conditions and providing for the rights of prisoners.

Improvements: Through September the INP trained 435 technical, administrative, and security personnel working in 13 prisons on topics such as first aid and appropriate use of force.

d. Arbitrary Arrest or Detention
The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The Inter-American Commission on Human Rights (IACHR) reported that authorities at times failed to enforce these requirements effectively.

**Role of the Police and Security Apparatus**

The HNP maintains internal security and reports to the Secretariat of Security. ATIC has legal authority to investigate 21 types of crimes and make arrests. The armed forces, which report to the Secretariat of Defense, are responsible for external security but also exercise some domestic security responsibilities. Some larger cities have independent police forces that supplement the HNP and report to municipal authorities. The PMOP reports to military authorities but conducts operations sanctioned by civilian security officials as well as by military leaders. As of September the PMOP had approximately 4,500 personnel organized into eight of 10 planned battalions and was present in all 18 departments. The National Interinstitutional Security Force (FUSINA) coordinates the overlapping responsibilities of the HNP, PMOP, National Intelligence Directorate, Public Ministry, and national court system. FUSINA reports to the National Security and Defense Council. The president chairs the council, which includes representatives of the Supreme Court, National Congress, Public Ministry, and Secretariats of Security and Defense.

Civilian authorities at times did not maintain effective control over the security forces. The government took steps to investigate and punish abuses, but corruption and inefficiency resulted in impunity in many cases. The armed forces surrendered members accused of human rights violations to civilian authorities. The armed forces sometimes dishonorably discharged such individuals, even before a criminal trial. The Public Ministry, primarily through the Office of the Special Prosecutor for Crimes against Life, is responsible for investigating cases in which a government agent is allegedly responsible for killing a civilian. Prosecutors try such cases in civilian courts. Prosecutors and judges attached to FUSINA prosecute and hear cases related to FUSINA operations. A unit within the Office of the Special Prosecutor for Crimes against Life manages some cases of homicides committed by members of the security forces and government officials. The human rights office of the joint staff of the armed forces investigates allegations of human rights abuses by members of the armed forces.
The human rights office of the joint staff of the armed forces reported that in 2017 more than 6,200 members of the armed forces, including the army, navy, air force, PMOP, and others, received training on human rights. Through June more than 5,800 members of the armed forces received human rights training from military and nongovernmental organization (NGO) instructors.

Corruption and impunity remained serious problems within the security forces. Some members of security forces allegedly committed crimes, including crimes linked to local and international criminal organizations. The Public Ministry’s ATIC investigated some criminal cases involving HNP officers.

As of November the Police Purge Commission reported that, since its creation in 2016, it had referred for removal or provisional suspension more than 5,600 police officers on various grounds including corruption, criminal activity, and poor performance.

**Arrest Procedures and Treatment of Detainees**

The law provides that police may make arrests only with a warrant, unless they make the arrest during the commission of a crime, there is strong suspicion that a person has committed a crime and might otherwise evade criminal prosecution, they catch a person in possession of evidence related to a crime, or a prosecutor has ordered the arrest. The law requires police to inform persons of the grounds for their arrest and bring detainees before a competent judicial authority within 24 hours. It stipulates that a prosecutor has 24 additional hours to decide if there is probable cause for indictment, whereupon a judge has 24 more hours to decide whether to issue a temporary detention order. Such an order may be effective for up to six days, after which the judge must hold a pretrial hearing to examine whether there is probable cause to continue pretrial detention. The law allows persons charged with some felonies to avail themselves of bail and gives prisoners a right of prompt access to family members. The law allows the release of other suspects pending formal charges, on the condition that they periodically report to authorities. The government generally respected these provisions. Persons suspected of any of 22 specific felonies must remain in custody, pending the conclusion of judicial proceedings against them. Some judges, however, ruled that such suspects may be released on the condition that they continue to report periodically to authorities. The law grants prisoners the right to prompt access to a lawyer of their choice and, if indigent, to government-provided counsel, although authorities did not always abide by these requirements.
Arbitrary Arrest: The Public Ministry reported 49 cases of illegal detention or arbitrary arrest as of October. As of September the National Human Rights Commission of Honduras (CONADEH) reported 16 cases of arbitrary arrest by the HNP, two by the DPI, and six by the armed forces.

Pretrial Detention: Judicial inefficiency, corruption, and insufficient resources delayed proceedings in the criminal justice system, and lengthy pretrial detention was a serious problem. For crimes with minimum sentences of six years’ imprisonment, the law authorizes pretrial detention of up to two years. The prosecution may request an additional six-month extension, but many detainees remained in pretrial detention much longer, including for more time than the maximum period of incarceration for their alleged crime. The law does not authorize pretrial detention for crimes with a maximum sentence of five years or less. The law mandates that authorities release detainees whose cases have not yet come to trial and whose time in pretrial detention already exceeds the maximum prison sentence for their alleged crime. Even so, many prisoners remained in custody after completing their full sentences, and sometimes even after an acquittal, because officials failed to process their releases expeditiously.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the justice system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to intimidation, corruption, politicization, and patronage. Low salaries and a lack of internal controls rendered judicial officials susceptible to bribery. Powerful special interests, including organized criminal groups, exercised influence on the outcomes of some court proceedings.

On September 13, the Supreme Court accepted an appeal by the defense attorneys of six former members of the court, including its former president Jorge Rivera Aviles, to grant the accused freedom from pretrial detention after one month in jail. Charges against the six former court officials included several counts of misappropriation of funds and abuse of authority. The legal proceedings against the six were ongoing as of October.

Trial Procedures

The law provides for the right to a fair and public trial; however, the judiciary did not always enforce this right.
The law presumes an accused person is innocent. The accused has the right to an initial hearing before a judge, to ask for bail, consult with legal counsel in a timely manner, have a lawyer provided by the state if necessary, and request an appeal. Defendants may receive free assistance of an interpreter. The law permits defendants to confront witnesses against them and offer witnesses and evidence in their defense. Defendants may not be compelled to testify or confess guilt. Authorities generally respected these rights.

Credible observers noted problems in trial procedures such as a lack of admissible evidence, judicial corruption, widespread public distrust of the legal system, witness intimidation, and an ineffective witness protection program.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law establishes an independent and impartial judiciary in civil matters, including access to a court to seek damages for human rights violations. Litigants may sue a criminal defendant for damages if authorized by a criminal court. Individuals and organizations may appeal adverse domestic decisions to the Inter-American Human Rights System.

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

Although the law generally prohibits such actions, a legal exception allows government authorities to enter a private residence to prevent a crime or in case of another emergency. There were credible complaints that police occasionally failed to obtain the required authorization before entering private homes. As of September CONAPREV registered two alleged cases of illegal entry by government officials.

Ethnic minority rights leaders, international NGOs, and farmworker organizations continued to claim that the government failed to redress actions taken by security forces, government agencies, and private individuals and businesses to dislodge farmers and indigenous persons from lands over which they claimed ownership based on land reform law or ancestral land titles (see section 6, Indigenous People).
Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, with some restrictions, and the government generally respected this right. A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the major news media.

Freedom of Expression: The law includes a provision to punish persons who directly, or through public media, incite discrimination, hate, contempt, repression, or violence against a person, group, or organization for reasons of gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or national origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance, or any other characteristic that would offend the victim’s human dignity.

In September congress repealed Article 335-B of the law, which criminalized hate speech and language inciting terrorism, due to concern that this article could be used to target journalists and members of civil society for expressing views critical of the government. Media associations and NGOs praised the congressional action.

Violence and Harassment: There were continued reports of harassment and threats against journalists, media figures, and bloggers. NGO Peace Brigades International registered a significant increase in reports of harassment against journalists and social communicators since 2017. They registered 41 security incidents involving journalists and social commentators between January and August, nearly twice the number of complaints registered during the same period in 2017. Reports linked most of these instances of harassment and threats to organized criminal elements and gangs.

Government officials at all levels publicly denounced violence and threats of violence against media members and social communicators. UNAH’s Violence Observatory reported no killings of journalists and social communicators during the first six months of the year, as compared with two such killings in 2017. There were many reports of intimidation and threats against media members and their families, including from members of the security forces and organized crime. It was usually unclear whether violence and threats against journalists were linked to their work or were products of generalized violence.
Human rights defenders, including indigenous and environmental rights activists, political activists, labor activists, and representatives of civil society working to combat corruption, reported threats and acts of violence. Civil society organizations, including students, agricultural workers groups, and indigenous rights groups, criticized the government and its officials for allegedly criminalizing and stigmatizing social protest. Members of the Police Purge Commission, National Anticorruption Council (CNA), and Public Ministry’s anticorruption unit (UFECIC) all reported receiving threats. The Agroindustrial Worker’s Federation, a labor syndicate, reported two cases of threats against union leaders (see section 7.a.).

The government allocated a budget of nearly 25 million lempiras ($1.04 million) for the operation of its protection mechanism. By August it had 34 permanent and contract staff. The mechanism approved 219 protection cases, including 131 human rights defenders, 39 journalists, 30 social commentators, and 19 justice-sector workers. As of August 31, the mechanism had received 122 new requests for protection, of which 104 met legal requirements and were accepted. Of the 104 accepted cases, eight were closed during the year. The remaining 96 cases included 52 human rights defenders, 14 journalists, 21 social commentators, and 9 justice-sector workers. Some NGOs continued to express concern about weak implementation of the law and limited resources available to operate the government’s protection mechanism for human rights defenders. Civil society organizations continued to criticize the government’s failure to investigate threats against activists and journalists adequately.

The HNP’s Violent Crimes Task Force investigated crimes against high-profile and particularly vulnerable victims, including judges, journalists, human rights activists, and members of the LGBTI community. As of November the task force had submitted 19 cases to the Public Ministry, arrested 42 persons, and obtained six convictions.

Censorship or Content Restrictions: Media members and NGOs stated the press self-censored due to fear of retaliation from organized crime or corrupt government officials.

Libel/Slander Laws: Citizens, including public officials, may initiate criminal proceedings for libel and slander.
National Security: The Organization of American States (OAS) Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) continued to raise concerns regarding the law for the classification of public documents related to defense and national security (the Secrets Law). MACCIH called on the government either to amend the law or pass a new one. According to MACCIH representatives, the law prohibits authorities from fully investigating government contracts and funds, enabling government institutions to misuse an overly broad classification system under the guise of “national security” to hide potential illicit activity in such areas as the security tax fund, water authority, and social security administration. Civil society organizations supported MACCIH’s calls to reform the law.

Nongovernmental Impact: Some journalists and other members of civil society reported threats from members of organized crime. It was unclear how many of these threats were related to the victims’ professions or activism. Several anonymous social media sites, possibly linked to political parties, criticized activists, civil society organizations, and journalists who were critical of the government or opposition party policies.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, but there were credible reports that the government monitored private online communications. According to the International Telecommunication Union, in 2017 approximately 32 percent of the population used the internet.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. The law requires a judge to issue an eviction order for individuals occupying public and private property if security forces had not evicted the individuals within a specified period of the occupation. Some local and international civil society organizations, including students, agricultural workers groups, political parties, and indigenous rights groups, alleged that members of the
security forces used excessive force to break up demonstrations. The IACHR reported that the government at times used a policy of arbitrary detentions or arrests to inhibit protest.

Law enforcement evictions of protesters, land rights activists, and others were generally conducted peacefully, although injuries to both protesters and law enforcement officers were occasionally reported. The NGO Peace Brigades International reported several instances of threats and intimidation by security forces, including a heavy military presence in disputed areas. Conversely, media sources reported in October that two soldiers were ambushed and killed near Tocoa, Colon, as they sought peacefully to remove protesters from blocking a road. No suspects were arrested, and it is unclear if the shooters were related to the protesters or linked with illicit groups.

**Freedom of Association**

The law provides for freedom of association, and the government generally respected this right. The law prohibits illicit association, defined as gatherings by persons bearing arms, explosive devices, or dangerous objects with the purpose of committing a crime, and prescribes prison terms of two to four years and a fine of 30,000 to 60,000 lempiras ($1,250 to $2,500) for anyone who convokes or directs an illicit meeting or demonstration. There were no reports of such cases during the year, although authorities charged some protesters with sedition. Public-sector unions expressed concern over some officials refusing to honor bargaining agreements and firing union leaders. The law prohibits police from unionizing (see section 7.a.).

**c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

**d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection
and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

**Abuse of Migrants, Refugees, and Stateless Persons:** Transiting migrants were vulnerable to abuse by criminal organizations.

**In-country Movement:** There were areas where authorities could not assure freedom of movement because of criminal activity and a lack of significant government presence.

**Internally Displaced Persons (IDPs)**

In 2017 the Internal Displacement Monitoring Center estimated there were approximately 190,000 IDPs in the country. In 2017 the National Human Rights Commission identified 339 cases of forced displacement and 349 cases of individuals at risk of forced displacement. Internal displacement was generally caused by violence, national and transnational gang activity, and human trafficking. Official data on forced internal displacement was limited in part because gangs controlled many of the neighborhoods that were sources of internal displacement (see section 6, Displaced Children).

The government maintained the Interinstitutional Commission for the Protection of People Displaced by Violence, and within the newly created Ministry of Human Rights, the government created the Directorate for the Protection of Persons Internally Displaced by Violence. Both the ministry and the commission focused on developing policies to address IDPs. Following up on the Comprehensive Refugee Response Framework conference that the government hosted in October 2017, the participants, including governments from across the region, agreed to the Regional Integral Framework for Protection and Solutions. Under the framework the government pledged to strengthen its capacity to provide services to key population groups, including refugees and returned migrants, through 14 commitments and 28 specific actions between 2018 and 2020.

**Protection of Refugees**

The government cooperated with UNHCR and other humanitarian organizations to provide protection and assistance to refugees and other persons of concern.

**Access to Asylum:** The law allows for the granting of asylum or refugee status. The government has established a system to provide protection to refugees, but at
times there were significant delays in processing provisional permits for asylum applicants.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the right to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal and equal suffrage. The law does not permit active members of the military or civilian security forces to vote. The constitution prohibits practicing clergy from running for office or participating in political campaigns.

Elections and Political Participation

Recent Elections: In December 2017 Juan Orlando Hernandez of the National Party was declared the winner in the November 26 elections. International observers generally agreed the elections were free but disputed the fairness and transparency of the results. The OAS and EU both fielded observer teams for the elections and agreed that the margin of victory separating incumbent President Hernandez from challenger Salvador Nasralla was extremely close. The OAS mission found that this small margin, combined with numerous irregularities in vote processing, left it unable to state with certainty who won the presidential election. The EU mission agreed that there were serious irregularities in the process but concluded that safeguards built into the system, including posting of voting results forms on a public website, helped promote transparency. NGOs reported irregularities, including problems with voter rolls, buying and selling of electoral workers’ credentials, and lack of transparency in campaign financing.

Political Parties and Political Participation: Civil society and opposition parties accused officials of using government resources to attract voters.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. Women, however, suffered political violence, which ranged from harassment for voting against party lines to receiving death threats for their political participation.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for corruption by officials, but authorities did not implement the law effectively, and officials continued to engage in corrupt practices with impunity. There were numerous reports of government corruption
during the year. The government took steps to address corruption at high levels in government agencies, including arresting and charging members of congress, judges, prosecutors, sitting and former senior officials, mayors and other local authorities, and police officers. Anticorruption efforts continued to lag and remained an area of concern, as well as the government’s ability to protect justice operators, such as prosecutors and judges.

Corruption: The Public Ministry’s anticorruption unit (UFECIC) made several announcements of case investigations, including against former first lady Rosa Elena Bonilla de Lobo, spouse of former president Porfirio Lobo; the “fe de erratas” case against two members of congress accused of altering legislation; and the “Network of Congresspersons” case, in which five officials were accused of diverting public funds. UFECIC announced a fourth case in June, named “Pandora,” in which 38 individuals, including a former secretary of agriculture and several members of congress, were accused of fraud, abuse of authority, misuse of public funds, and other corruption-related crimes.

On February 22, the CNA presented five of its highest-profile cases to the public, citing several public administration and elected officials, including a Supreme Court judge, a congressman, and former first lady Bonilla de Lobo. Following the announcement the CNA reported harassment campaigns and threats.

MACCIH, the CNA, and civil society organizations continued to press for the passage of legislation to combat corruption, but most legislative efforts stalled in congress.

Financial Disclosure: Public officials are subject to financial disclosure law but did not always comply. The law mandates that the Supreme Auditing Tribunal monitor and verify disclosures. The tribunal published its reports on its website and cited the names of public officials who did not comply with disclosure law. The Public Ministry’s Campaign Financing Unit, created in June 2017, conducted audits of 397 candidates, focusing on those who won their bids for election. The unit reported that 76 percent of candidates for public office reported on all campaign expenditures and that four cases were referred to the Public Ministry for investigation.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights
HONDURAS

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 were somewhat cooperative and responsive to their views. Human rights organizations criticized government officials for lack of access and responsiveness.

The United Nations or Other International Bodies: Some civil society organizations criticized the government for failing to comply with, or inadequately complying with, rulings by the Inter-American Court of Human Rights and protection measures ordered by the court and the IACHR.

Government Human Rights Bodies: A semiautonomous commissioner for human rights served as an ombudsman and investigated complaints of human rights abuses. With offices throughout the country, the ombudsman received cases that otherwise may not have risen to national attention. An independent Ministry of Human Rights was established in January and, despite operational challenges from its recent inception, has served as an effective advocate for human rights within the government. The Public Ministry’s Office of the Special Prosecutor for Human Rights handled cases involving charges of human rights abuses by government officials. In March the Public Ministry also created the Special Prosecutor’s Office for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Officials. The Human Rights Committee is in the congress. The Ministries of Security and Defense both have human rights offices that investigated alleged human rights abuses and coordinated human rights-related activities with the Ministry of Human Rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes all forms of rape of men or women, including spousal rape. The government considers rape a crime of public concern, and the state prosecutes rapists even if victims do not press charges. The penalties for rape range from three to nine years’ imprisonment, and the courts enforced these penalties.

The law provides penalties of up to four years in prison for domestic violence; however, if a victim’s physical injuries do not reach the severity required to categorize the violence as a criminal act, the only legal penalty for a first offense is a sentence of one to three months of community service. Female victims of
domestic violence are entitled to certain protective measures. Abusers caught in the act may be detained for up to 24 hours as a preventive measure. The law provides a maximum sentence of three years in prison for disobeying a restraining order connected with the crime of intrafamilial violence.

In cooperation with the UN Development Program, the government operated consolidated reporting centers in Tegucigalpa and San Pedro Sula where women could report crimes, seek medical and psychological attention, and receive other services. These reporting centers were in addition to the 298 government-operated women’s offices--one in each municipality--that provided a wide array of services to women, focusing on education, personal finance, health, social and political participation, environmental stewardship, and prevention of gender-based violence.

**Sexual Harassment:** The law criminalizes various forms of sexual harassment. Violators face penalties of one to three years in prison and possible suspension of their professional licenses, but the government did not effectively enforce the law.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization.

**Discrimination:** Although the law accords women and men the same legal rights and status, including property rights in divorce cases, many women did not fully enjoy such rights. Most women in the workforce engaged in lower-status and lower-paying informal occupations, such as domestic service, without the benefit of legal protections. By law women have equal access to educational opportunities.

**Children**

**Birth Registration:** Children derive citizenship by birth in the country, from the citizenship of their parents, or by naturalization.

**Child Abuse:** Child abuse remained a serious problem. The law establishes prison sentences of up to three years for child abuse. The Violence Observatory reported the homicides of 119 children as of July 1.

**Early and Forced Marriage:** The minimum legal age of marriage for both boys and girls is 18 with parental consent. According to UNICEF, 8 percent of children were married before age 15 and 34 percent before age 18.
Sexual Exploitation of Children: The commercial sexual exploitation of children, especially in sex trafficking, continued to be a problem. The country was a destination for child sex tourism. The legal age of consent is 18. There is no statutory rape law, but the penalty for rape of a minor younger than age 12 is 15 to 20 years in prison, or nine to 13 years in prison if the victim is age 13 or older. Penalties for facilitating child sex trafficking are 10 to 15 years in prison, with fines ranging from one million to 2.5 million lempiras ($41,700 to $104,000). The law prohibits the use of children younger than age 18 for exhibitions or performances of a sexual nature or in the production of pornography.

Displaced Children: Many children lived on the streets. Casa Alianza estimated 15,000 children were homeless and living on the streets, primarily in major cities. Civil society organizations reported that common causes of forced displacement for youth included death threats for failure to pay extortion, attempted recruitment by gangs, witnessing criminal activity by gangs or organized crime, domestic violence, attempted kidnappings, family members’ involvement in drug dealing, victimization by traffickers, discrimination based on sexual orientation, sexual harassment, and discrimination for having a chronic illness.


Anti-Semitism

The Jewish community numbered more than 250 members. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The Public Ministry is responsible for prosecuting violations. The law requires that persons with disabilities have access
to buildings, but few buildings were accessible, and the national government did
not effectively implement laws or programs to provide such access.

The government has an Office for People with Disabilities located within the
Ministry of Development and Social Inclusion, but its ability to provide services to
persons with disabilities was limited.

**Indigenous People**

In the 2013 census, approximately 8.5 percent of the population identified
themselves as members of indigenous communities, but other estimates were
higher. Indigenous groups included the Miskito, Tawahkas, Pech, Tolupans,
Lencas, Maya-Chortis, Nahual, Bay Islanders, and Garifunas. They had limited
representation in the national government and consequently little direct input into
decisions affecting their lands, cultures, traditions, and the allocation of natural
resources.

Indigenous communities continued to report threats and acts of violence against
them and against community and environmental activists. Violence was often
rooted in a broader context of conflict over land and natural resources, extensive
corruption, lack of transparency and community consultation, other criminal
activity, and limited state ability to protect the rights of vulnerable communities.

Persons from indigenous and Afro-descendant communities continued to
experience discrimination in employment, education, housing, and health services.
An IACHR report noted that there were insufficient hospital beds and inadequate
supplies at the only hospital that services the Gracias a Dios Department, home to
the majority of the Miskito community.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual
Orientation and Gender Identity**

The law states that sexual orientation and gender identity characteristics merit
special protection from discrimination and includes these characteristics in a hate
crimes amendment to the penal code. Nevertheless, social discrimination against
LGBTI persons persisted. LGBTI human rights NGOs alleged that the PMOP and
other elements of the security forces harassed and abused LGBTI persons. One
international NGO reported that five members of the PMOP in uniform allegedly
assaulted and raped a gay man on July 16 in Tegucigalpa. The victim submitted to
a medical examination with the Public Ministry’s Forensic Medicine Unit, filed a
complaint with the HNP’s Criminal Investigation Unit, and temporarily left the country.

LGBTI rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices. The Association for a Better Life, an NGO that works with LGBTI persons, reported an incident of discrimination at San Felipe Hospital in Tegucigalpa where a physician asserted that the victim’s sexual orientation caused him to contract the human papillomavirus and colon cancer. LGBTI groups continued working with the Violent Crimes Task Force, Ministry of Security, and Office of the Special Prosecutor for Human Rights to address concerns about intimidation, fear of reprisals, and police corruption.

Transgender women were particularly vulnerable to employment and education discrimination; many could find employment only as sex workers, substantially increasing their risk of violence. Transgender individuals noted their inability to update identity documents to reflect their gender identity.

**HIV and AIDS Social Stigma**

Access to employment, educational opportunities, and health services continued to be major challenges for persons with HIV/AIDS. The law provides persons with HIV the right to have access to, and remain in, employment and the education system. The law also defines administrative, civil, and criminal liability and penalties for any violation of the law, which includes denial or delay in care for persons with HIV.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The law grants workers the right to form and join unions of their choice, bargain collectively, and strike. It prohibits employer retribution against employees for engaging in trade union activities. The law places a number of restrictions on these rights, such as requiring that a recognized trade union represent at least 30 workers, prohibiting foreign nationals from holding union offices, and requiring that union officials work in the same substantive area of the business as the workers they represent. In 2016 the Ministry of Labor and Social Security (STSS) administratively ruled that seasonal workers could not form a union. The law prohibits members of the armed forces and police, as well as certain other public employees, from forming labor unions.
The law requires an employer to begin collective bargaining once workers establish a union, and it specifies that if more than one union exists at a company the employer must negotiate with the largest.

The law allows only local unions to call strikes, prohibits labor federations and confederations from calling strikes, and requires that a two-thirds majority of both union and nonunion employees at an enterprise approve a strike. The law prohibits workers from legally striking until after they have attempted and failed to come to agreement with their employer, and it requires workers and employers to participate in a mediation and conciliation process. Additionally, the law prohibits strikes in a wide range of economic activities that the government has designated as essential services or that it considers would affect the rights of individuals in the larger community to security, health, education, and economic and social well-being.

The law prohibits certain public service employees from striking. The law permits workers in public health care, social security, staple food production, and public utilities (municipal sanitation, water, electricity, and telecommunications) to strike as long as they continue to provide basic services. The law also requires that public-sector workers involved in the refining, transportation, and distribution of petroleum products submit their grievances to the STSS before striking. The law permits strikes by workers in export processing zones and free zones for companies that provide services to industrial parks, but it requires that strikes not impede the operations of other factories in such parks. The STSS has the power to declare a work stoppage illegal, and employers may discipline employees consistent with their internal regulations, including firing strikers, if the STSS rules that a work stoppage is illegal.

The government did not effectively enforce the law. Although the STSS passed a comprehensive labor inspection law in 2017 that substantially increased fines for violations and updated labor inspector authorities, the STSS had not released implementing regulations despite months of consultation and work with the private sector and unions. By law the STSS may fine companies that violate the right to freedom of association. The law permits a fine of 300,000 lempiras ($12,500) per violation. If a company unlawfully dismisses founding union members or union leaders, the law stipulates that employers must also pay a fine equivalent to six months of the dismissed leaders’ salaries to the union itself. Through August the STSS administered fines of more than 25.3 million lempiras ($1.05 million), including more than 6.1 million lempiras ($254,000) for violations of freedom of
association and more than 13.2 million lempiras ($550,000) for obstruction of labor inspectors. Both the STSS and the courts may order a company to reinstate workers, but the STSS lacked the means to verify compliance. While there were cases where a worker was reinstated, such as the reinstatement of a union leader in Tegucigalpa following his unlawful dismissal, the reinstatement process in the courts was unduly long, lasting from six months to more than five years.

Workers had difficulty exercising the rights to form and join unions and to engage in collective bargaining, and the government failed to enforce applicable laws effectively. Public-sector trade unionists raised concerns about government interference in trade union activities, including its suspension or ignoring of collective agreements and its dismissals of union members and leaders.

Although there is no legal requirement that they do so, STSS inspectors generally accompanied workers when they notified their employer of their intent to form a union. In some cases STSS inspectors, rather than workers, directly notified employers of workers’ intent to organize. Workers reported that the presence and participation of the STSS reduced the risk that employers would dismiss the union’s founders and later claim they were unaware of efforts to unionize.

Some employers either refused to engage in collective bargaining or made it very difficult to do so. Some companies also delayed appointing or failed to appoint representatives for required STSS-led mediation, a practice that prolonged the mediation process and impeded the right to strike. There were allegations that companies used collective pacts, which are collective contracts with nonunionized workers, to prevent unionization and collective bargaining because only one collective contract can exist in each workplace. Unions also raised concerns about the use of temporary contracts and part-time employment, suggesting that employers used these mechanisms to prevent unionization and avoid providing full benefits. A Supreme Court ruling requires that both unions and employers notify the STSS of new collective agreements before they go into effect.

Antiunion discrimination continued to be a serious problem. The three major union federations and several civil society groups noted that many companies paid the fines that government authorities imposed but continued to violate the law. Some failed to remedy violations despite multiple visits by STSS inspectors. Local unions, the AFL-CIO’s Solidarity Center, and other organizations reported that some employers harassed union leaders in attempts to undermine union operations. Civil society organizations regularly raised concerns about practices by agricultural companies, particularly in the south. Through September the STSS conducted 308
hygiene and social security inspections and levied fines totaling approximately 5.68 million lempiras ($237,000).

The Solidarity Center reported threats against several labor leaders, including a public-sector labor union leader. Through November, the Solidarity Center documented 11 cases of threats against union leaders.

Labor activists alleged that automotive component producer Honduras Electrical Distribution Systems (Kyunghsin Lear) refused to engage in collective bargaining. Some companies in other sectors, including the melon industry, established employer-controlled unions that prevented the formation of independent unions because of legal restrictions on the number of unions and collective bargaining agreements allowed per company.

Several companies in export processing zones had solidarity associations that functioned similarly to company unions for the purposes of setting wages and negotiating working conditions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced labor, but the government did not effectively implement or enforce these laws. Administrative penalties were insufficient to deter violations and were rarely enforced. Penalties for forced labor under antitrafficking law range from 10 to 15 years’ imprisonment, but authorities often did not enforce them. The government investigated several cases of labor trafficking, including forced begging and domestic service.

Forced labor occurred in street vending, domestic service, the transport of drugs and other illicit goods, and other criminal activity. Victims were primarily impoverished individuals in both rural and urban areas (see section 7.c.). The law requiring prisoners to work at least five hours a day, six days a week took effect in 2016. Regulations for implementing the law were still under development as of September. The Ministry of Human Rights stated it was taking every precaution to protect prisoners’ rights and assure that the work provided opportunities for prisoners to develop skills they could use in legal economic activities after their release.

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.
c. Prohibition of Child Labor and Minimum Age for Employment

The law regulates child labor, sets the minimum age for employment at 14, and regulates the hours and types of work that minors younger than age 18 may perform. By law all minors between ages 14 and 18 must receive special permission from the STSS to work, and the STSS must perform a home study to verify that there is an economic need for the child to work and that the child not work outside the country or in hazardous conditions, including in offshore fishing. The STSS approved 91 such authorizations through September. The vast majority of children who worked did so without STSS permits. If the STSS grants permission, children between 14 and 16 may work a maximum of four hours a day, and those between 16 and 18 may work up to six hours a day. The law prohibits night work and overtime for minors younger than age 18, but the STSS may grant special permission for minors ages 16 to 18 to work in the evening if such employment does not adversely affect their education.

The law requires that individuals and companies that employ more than 20 school-age children at their facilities provide a location for a school.

In 2017 the government took steps to address child labor, including the development of a new protocol for labor inspections to identify child labor, but inadequate resources impeded inspections and enforcement outside of major cities in rural areas where hazardous child labor was concentrated. Fines for child labor are 100,000 lempiras ($4,170) for a first violation and as high as 228,000 lempiras ($9,500) for repeat violations. The law also imposes prison sentences of three to five years for child labor violations that endanger the life or morality of a child. The STSS completed 74 inspections and 19 verification inspections as of September and sanctioned two companies for not correcting noncompliant child labor practices.

Estimates of the number of children younger than age 18 in the country’s workforce ranged from 370,000 to 510,000. Children often worked on melon, coffee, okra, and sugarcane plantations as well as in other agricultural production; scavenged at garbage dumps; worked in the forestry, hunting, and fishing sectors; worked as domestic servants; peddled goods such as fruit; begged; washed cars; hauled goods; and labored in limestone quarrying and lime production. Most child labor occurred in rural areas. Children often worked alongside family members in agriculture and other work, such as fishing, construction, transportation, and small businesses. Some of the worst forms of child labor occurred, including
commercial sexual exploitation of children, and NGOs reported that gangs often forced children to commit crimes, including homicide (see section 6, Children).

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or national origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance, or any other characteristic that would offend the victim’s human dignity. Penalties include prison sentences of up to five years and monetary fines. The law prohibits employers from requiring pregnancy tests as a prerequisite for employment; violators are subject to a 5,000 lempira ($208) fine. The government did not effectively enforce these laws and regulations.

Many employers discriminated against women. Persons with disabilities, indigenous and Afro-Honduran persons, LGBTI persons, and persons with HIV/AIDS also faced discrimination in employment and occupation (see section 6, Children).

e. Acceptable Conditions of Work

There are 42 categories of monthly minimum wages, based on the industry and the size of a company’s workforce; the minimum average salary was 8,910 lempira ($370). The law does not cover domestic workers.

The law applies equally to citizens and foreigners, regardless of gender, and prescribes a maximum eight-hour shift per day for most workers, a 44-hour workweek, and at least one 24-hour rest period for every six days of work. It also provides for paid national holidays and annual leave. The law requires overtime pay, bans excessive compulsory overtime, limits overtime to four hours a day for a maximum workday of 12 hours, and prohibits the practice of requiring workers to complete work quotas before leaving their place of employment. The law does not protect domestic workers effectively.

Occupational safety and health standards were current but not enforced. By law workers may remove themselves from situations that endanger their health or
safety without jeopardizing continued employment. Under the new inspection law, the STSS has the authority temporarily to shut down workplaces where there is an imminent danger of fatalities. There were not enough trained inspectors, however, to deter violations sufficiently.

The STSS is responsible for enforcing the national minimum wage, hours of work, and occupational health and safety laws, but it did so inconsistently and ineffectively. Civil society continued to raise issues of minimum wage violations, highlighting agricultural companies in the south as frequent violators. The 2017 inspection law permits fines of up to 25 percent of the economic damage suffered by workers, 1,000 lempiras ($42) for failing to pay the minimum wage or other economic violations, and 100,000 lempiras ($4,170) for violating occupational safety or health regulations and other law violations. As part of the United States-Honduras Monitoring and Action Plan, the government increased the STSS budget to approximately 79.4 million lempiras ($3.31 million). As of September inspectors conducted 1,435 unannounced inspections. As of November the STSS had 169 labor inspectors.

The STSS reported a significant reduction in company obstruction of labor inspectors, with 226 cases through September. Because labor inspectors continued to be concentrated in Tegucigalpa and San Pedro Sula, full labor inspections and follow-up visits to confirm compliance were far less frequent in other parts of the country. Many inspectors asked workers to provide them with transportation so that they could conduct inspections, since the STSS did not have sufficient resources to pay for travel to worksites. Credible allegations of corruption among labor inspectors continued. Inspectors reportedly failed to respond to requests for inspections to address alleged violations of law, conduct adequate investigations, impose or collect fines when they discovered violations, or otherwise abide by legal requirements.

Authorities did not effectively enforce worker safety standards, particularly in the construction, garment assembly, and agricultural sectors, as well as in the informal economy. Employers rarely paid the minimum wage in the agricultural sector and paid it inconsistently in other sectors. Employers frequently penalized agricultural workers for taking legally authorized days off.

There were reports that both public- and private-sector employers failed to pay into the social security system. The STSS may levy a fine of 100,000 lempiras ($4,170) per infraction against companies that fail to pay social security obligations.
There continued to be reports of violations of occupational health and safety law affecting the approximately 5,000 persons who made a living by diving for seafood such as lobster, conch, and sea cucumber, most from the Miskito indigenous community and other ethnic minority groups in Gracias a Dios Department. These violations included lack of access to appropriate safety equipment. Civil society groups reported that most dive boats held more than twice the craft’s capacity for divers and that many boat captains sold their divers marijuana and crack cocaine to help them complete an average of 12 dives a day, to depths of more than 100 feet. During the year the STSS inspected 27 fishing boats including in La Ceiba, Atlantida Department, and Puerto Lempira, Gracias a Dios Department. Civil society reported an average of 15 deaths per year attributable to unsafe diving practices.
TAB 3
Press Release

IACHR Has Concluded its Visit to Honduras and Presents its Preliminary Observations

August 3, 2018

Tegucigalpa - The Inter-American Commission on Human Rights (IACHR) has completed its on-site visit to Honduras, which took place between July 30 and August 3, 2018. The aim of the visit was to observe the human rights situation in the country on the ground.

The delegation was led by the first vice-president of the IACHR, Esmeralda Arosemena de Troitiño; and also included the second vice-president, Luis Ernesto Vargas Silva; commissioners Flávia Piovesan and Antonia Urrejola, and commissioner Joel Hernández García, the IACHR rapporteur for Honduras. Among the other members of the delegation were the executive secretary of the IACHR, Paulo Abrão; the assistant executive secretary, María Claudia Pulido; the chief of staff of the executive secretariat, Marisol Blanchard Vera, the special rapporteur for freedom of expression, Edison Lanza; the special rapporteur on economic, social, cultural, and environmental rights (ESCER), Soledad García Muñoz, and experts from the executive secretariat.

The IACHR met with government authorities, civil society organizations and representatives, human rights defenders, indigenous authorities, international organizations, and other bodies representing academia, the media, and the private sector. It also gathered testimonies from victims of human rights violations and their families. The IACHR carried out unrestricted visits to different regions of Honduras, including Tegucigalpa, San Pedro Sula, Tela, Puerto Lempira, and Bajo Aguán; and it visited various state-run institutions, including prisons and military bases.

The IACHR wishes to thank President Juan Orlando Hernández and his government for their openness to international scrutiny, which took the form of the invitation to carry out this visit and led to a frank, constructive dialogue at the highest levels of government. The IACHR is grateful for the information provided by the government and civil society organizations. It would also like to acknowledge the efforts made by victims of human rights violations and their families to present testimonies, petitions, and messages. Likewise, the IACHR values the support provided by the Organization of American States' Honduras office, the office of the Office of the United Nations High Commissioner for Human Rights, and the United Nations Development Programme.

The IACHR has been following the human rights situation in Honduras closely. It has observed structural issues around justice, security, inequality, and discrimination, which have been affecting the human rights of the country's inhabitants for decades. The grave human rights violations that followed the 2009 coup d'état have seriously affected the Honduran people, and this episode continues to have repercussions today.

The IACHR acknowledges the Honduran government's creation of the State Secretariat at the Office of Human Rights. This began to function in January 2018 and seeks to promote and implement the Public Policy and National Action Plan on Human Rights.

For there to be full enjoyment of human rights in the country, it is essential that Honduras make progress on the process of democratic institution-building, guarantee a true separation of powers, and strengthen the rule of law.

Given the impunity and violence that Honduras has historically faced, the state must step up its efforts to guarantee the population's rights so that Hondurans can rebuild their trust in state institutions.

Serious challenges continue to face democratic institutions and the rule of law. Widespread structural impunity and corruption have eroded trust in public institutions. The recent process to elect a new public prosecutor revealed the weakness of current standards and the need to better regulate these. Another matter of concern is the lack of balance between the public powers that would allow the rule of law to function optimally.

Inequality and a lack of development for some sectors of the population are rooted in a system that benefits an elite minority that has connections with the upper echelons of political and private power. The resulting structural inequality in the country has a
disproportionate effect on vulnerable groups.

With regard to the postelectoral conflict, the IACHR observed that the political climate remains polarized. Public perceptions around the lack of legitimacy of the elections gave rise to protests that were repressed through an indiscriminate and disproportionate use of force. The armed forces also took part in this repression, which contravenes intra-American standards. In any democratic system, it is essential that there be a clear and specific separation between domestic security, which is the role of the police force, and national defense, which is the role of the armed forces. As a result of the state response to the demonstrations, at least 22 people were murdered; hundreds of people were injured, including members of the security forces; and over a thousand people were arrested, many of whom reported having been mistreated during their detainment and subsequent deprivation of freedom. It was also reported that the security forces carried out illegal raids on houses. Given the irreversible nature of the consequences that the use of force can lead to, the IACHR considers that it should only be used a last resort to prevent a more serious incident than the one caused by the state's reaction itself. In this sense, the use of force should be exceptional and should comply with the principles of legality, absolute necessity, and proportionality.

The IACHR was informed by the state that in order to determine the truth behind the killings that took place, it had created an investigative panel, which is made up of the Special Prosecutor’s Department, the Office of the Special Prosecutor for Crimes against Life, the Fiscal Unit Assigned to the Military Police for Public Order, and the Police Investigations Department. Despite this, the IACHR has not received further information on the progress or development of the investigations in question. Likewise, families are not being informed about these. The IACHR urges the state to make headway on these investigations by carrying out the necessary due diligence in order to identify those responsible for these crimes, prosecute them, and sanction them as appropriate. Over eight months after the events took place, victims and their family members continue to report on the lack of access to information regarding these investigations and concrete outcomes in which justice is served.

At present, attempts are being made to start a political dialogue in order to move beyond the political crisis that was sparked by reports of electoral fraud and the violence that took place during the subsequent protests. The IACHR believes that this crisis demands a democratic, inclusive, and participatory solution. In this sense, it is urging all relevant political sectors to take part in this dialogue, which it sees as a major step toward national reconciliation.

The IACHR will monitor investigations into the deaths that took place in this context and the reports of mistreatment during the arrest and detainment of people by the military and national police forces. The IACHR notes that to date, no charges have been pressed against any member of the security forces over their alleged involvement in the killings and injuries that took place in this context.

During its visit, the IACHR received multiple testimonies regarding the excessive and abusive use of force to disperse public demonstrations in other contexts. This is evidence of the government perceiving protests as a risk to state security and governance. Based on these perceptions, the state is prioritizing repression over violence. Student protests, political demonstrations, land claims, and protests against development projects are suppressed using force and those taking part in them are subject to stigmatization, arrest, and criminal proceedings. This contravenes the fundamental principles of international human rights law.

The Preliminary Observations from the visit include evaluations on the current state of affairs for citizen security. There has been a reduction in the homicide rate, although this remains nonetheless high. There has also been an increase in the use of military forces in multiple areas and roles relating to public security. The IACHR has received alarming information regarding the involvement of military agents in killings, executions, kidnapping, and the arbitrary detention and forced displacement of civilians. It has also compiled information on the lack of control mechanisms for illegal firearms and the proliferation of private security firms.

Likewise, the IACHR has analyzed the current state of affairs around the administration of justice and found that the structural problems that were identified in 2014 persist, weakening the guarantees of independence and impartiality and contributing to the structural impunity in the country today. The IACHR noted the profound lack of public trust in the legal system, which was also acknowledged by some government officials. Restoring this is of paramount importance. Likewise, the IACHR wishes to draw attention to the importance of the work of the Department of Forensic Medicine of Honduras. It is essential that this body be able to go about its duties unimpeded, as it provides the Public Prosecutor’s Office with information that is crucial to being able to carry out an effective investigation.

Since the Judiciary Council was declared unconstitutional, judges have been subject to disciplinary control by the Judicial Professional Council, which is not an autonomous body that is independent of the Supreme Court. Furthermore, judges and public prosecutors with “national jurisdiction” continue to operate—these have been assigned by the National Defense and Security Council (CNDS). The IACHR wishes to stress how important it is that the regulations underlying this regime be reviewed, given that authorities from the executive and judicial branches of government take part in the Judicial Professional Council, which calls into question its independence and impartiality when it comes to investigating and sanctioning the cases in question.

The IACHR observed that the right to freedom of expression in Honduras was fraught with complexity. The persistence of high levels of violence against journalists and the impunity around most of these crimes continues to be a serious issue. On top of this structural factor, the legislative branch of government appears to have decided to maintain the crimes of slander, libel, and other legal concepts that affect freedom of expression during the recent comprehensive reform of the country’s Criminal Code and the presentation of a bill to regulate social media. During the postelectoral crisis there were incidents of serious aggression on the part of government and nongovernment players toward journalists and members of the media. This included threats, stigmatization, and social media attacks on journalists from both sides of the political and social chasm that has divided the country. Another facet was the pressure put on publishers, editors, and journalists to influence their coverage of the elections and the events that followed.

The Preliminary Observations also analyze the persistence of high levels of inequality and social exclusion that are affecting large swathes of the population. Specifically, there continue to be serious difficulties and challenges around access to basic goods, employment opportunities, natural assets such as land, and means of survival.

With specific regard to the enjoyment of the right to food, the IACHR is concerned over reports of limited access to sources of food
production that benefit transnational agribusiness firms and legislative threats to restrict the use, storage, and exchange of traditional seeds by indigenous and peasant communities.

With regard to the right to health, the IACHR is particularly concerned over the difficulties facing the most disadvantaged sectors of the population in accessing medicines and essential treatments. With regard to the right to sexual and reproductive health, the IACHR condemns the fact that the state still criminalizes abortion outright and prohibits the distribution of emergency oral contraception. In Miskito territory, it was found that there were insufficient medical staff and supplies at health centers. This was particularly evident at Puerto Lempira Hospital, which covers the entire population of Gracias a Dios Department and which is suffering from serious shortages of supplies, electricity, and medical specialists. The IACHR observed that the Panamá and Garífuna communities were experiencing similar shortages.

With regard to the right to education, in addition to the unmet demand for bilingual, intercultural education, there are constant complaints about the lack of basic infrastructure and teaching staff, as well as labor and trade union rights.

The Preliminary Observations document contains a detailed analysis of the specific situation of groups that are of particular concern: women; girls, boys, and adolescents; lesbian, gay, bisexual, trans, and intersex people; human rights defenders; people in state custody, including those deprived of freedom and in the custody of the juvenile justice system; indigenous peoples and people of African descent; internally displaced people; and migrants, people in need of international protection, and returnees. This document presents a summary of the observations concerning each of these groups.

**Women**

The IACHR reiterates its concern around the serious violence being perpetrated against women in Honduras, the different ways in which this is expressed, and the high levels of impunity around this. In 90% of cases, femicides continue to go unpunished, thus facilitating particularly vulnerable situations, such as lesbian, gay, bisexual, trans, and intersex (LGBTI) women and human rights defenders.

The IACHR wishes to stress once more that these acts of violence are not isolated, but are instead symptomatic of a pattern of structural discrimination against women. The machismo and gender stereotypes that are deep-rooted in Honduran society increase the risks that women are exposed to and prevent them from fully exercising their right to live a life free of violence. Likewise, the IACHR has observed with concern the violence perpetrated against women in particularly vulnerable situations, such as lesbian, gay, bisexual, trans, and intersex (LGBTI) women and human rights defenders.

The IACHR wishes to express its concern over the interconnected nature of the threats women face based on factors such as sexual orientation and gender identity, disability, ethnicity, or race. The IACHR calls particular attention to violations of the rights of women of African descent and Garífuna women. Being a migrant or human rights defender may increase a woman's risk of being killed or victimized.

With regard to the sexual and reproductive rights of women, girls, and adolescents, the blanket criminalization of abortion continues, even when the pregnancy puts the woman's life in danger. Honduras is one of only five countries in the world not to contemplate abortion on any ground at all. This is compounded by the Supreme Court of Justice's ruling prohibiting emergency contraception pills. The promotion, use, sale, distribution, and purchase of such medication carries the same penalties as abortion itself, even when used to treat or assist rape victims. With regard to access to sexual education services, the IACHR has been informed of the lack of comprehensive plans to promote prevention and provide education and access to information on sexual and reproductive health, including family planning methods.

**Girls, Boys, and Adolescents**

One area of particular concern is the impact that the current socio-economic situation is having on the rights, well-being, and development opportunities of girls, boys, adolescents, and young people. Child poverty rates in Honduras are worse than anywhere else in Latin America. The country is home to less than 4 million children but 435,000 of these boys and girls currently work. Over a million boys, girls, and adolescents between the ages of 3 and 17 do not regularly attend school or are not enrolled in the education system at all. These figures are even more overwhelming among children from indigenous communities or those of African descent, and those with disabilities. Particular attention needs to be paid to including returnee migrant children and those displaced by violence in the education system.

The IACHR wishes to repeat its concern over the Guardians of the Homeland Plan, which introduces the armed forces and the police into the educational sphere in order to control the presence of gangs and maras and the sale and consumption of drugs in schools. This promotes a military culture that is at odds with the notion of a peaceful society and also stigmatizes and endangers boys and girls from certain social sectors.

Furthermore, the climate of insecurity and violence that reigned in the country is particularly detrimental to boys, girls, and teenagers. Children who live in neighborhoods where maras and gangs are particularly well established are among those whose rights are most affected. The IACHR warns that girls, boys, and adolescents are exposed to pressure, threats, violence, and deception by gangs, who use and abuse them for their own ends. They are also stigmatized, discriminated against, and mistreated by security agents, who see them as potential delinquents. With regard to girls and boys who live on the streets, the IACHR is concerned over their extreme vulnerability to so-called social cleansing operations. This violence is the reason that many girls, boys, and adolescents and their families opt for migration or internal displacement.

Furthermore, the IACHR wishes to express its concern over the high number of teenage pregnancies and the levels of sexual violence experienced by girls and teenagers. Honduras has the second-highest teenage pregnancy rate in Latin America: 24% among 15- to 19-year-olds, on average. It is alarming that a very high percentage of these pregnancies—around 50%—are the consequence of rapes. The sexual abuse of children is cause for deep concern and demands urgent priority action on the part of the state to include a strategy to modify social gender stereotypes, empower and educate girls and adolescents around their rights, and provide access to services such as free 24-hour telephone helplines. During its visit, the IACHR was informed of the progress that the state of Honduras made in 2017 when it modified its legislation to prohibit boys, girls, and teenagers from marrying before the age of 18. To prevent teenage pregnancies, the IACHR urges the state to include sexual and reproductive education in the school curriculum.
The IACHR acknowledges different measures that the state has taken in connection with juvenile justice such as the 2013 reform seeking to make juvenile justice more focused and bring it in line with international standards. Another such measure is the establishment of the National Institute for the Care of Juvenile Offenders (INAMI), which is responsible for overseeing operations at detention centers for adolescents who have been processed by the criminal justice system. However, the IACHR warns that children and adolescents who are deprived of their freedom experience substandard incarceration conditions, excessive use of pretrial detention, and a limited supply of social rehabilitation programs. It also draws attention to the need for more legal authorities who specialize in this age group.

According to the information that the IACHR has at its disposal, juvenile detention centers generally have substandard, unsanitary facilities and no socio-educational programs to help young offenders to reintegrate effectively into society. They are largely unsafe and authorities find them hard to run properly due to the power gangs wield within them. On top of the poor conditions that mark prison facilities in general, the IACHR observed during its visit to the Renaciendo Juvenile Detention Center that schooling is only provided up to sixth grade. In addition, despite the agriculture-related activities that were to begin in the following weeks, the IACHR found that no educational or recreational activities were being offered at this center to guarantee effective social reintegration for adolescents deprived of their freedom. Consequently, the IACHR observes that detention conditions there contravene international juvenile justice standards, as they do not provide treatment that shows respect for human dignity nor are they clearly aimed at the effective, constructive reintegration of detainees into society.

Lesbian, Gay, Bisexual, Trans, and Intersex (LGBTI) People

The IACHR welcomes the human rights education plan initiative, which prioritizes the teaching of gender issues and sexual diversity in schools. Human rights education plays a transformational role, bringing about cultural change to eliminate structural prejudices, long-standing discrimination, stereotypes, and misconceptions about LGBTI people.

However, the IACHR has observed that in Honduras, LGBTI people face acts of violence and widespread discrimination that continue with impunity. According to information provided by civil society organizations, in the last five years, there have been 177 killings of LGBTI people, 21 of which have taken place this year and two during the IACHR’s visit. Investigations into 65 of these killings have been started, but none of them have led to convictions. Violence against LGBTI people is widespread in Honduras and constitutes a clear human rights violation. These cases go unpunished, which generates the impression that violence and discrimination are acceptable.

The IACHR also became aware of a ruling from the Public Prosecutor’s Office in the context of a marriage-related initiative that is unconstitutional according to the principles of equality and nondiscrimination, which mentioned the possibility of granting LGBTI people “unequal” treatment. The IACHR believes that this statement may constitute an act of institutional discrimination in and of itself. The right to equality and nondiscrimination is a fundamental principle that obliges the state of Honduras to provide the same levels of protection to all people under its jurisdiction and to adopt measures to eliminate and combat discriminatory practices.

Human Rights Defenders

Significant progress has been made in relation to the institutional framework for human rights defenders. This includes the passing of the Law on the Protection of Human Rights Defenders, Journalists, Social Communicators, and Legal Workers, which establishes the National Institute for the Care of Juvenile Offenders (INAMI), which is responsible for overseeing operations at detention centers for adolescents who have been processed by the criminal justice system. However, the IACHR warns that children and adolescents who are deprived of their freedom experience substandard incarceration conditions, excessive use of pretrial detention, and a limited supply of social rehabilitation programs. It also draws attention to the need for more legal authorities who specialize in this age group.

Despite this progress, the IACHR observes that the state of affairs for human rights defenders continues to be one of extreme risk due to the constant violence, criminalization, and slander they are exposed to. Although the IACHR notes that the numbers of human rights defenders that are killed in the country have decreased significantly, the overall number of acts of aggression in recent years is worrying.

The IACHR wishes to stress that the state of Honduras has a duty to fight impunity around attacks against human rights defenders, which implies carrying out serious, independent, transparent investigations to identify those responsible for planning and perpetrating these crimes, bringing them to trial, and guaranteeing appropriate compensation. The IACHR notes that the new Special Public Prosecutor’s Office for the Protection of Human Rights Defenders will play a major role in this area. Consequently, the IACHR calls on the state of Honduras to provide funding for this unit as soon as possible and to make headway on drafting specialized protocols for investigating crimes against human rights defenders that will support the work of this new office.

Similarly, the IACHR wishes to express its concern over the practice of criminalizing human rights defenders. At meetings with representatives from civil society and human rights defenders in Bajo Aguán, San Pedro Sula, Tegucigalpa, and Tela, the IACHR received numerous testimonies concerning the use of criminal offenses such as usurpation, libel and slander, attacks, and threats in order to file civil lawsuits against them as a way of interfering with the defense of human rights. For example, during its visit to the Panamá peasant community in Bajo Aguán, in Colón Department, the IACHR observed with great concern how, in a context of extreme violence due to the agricultural conflict in the region, human rights defenders are subject to lengthy legal proceedings, alternative measures, and arrest warrants. The IACHR received testimonies from peasant leaders accused of seizing land, even when they had not been involved in land recovery processes or did not even live in the region at the time. It was observed in these cases that these processes are widely used as a form of judicial harassment seeking to forcibly evict farmers and silence local resistance.

The IACHR observes that involving human rights defenders in lengthy criminal proceedings, in which alternative measures may also be applied, has a multiplying effect on these intimidation tactics which extend to those who are defending similar causes. The IACHR wishes to reiterate that the state of Honduras must prevent authorities or others from manipulating the punitive power of the state and its judicial bodies to harass human rights defenders. In this sense, the state must take all necessary measures to prevent human rights defenders from being subjected to unfair or unfounded trials as a consequence of legal investigations.

People Deprived of Freedom

The IACHR values the measures that have been taken by the state of Honduras to guarantee the rights of people deprived of freedom.
The most notable of these have been the budget increase of 2017, new measures to identify people eligible for prerelease privileges, and the use of electronic surveillance as an alternative to pretrial detention.

Despite this, the IACHR wishes to call attention to the notable increase in overcrowding rates in recent years. The IACHR observes that pretrial detention is one of the most serious problems facing people deprived of freedom in the state of Honduras, as it applies to more than half of the prison population. The IACHR observes that these figures reflect that pretrial detention is not being used as the exceptional measure as which it is intended and that it is used disproportionately among women. The significant increase in the number of prosecutions is mainly due to the reform of the Criminal Procedure Code in 2013, which eliminated the use of alternative measures for 21 offenses. The obligatory use of pretrial detention based on the type of crime runs counter to the American Convention and constitutes an interference on the part of the legislature in the discretionary powers vested in the judiciary. The use of pretrial detention should be based on the right to the presumption of innocence and should be applied in accordance with the principles of exceptionality, legality, necessity, and proportionality.

In recent years, the state has built three "mega-prisons" based on a maximum-security model. These seek to crack down on criminal activity originating from within detention centers. In this regard, the IACHR notes that by establishing this type of prison and applying maximum-security regimes, the state is privileging the security model over a model based on guaranteeing the human rights of people deprived of their freedom and their families.

Despite the fact that the legislation in force prohibits the presence of military forces within the penitentiary system, and despite the state's claim that it is transforming this into a civil institution, it is still marked by noticeable involvement on the part of the armed forces. Military training is not appropriate for controlling and running detention centers, as this can lead to particular human rights violations, such as the excessive use of force during guard duties and overly strict regimes for controlling the prison population.

Furthermore, the IACHR is especially concerned over the poor conditions of detention it observed at the Honduran prisons that it visited. These have alarming levels of overcrowding, substandard infrastructure, no separation between the accused and convicts, unsanitary conditions, a lack of proper reintegration programs, poor medical care, inadequate nutrition, and insufficient access to clean water.

Indigenous Peoples, People of African Descent, and Garífuna Communities

The IACHR acknowledges that the state of Honduras recognizes the ancestral lands of indigenous peoples and people of African descent. Honduras also informed the Commission that the National Agrarian Institute has begun work on the Mapping of Indigenous Land Deeds project to identify the lands and territories that are claimed by indigenous communities, and that it is drafting a bill to restore land to them. However, the IACHR received reports on the lack of demarcations, land titling, and redistribution or return of lands to indigenous peoples and people of African descent. It has also received worrying reports that public institutions and legal authorities have been issuing private title deeds to third parties within the disputed area.

The IACHR expresses its concern over the hurdles that indigenous people face to being able to enjoy their lands, territories, and natural resources. This issue was confirmed during the visit to the Garífuna community in San Juan, where the Commission was informed that many community members have been forced to move due to pressure on their territories by third parties. The IACHR stresses that indigenous peoples have a right to communal ownership of the land that they have traditionally used and occupied. States have the obligation to prevent the invasion or colonization of indigenous lands by third parties.

The IACHR also received reports on different mining exploration activities and tourism-related or hydro-electrical projects within the territories of indigenous peoples and people of African descent without prior, free, and informed consultation. The state reported that a bill on prior consultation as a safeguard for the rights of indigenous peoples and people of African descent is currently being considered by Congress.

However, the IACHR has also noted information on the lack of involvement of some civil society organizations, indigenous peoples, and people of African descent in drafting the bill in question.

With regard to the status of the Miskito people in La Moskitía, Gracias a Dios Department, the IACHR values the fact that the state has issued title deeds for more than 95% of community lands. The state also reported on the implementation of the Alliance for the Development of La Moskitía, which seeks to improve the population's access to education, healthcare, and nutrition. However, the IACHR shares the concern of the Miskito people around the occupation of their lands by third parties. The IACHR urges the state to consult on and pass a land restitution law, in accordance with Convention 169 and inter-American standards on the issue.

In its visit to La Moskitía, the IACHR observed a pattern of poverty, unemployment, and a lack of healthcare and energy services, clean water, and sanitation. Likewise, the IACHR received multiple testimonies regarding shortfalls in the implementation of a culturally appropriate bilingual education program. It also documented the multiple health problems that continue to affect Miskito divers who engage in underwater fishing activities.

The IACHR wishes to point out that states have the obligation to adopt measures to guarantee true equality and combat the historical discrimination suffered by vulnerable groups. Furthermore, it wishes to underline states' obligation to minimize occupational accidents and diseases in both public and private firms.

Internally Displaced People

The IACHR wishes to stress that, according to the information provided by the state, progress is being made on updating and expanding the "Study on the Status of Internal Displacement in Honduras," to improve the evidence available on the scale and impact of internal displacement in the country. The state needs to move forward promptly and without delay in order to better implement existing measures and adopt additional institutional and financial approaches so as to be able to effectively guarantee the human rights of internally displaced persons. To achieve this, it needs to provide sufficient budgetary resources for the Interinstitutional Commission for the Protection of People Displaced by Violence.
During the IACHR’s visit, it gathered testimonies from people who claimed they had been forced to relocate within the country as a consequence of different forms of violence, including gang- and mara-related violence; gender and intra-family violence; balance based on sexual orientation and diverse gender identity; violence by government forces following the elections; extractive industries setting up operations; and natural disasters.

The IACHR reminds states that they have the obligation to respect and guarantee the right to freedom of movement and residence to all people under their jurisdiction, which includes the prohibition of arbitrary displacement. This right may be violated when a person falls victim to threats or harassment and the state does not provide the necessary guarantees for them to move freely and reside in the territory in question. Likewise, the lack of effective investigation into violent incidents and widespread impunity may undermine victims’ trust in the legal system and contribute to generating conditions of insecurity. Such impunity may lead to or perpetuate forced displacement or even exile. Internal displacement is a multiple and continuous human rights violation, one that endures until people can return to their places of origin safely, voluntarily, and with dignity, or until they are voluntarily resettled in another part of the country. The IACHR wishes to point out that states are obliged to prevent displacement, protect and assist the displaced, provide and facilitate humanitarian aid, and facilitate the safe return, resettlement, and reintegration of those who have been internally displaced.

**Migrants, People Needing International Protection, and Returnees**

In Honduras, despite the need for protection that many Hondurans who emigrate abroad have, the IACHR notes that the number of people being deported is on the rise due to the tightening of immigration policies in Mexico and the United States.

The state of Honduras has also informed the IACHR of numerous migration-related measures it has implemented, such as the creation of a Migrant Assistance Task Force, the purpose of which is to coordinate responses from Honduran government institutions to guarantee respect for the human rights of migrants, provide appropriate assistance and protection abroad, and design a strategy to provide assistance and foster reintegration for Hondurans who return to the country. The state also stressed the significance of its having created the Undersecretariat of Consular and Migratory Affairs to guarantee greater emphasis on protection and assistance for migrants and returnees. The IACHR was also informed of the Honduran Migrant Solidarity Fund (FOSMIH), which was created by the Law for the Protection of Honduran Migrants and Their Families.

With regard to assisting migrants who are deported back to the country, the state indicated that three Returning Migrant Assistance Centers (CAMRs) have been established and refurbished. At the CAMRs, the state provides meals, immediate medical attention, psychological care (which is compulsory for children and families), accommodation for 48 hours for those who cannot return to their places of origin, and transportation. A socio-economic case file is started on each Honduran returnee to follow up on them as they reintegrate into their communities of origin. During its visit, the IACHR visited the Assistance Center for Migrant Children and Families in Belén, San Pedro Sula, where it found evidence of a substantial improvement in the conditions and services provided to returnee girls, boys, and families in comparison with what it had found during its visit in 2014.

With regard to migrants who have gone missing en route and investigations into crimes against them and violations of their rights, the IACHR was informed by civil society organizations of the challenges that the families of missing migrants still face when attempting to find and identify their loved ones. In this regard, the state reported that from 2012 to the most recent visit, a total of 440 Hondurans have been reported as missing and DNA samples have been taken from 974 of these individuals’ family members. It also explained that a Committee on Missing Migrants has been established, which is made up of government institutions, civil society organizations, and the Argentine Forensic Anthropology Team (EAAF).

Finally, with regard to the reintegration of returnee migrants, the state claimed that since 2017 it has been implementing the Municipal Centers for the Assistance of Returnees (UMAR) in 16 of the municipalities from which the greatest number of migrants leave. The IACHR was also informed that since 2017 the state has been working on an interinstitutional committee to design and draft a migration policy for Honduras that includes return and reintegration into the country.

With regard to returnee migrants, the IACHR believes the state should guarantee reintegration programs for migrants who are returned to Honduras. To guarantee effective, human rights–centered reintegration, the state must, among other measures, ensure the provision of economic, sociocultural, and psychosocial support for returning migrants and for their communities of origin before, during, and after they return.

**Recommendations**

Based on its preliminary observations from the visit, the IACHR is putting forward the following preliminary recommendations to the state of Honduras:

1. Work diligently and impartially to advance investigations to identify and sanction those responsible for the acts of violence, deaths, and mistreatment that took place around the protests that followed the most recent elections.

2. Guarantee due process and ensure that all people detained in the aftermath of the recent elections have broad access to legal counsel, in accordance with inter-American human rights standards.

3. Strengthen the capacities of the police force to make headway on the plan for gradually replacing the armed forces in public security tasks, in accordance with inter-American human rights standards.

4. Develop a plan around access to justice to guarantee that victims, their families, and human rights defenders have broad access to investigations and legal proceedings into human rights violations in order to strengthen an independent, impartial justice system.

5. Review national legislation to eliminate criminal or legal offenses that may restrict or prevent journalists from going about their work and people from exercising their right to freedom of expression.
6. Strengthen the Office of the Special Prosecutor for Crimes against Life by providing it with protocols, sufficient staff, and a high enough budget to combat the impunity of crimes against human rights defenders and journalists, with a focus on diversity and a gender perspective.

7. Adopt legislation and public policies that focus on building fiscal policies seeking to eradicate extreme poverty and reduce social inequality.

8. Develop a national plan to address private companies and human rights.


10. Make it a priority to investigate, prosecute, and sanction human rights violations from a gender perspective, with a particular focus on femicides against trans women.

11. Adopt plans, policies, and legislation to guarantee and overcome all obstacles to the full exercise of the sexual and reproductive rights of girls, adolescents, and women.

12. Ensure that the National Policy on Children responds to children’s need for protection and is based on a realistic, participatory assessment that includes all rights, identifies particularly vulnerable groups, and includes indicators that allow the success and effectiveness of the policy to be monitored.

13. Review and build a national strategy for the prevention of violence against children that addresses the structural causes that make them more vulnerable to criminal groups. To achieve this, the state must prioritize the prevention and eradication of sexual violence and ensure that a broad range of boys, girls, and adolescents and civil society organizations participate in this process.

14. Refrain from including regulations that are discriminatory or have discriminatory effects against LGBTI people into the legal system.

15. Take urgent measures to prevent the legal harassment of human rights defenders, such as implementing protocols and providing training for legal workers to prevent human rights defenders from being subjected to unfair or unfounded prosecutions as a consequence of legal investigations.

16. Ensure the immediate, appropriate, and effective implementation of all precautionary measures authorized by the IACHR. The state must guarantee that the measures taken are appropriate and effective. Likewise, the IACHR urges the state to investigate further into the sources of risk that underlie these precautionary measures so as to mitigate them.

17. Strengthen the Mechanism of Protection such that it can handle the increased demand for protective measures and ensure that these are implemented effectively.

18. Adopt the necessary judicial, legislative, administrative, and other measures needed to bring the use of pretrial detention in the country in line with international standards. The state must promote, regulate, and apply alternative measures to pretrial detention and must repeal the provisions ordering the mandatory application of pretrial detention in connection with a particular type of crime, particularly article 184 of the Code of Criminal Procedure.

19. Guarantee regular visits to prisoners. In particular, the state needs to reform article 10 of the National Penitentiary System visiting regulations to ensure that these only seek to comply with those requirements that are essential to guaranteeing security inside prisons and do not entail excessive expense for people living in poverty or with limited resources.

20. Take the necessary measures to mark out, provide title deeds for, and return lands and territories claimed by indigenous peoples, as appropriate.

21. Begin culturally appropriate proceedings to implement the right to free, prior, and informed consultation and consent, incorporating the provisions of Convention 169 and international standards on the matter.

22. Implement public policies to address the needs of the people living in La Moskitia, particularly to address socio-economic marginalization through effective measures to combat poverty and improve education, employment, and healthcare.

23. Develop and implement public policies and a specific law that aim to prevent internal displacement and guarantee protection, humanitarian aid, and lasting solutions for internally displaced people, in accordance with the Guiding Principles on Internal Displacement and the international human rights obligations that the state of Honduras is party to.

24. Adopt a public policy that aims to guarantee an effective, human rights–centered reintegration process for returnee migrants, especially those in vulnerable situations and/or with a particular need for protection, such as children, victims of human trafficking, people with disabilities, LGBTI people, and people with medical needs.

25. Implement a special monitoring mechanism with the IACHR to follow up on the implementation of the recommendations made as part of its recent visit to Honduras and the report on this.

A principal, autonomous body of the Organization of American States (OAS), the IACHR derives its mandate from the OAS Charter and the American Convention on Human Rights. The Inter-American Commission has a mandate to promote respect for and to defend human rights in the region and acts as a consultative body to the OAS in this area. The Commission is composed of seven independent members who are elected in an individual capacity by the OAS General Assembly and who do not represent their countries of origin or residence.
TAB 4
EXECUTIVE SUMMARY

Honduras is a constitutional, multiparty republic. The country held national and local elections in November. Voters elected Juan Orlando Hernandez of the National Party as president for a four-year term to begin in January 2018. International observers generally recognized the elections to be free, but disputed the fairness and transparency of the results.

Civilian authorities at times did not maintain effective control over the security forces.

The most significant human rights issues included alleged arbitrary and unlawful killings; a complaint of torture; harsh and life-threatening prison conditions; arbitrary arrest or detention; unlawful interference with privacy; killings of and threats to media members by criminal elements and criminalization of libel; widespread government corruption, including in the judiciary; threats and violence against indigenous and Afro-descendent communities; and societal violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

The government took steps to prosecute and punish officials who committed abuses. Impunity existed in many cases, however, as evidenced by lengthy judicial processes, few convictions of perpetrators, and failures to prosecute intellectual authors of crimes. Perpetrators in emblematic cases dating back many years, such as the 2009 killing of the antidrug czar Julian Aristides Gonzalez, continued to enjoy impunity.

Organized criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of murder, extortion, kidnapping, torture, human trafficking, intimidation, and other threats and violence directed against human rights defenders, judicial authorities, lawyers, the business community, journalists, bloggers, and women and other members of vulnerable populations.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings
There were several reports that the government or its agents committed arbitrary or unlawful killings. In general the killings took place during law enforcement operations or were linked to other criminal activity by government agents. Civilian authorities investigated and arrested members of the security forces accused of human rights abuses. Impunity, however, remained a serious problem, with delays in some prosecutions and sources alleging corruption in judicial proceedings. The Violence Observatory of the Autonomous University of Honduras (UNAH) reported 11 deaths involving security forces during the first six months of the year. These included nine deaths involving the Honduran National Police (HNP) and two involving the Military Police for Public Order (PMOP). Following the November 26 elections, protests, looting, and clashes between protesters and security forces occurred through the end of the year. Nongovernmental organizations (NGOs) claimed security forces used excessive force to break up protests and killed between 16 and 22 individuals. Additional deaths were reported not at the hands of security forces but possibly related to postelectoral violence. An improvised explosive device killed at least one police officer during the violence. Authorities publicly stated they would investigate alleged human rights abuses and hold accountable members of the security forces who committed such abuses. They were also investigating individuals not part of the security forces for acts of violence and other criminal activity.

On February 20, authorities arrested Lelis Wilfredo Aguilar Fernandez, an HNP officer assigned to the Police Intelligence Unit, for the February 20 killing of Josue Matias Deras. Witnesses claimed that Aguilar shot Matias in the back at close range during a search operation and then planted a weapon at the crime scene in an attempt to claim the killing occurred in self-defense. On February 24, a judge ordered Aguilar held in custody pending trial.

The government continued to investigate the March 2016 killing of environmental and indigenous activist Berta Caceres. On January 12, a seventh suspect was arrested in Mexico in a joint operation between Honduran and Mexican officials and returned to Honduras. On February 8, Honduran authorities arrested an eighth suspect. On June 13, a judge found sufficient evidence against the first four suspects, arrested in May 2016, to retain them in custody and continue to criminal trial. This included a suspect who was an active-duty military officer at the time of the killing. On November 20, authorities arrested one current and one former Honduran National Police officer for tampering with evidence in the case.

On February 28, a court convicted military intelligence officers Elmer Eliazar Mejia Aguilar and Jose Luis Melgar Deras, members of the Office of the Director
General for Military Intelligence (C-2), of the 2014 premediated killings of siblings Ramon Eduardo Diaz Rodriguez and Zenia Maritza Diaz Rodriguez. A judge ordered two other suspects on trial released.

On February 13, prosecutors and investigators from the Public Ministry and its Technical Criminal Investigation Agency arrested Wilmer Samuel Alvarez Pagoada as a suspect in the 2013 killing of chief money-laundering prosecutor Orlan Arturo Chavez. Authorities also issued an arrest warrant for former police commissioner Mario Guillermo Mejia Vargas on suspicion of organizing the killing. In 2013 two men on motorcycles fatally shot Chavez. Alvarez, a lawyer and computer expert, and Luis Alejandro Castro Nunez, formerly chief of security monitoring for the Supreme Court and a member of the military, were the suspected shooters. Castro was already in prison on other charges. The Police Purge Commission removed Mejia from the police in 2016. He surrendered to foreign authorities in 2016 for drug trafficking and was on trial in a foreign country. A judge ordered Castro and Alvarez detained in a maximum-security prison pending trial.

On September 8, a court sentenced Marvin Noe Andino Mascareno to 17 years’ imprisonment for the attempted murder of Hilda Emperatriz Caldera, widow of murdered antidrug official Alfredo Landaverde. Andino was sentenced in January 2016 to 22 years in prison for Landaverde’s murder. Caldera was wounded in that attack, which occurred in 2011, but attempted murder charges against Andino were dismissed by the trial court. The Public Ministry appealed the dismissal, which the Supreme Court overturned, and the attempted murder case was returned to the lower court.

There continued to be reports of violence related to land conflicts and criminal activity in the Bajo Aguan region, but the overall level of violence in the area was far below its 2012 peak. Beginning on August 27, several agricultural worker groups occupied at least seven African palm plantations in the Bajo Aguan region. During the occupations one worker was reportedly shot and injured by a plantation security guard. Following the eviction on August 28 of a worker group from a plantation owned by the Dinant Corporation, two Dinant security guards were found dead. An agricultural worker was found killed on September 20. Two security guards were detained for possible involvement in the killing but were released following forensic tests. Authorities carried out several peaceful evictions of agricultural workers in August and September. As of September 25, authorities continued to investigate the new killings. Denis Ramon Mejia Castillo was arrested in September for the killings of Manuel Milla Ruiz and Allan Reynery.
Perez in 2016. No members of the security forces were reported to have been responsible for deaths related to the land conflict.

Organized criminal elements, including drug traffickers and local and transnational gangs such as MS-13 and the 18th Street gang, committed killings, extortion, kidnappings, human trafficking, and intimidation of police, prosecutors, journalists, women, and human rights defenders. Major urban centers and drug trafficking routes experienced disproportionate rates of violence. The UNAH Violence Observatory reported that as of September, 84 individuals working in the transportation sector had been killed during the year, often for failing to make extortion payments. This represented a 52 percent reduction from 2016.

According to the UNAH Violence Observatory, as of September there was a significant reduction in the overall annual homicide rate compared with 2016, dropping from approximately 60 per 100,000 to an estimated 46.5 per 100,000. Reports linked many of these homicides to organized crime and gangs.

As of November the Public Ministry’s Bajo Aguan Task Force (created in 2014 to investigate cold homicide cases related to land conflicts), had obtained five convictions and four new arrest warrants, made five arrests, and referred six new cases for prosecution. The task force performed 20 exhumations. Since its inception, the task force obtained 44 arrest warrants, made 23 arrests for homicides related to the land conflict, and secured 11 homicide convictions.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

The government continued to make significant advances in combatting kidnappings by criminals. On September 23, authorities rescued journalist and opposition Liberal Party political candidate Victor Manuel Pineda, whose family reported him kidnapped on September 4. The HNP reported 22 kidnappings in 2016, a 45-percent decrease from 2015 and 76-percent decrease from 2013. The HNP reported that in 2016 it rescued 18 victims of the 22 kidnapped. Three more were freed through negotiations, and one was killed while a hostage. The HNP estimated that it prevented more than 56 million lempiras ($2.37 million) in ransom payments to kidnappers in 2016.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
Although the constitution and law prohibit such practices, government officials received complaints and investigated alleged abuse by members of the security forces on the streets and in detention centers. As of September the NGO Center for the Prevention, Treatment, and Rehabilitation of Victims of Torture and their Families (CPTRT) reported one complaint against security forces for torture.

**Prison and Detention Center Conditions**

Prison conditions were harsh and sometimes life threatening due to pervasive gang-related violence and the government’s failure to control criminal activity within the prisons. Prisoners suffered from overcrowding, insufficient access to food and water, violence, and abuse by prison officials.

Physical Conditions: Prisoners suffered from severe overcrowding, malnutrition, lack of adequate sanitation and medical care, and, in some prisons, lack of adequate ventilation and lighting. The Ministry of Human Rights, Justice, Governance, and Decentralization reported that, as of August 21, the total prison population was 18,950 in 27 prisons, a 10-percent increase over August 2016. According to the ministry, the system had designed capacity for approximately 10,600 inmates. This included two prisons that were opened in late 2016 with capacity for 1,600 inmates. In October and November, the government closed the San Pedro Sula prison and the Santa Barbara prison, two of the most overcrowded facilities and both located in city centers, and transferred the inmates to other facilities. Family members and NGOs complained that transfer to prisons farther away increased cost of visits and made it more difficult for prisoners to maintain family relationships. Local authorities were concerned about additional overcrowding and limited rehabilitation resources.

The National Prison Institute (INP) reported that as of August 28, 23 male inmates had died in prison, 16 from natural causes, and seven from violence. The INP reported no deaths involving prison officials. In contrast, the quasi-governmental National Committee for the Prevention of Torture, Cruel, Inhuman, or Degrading Treatment (CONAPREV) reported that 19 prisoners died in altercations between inmates, three committed suicide, and four died from illness. In August and September, authorities discovered clandestine graveyards in the Tamara prison in areas controlled by MS-13 gang members following the transfer of gang leaders to a new high-security prison. Forensic authorities reported that some of the bodies had been buried more than four years.
As of August the Ministry of Human Rights, Justice, Governance, and Decentralization reported that the country’s four pretrial detention centers held 49 individuals. Three of these centers were on military installations, and the other was located at the HNP’s Special Operations Command (known as COBRAS). The government used pretrial detention centers to hold high-profile suspects and those in need of additional security. The military provided some support services to the three detention centers located on military bases, but neither administered them nor provided guards for the facilities. Instead, the INP oversaw them, as it did other prisons.

Due to overcrowding and lack of adequate training for prison staff, prisoners were subjected to serious abuse. Prisons lacked trained personnel to safeguard the psychological and physical well-being of inmates, and some prisons lacked sufficient security personnel.

There was pervasive gang-related violence, and the government failed to control criminal activity within the prisons. Many prisoners had access to weapons and other contraband, inmates attacked other inmates with impunity, escapes were frequent, and inmates and their associates outside prison threatened prison officials and their families. These conditions contributed to an unstable, dangerous environment in the penitentiary system. Media reported multiple prison riots and violent confrontations between gang members in prisons throughout the year.

The government took steps to control violence by transferring the highest-security detainees—primarily gang members and violent convicts—to two newer maximum-security prisons. High-security detainees complained that authorities confined them to their cells for long periods and restricted their access to family members and legal representation.

The government held approximately one-half of its estimated 355 female prisoners at a facility for mothers with young children and pregnant women. Others were housed in separate areas of men’s prisons. In the San Pedro Sula prison, for instance, approximately 70 women resided in their own wing of the prison but shared communal space with upwards of 2,900 men. Children up to age three could stay with their mothers in prison.

Authorities did not segregate those with tuberculosis or other infectious diseases from the general prison population; there was only limited support for persons with mental illnesses or disabilities. On September 21, officials reported that 201 prisoners were being treated for tuberculosis, including three inmates with drug-
resistant tuberculosis under treatment at the national cardio-pulmonology institute. The officials also stated that tuberculosis-positive inmates received a monthly stipend to pay for special food. CONAPREV reported that every prison had a functioning health clinic with at least one medical professional, except for the National Penitentiary in Francisco Morazan Department. Basic medical supplies and medicines, particularly antibiotics, were in short supply throughout the prison system. In most prisons only inmates who purchased bottled water or had water filters in their cells had access to potable water.

As of August the NGO Casa Alianza reported there were 574 minors (506 boys and 68 girls) in five juvenile detention centers, segregated by gender. This represented a 16-percent increase from 2016. NGOs expressed their concern that 45 minors, all of whom were gang members, were housed in the HNP COBRAS pretrial detention center. Casa Alianza reported 259 youths benefited from alternative sentencing outside the juvenile detention system (see section 6, Institutionalized Children). On June 1, one youth died due to injuries from a fire following a riot on May 23. On July 3, a 23-year-old prisoner was killed by fellow inmates after passing himself off as a minor. Civil society reported difficulty accessing some youth detention centers due to confrontations between inmates and authorities.

**Administration:** Prisoners could submit complaints to judicial authorities without censorship and could submit requests for the investigation of inhuman conditions to the director of the prison in which they were incarcerated. Directors could then transfer the complaints to the INP director. Prisoners also could file complaints with the INP’s Human Rights Protection Unit, the Public Ministry’s Office of the Special Prosecutor for Human Rights, and the Ministry of Human Rights, Justice, Governance, and Decentralization. The National Human Rights Commission (CONADEH) also accepted complaints and conducted investigations. The results of investigations by NGOs and government officials were available to the public. As of August the INP reported receiving no formal complaints for mistreatment of detainees. The Public Ministry reported receiving 22 complaints of excessive force, two for mistreatment, and four for torture by prison officials. The ministry conducted 36 investigations in 2016 and 16 as of September. CONAPREV reported there were three complaints of torture and mistreatment in detention centers as of September. NGOs reported that some prisoners were reluctant to file official complaints because they did not trust the authorities and there was no effective system for witness protection (see also section 1.c.).
Independent Monitoring: The government generally permitted prison visits by independent local and international human rights observers, including the International Committee of the Red Cross. CONAPREV made more than a dozen visits to juvenile detention facilities as of the end of August. The judicial system was legally responsible for monitoring prison conditions and guaranteeing the rights of prisoners.

Improvements: In January the congress passed legal reforms to the INP in an effort to professionalize the prison guard system. On September 27, the congress passed a law to allow some nonviolent pretrial detainees to use electronic monitoring systems to reduce the overcrowding of prisons. The government reported refurbishing six existing penal facilities, including maintenance and improvements to kitchens, libraries, workshops, and administrative facilities.

During the year the government improved health services for prisoners. As of August the government had 18 general practitioners, seven specialists, 49 nurses, and a budget of 54 million lempiras ($2.29 million) to provide health services in prisons. In addition CONAPREV reported an increase in technical personnel, including public defenders, psychologists, and social workers, available to assist prisoners.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his/her arrest or detention in court. Human rights NGOs reported that authorities at times failed to enforce these requirements effectively and used a policy of arbitrary detentions or arrests to inhibit protest. CONADEH reported 12 cases of arbitrary arrest as of September. The Committee of Relatives of the Disappeared in Honduras reported 23 illegal or arbitrary arrests: five by the PMOP, 13 by the HNP, and five by municipal police.

Role of the Police and Security Apparatus

The HNP maintains internal security and reports to the Secretariat of Security. The Technical Agency for Criminal Investigations at the Public Ministry (Attorney General’s Office) has legal authority to investigate 21 types of crimes and make arrests. The armed forces, which report to the Secretariat of Defense, are responsible for external security but also exercise some domestic security responsibilities. Some larger cities have independent police forces that supplement the HNP and report to municipal authorities. The PMOP reports to military
authorities but conducts operations sanctioned by civilian security officials as well as by military leaders. As of August the PMOP had approximately 4,000 personnel organized into eight of 10 planned battalions and was present in all 18 departments. The National Interinstitutional Security Force (FUSINA) coordinates the overlapping responsibilities of the HNP, PMOP, National Intelligence Directorate, Public Ministry, and national court system. FUSINA reports to the National Security and Defense Council. The president chairs the council, which includes representatives of the Supreme Court, National Congress, Public Ministry, and Secretariats of Security and Defense.

Civilian authorities at times did not maintain effective control over the security forces. The government took steps to investigate and punish abuses, but corruption and inefficiency resulted in impunity in many cases. The armed forces surrendered members accused of human rights violations to civilian authorities. The armed forces sometimes dishonorably discharged such individuals, even before a criminal trial. The Public Ministry, primarily through the Office of the Special Prosecutor for Crimes against Life, is responsible for investigating cases in which a government agent is allegedly responsible for killing a civilian. Prosecutors try such cases in civilian courts. Prosecutors and judges attached to FUSINA prosecute and hear cases related to FUSINA operations. A unit within the Office of the Special Prosecutor for Crimes against Life manages some cases of homicides committed by members of the security forces and government officials. The human rights office of the joint staff of the armed forces investigated allegations of human rights abuses by members of the armed forces.

The human rights office of the joint staff of the armed forces reported that in 2016 more than 7,000 members of the armed forces, including army, navy, air force, PMOP, and others, received training on human rights and use of force. More than 3,000 received gender training. The armed forces and various NGOs provided the training. As of August the Vice Ministry of Human Rights and Justice had trained more than 3,500 members of the armed forces on human rights.

Corruption and impunity remained serious problems within the security forces. Some members of the HNP committed crimes, including crimes linked to local and international criminal organizations. As of August the CPTRT reported 55 cases of corruption linked to members of the security forces, including 33 prison officials.
As of November 30, the Police Purge Commission reported that, since its creation in April 2016, it had reviewed the conduct of approximately 14,000 HNP officers and removed 4,445.

Arrest Procedures and Treatment of Detainees

The law provides that police may make arrests only with a warrant, unless they make the arrest during the commission of a crime, there is strong suspicion that a person has committed a crime and might otherwise evade criminal prosecution, they catch a person in possession of evidence related to a crime, or a prosecutor has ordered the arrest. The law requires police to inform persons of the grounds for their arrest and bring detainees before a competent judicial authority within 24 hours. It stipulates that a prosecutor then has 24 additional hours to decide if there is probable cause for indictment, whereupon a judge has 24 more hours to decide whether to issue a temporary detention order. Such an order may be effective for up to six days, after which the judge must hold a pretrial hearing to examine whether there is probable cause to continue pretrial detention. The law allows persons charged with some felonies to avail themselves of bail and gives prisoners a right of prompt access to family members. The law allows the release of other suspects pending formal charges, on the condition that they periodically report to authorities. The government generally respected these provisions. Persons suspected of any of 22 specific felonies must remain in custody, pending the conclusion of judicial proceedings against them. Some judges, however, ruled that such suspects may be released on the condition that they continue to report periodically to authorities. The law grants prisoners the right to prompt access to a lawyer of their choice and, if indigent, to government-provided counsel, although authorities did not always abide by these requirements.

Arbitrary Arrest: The Public Ministry reported 35 cases of illegal detention or arbitrary arrest as of October.

Pretrial Detention: Judicial inefficiency, corruption, and insufficient resources delayed proceedings in the criminal justice system, and lengthy pretrial detention was a serious problem. According to the UNAH’s Violence Observatory, as of July, 55 percent of the prison population had not been convicted. For crimes with minimum sentences if convicted of six years’ imprisonment, the law authorizes pretrial detention of up to two years. The prosecution may request an additional six-month extension, but many detainees remained in pretrial detention much longer, including for more time than the maximum period of incarceration for their alleged crime. Pretrial detainees were often held with convicted prisoners. The
law does not authorize pretrial detention for crimes with a maximum sentence of five years or less. The law mandates that authorities release detainees whose cases have not yet come to trial and whose time in pretrial detention already exceeds the maximum prison sentence for their alleged crime. Even so, many prisoners remained in custody after completing their full sentences, and sometimes even after an acquittal, because officials failed to process their releases expeditiously.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the justice system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to intimidation, corruption, politicization, and patronage. Low salaries and a lack of internal controls rendered judicial officials susceptible to bribery. Powerful special interests, including organized criminal groups, exercised influence on the outcomes of some court proceedings. The Supreme Court approved a National Plan to Eradicate Judicial Delay, aimed at reducing wait times for court cases. As part of that plan, the court established three new mobile justices of the peace in July and inaugurated new courts: one in July, two in August, and two in October.

On June 30, Teodoro Bonilla, former vice president of the Judicial Council, was found guilty of influence peddling for using his position in the judiciary to obtain dismissal of charges against two relatives facing criminal prosecution for engaging in organized criminal activities. On September 11, Bonilla was sentenced to serve six years in prison and to pay a fine of 200,000 lempiras ($8,470), the first ever conviction for influence peddling by a government official. The Public Ministry had requested the maximum sentence of nine years’ imprisonment and a fine of 300,000 lempiras ($12,700).

Trial Procedures

The law provides for the right to a fair and public trial; however, the judiciary did not always enforce this right.

The law presumes an accused person is innocent. The accused has the right to an initial hearing before a judge, to ask for bail, consult with legal counsel in a timely manner, have a lawyer provided by the state if necessary, and request an appeal. Defendants can receive free assistance of an interpreter, and the Supreme Court created a new public registry of interpreters in November to ensure that defendants had access to free interpretation. The law permits defendants to confront witnesses
against them and offer witnesses and evidence in their defense. Authorities generally respected these rights.

Credible observers noted problems in trial procedures such as a lack of admissible evidence, judicial corruption, widespread public distrust of the legal system, witness intimidation, and an ineffective witness protection program.

**Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

**Civil Judicial Procedures and Remedies**

The law establishes an independent and impartial judiciary in civil matters, including access to a court to seek damages for human rights violations. Litigants may sue a criminal defendant for damages if authorized by a criminal court. Individuals and organizations may appeal adverse domestic decisions to the Inter-American Human Rights system.

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

Although the constitution and law generally prohibit such actions, a legal exception allows government authorities to enter a private residence to prevent a crime or in case of other emergency. There were credible complaints that police occasionally failed to obtain the required authorization before entering private homes. As of June the judicial system reported three convictions in 10 alleged cases of illegal entry by government officials. The CPTRT reported five cases of illegal entry into homes by members of the security forces as of August. There were also complaints that security forces entered private homes without the required authorization during a 10-day state of emergency and curfew imposed in December.

Ethnic minority rights leaders and farmworker organizations continued to claim that the government failed to redress actions taken by the security forces, government agencies, and private individuals and businesses to dislodge farmers and indigenous peoples from lands over which they claimed ownership based on land reform laws or ancestral land titles (see section 6, Indigenous People).

**Section 2. Respect for Civil Liberties, Including:**
a. Freedom of Expression, Including for the Press

The constitution and laws provide for freedom of expression, including for the press, with some restrictions, and the government generally respected this right. A small number of powerful business magnates with intersecting commercial, political, and family ties owned most of the major news media.

Freedom of Expression: The penal code includes a provision to punish persons who directly, or through public media, incite discrimination, hate, contempt, repression, or violence against a person, group, or organization for reasons of gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or national origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance, or any other characteristic that would offend the victim’s human dignity.

Media associations and NGOs expressed concerns about revisions to the penal code in January that criminalize certain speech, including on social media, regarding terrorism.

Violence and Harassment: There were continued reports of harassment and threats against journalists and social communicators (including social and political commentators, talk-show hosts, and bloggers). Reports linked most of these instances of harassment and threats to organized criminal elements and gangs.

Government officials at all levels publicly denounced violence and threats of violence against members of the media and social communicators. UNAH’s Violence Observatory reported two killings of journalists and social communicators during the first six months of the year. For example, on January 17, journalist Igor Abisai Padilla Chavez was shot and killed. There were also many reports of intimidation and threats against members of the media and their families, including from members of the security forces and from organized crime. It was usually unclear whether violence and threats against journalists were linked to their work or were products of generalized violence.

Human rights defenders, including indigenous and environmental rights activists, political activists, labor activists, and representatives of civil society working to combat corruption, reported threats and acts of violence. Civil society organizations, including students, agricultural workers groups, and indigenous rights groups, criticized the government and its officials for allegedly criminalizing
and stigmatizing social protest (see section 2.b.). Several senior state officials made public comments that local and international civil society organizations interpreted as threatening towards their members. This included the minister of environment, who in January suggested police should arrest members of international NGOs reporting on corrupt activities, and the chief justice of the Supreme Court at the midterm review of the Universal Periodic Review in Geneva, who stated domestic and international civil society acted in their own interests and presented false information that indirectly incited violence. Members of the Police Purge Commission, National Anti-Corruption Council, and Organization of American States’ Mission against Corruption and Impunity in Honduras (MACCIH) reported receiving threats. Among others, Olivia and Berta Zuniga, the daughters of killed activist Berta Caceres, reported being targets of multiple threatening incidents. The AFL-CIO’s International Solidarity Center reported threats against several labor leaders, including public sector union leaders (also see section 7.a.). On April 13, melon-sector union leader Moises Sanchez Gomez reported being attacked by several individuals who warned him to cease his union activities. His brother Hermes Misael Sanchez Gomez was injured by a machete in the attack.

The Ministry of Human Rights, Justice, Governance, and Decentralization continued to strengthen implementation of the 2015 Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators. A key part of this law was the creation of a national mechanism for the protection of human rights defenders and others protected by law. Some NGOs continued to express concern about weak implementation of the law and limited resources available for the protection of human rights defenders. Civil society organizations continued to criticize the government’s failure to investigate threats against activists and journalists adequately.

The government allocated a budget of 10 million lempiras ($424,000) in 2016, and 15.2 million lempiras ($644,000) in 2017---10 million lempiras ($424,000) from the National Budget for the operation of the mechanism, and an additional 5 million lempiras ($212,000) for protective measures from the Security Tax for the protection mechanism. By June 30, it had 27 permanent and contract staff. As of June 30, the mechanism had received 81 new requests for protection, of which 62 met the requirements of the law and were accepted. This increased the total requests for protection since the law’s approval in 2015 to 168. Of these, it had accepted 118, and from these, 14 cases were closed because the beneficiaries had left the country or had rejected the protection measures. The remaining 104 cases included 73 human rights defenders, 19 journalists, three social communicators,
and nine justice-sector workers. Of these requests, 17 were from persons who were already beneficiaries of protection measures mandated by the Inter-American Commission on Human Rights (IACHR) that the Human Rights Office of the Ministry of Security continued to implement. As of June 30, the Ministry of Security had transferred eight cases to the protection mechanism of 66 outstanding IACHR orders for protection in the country.

The HNP’s Violent Crimes Task Force (VCTF) investigated crimes against high-profile and particularly vulnerable victims, including judges, journalists, human rights activists, and members of the LGBTI community. As of October 2, the VCTF had remitted 25 cases to the Public Ministry, carried out 34 raids with judicial orders, executed 12 warrants for capture, detained 26 persons involved in crimes, and obtained six judicial sentences.

Censorship or Content Restrictions: Members of media and NGOs said the press self-censored due to fear of retaliation from organized crime or corrupt government officials.

Libel/Slander Laws: Citizens, including public officials, can initiate criminal proceedings for libel and slander. On September 7, indigenous Garifuna community activist Miriam Miranda issued an alert that police were attempting to arrest her following charges of slander brought by international businessmen over land disputes between the businessmen and Garifuna communities.

A health ministry official charged a union activist with slander after the activist filed charges with the Public Ministry that the official had paid to have him killed following his public statements about corrupt activities in a regional hospital. The Public Ministry conducted an investigation and brought charges against the official, but a judge found insufficient evidence to continue to trial. The official subsequently brought charges of slander against the union leader. A judge dismissed a request by the union leader to dismiss the charges and ordered the case to proceed to trial.

National Security: Reporters without Borders and other civil society organizations continued to express concerns about potential abuse of the law for the Classification of Public Documents Related to Defense and National Security. Beginning in the third quarter of 2015, the government made available to the public some information about activities that the security tax and other trust funds support, and it incorporated trust fund numbers into the current budget. In June
MACCIH issued a report detailing the necessity of changing the law to effectively combat corruption.

**Nongovernmental Impact:** Some journalists and other members of civil society reported threats from members of organized crime. It was unclear how many of these threats were related to the victims’ professions or activism. Several anonymous social media sites, possibly linked to political parties, criticized activists, civil society organizations, and journalists who were critical of the government or opposition party policies.

**Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, but there were credible reports that the government monitored private online communications. According to the International Telecommunication Union, in 2016 approximately 30 percent of the population used the internet.

**Academic Freedom and Cultural Events**

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

**b. Freedoms of Peaceful Assembly and Association**

**Freedom of Peaceful Assembly**

The constitution and law provide for freedom of peaceful assembly, and the government generally respected this right. The law requires a judge to issue an eviction order for individuals occupying public and private property if security forces had not evicted the individuals within a specified period of the occupation. Some local and international civil society organizations, including students, agricultural workers groups, political parties, and indigenous rights groups, alleged that members of the security forces used excessive force to break up peaceful demonstrations. As results were delayed in the close presidential election, protests related to perceived fraud and manipulation of results broke out in late November and early December. Human rights organizations alleged that members of the security forces used excessive force in postelection violence and killed between 16 and 22 individuals. Some protesters were violent, attacking security forces and members of the media with weapons such as rocks and Molotov cocktails, killing at least one member of the security forces in December, damaging public and private property, and limiting access to public and private facilities. On several
occasions police used tear gas and water cannons to disperse violent protesters. Authorities temporarily detained protesters wielding rocks, machetes, and other dangerous items and would sometimes press charges.

On August 15, during a protest over a hydroelectric project in the community of Pajuiles, police used tear gas to disperse the protesters and arrested five individuals for instigating violence. Protesters claimed they became violent only after police arrested the peaceful protest leaders and allegedly assaulted a pregnant woman in the process.

Many civil society leaders and organizations condemned a decision by UNAH leaders authorizing police to evict protesters on September 8 from the Tegucigalpa UNAH campus. During the eviction civil society organizations criticized police for excessive use of force against a group of students and human rights activists. The students claimed university security personnel locked them in a campus building when police ordered everyone to leave the campus. Police attempted to detain the students after they escaped from the locked building, at which point they locked themselves in a vehicle with human rights defenders who claimed they had arrived to monitor the situation. A video surfaced showing police pepper-spraying the group as they left the vehicle. Several of the individuals required medical attention, and police reportedly failed to provide it. The police claimed they used appropriate force and only acted following aggressive actions by some of the students. The Police Purge Commission called for the police officers involved to be suspended and the launch of a formal investigation. On September 26, a judge upheld charges of trespassing against the students and charges of attacking state security for three human rights activists.

Law enforcement evictions of protesters, land rights activists, and others were generally conducted peacefully, although injuries were occasionally reported. As with the UNAH students, the government charged some individuals with trespassing after they occupied disputed land or public buildings and required them to present themselves to judicial authorities periodically while legal proceedings against them were pending. Civil society organizations claimed that by doing so, the government was criminalizing social protest and favoring powerful business and political elites that had acquired resources through corruption and other criminal activity.

**Freedom of Association**
The constitution and law provide for freedom of association, and the government generally respected this right. The penal code prohibits illicit association, defined as gatherings by persons bearing arms, explosive devices, or dangerous objects with the purpose of committing a crime, and prescribes prison terms of two to four years and a fine of 30,000 to 60,000 lempiras ($1,270 to $2,540) for anyone who convokes or directs an illicit meeting or demonstration. There were no reports of such cases during the year, although authorities charged some protesters with sedition. Public sector unions expressed concern over some officials refusing to honor existing bargaining agreements and firing union leaders. The law prohibits police from unionizing (see section 7.a.).

c. Freedom of Religion

See the Department of State’s International Religious Freedom Report at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Transiting migrants were vulnerable to abuse by criminal organizations.

In-country Movement: In practical terms there were areas where authorities could not assure freedom of movement because of criminal activity and a lack of significant government presence.

Internally Displaced Persons (IDPs)

In 2016 UNHCR estimated there were approximately 174,000 IDPs in the country. In 2016 CONADEH identified 87 new cases of forced displacement and 370 cases of individuals at risk of forced displacement. The CPTRT reported 166 new cases of forced displacement as of September. Internal displacement was generally caused by violence, national and transnational gang activity, human trafficking,
and migrant smuggling. Official data on forced internal displacement was limited in part because gangs controlled many of the neighborhoods that were sources of internal displacement (see section 6, Displaced Children).

The government maintained an interinstitutional commission to address the problem of persons displaced by violence, which focused on policy development to address IDPs. In 2016 the commission presented a draft law to the cabinet for the prevention of internal displacement and protection of internally displaced persons that would clarify the role and presence of the commission and the types of government assistance provided to IDPs. In 2016 CONADEH also created a Forced Internal Displacement Unit (UDFI), in cooperation with UNHCR. The UDFI responded to claims of forced displacement with a focus on humanitarian assistance to victims and documentation of incidents and trends. Observers criticized the government for focusing on IDPs from a security standpoint, and not protection, and noted the commission and government response were hampered by limited budgetary resources, which prevented the law’s passage or the development or implementation of a holistic government response to internal displacement. On September 12, the government authorized the creation of an independent Secretariat for Human Rights effective January 1, 2018. The secretariat is to have a directorate to address IDP rights. The government hosted the Comprehensive Refugee Response Framework conference in October and volunteered to be part of a UNHCR pilot program to respond to displacement.

Protection of Refugees

The government cooperated with UNHCR and other humanitarian organizations to provide protection and assistance to refugees and other persons of concern.

Access to Asylum: The law allows for the granting of asylum or refugee status. The government has established a system to provide protection to refugees, but at times there were significant delays in processing provisional permits for asylum applicants. As of April authorities had received 14 applications for asylum, of which they approved three and continued to process the remainder.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the right to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal and equal suffrage. The law does not permit active members of the military or the
civilian security forces to vote. The constitution prohibits practicing clergy from running for office or participating in political campaigns.

Elections and Political Participation

Recent Elections: In December, Juan Orlando Hernandez of the National Party was declared the winner in the November 26 elections. International observers generally agreed the elections were free but disputed the fairness and transparency of the results. The Organization of American States (OAS) and the European Union (EU) both fielded observer teams for the November 26 elections, and agreed that the margin of victory separating incumbent President Hernandez from challenger Salvador Nasralla was extremely close. The OAS mission found that this small margin, combined with numerous irregularities in vote processing, left it unable to say with certainty who won the presidential election. The EU electoral observation mission agreed that there were serious irregularities in the process, but concluded that the safeguards built into the system, including posting of voting results forms on a public website, helped ensure transparency. NGOs reported irregularities, including problems with voter rolls, the buying and selling of electoral workers’ credentials, and lack of transparency in campaign financing.

Political Parties and Political Participation: Civil society and opposition parties accused officials of using government resources to attract voters. A new law passed in January aims to help address this issue (see section 4, Financial Disclosure).

Participation of Women and Minorities: No laws limit the participation of women and/or members of minorities in the political process, and they did participate. Women, however, suffered political violence, which ranged from harassment for voting against party lines to receiving death threats for their political participation.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for corruption by officials, but authorities did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year. The government took steps to address corruption at high levels in government agencies, including arresting and charging members of congress, judges, prosecutors, current and former senior officials, mayors and other local authorities, and police officers. The quasi-governmental National Anticorruption Council had an investigative unit of 15 persons. The council receives government
funding, which obliges it to disclose the names of its investigators, making them vulnerable to reprisals. Council staff reported credible personal threats and attempts at intimidation. NGOs said that some individuals who reported public corruption also received threats.

The MACCIH began operations in the country in April 2016 with a mandate to prevent and combat corruption, reform the criminal justice system, reform aspects of the political and elections legal framework, and improve public security.

Corruption: Prosecutions of public-sector corruption predominantly targeted low-level officials and focused on charges of abuse of authority and misconduct in public office, which were easier to prove but carried lower penalties than illicit enrichment, fraud, and money laundering. There were reports that the government’s anticorruption institutions did not take sufficient steps to contain high-level corruption and were unwilling or lacked the professional capacity and resources to investigate, arrest, and prosecute those involved. On September 11, new anticorruption courts staffed with 11 judges and magistrates began operating in Tegucigalpa and San Pedro Sula. In May 2016 the Supreme Court ordered the creation of these special courts in order to investigate crimes including corruption, bribery, misuse of public office, misappropriation of public funds, and falsification of documents. Funded by the security tax, the courts were initially provided an approximately 6.5 million lempira ($275,000) budget, and in January judges were selected by a commission that included representatives from the NGO Association for a Better Society and the MACCIH.

On June 19, a tribunal of judges returned guilty verdicts against five former public officials for using shell companies to divert more than 290 million lempiras ($12.3 million) from the Social Security Institute. The tribunal also found defendant Mario Zelaya Rojas, the former director of the institute, guilty on charges of abuse of authority and fraud, and defendants Jose Ramon Bertetty and Vivian Melissa Juarez Fiallos guilty of violation of duties of public officials and fraud. This was the fourth conviction obtained by the Public Ministry against Zelaya and brought total convictions obtained in the case to 15. One of the convictions against Zelaya resulted in a sentence of 15 years’ imprisonment, the longest on corruption charges for a former public official in the history of the country.

On July 13, the MACCIH announced the start of an investigation into the private energy company Desarrollos Energeticos, SA (DESA), partially owned by the Atala family. Civil society long maintained that DESA, parent company of the controversial Agua Zarca hydroelectric plant, had ties to the killing of
environmental activist Berta Caceres and that government corruption contributed to the climate of impunity surrounding her death. One DESA employee and one former DESA employee were among eight suspects being prosecuted for her killing.

Financial Disclosure: Public officials are subject to financial disclosure laws but did not always comply. The law mandates that the Supreme Auditing Tribunal monitor and verify disclosures. The tribunal published its reports on its website and published the names of public officials who did not comply with disclosure laws. In January the congress passed a Campaign Finance Law that created a Financing, Transparency, and Accountability Unit to improve political campaign fiscal transparency. On May 30, the congress elected and swore in three magistrates to oversee the unit, which falls under the purview of the Supreme Electoral Tribunal. The new law and unit require political candidates and parties to open bank accounts and report all expenditures in an effort to increase transparency for elected government officials.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 were somewhat cooperative and responsive to their views. Human rights organizations criticized government officials for lack of access and responsiveness. Some human rights organizations claimed that government officials made statements about activists and organizations that constituted threats or harassment (see sections 2.a. and 2.b.).

The United Nations or Other International Bodies: Some civil society organizations criticized the government for failing to comply with, or inadequately complying with, rulings by the Inter-American Human Rights Court and protection measures ordered by the court and the IACHR.

rights abuses by government officials. The congress had a Human Rights Committee. The Ministries of Security and Defense both had human rights offices.

The government continued to implement 37 recommendations from a Truth and Reconciliation Commission created after the 2009 political crisis.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes all forms of rape of men or women, including spousal rape. The government considers rape a crime of public concern, and the state prosecutes rapists even if victims do not press charges. The penalties for rape range from three to nine years’ imprisonment, and the courts enforced these penalties.

The law provides penalties of up to four years in prison for domestic violence; however, if a victim’s physical injuries do not reach the severity required to categorize the violence as a criminal act, the only legal penalty for a first offense is a sentence of one to three months of community service. Female victims of domestic violence are entitled to certain protective measures. Abusers caught in the act may be detained for up to 24 hours as a preventive measure. The law provides a maximum sentence of three years in prison for disobeying a restraining order connected with the crime of intrafamilial violence.

In cooperation with the UN Development Program, the government operated consolidated reporting centers in Tegucigalpa and San Pedro Sula where women could report crimes, seek medical and psychological attention, and receive other services. These reporting centers were in addition to the 298 government-operated women’s offices--one in each municipality--that provided a wide array of services to women, focusing on education, personal finance, health, social and political participation, environmental stewardship, and prevention of gender-based violence.

Sexual Harassment: Both the penal and labor codes criminalize various forms of sexual harassment. Violators face penalties of one to three years in prison and possible suspension of their professional licenses, but the government did not effectively enforce the law.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates
on maternal mortality and contraceptive prevalence are available at: 

Discrimination: Although the law accords women and men the same legal rights and status, including property rights in divorce cases, many women did not fully enjoy such rights. Most women in the workforce engaged in lower-status and lower-paying informal occupations, such as domestic service, without the benefit of legal protections. By law women have equal access to educational opportunities.

Children

Birth Registration: Children derive citizenship by birth in the country, from the citizenship of their parents, or by naturalization. Although birth registration was widely available in 2015, UNICEF reported that, according to the National Population and Housing Census of 2013, an estimated 65,000 children did not have birth registration documents. The largest numbers of unregistered children were in indigenous and Afro-Honduran communities.

Education: Education is tuition-free, compulsory, and universal through the 12th grade, although high school students had to pay fees.

Child Abuse: Child abuse remained a serious problem. The law establishes prison sentences of up to three years for child abuse.

The Violence Observatory reported the homicides of 326 children as of August. As of July Casa Alianza reported there were no arrests in 80 percent of homicide cases of individuals age 23 and under. While there were some improvements in the overall security situation, there were reports that police committed acts of violence against poor youths.

For additional information, see Appendix C.

Early and Forced Marriage: On July 12, the congress amended the law to raise the minimum legal age of marriage for both boys and girls to 18 with parental consent. It was previously 16 for girls with parental consent. According to government statistics, 10 percent of women married before age 15 and 37 percent before age 18.
Sexual Exploitation of Children: The commercial sexual exploitation of children, especially in sex trafficking, continued to be a problem. The country was a destination for child sex tourism. The legal age of consent is 18. There is no statutory rape law, but the penalty for rape of a minor under age 12 is 15 to 20 years in prison, or nine to 13 years in prison if the victim is age 13 or older. Penalties for facilitating child sex trafficking are 10 to 15 years in prison, with fines ranging from one million to 2.5 million lempiras ($42,400 to $106,000). The law prohibits the use of children under 18 for exhibitions or performances of a sexual nature or in the production of pornography.

Displaced Children: Many children lived on the streets. Casa Alianza estimated 15,000 children were homeless and living on the streets, primarily in major cities. Casa Alianza assisted 596 street children as of August. One civil society organization reported that common causes of forced displacement for youth included death threats for failure to pay extortion, attempted recruitment by gangs, witnessing criminal activity by gangs or organized crime, domestic violence, attempted kidnappings, family members’ involvement in drug dealing, victimization by traffickers, discrimination based on sexual orientation, sexual harassment, and discrimination for having a chronic illness.

Institutionalized Children: Between January 2015 and September 2016, at least 10 juveniles were killed while in detention in government facilities, nine of them in the Renaciendo juvenile detention center. CONAPREV reported four incidents at Renaciendo as of August, including violence between members of the 18th Street gang and another gang, Los Chirizos, resulting in the deaths of two minors affiliated with Los Chirizos and injuries to 11 other detainees.


Anti-Semitism

The Jewish community, located primarily in San Pedro Sula, numbered several hundred. Leaders of the Jewish community reported frequent expressions of anti-Semitism in political discourse and events, ranging from swastikas spray painted on public buildings to hate speech in political speeches and on social media.
Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The Public Ministry is responsible for prosecuting violations. The law requires that persons with disabilities have access to buildings, but few buildings were accessible, and the national government did not effectively implement laws or programs to provide such access.

The government had a disabilities unit in the Ministry of Development and Social Inclusion.

Indigenous People

In the 2013 census, approximately 8.5 percent of the population identified themselves as members of indigenous communities, but other estimates were higher. Indigenous groups included the Miskito, Tawahkas, Pech, Tolupans, Lencas, Maya-Chortis, Nahual, Bay Islanders, and Garifunas. They had limited representation in the national government and consequently little direct input into decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

Indigenous communities continued to report threats and acts of violence against them and against community and environmental activists. Violence was often rooted in a broader context of conflict over land and natural resources, extensive corruption, lack of transparency and community consultation, other criminal activity, and limited state ability to protect the rights of vulnerable communities.

Communal ownership was the norm for most indigenous land, providing land-use rights for individual members of the community. Documents dating to the mid-19th century defined indigenous land titles poorly. Communities complained of lost, stolen, illegally sold, and otherwise contested historical titles. The government continued its efforts to recognize indigenous titles. Lack of clear land titles provoked land use conflicts with nonindigenous agricultural laborers, businesses, and government entities interested in developing lands that indigenous and other ethnic minority communities traditionally occupied or used.
Persons from indigenous and Afro-descendent communities continued to experience discrimination in employment, education, housing, and health services.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law states that sexual orientation and gender identity characteristics merit special protection from discrimination and includes these characteristics in a hate crimes amendment to the penal code. Nevertheless, social discrimination against LGBTI persons was widespread. As of October the special prosecutor for human rights was investigating nine formal complaints of discrimination by LGBTI individuals in previous years. Representatives of NGOs that focused on the right to sexual diversity alleged that the PMOP and other elements of the security forces harassed and abused LGBTI persons. As of August APUVIMEH, an NGO that works with LGBTI persons, reported eight violent deaths of LGBTI persons in the central areas of the country. The UNAH Violence Observatory reported five homicides as of August. NGOs also documented multiple instances of assaults and discrimination against LGBTI persons, leading to forced displacement of some individuals.

LGBTI rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices. LGBTI groups continued working with the VCTF, Ministry of Security, and Office of the Special Prosecutor for Human Rights to address concerns about intimidation, fear of reprisals, and police corruption. From September 2016 through July 2017, the VCTF made arrests in four cases.

Transgender women were particularly vulnerable to employment and education discrimination; many could find employment only as sex workers, substantially increasing their risk of violence. Transgender individuals noted their inability to get identity documents with their chosen gender.

**HIV and AIDS Social Stigma**

Access to employment, educational opportunities, and health services continued to be major challenges for persons with HIV/AIDS. The law provides persons with HIV the right to have access to, and remain in, employment and the education system. The law also defines administrative, civil, and criminal liability and
penalties for any violation of the law, which includes denial or delay in care for persons with HIV.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law grants workers the right to form and join unions of their choice, bargain collectively, and strike. It prohibits employer retribution against employees for engaging in trade union activities. The law places a number of restrictions on these rights, such as requiring that a recognized trade union represent at least 30 workers, prohibiting foreign nationals from holding union offices, and requiring that union officials work in the same substantive area of the business as the workers they represent. In 2016 the STSS administratively ruled that seasonal workers could not hold leadership positions in a union. Labor unions criticized this decision, saying it violated labor rights and international standards. The law prohibits members of the armed forces and police, as well as certain other public employees, from forming labor unions.

The law requires an employer to begin collective bargaining once workers establish a union, and it specifies that if more than one union exists at a company the employer must negotiate with the largest.

The law allows only local unions to call strikes, prohibits labor federations and confederations from calling strikes, and requires that a two-thirds majority of both union and nonunion employees at an enterprise approve a strike. The law prohibits workers from legally striking until after they have attempted and failed to come to agreement with their employer, and it requires workers and employers to participate in a mediation and conciliation process. Additionally, the law prohibits strikes in a wide range of economic activities that the government has designated as essential services or that it considers would affect the rights of individuals in the larger community to security, health, education, and economic and social well-being.

The law prohibits certain public service employees from striking. The law permits workers in public health care, social security, staple food production, and public utilities (municipal sanitation, water, electricity, and telecommunications) to strike as long as they continue to provide basic services. The law also requires that public-sector workers involved in the refining, transportation, and distribution of petroleum products submit their grievances to the STSS before striking. The
International Labor Organization (ILO) expressed concerns that restricting strikes in so many sectors was excessive. The law permits strikes by workers in export processing zones and free zones for companies that provide services to industrial parks, but it requires that strikes not impede the operations of other factories in such parks.

The STSS has the power to declare a work stoppage illegal, and employers may discipline employees consistent with their internal regulations, including firing strikers, if the STSS rules that a work stoppage is illegal. The ILO expressed concerns about the government’s authority to end disputes in several sectors, including oil production and transport, because such authority is vulnerable to abuse.

The government did not effectively enforce the law. A new law passed during the year substantially increases fines for labor law violations and updates the authorities of Ministry of Labor inspectors. Under the new law, the STSS can fine companies that violate the right to freedom of association. The law permits a fine of 300,000 lempiras ($12,700) per violation. If a company unlawfully dismisses founding union members or union leaders, the law stipulates that employers must also pay a fine equivalent to six months of the dismissed leaders’ salaries to the union itself. As of October 13, every fine imposed under the new law was under appeal, and no case had been resolved. The new law streamlines the process so that when the STSS imposes fines, inspectors no longer have to clear them through the Central Office of the Inspector General, a requirement that added a year or more to the time between an inspection and a fine. Both the STSS and the courts may order a company to reinstate workers, but the STSS lacked the means to ensure compliance. The reinstatement process in the courts was unduly long, lasting from six months to more than five years.

Workers had difficulty exercising the rights to form and join unions and to engage in collective bargaining, and the government failed to enforce applicable laws effectively. Public-sector trade unionists raised concerns about government interference in trade union activities, including its suspension or ignoring of collective agreements and its dismissals of union members and leaders.

Although there is no legal requirement that they do so, STSS inspectors generally accompanied workers when they notified their employer of their intent to form a union. In some cases STSS inspectors, rather than workers, directly notified employers of workers’ intent to organize. Workers reported that the presence and
participation of the STSS reduced the risk that employers would dismiss the union’s founders and later claim they were unaware of efforts to unionize.

Civil servants frequently engaged in illegal work stoppages without experiencing reprisals. Medical professionals and others continued to hold strikes throughout the year to protest arrears in salary and overtime.

Some employers either refused to engage in collective bargaining or made it very difficult to do so. Some companies also delayed appointing or failed to appoint representatives for required STSS-led mediation, a practice that prolonged the mediation process and impeded the right to strike. There were allegations that companies used collective pacts, which are collective contracts with nonunionized workers, to prevent unionization and collective bargaining because only one collective contract can exist in each workplace. Unions also raised concerns about the use of temporary contracts and part-time employment, suggesting that employers used these mechanisms to prevent unionization and avoid providing full benefits. A Supreme Court ruling requires that both unions and employers notify the STSS of new collective agreements before they go into effect. There were some complaints that employers delayed making such notifications.

Antiunion discrimination continued to be a serious problem. The three major union federations and several civil society groups noted that many companies paid the fines that government authorities imposed but continued to violate the law. Some failed to remedy violations despite multiple visits by STSS inspectors. Employers often threatened to close unionized factories and harassed or dismissed workers seeking to unionize. Local unions, the AFL-CIO’s International Solidarity Center, and other organizations reported that some employers dismissed union leaders in attempts to undermine union operations. Civil society organizations regularly raised concerns about practices by agricultural companies, particularly in the south. As of August the Solidarity Center reported that it was aware of 25 cases of individuals fired for union activism. In 2015 the STSS levied 650,000 lempiras ($27,500) in fines on 134 companies for labor rights violations. As part of a bilateral Monitoring and Action Plan signed by the minister of labor in 2015, in March the government increased fines for violations of labor laws through the new labor inspection law.

Employers often failed to comply with STSS orders requiring them to reinstate workers fired for engaging in union activities. The International Solidarity Center reported threats against several labor leaders, including public-sector labor union leaders. Civil society groups reported three labor activists or union leaders had
been violently attacked as of August. As of September NGOs documented eight cases of threats or violence against union leaders during the year, including leaders in the agricultural and public sectors.

There was credible evidence that some employers in the manufacturing industry continued to blacklist employees who sought to form unions. Labor activists highlighted one export factory, Petralex, that allegedly closed operations in response to unionization and reopened under a new name, blacklisting former union members. Some companies in other sectors, including the banana industry, established employer-controlled unions that prevented the formation of independent unions because of legal restrictions on the number of unions and collective bargaining agreements allowed per company.

Several companies in export processing zones had solidarity associations that functioned similarly to company unions for the purposes of setting wages and negotiating working conditions.

**b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced labor, but the government did not effectively implement or enforce these laws. Administrative penalties of up to 100,000 lempiras ($4,240) were insufficient to deter violations and were rarely enforced. Penalties for forced labor under antitrafficking laws range from 10 to 15 years’ imprisonment, but authorities often did not enforce them. The government investigated several cases of labor trafficking, including forced begging and domestic service.

Forced labor occurred in street vending, domestic service, the transport of drugs and other illicit goods, and other criminal activity. Victims were primarily impoverished men, women, and children in both rural and urban areas (also see section 7.c.). The 2015 prison labor law requiring prisoners to work at least five hours a day, six days a week, took effect in January 2016. Regulations for implementing the law were still under development as of September. The Ministry of Human Rights, Justice, Governance, and Decentralization said it was taking every precaution to protect prisoners’ rights and assure that the work provided opportunities for prisoners to develop skills they could use in legal economic activities after their release.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).
c. Prohibition of Child Labor and Minimum Age for Employment

The law regulates child labor, sets the minimum age for employment at 14, and regulates the hours and types of work that minors up to age 18 may perform. By law all minors between 14 and 18 must receive special permission from the STSS to work, and the STSS must perform a home study to verify that there is an economic need for the child to work and that the child will not work outside the country or in hazardous conditions, including in offshore fishing. The STSS approved 132 such authorizations between 2014 and August. The vast majority of children who worked did so without STSS permits. If the STSS grants permission, children between 14 and 16 may work a maximum of four hours a day, and those between 16 and 18 may work up to six hours a day. The law prohibits night work and overtime for minors under the age of 18, but the STSS can grant special permission for minors ages 16 to 18 to work in the evening if such employment does not adversely affect their education.

The law requires that individuals and companies that employ more than 20 school-age children at their facilities provide a location for a school.

The government did not devote adequate resources or sufficient inspectors to monitor compliance with child labor laws or to prevent or pursue violations. Fines for child labor are 100,000 lempiras ($4,240) for a first violation, and as high as 228,000 lempiras ($9,660) for repeat violations. These fines are higher than those for other violations of the labor code. The law also imposes prison sentences of three to five years for child labor violations that endanger the life or morality of a child. The STSS did not effectively enforce child labor laws, except in the apparel assembly sector, and there were frequent violations. The STSS issued 35 fines in 2015 for child labor violations. As of September the STSS had identified 14 small businesses that employed children and fined seven of them.

Estimates of the number of children under age 18 in the country’s workforce ranged from 370,000 to 510,000. Children often worked on melon, coffee, okra, and sugarcane plantations as well as in other agricultural production; rummaged at garbage dumps; worked in the forestry, hunting, and fishing sectors; worked as domestic servants; peddled goods such as fruit; begged; washed cars; hauled goods; and labored in limestone quarrying and lime production. Most child labor occurred in rural areas. Children often worked alongside family members in agriculture and other work, such as fishing, construction, transportation, and small businesses. Some of the worst forms of child labor occurred, including
commercial sexual exploitation of children, and NGOs reported that gangs often forced children to commit crimes, including murder (see section 6, Children).

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or national origin, language, nationality, religion, family affiliation, family or economic situation, disability, health, physical appearance, or any other characteristic that would offend the victim’s human dignity. Penalties include prison sentences of up to five years and monetary fines. The law prohibits employers from requiring pregnancy tests as a prerequisite for employment; violators are subject to a 5,000 lempira ($212) fine. The government did not effectively enforce these laws and regulations.

Many employers discriminated against women. According to a 2013 study by the National Institute for Women, employers paid women an average of 16 percent less than they paid men for comparable work. Female workers in some export-oriented industries and the agricultural sector continued to report being required to take pregnancy tests as a condition of employment. Persons with disabilities, indigenous and Afro-Honduran persons, LGBTI persons, and persons with HIV/AIDS also faced discrimination in employment and occupation (also see section 6, Children). As of August the STSS reported that it had received no formal complaints of work discrimination. The International Solidarity Center reported that the STSS had received 12 complaints of discrimination based on disability.

e. Acceptable Conditions of Work

There are 42 categories of monthly minimum wages, based on the industry and the size of a company’s workforce; the minimums range from 5,869 lempiras ($250) to 10,168 lempiras ($430). The law does not cover domestic workers.

The law applies equally to citizens and foreigners, regardless of gender, and prescribes a maximum eight-hour shift per day for most workers, a 44-hour workweek, and at least one 24-hour rest period for every six days of work. It also provides for paid national holidays and annual leave. The law requires overtime
pay, bans excessive compulsory overtime, limits overtime to four hours a day for a maximum workday of 12 hours, and prohibits the practice of requiring workers to complete work quotas before leaving their place of employment. The law does not protect domestic workers effectively.

In 2015 the government approved a new social security law. As part of the new law, employers must deposit at least 50 percent of the severance pay to which an employee is entitled into a bank account in the employee’s name. This provision, however, remained suspended as of September, pending the resolution of several court cases and further clarification of how the law will be implemented.

Occupational safety and health standards were current but not enforced. By law workers may remove themselves from situations that endanger their health or safety without jeopardizing continued employment. Under the new inspection law, the STSS has the authority temporarily to shut down workplaces where there is an imminent danger of fatalities.

The STSS is responsible for enforcing the national minimum wage, hours of work, and occupational health and safety laws, but it did so inconsistently and ineffectively. An inspection law (see 7.a., Freedom of Association and the Right to Collective Bargaining) was passed by the congress, and was in force, but at year’s end the implementing regulations had not been finalized. The new law permits fines of up to 25 percent of the economic damage suffered by workers, 1,000 lempiras ($42) for failing to pay the minimum wage or other economic violations, and 100,000 lempiras ($4,240) for violating occupational safety or health regulations and other labor code violations. As part of the Monitoring and Action Plan, the government nearly doubled the budget for inspectors, from 31.1 million lempiras ($1.32 million) to 59.5 million lempiras ($2.52 million). As of August inspectors had conducted 11,494 inspections, including 3,163 at work sites and 8,331 at STSS offices. As of December the STSS had 148 labor inspectors.

Because labor inspectors continued to be concentrated in Tegucigalpa and San Pedro Sula, full labor inspections and follow-up visits to confirm compliance were far less frequent in other parts of the country. Many inspectors asked workers to provide them with transportation so that they could conduct inspections, since the STSS did not have sufficient resources to pay for travel to worksites. Credible allegations of corruption among labor inspectors continued. Inspectors reportedly failed to respond to requests for inspections to address alleged violations of labor laws, conduct adequate investigations, impose or collect fines when they discovered violations, or otherwise abide by legal requirements.
Authorities did not effectively enforce worker safety standards, particularly in the construction, garment assembly, and agricultural sectors, as well as in the informal economy. The STSS conducted 31 reinspections of companies identified as labor rights violators under a Dominican Republic-Central America Free Trade Agreement complaint filed in 2012 by labor unions. Employers rarely paid the minimum wage in the agricultural sector and paid it inconsistently in other sectors. Employers frequently penalized agricultural workers for taking legally authorized days off.

There were reports of violations of overtime limits, with agricultural workers allegedly working seven days a week for many months. There were credible allegations of compulsory overtime at apparel assembly factories—particularly for women, who made up approximately 65 percent of the sector’s workforce—as well as in the private security sector and among domestic workers. Employers frequently denied workers mandatory benefits, including vacation pay and 13th- and 14th-month bonuses. As of August the STSS had recovered 26.9 million lempiras ($1.14 million) in unpaid severance from four companies and was working with an additional three companies to complete collection of outstanding severance payments from them. There were reports that both public- and private-sector employers failed to pay into the social security system.

Human rights organizations continued to report that workers in the private security and domestic sectors were typically obliged to work more than 60 hours a week, but were paid for only 44. Domestic workers often lacked contracts and received salaries below a living wage. Since many lived in on-site quarters, their work hours varied largely based on the will of individual employers. Private security guards also often worked for salaries below the minimum wage. Many guards worked every two days on 24-hour shifts, in violation of the law. Civil society organizations also reported that employers often forced workers in cleaning services and the fast food industry to work shifts of 12 hours or more, violating the legal limit. The STSS regularly received complaints of failure to pay agreed overtime, especially in the security and cleaning service sectors. As of August the STSS had received 85 formal complaints of failure to pay overtime and fined 57 companies for not doing so. The STSS estimated that more than 60 percent of workers were employed in the informal economy.

There continued to be reports of violations of occupational health and safety laws affecting the approximately 3,000 persons who made a living by diving for seafood such as lobster, conch, and sea cucumber, most from the Miskito indigenous
community and other ethnic minority groups in Gracias a Dios Department. These violations included lack of access to appropriate safety equipment. In 2014 the UN Committee on the Elimination of Racial Discrimination raised similar concerns, calling the working conditions “deplorable.” Civil society groups reported that most dive boats held more than twice the craft’s capacity for divers and that many boat captains sold their divers marijuana and crack cocaine to help them complete an average of 12 dives a day, to depths of more than 100 feet. In 2014 the government banned compressed air diving for sea cucumbers because of deaths in the dive fisheries. The STSS inspected 45 fishing boats at the opening of the season. As of September 20, the Honduran Miskito Association of Crippled Divers (AMHBLI) reported five deaths and 15 injuries. AMHBLI reported the deaths of 455 divers and the crippling of 1,750 others since 1988.
TAB 5
Honduras: Information Gathering Mission Report

Prepared by: The Research Directorate, Immigration & Refugee Board of Canada
This Report was prepared by the Research Directorate of the Immigration and Refugee Board (IRB) of Canada based on approved notes from meetings with oral sources, publicly available information, analysis and comment. All sources are cited. This Report is not, and does not purport to be, either exhaustive with regard to conditions in the country surveyed or conclusive as to the merit of any particular claim to refugee protection. For further information on current developments, please contact the Research Directorate.
Chapter III - Situation of Sexual Minorities

1. Situation

The mission learned that the situation of sexual minorities and LGBTI human rights defenders in Honduras is precarious. Sexual minorities in Honduras face widespread discrimination on a daily basis throughout the country. Asociación Colectivo Violeta indicated that it is ingrained in society as a whole to discriminate on the basis of sexual orientation and gender identity (SOGI). According to Asociación Para Una Vida Mejor de Personas Infectadas y Afectadas por el VIH/SIDA en Honduras (APUVMIEH), LGBT organizations and sexual minorities live in an "extreme situation" where their human rights are not respected and they remain invisible.

The mission learned that sexual minorities in Honduras are persecuted in both public and private domains. In the public domain, persecution occurs at the hands of state authorities, including the police and the military. According to Asociación LGTB Arcoíris, the principal agents of persecution are security forces, including the National Police, the Military Police of Public Order (Policía Militar Del Orden Público), municipal police (policía municipal), DPI, ATIC, Special Operations Command (Comando de Operaciones Especiales, COBRA), and the Armed Forces (Fuerzas Armadas). Security forces have subjected sexual minorities to robbery, extortion, physical abuse, kidnapping, and death. According to Asociación LGTB Arcoíris, security forces have also subjected sexual minorities to sexual abuse, including children as young as 12 years old. Asociación Trans Cozumel indicated that there is a case where military representatives targeted and attacked transwomen. The Directorate of Security, Prevention and Transportation of the Municipality of San Pedro Sula, stated,
however, that sexual minorities are not persecuted by the municipal police of San Pedro Sula.529

The mission also learned that gangs discriminate against sexual minorities and have used them for various gang-related activities. According to APUVIMEH, gangs, including M-18, MS-13, and criminal organizations, like the Cachiros, among others, express a high level of intolerance, homophobia, transphobia and lesbophobia towards sexual minorities.530 According to Asociación Kukulcán, transwomen and gay men are not only stigmatized by gangs, they are also forced to sell drugs and are used as drug mules.531 Asociación LGTB Arcoíris explained that it can be deadly if one declines to sell drugs.532 Asociación Kukulcán further explained that when transwomen and gay men seek to escape gang control, gangs threaten them, causing transwomen and gay men to move to another city or to leave the country.533 The Department for Children, Women and Family of the Municipality of San Pedro Sula stated that sexual minorities are not special targets for gangs and that sexual minorities are subject to the same type of violence as any other member of society.534

The mission learned that it is also common for sexual minorities to face discrimination and ill-treatment from family members.535 Asociación LGTB Arcoíris explained that LGBTI persons experience high levels of repression within their homes from family members, including parents, brothers and sisters, which affects their psychosocial and psychological state.536 The same source indicated that the stigma and discrimination against their sexual orientation causes LGBTI persons to leave their homes at an early age.537 In addition, suicidal thoughts among LGBTI adolescents are prevalent and suicide is regarded as an option to escape the shame placed upon them by family members.538

According to Asociación Colectivo Violeta, the persecution of LGBTI rights defenders is significant and systematic.539 LGBT organizations are also frequently robbed, including of their files.540 Asociación Colectivo Violeta stated that

530 Meeting with APUVIMEH. 6 Apr. 2017.
532 Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
535 Meeting with APUVIMEH. 6 Apr. 2017; Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
536 Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
537 Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
538 Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
539 Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.
540 Meeting with Asociación Trans Cozumel. 6 Apr. 2017; Meeting with Asociación Colectivo Violeta. 6 Apr. 2017; Meeting with APUVIMEH. 6 Apr. 2017.
Espionage of LGBTI rights defenders by state authorities, including wiretapping, is commonplace.\textsuperscript{541}

Sources indicated that sexual minorities are vulnerable and face obstacles when trying to access opportunities,\textsuperscript{542} including in the areas of employment and education.\textsuperscript{543} Sources indicated that transwomen have been forced to cut their hair,\textsuperscript{544} in order to access employment or education.\textsuperscript{545}

The mission learned that sexual minorities have been targeted and killed. APUVIMEH indicated that sexual minorities have been killed in a "very dehumanizing manner" and in "very savage" ways in their homes and in public spaces, including being stoned to death and mutilated.\textsuperscript{546} Asociación Trans Cozumel stated that the situation of transwomen in Honduras is "horrible"\textsuperscript{547} and that there have been cases of transwomen who have been attacked, threatened, stabbed, kidnapped, forcibly disappeared, and assassinated.\textsuperscript{548} While the mission participants were in Honduras, Sherlyn Montoya, a transwoman, was killed and found dead in Tegucigalpa on 4 April 2017.\textsuperscript{549} Sources indicate that Sherlyn Montoya was an LGBTI human rights defender and that she was a member of Asociación LGBT Arcoíris and of Grupo de Mujeres Transexuales - Muñecas de Arcoíris (Transsexual Women's Group - Rainbow Dolls),\textsuperscript{550} "which is part of Arcoíris and is dedicated to promoting dialogue and advocacy for issues concerning transgender women."\textsuperscript{551} Sources indicate that her body was found wrapped in sacks\textsuperscript{552} and that it showed signs of torture\textsuperscript{553} and strangulation.\textsuperscript{554}

\section*{2. Statistics}

A 2017 report published by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) indicates that, there is an "absence of comprehensive statistical information on the violence indexes that affect LGB people in the

\begin{footnotesize}
\begin{enumerate}
\item Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.
\item Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017; Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.
\item Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.
\item Meeting with Asociación Colectivo Violeta. 6 Apr. 2017; Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.
\item Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.
\item Meeting with APUVIMEH. 6 Apr. 2017.
\item Meeting with Asociación Trans Cozumel. 6 Apr. 2017.
\item Meeting with Asociación Trans Cozumel. 6 Apr. 2017.
\item Meeting with APUVIMEH. 6 Apr. 2017; Tiempo. 4 Apr. 2017; AWID. 4 Apr. 2017.
\item Frontline Defenders. N.d.c; ILGA. 7 Apr. 2017.
\item Frontline Defenders. N.d.c.
\item Washington Blade. 10 Apr. 2017.
\item OAS. May 16 2017. IACHR; Frontline Defenders. N.d.c.
\end{enumerate}
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Sources indicate that in 2015, 37 sexual minorities were killed in Honduras.556 According to ILGA, in 2016, the murders of "seven LGBT people and human rights advocates" were recorded in Honduras.557 A 2017 report by CATTRACHAS,558 a Tegucigalpa-based feminist lesbian organization dedicated to research, communication and advocacy to defend the human rights of sexual minorities in Honduras,559 indicates that in 2016, 22 sexual minorities were killed in Honduras.560 The same report indicates that between 1994 and 2017, 269 deaths of sexual minorities were registered in Honduras, of which 153 were gay men, 23 were lesbian women and 93 were transsexuals.561 In the vast majority of cases involving gay men, the bodies of the victims were found in their own homes.562

According to the same source, the highest number of cases involving sexual minorities were registered in the Francisco Morazán Department (115 cases), followed by the Cortés Department (114).563 By municipalities, the highest number of cases were registered in the Central District (110 cases), which includes Tegucigalpa and Comayagüela, followed by San Pedro Sula (80), Choloma (17), La Ceiba (8), Chamelecón (6), El Progreso (5), Roatán (5), La Lima (4), Tocoa (4), San Manuel (2), Quimistán (2), and Santa Cruz de Yojoa (2).564 CATTRACHAS indicated that between January and 22 September 2017, a total of 27 sexual minorities were killed in Honduras, including 7 lesbian women, 6 transsexual persons and 14 gay men.565

3. Legislation

ILGA's 2017 report indicates that consensual same-sex acts between adults have been legal since 1899.566 Asociación Trans Cozumel indicated that, according to research carried out with CATTRACHAS, SOGI is addressed in 15 laws, rules and protocols in Honduras.567 Sources indicated that legislation to exclusively protect

555 ILGA. May 2017, 161.
557 ILGA. May 2017, 161.
558 In correspondence with the Research Directorate, CATTRACHAS indicated on 7 September 2017 that the data on the deaths of sexual minorities is collected by the CATTRACHAS' Observatory of Violent Deaths of LGTTBI Persons (Observatorio de Muertes Violentas de Personas LGTTBI) through the daily monitoring of media, social networks and registered complaints. CATTRACHAS also indicated that the 2017 statistics are from January to April 2017.
559 CATTRACHAS. 2017, 1.
560 CATTRACHAS. 2017, 23.
561 CATTRACHAS. 2017, 22-23.
562 CATTRACHAS. 2017, 2.
564 CATTRACHAS. 2017, 21.
566 ILGA. May 2017, 29.
567 Meeting with Asociación Trans Cozumel. 6 Apr. 2017.
the rights of sexual minorities in Honduras does not exist. In 2013, Article 321 of the Penal Code was amended and criminalizes discrimination, including on the basis of sexual orientation. Asociación Colectivo Violeta indicated that the reform of Article 321 has not produced any tangible results for sexual minorities, because it has not been applied due to a lack of political will. ILGA's 2017 report indicates that Article 27 of the Penal Code, which was amended in 2013, "establishes that motivation for a crime based on the victim's sexual orientation (among other grounds) operates as an aggravating circumstance." Article 321-A of the Penal Code, as amended in 2013, criminalizes "incitement to hatred or discrimination based on sexual orientation." Between 2013 and 2017, there have been no cases of punishment on the basis of discrimination against sexual minorities.

Asociación LGTB Arcoíris indicated that the Law for the Protection of Human Rights Defenders, Journalists, Media Contributors and Judiciary Workers does not necessarily protect all sexual minorities, because not all sexual minorities are active human rights defenders. The same source explained that it is necessary to have legislation that protects sexual diversity for all, not just for human rights defenders, and that it is necessary to have anti-discrimination legislation with functioning mechanisms and legislation on gender identity.

4. State Protection

In meetings with state authorities, the mission observed an attitude of indifference towards sexual minorities as a group that has special protection needs. Interlocutors indicated that the state lacks the political will to address the situation of sexual minorities and that state protection for sexual minorities does not exist. According to Asociación Colectivo Violeta, there is no mechanism in the country that functions adequately to improve the situation of sexual minorities. According to Asociación Colectivo Violeta, the state exacerbates the vulnerability

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568 Meeting with San Pedro Sula. 3 Apr. 2017. Gerencia de Seguridad, Prevención y Transporte; Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017; Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017.
569 ILGA. May 2017, 49; Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017; Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.
570 Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.
571 ILGA. May 2017, 61.
572 ILGA. May 2017, 64.
573 Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
574 Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
575 Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
576 Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017; Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
577 Meeting with Asociación Colectivo Violeta. 6 Apr. 2017; Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
578 Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017; Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.
of sexual minorities due to their sexual orientation and gender identity.\textsuperscript{579} APUVIMEH added that severe institutional homophobia exists and that in the past, public officials have carried out smear campaigns against sexual diversity.\textsuperscript{580} The representatives of the Municipality of San Pedro Sula, stated, however, that "sexual minorities have the same rights as everyone else in Honduras,"\textsuperscript{581} elaborating that sexual minorities have "the same rights as men, women and children."\textsuperscript{582}

According to Asociación LGTB Arcoíris, the state "permits the social cleansing" of sexual minorities in Honduras by not condemning newspapers that spread anti-LGBTI rhetoric and by allowing state ministers and religious entities to spread negative rhetoric about sexual minorities.\textsuperscript{583} Other interlocutors also indicated that sexual minorities are stigmatized and discriminated against by Christian-based religious entities.\textsuperscript{584} For example, according to Asociación Colectivo Violeta, religious groups, such as the Evangelical Brotherhood of Honduras (Confraternidad Evangélica de Honduras), advocate for violence and discrimination against sexual minorities.\textsuperscript{585} According to APUVIMEH, SDHJGD had created a campaign in 2012 to raise awareness about SOGI, but due to interventions by the Evangelical Brotherhood and the Catholic Church, the campaign launch was suspended.\textsuperscript{586} According to Asociación Colectivo Violeta, there are no state-led campaigns to reduce discrimination on the basis of SOGI.\textsuperscript{587} In terms of support from religious figures, sources indicate that Reverend Berta Ramírez has been advocating for the rights of sexual minorities since 2009\textsuperscript{588} and has provided them with a place of worship.\textsuperscript{590} As a reverend of the Metropolitan Community Church, Reverend Berta Ramírez ministers in Tegucigalpa.\textsuperscript{591}

Sources indicated that the police and the judiciary receive training on how to respond to cases involving sexual minorities.\textsuperscript{592} Such training has been provided by LGBT organizations, but due to rotations within the police force, the training has

\textsuperscript{579} Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.  
\textsuperscript{580} Meeting with APUVIMEH. 6 Apr. 2017.  
\textsuperscript{582} Meeting with San Pedro Sula. 3 Apr. 2017. Gerencia de Apoyo a la Prestación de Servicios Sociales.  
\textsuperscript{583} Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.  
\textsuperscript{584} Meeting with Asociación Colectivo Violeta. 6 Apr. 2017; Meeting with APUVIMEH. 6 Apr. 2017.  
\textsuperscript{585} Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.  
\textsuperscript{586} Meeting with APUVIMEH. 6 Apr. 2017.  
\textsuperscript{587} Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.  
\textsuperscript{588} Meeting with APUVIMEH. 6 Apr. 2017; La Prensa. 16 Aug. 2016.  
\textsuperscript{589} La Prensa. 16 Aug. 2016.  
\textsuperscript{589} Meeting with APUVIMEH. 6 Apr. 2017; La Tribuna. 18 Aug. 2016.  
\textsuperscript{590} Correspondence from APUVIMEH. 1 Sept. 2017; Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017.
not been effective and sexual minorities continue being victimized by the police.\footnote{Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017.} There is no mechanism to monitor or evaluate the manner in which the police and the judiciary respond to cases of involving sexual minorities.\footnote{Correspondence from APUVIMEH. 1 Sept. 2017; Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017.} The 2016 Annual Report by CONADEH states that one of their priorities is to carry out actions that prevent violence and aggression against sexual minorities and to reduce the level of impunity surrounding their deaths.\footnote{Honduras Mar. 2017, 43.}

### 4.1 Filing Complaints

Sources indicate that sexual minorities who have experienced harassment or violence can file complaints before: police bodies,\footnote{Correspondence APUVIMEH. 1 Sept. 2017; Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017.} namely ATIC and DPI;\footnote{Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017.} the Public Ministry;\footnote{Correspondence from APUVIMEH. 1 Sept. 2017; Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017; Meeting with San Pedro Sula. 3 Apr. 2017. Dirección de Niñez, Mujer y Familia.} courts;\footnote{Correspondence from APUVIMEH. 1 Sept. 2017.} CONADEH;\footnote{Correspondence from APUVIMEH. 1 Sept. 2017.} and LGBT organizations.\footnote{Correspondence from APUVIMEH. 1 Sept. 2017; Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017.}

The mission learned that protection mechanisms, including the police system to report crimes, do not function effectively and do not guarantee protection for victims and witnesses of crimes. In addition, the mission learned that filing complaints can be risky for sexual minorities. APUVIMEH provided the example that, in many cases, there is a lack of evidence or witnesses to prosecute crimes, because witnesses fear that they will be in danger if they provide information.\footnote{Correspondence APUVIMEH. 1 Sept. 2017.} There have been cases of persons whose houses were burnt down by the same perpetrators against whom a complaint was filed.\footnote{Meeting with APUVIMEH. 6 Apr. 2017.} APUVIMEH indicated that such acts have caused fear among sexual minorities, making it less likely that they will file complaints.\footnote{Meeting with APUVIMEH. 6 Apr. 2017.} According to the Directorate of Security, Prevention and Transportation of the Municipality of San Pedro Sula, the Municipality of San Pedro Sula does not have statistics on how many complaints are filed by sexual minorities, because sexual minorities "do not file complaints."\footnote{Meeting with San Pedro Sula. 3 Apr. 2017. Gerencia de Seguridad, Prevención y Transporte.}
As previously noted, there is a general lack of trust among citizens, which prevents them from filing complaints with state authorities.\textsuperscript{606} This lack of trust is linked to the overall lack of confidence in state authorities to protect citizens from human rights abuses.\textsuperscript{607} The mission also learned that complaints against the police can be fatal for the complainant.\textsuperscript{608} Asociación Trans Cozumel provided the example of a case where transwomen were threatened by the police while they were reporting a crime, and they were reportedly told by police officers that if they continued filing complaints, they would be killed.\textsuperscript{609} According to Asociación LGTB Arcoíris, LGBT persons who experience violence perpetrated by security forces are very vulnerable given that they are not able to report such instances to the police.\textsuperscript{610}

Asociación LGTB Arcoíris explained that there is a sentiment among sexual minorities that reporting a crime is "futile" given that no adequate investigation results from reporting a crime.\textsuperscript{611} The mission noted that impunity is commonplace, because state institutions do not function effectively.\textsuperscript{612} A special unit exists to investigate crimes committed against sexual minorities,\textsuperscript{613} called the Unit of High Impact Deaths (Unidad de Muertes de Alto Impacto) within the Attorney General's Office (Fiscalía) of the Public Ministry.\textsuperscript{614} This special unit, however, lacks the human and technical resources required to function effectively.\textsuperscript{615}

Other sources further indicated that investigations carried out by state authorities are not effective.\textsuperscript{616} Asociación LGTB Arcoíris added that the Public Ministry does not carry out appropriate measures for the effective investigation and punishment of crimes that are committed against sexual minorities.\textsuperscript{617} According to the 2017 report by CATTRACHAS, 48 of the 225 cases involving the deaths of sexual minorities between 2008 and 2015 were prosecuted.\textsuperscript{618} The rate of cases that went unsolved for those prosecuted between 2008 and 2015 is reportedly 80 percent.\textsuperscript{619} The same report indicates that of the 29 cases involving the deaths of sexual

\begin{itemize}
  \item Meeting with Radio Progreso. 4 Apr. 2017; Meeting with CONADEH. 5 Apr. 2017; Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
  \item Meeting with Radio Progreso. 4 Apr. 2017; Meeting with Dr. Ayestas. 7 Apr. 2017.
  \item Meeting with PLAN. 6 Apr. 2017.
  \item Meeting with Trans Cozumel Association. 6 Apr. 2017.
  \item Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
  \item Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
  \item Meeting with Radio Progreso. 4 Apr. 2017; Meeting with ERIC-SJ. 4 Apr. 2017.
  \item Correspondence from APUVIMEH. 1 Sept. 2017; Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017.
  \item Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017.
  \item Correspondence from APUVIMEH. 1 Sept. 2017.
  \item Meeting with Asociación Trans Cozumel. 6 Apr. 2017; Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
  \item Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
  \item CATTRACHAS. 2017, 18.
  \item CATTRACHAS. 2017, 18.
\end{itemize}
minorities that occurred between 2016 and April 2017, 4 were prosecuted.\textsuperscript{620} According to Asociación Colectivo Violeta, between 2009 and April 2017, there were 242 cases of sexual minorities who were murdered, 10 per cent of which were prosecuted.\textsuperscript{621} Asociación Colectivo Violeta explained that the majority of these cases were dropped, because the state did not have enough capacity to investigate.\textsuperscript{622}

\section*{4.2 Protection Measures}

CONADEH indicated that there is a "large vacuum" in the area of protection measures.\textsuperscript{623} Protection orders for sexual minorities experiencing violence do not exist.\textsuperscript{624} Many leaders of LGBT organizations have been issued Precautionary Measures by the IACHR of the OAS, which were discussed in Chapter I.\textsuperscript{625} Asociación LGTB Arcoíris indicated that the Precautionary Measures are not effective, especially when police authorities are the ones sanctioned to enforce these measures.\textsuperscript{626}

\section*{5. Support Services}

The mission learned that support services for sexual minorities are primarily provided by LGBT organizations. Asociación LGTB Arcoíris explained that it provides support services to adolescents who are victims of abuse or bullying and that LGBT organizations provide a safe space and support for youth.\textsuperscript{627} The same source further explained that the capacity of LGBT organizations to provide LGBTI adolescents with psychosocial and psychological help and care is nevertheless limited and, in some cases, non-existent.\textsuperscript{628} Asociación Trans Cozumel provides support services to transwomen, including adolescents involved in the sex trade industry, and works together with DINAF to assist at-risk/vulnerable adolescents.\textsuperscript{629} PLAN indicated that it does not have programs especially dedicated to sexual minorities, but that the principles of non-exclusion and non-discrimination are upheld in their programs.\textsuperscript{630} While the situation for intersex

\begin{thebibliography}{99}
\bibitem{620} CATTRACHAS. 2017, 18.
\bibitem{621} Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.
\bibitem{622} Meeting with Asociación Colectivo Violeta. 6 Apr. 2017.
\bibitem{623} Meeting with CONADEH. 5 Apr. 2017.
\bibitem{624} Correspondence from APUVIMEH. 1 Sept. 2017; Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017.
\bibitem{625} Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017. For more information about the Precautionary Measures of the IACHR, please see Section 2.3.3 of Chapter I.
\bibitem{626} Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
\bibitem{627} Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
\bibitem{628} Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
\bibitem{629} Meeting with Asociación Trans Cozumel. 6 Apr. 2017.
\bibitem{630} Meeting with PLAN. 6 Apr. 2017.
\end{thebibliography}
persons was described as "very difficult," the mission learned that there are no organizations or leaders that are focused on intersex issues in Honduras.

5.1 Shelters

There are no state-run shelters specifically for sexual minorities fleeing violence carried out by gangs, family members or state authorities. APUVIMEH is the only organization able to provide sexual minorities with a place to stay. In regard to other LGBT organizations, the homes of the organization's leaders are used as a place of shelter.

5.2 Helplines

There are no official helplines provided by the state for sexual minorities. However, leaders and members of LGBT organizations respond to queries and provide information on the rights of sexual minorities.

6. Possibility of Relocation and Traceability of Sexual Minorities Fleeing Violence

The mission learned that, in an effort to escape violence, sexual minorities have fled internally or have sought to leave Honduras. According to Asociación LGTB Arcoíris, LGBT organizations have seen an increase in cases of forced internal displacement over the last nine years. In many instances, sexual minorities who are internally displaced do not receive support. There have also been cases where sexual minorities become internally displaced without having first sought assistance or information. Casa Alianza provided the example of a gay boy and his family who were threatened by gangs. The boy and his father fled the country without first seeking protection due to the lack of information about protection
options available. They were subsequently deported back to Honduras where they received assistance from a local NGO, which gave them information about seeking asylum abroad. After contacting UNHCR in Mexico, the family was able to leave for Mexico. According to Grupo Lésbico Bisexual LITOS, approximately two sexual minorities flee Honduras every week.

Sources indicated that while it is possible for sexual minorities to relocate elsewhere in Honduras, it is unlikely that they are able to relocate to a secure location. According to the Asociación Kukulcán, there are no safe neighbourhoods for the LGBTI community. According to Asociación LGTB Arcoíris, there are three bars and one club for sexual minorities in Tegucigalpa. However, APUVIMEH added that people in these spaces are harassed by state authorities. Asociación Kukulcán explained that, even though there are bars and discos for sexual minorities, there have been fatalities and assassinations in these areas and as such, there are no true safe spaces. The Directorate of Security, Prevention and Transportation of the Municipality of San Pedro Sula stated that the city of San Pedro Sula allows sexual minorities to express themselves freely. The Directorate of Social Services of the Municipality of San Pedro Sula stated, however, that there are "risks" for sexual minorities in San Pedro Sula, "like in any other major city."

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644 Meeting with Casa Alianza. 4 Apr. 2017.
645 Meeting with Casa Alianza. 4 Apr. 2017.
646 Meeting with Casa Alianza. 4 Apr. 2017.
648 Correspondence from APUVIMEH. 1 Sept. 2017; Correspondence from Grupo Lésbico Bisexual LITOS. 1 Sept. 2017.
649 Meeting with Asociación Kukulcán. 6 Apr. 2017.
650 Meeting with Asociación LGTB Arcoíris. 6 Apr. 2017.
652 Meeting with Asociación Kukulcán. 6 Apr. 2017.
TAB 6
POSNER, Circuit Judge. The petitioner, a citizen of Honduras, entered the United States in 2005—without being authorized to do so—when he was 38 years old. He is now 49, still living in this country, still not authorized to live here. In 2014 the Department of Homeland Security began proceedings in the Immigration Court to have him removed from this country (i.e., deported) to Honduras. He applied for withholding of removal and also for protection under the
Convention Against Torture, on the ground that he is highly likely to be persecuted if returned to Honduras. The immigration judge denied both applications and ordered him removed. The Board of Immigration Appeals affirmed summarily, and he appeals to us.

In 2007 he discovered that he was HIV positive. HIV, short for human immunodeficiency virus, is treatable, but often progresses to AIDS—acquired immunodeficiency syndrome—a very serious, and though treatable often fatal, condition. In the Immigration Court the petitioner argued (and in our court continues to argue) that he is entitled to remain in the United States because of acute danger that he faces if returned to Honduras, danger resulting from the fact that a great many Hondurans believe that AIDS is an affliction of homosexuals (often it is, but not always, as so many Hondurans believe), and also that any man with HIV is also a homosexual. Most important, a great many Hondurans are hostile—often violently so—to persons they believe to be homosexual. And for cultural reasons related to Hondurans’ belief about these two diseases, the medical treatment of both HIV and AIDS in Honduras is often deficient and often invasive of privacy, though poor medical service is not itself a form of persecution.

The petitioner testified without contradiction that “straight” Hondurans tend not only to despise homosexuals but also to perceive them as weaklings, and on both accounts to attack them physically. He presented evidence that many suspected homosexuals have been killed in Honduras out of sheer hatred and that the police often are complicit in, or refuse to investigate, these crimes. He testified that he’s not himself a homosexual but he reminds us (as we noted in
the previous paragraph) that most Hondurans believe that any man who has either AIDS or HIV is homosexual. He fears that if returned to Honduras, as soon as he goes to a hospital for treatment of his HIV he will be “outed” as a presumed homosexual. And this is true, so far as appears, whether it is a private or a government-funded hospital—if the latter, the “outing” of him by the hospital might well be deemed explicit governmental persecution of presumed homosexuals.

He points out that persecution that does not result in death or serious bodily harm is still grounds for withholding of removal. E.g., *Stanojkova v. Holder*, 645 F.3d 943, 948 (7th Cir. 2011); *Koval v. Gonzales*, 418 F.3d 798, 805–06 (7th Cir. 2005). As we explained in *Stanojkova*,

Persecution involves … the use of significant physical force against a person’s body, or the infliction of comparable physical harm without direct application of force (locking a person in a cell and starving him would be an example), or nonphysical harm of equal gravity—that last qualification is important because refusing to allow a person to practice his religion is a common form of persecution even though the only harm it causes is psychological. Another example of persecution that does not involve actual physical contact is a credible threat to inflict grave physical harm, as in pointing a gun at a person’s head and pulling the trigger but unbeknownst to the victim the gun is not loaded. The line between harassment and persecution is the line between the nasty and the barbaric, or alternatively between wishing you were living in another country and being so desperate that you flee without any assurance of being given refuge in any other country.
Suspicion of the petitioner’s being homosexual will be enhanced because, though now in his late forties, he has never married. There has always been suspicion, even in the United States, that a man who never marries may be homosexual or at least bisexual, meaning he’s sexually or romantically attracted to both men and women. The suspicion does not extend to heterosexual men who have such huge sexual appetites that they are unwilling to tie themselves to one woman, in marriage, but that is not our petitioner.

There is no suggestion that as a resident of the United States all these years, albeit an unauthorized resident, the petitioner has engaged in serious criminal conduct—his entire criminal record appears to be limited to a couple of minor offenses that resulted in his being jailed for 15 days—or has posed or poses any kind of threat to the nation’s health or welfare. He is, in short, harmless, and we can’t understand the immigration judge’s failure to take that into account in deciding whether to grant withholding of removal—also her failure to take into account the alarming and pertinent fact that Honduras has the highest crime rate in the western hemisphere. In fact, according to the U.N. Office on Drugs and Crime, Honduras has the highest homicide rate in the world—90.4 homicides per 100,000 people; the international average is 6.2 homicides per 100,000 people. U.N. Office on Drugs and Crime, Global Study on Homicide 2013, pp. 12, 24 fig.1.5, www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf. This is a fact the immigration judge and Board of Immigration Appeals should have noted; neither did.

In fact the immigration judge made a hash of the record. A highly qualified American Ph.D. professor of Latin Amer-
ican studies, Suyapa Portillo, who specializes in the LGBTQ community (lesbian, gay, bisexual, transgender, and queer—an acronym that covers the entire spectrum of homosexual and related sexual orientations) in Honduras, testified as an expert witness for the petitioner. In the last 12 years she’s visited Honduras three to four times a year to conduct research. The immigration judge qualified Dr. Portillo to testify as an expert witness regarding “the experience of LGBTQ people in Honduras” and also of “HIV-positive people” in that country—overlapping groups, obviously—and having been thus qualified Dr. Portillo testified that it’s very difficult for people with HIV to find employment—employers often require proof that an applicant does not have HIV. She testified that since Honduras’s 2009 coup d’état (when the Honduran Army, following orders from the Honduran Supreme Court to oust President Manuel Zelaya, sent him into exile), more than 200 LGBTQ people have been murdered according to a pattern she thought indicated an “LGBT cleansing,” in which transgendered women were murdered with a single shot to the head and homosexual men tied up and mutilated. Dr. Portillo believes that the police are complicit in the murders and that laws purporting to protect LGBTQ people from assaults and murders are rarely enforced.

The immigration judge did not question the accuracy of Dr. Portillo’s testimony in the slightest, yet deemed it irrelevant because it was “general”—it was about the LGBTQ community and about the typical experiences of Hondurans who have HIV rather than about the petitioner specifically. But realistically the evidence is specific to the petitioner because he fits the description of Hondurans who are at risk of persecution as a result of being believed (accurately or not)
to be homosexual. The immigration judge demanded evidence that he would be persecuted if returned to Honduras, but failed to consider the feasibility of her demand. The petitioner left Honduras more than a decade ago; he’s hardly in a position, living in the United States, to assess the particular risk to him if he’s deported, as compared to the average HIV sufferer in Honduras or even the average HIV sufferer in Honduras who is middle-aged yet has never married. See 8 U.S.C. §§ 1231(b)(3); 1158(b)(1)(B)(ii).

No matter; to be a member of a group that faces a high probability of persecution in a foreign country is enough to establish that he’s at risk of persecution if deported to that country.

[I]n evaluating whether it is more likely than not that the applicant’s life or freedom would be threatened in a particular country on account of race, religion, nationality, membership in a particular social group, or political opinion, the asylum officer or immigration judge shall not require the applicant to provide evidence that he or she would be singled out individually for such persecution if: (i) The applicant establishes that in that country there is a pattern or practice of persecution of a group of persons similarly situated to the applicant on account of race, religion, nationality, membership in a particular social group, or political opinion; and (ii) The applicant establishes his or her own inclusion in and identification with such group of persons such that it is more likely than not that his or her life or freedom would be threatened upon return to that country.

8 C.F.R. § 1208.16(b)(2). That is an accurate description of this case.
It’s often said that an immigrant seeking withholding of removal must prove that he or she is more likely than not to suffer persecution if deported, see, e.g., INS v. Stevic, 467 U.S. 407, 424 (1984), and that belief may have informed the immigration judge’s insistence on proof that the petitioner will be persecuted if removed to Honduras. But in recent opinions we’ve explained that the “more likely than not test” should not be taken literally, for so taken it would mean that an applicant for withholding of removal who had a 50.1 percent probability of being persecuted (killed, let’s say) if deported would be entitled to withholding of removal, but not one who had only a 50 percent probability of being killed if deported. Not only is this an absurd example of line drawing, but it assumes unrealistically that such statistics can be computed. In fact “all that can be said responsibly on the basis of actually obtainable information is that there is, or is not, a substantial risk that a given alien will be tortured if removed from the United States.” Rodriguez-Molinero v. Lynch, 808 F.3d 1134, 1135–36 (7th Cir. 2015). And therefore it should be enough to entitle the applicant to withholding of removal if there is a substantial, albeit unquantifiable, probability that if deported he will be persecuted. And that is Velasquez-Banegas’s situation, given Dr. Portillo’s testimony—testimony accepted in toto, we emphasize, by the immigration judge. In the appendix to this opinion, we reprint, with slight editing, pages 5 to 7 of the immigration judge’s opinion, which is where she summarizes Dr. Portillo’s testimony—which, to repeat, she accepted in its entirety.

She accepted the petitioner’s evidence as well as Dr. Portillo’s, stating that “Having reviewed the [petitioner’s] testimony and documentary submissions, I find the [petitioner] credible. His testimony is internally consistent and con-
sistent with his written statement. His testimony is also consistent with the other corroborative evidence in the record, including medical records and affidavits in support of his application.” What more could be required to justify granting withholding of removal?

Dr. Portillo testified without contradiction that “people with HIV are generally considered to be LGBTQ” and that the petitioner would not “be able to hide his HIV status due to a lack of confidentiality in hospitals and the likelihood that [he] would run into someone he knew while seeking treatment.” The immigration judge noted that other affidavits in the record (one by a native citizen of Honduras and another by a sociology professor who lived in Honduras for two years), stated that it is a “common belief in Honduras” that those with HIV are gay or lesbian, but this was not good enough for her because the affidavits had “cite[d] no data, reports, or examples.” But Dr. Portillo’s testimony that the immigration judge had accepted as truthful was uncontradicted evidence, from a qualified expert witness, that the petitioner will in all likelihood be unable to hide his HIV status and as such will be believed to be a homosexual and persecuted accordingly. Indeed he could hide it only by not seeking medical care for it, which would endanger his life.

In any event it was error for the immigration judge to suggest that the petitioner would be safe if he kept secret his HIV status. The law does not require people to hide characteristics like religion or sexual orientation, and medical conditions, such as being HIV positive. E.g., Muhur v. Ashcroft, 355 F.3d 958, 960–61 (7th Cir. 2004). The immigration judge implies that the petitioner would be thought to be homosexual and for that reason persecuted unless he evaded his po-
tential tormentors by pretending to be a very different person from what he actually is—a middle-aged HIV positive bachelor in a culture in which, should those characteristics be revealed, he would be in serious danger. The immigration judge would have sized up the danger to Velasquez-Banegas differently had she assumed the petitioner would live openly. Suppose a person if removed to his country of origin would be sure to be persecuted unless, by living in a cave, he avoided all contact with other persons. The next step would be to rule that no one can have a real fear of persecution because if persecution looms he can avoid it by committing suicide.

It’s true, as emphasized by the immigration judge, that the petitioner if deported will be returning to the region (Comayagua, also the name of the major city in the region) where his parents and siblings live. The immigration judge thought this would protect him from the heavy crime activity in the region, because he would be associating mainly with people who had known him all his life and would know he was not a homosexual. But they and others would know that he was HIV positive, which Hondurans consider a badge of homosexuality; and they might conclude that he had become a homosexual after leaving Honduras for the United States, for Hondurans also tend to believe that homosexuality is a lifestyle choice rather than a person’s genetic destiny.

The immigration judge failed even to mention the petitioner’s testimony that an imputation of homosexuality to him is made more likely by his being middle-aged yet never married. This omission takes on a special irony given the judge’s criticism of petitioner’s evidence as being too gen-
eral. Now maybe he could conceal his bachelor status, along with his HIV status, but in *Muhur v. Ashcroft*, supra, 355 F.3d at 960–61, we rejected the related proposition that “one is not entitled to claim asylum on the basis of religious persecution if (a big if, by the way) one can escape the notice of the persecutors by concealing one’s religion.” We noted that “Christians living in the Roman Empire before Constantine made Christianity the empire’s official religion faced little risk of being thrown to the lions if they practiced their religion in secret; it doesn’t follow that Rome didn’t persecute Christians, or that a Christian who failed to conceal his faith would be punished for acting ‘unreasonably.’” *Id.* The law does not take a life of stealth as its starting point.

The immigration judge thought the most severe harm that could befall Velasquez-Banegas in Honduras would be inability to receive adequate medical care. But that proposition was inconsistent with her crediting Dr. Portillo’s testimony (as she did), as was the judge’s further statement that Velasquez-Banegas “[h]ad not established that it [was] more likely than not that people [would] perceive him as LGBTQ”—though she had acknowledged that Dr. Portillo had “testified and stated in her affidavit that people with HIV are generally considered to be LGBTQ, which she attributes to a lack of information available to the public. She also testified that *she does not believe that the petitioner would be able to hide his HIV status* due to a lack of confidentiality in hospitals and the likelihood that the petitioner would run into someone he knew while seeking treatment. She also discussed a personal experience where she was extorted by police officers while on her way to a gay bar with friends who were members of the LGBTQ community. Three other affidavits in the record state generally that it is a common belief
in Honduras that those with HIV are gay or lesbian, but cite no data, reports, or examples. ... However, this evidence is insufficient to establish that the petitioner will likely have homosexuality imputed to him in Honduras, as it [this evidence] is general in nature, lacks objective data, and is not specific to the [petitioner].” What can the immigration judge have meant by that last sentence? The evidence, which certainly supports the proposition that Velasquez-Banegas is likely to have homosexuality imputed to him in Honduras if he’s deported, is “general” because there is more than one person in Honduras with HIV, and is specific to the petitioner because he fits the description of Hondurans at risk of persecution because believed (accurately or not) to be homosexual. The judge also said, contradicting her crediting Dr. Portillo’s testimony (see Appendix below), that Portillo’s testimony that people in Honduras are uninformed and therefore tend to link homosexuality to HIV was not based on any report or evidence. It was based on her testimony, which was evidence—uncontradicted evidence!

We have noted repeatedly that remand may be warranted when the agency overlooks key aspects of an asylum-seeker’s claim and might reach a different conclusion after fuller evaluation of the record. See Chen v. Holder, 604 F.3d 324, 330 (7th Cir. 2010); Gomes v. Gonzales, 473 F.3d 746, 752 (7th Cir. 2007); Chitay–Pirir v. INS, 169 F.3d 1079, 1081 (7th Cir. 1999). This is such a case. We therefore vacate the decisions of the Board and the immigration judge and remand the case for reconsideration in light of the analysis in this opinion.
APPENDIX (QUOTED FROM THE IMMIGRATION JUDGE’S OPINION)

Dr. Portillo testified that people with HIV, like the petitioner, are particularly vulnerable in Honduras. It is very difficult for such people to gain employment, because employers, particularly in the factory industry, require potential employees to present proof of a negative HIV test before being hired. Although this is illegal in Honduras, many private companies continue the practice with impunity.

Honduras has a socialized health care system, but those with money often use private doctors because of their superior quality and efficiency. She believes that private market care in Honduras is very expensive. She testified that hospitals often run out of medications, including HIV medication, which forces people to resort to self-medication or buying those medications in the private sector. She believes that the public health system’s problems stem from a military coup in 2009, which led to increased debt and corruption for the country. She testified that there are major hospitals and non-profit organizations who give medical care in the big cities in Honduras, but those who live in rural areas have to take a bus trip, often four to five hours long, to the city, where they must wait hours at the clinic for care. Also, the buses often do not run at night because of safety concerns. Dr. Portillo is not familiar with the particular medications that HIV patients take, and she has not studied or worked with doctors who treat patients with HIV.

She described her research regarding HIV testing in San Pedro Sula, Honduras, in 2006. She first went to a Red Cross clinic to be tested for the virus, which cost five hundred Lempira, and took two weeks to get results. She returned two weeks after her test to receive her results, and the nurses at the clinic gave her the results in front of everyone in the waiting room. She took a second HIV test at an Evangelical Church organization. The intake form there asked about sexual orientation, and she identified herself as bi-
sexual. While she was waiting for the results of the test, the clinic displayed videos and pamphlets about God and abstinence outside of marriage. After receiving her results, she was counseled on God and family. She received no information about prevention or what to do if she was HIV-positive. Finally, she went to a LGBTQ organization for testing, which she described as the "best experience." But such organizations are not funded on an ongoing basis and she does not know whether the organization still exists. After she received her results from all three clinics, she was given a card displaying her results, presumably to present to potential employers. She has not updated her research regarding current tests or procedures for HIV testing in Honduras since 2006.

Dr. Portillo remained in San Pedro Sula, Honduras, for two months after completing her HIV testing research before traveling to other parts of the country. She was not physically harmed or threatened during this time, though she did take daily precautions. However, five months later, she returned to San Pedro Sula and went out to a gay bar with friends who were members of the LGBTQ community. They were stopped by police for a driving violation and harassed because of their gender identity. Dr. Portillo told the police officers that she was a US citizen and that this behavior was inappropriate, which led to the police taking one of her friends and telling the rest of the group to follow them. The police led them to a dark area in the city, and demanded money in exchange for releasing her friend, to which Dr. Portillo agreed. She believes that she was extorted because of her claim to U.S. citizenship and the assumption that as such she carried money on her.

She testified that many Hondurans directly link the HIV virus to the LGBTQ community. She believes that this is the result of a dearth of education both in the public school system and the public generally. Most HIV-positive people she has interviewed in Honduras are afraid to come out because they fear the reaction of their family, friends, and community, and because they fear losing
their jobs. She testified that she does not believe it is possible for people to hide their HIV status in Honduras successfully because the confidentiality laws for medical providers are different from what they are in the United States, the cities are small, they may run into people they know, and many are required to seek help from LGBTQ organizations and may be seen there.

Dr. Portillo also discussed the homophobic nature of Honduran society. Since 2009, more than 200 LGBTQ people have been murdered, often in a particularly gruesome manner that she believes indicates they were targeted due to their gender identity. She testified that people defecated in front of the building of a LGBTQ organization where she worked, and they also spray-painted the building. Those who work for such organizations take precautions daily to avoid harassment. She also witnessed a large protest in Honduras regarding the government’s granting “non-profit status” to a LGBTQ group, which Ms. Portillo described as the largest protest she has ever seen. She also believes the police are complicit in the harassment, assault, and murder of members of the LGBTQ community, and that they rarely conduct fair investigations of such crimes. She discussed one case in which a transgender person was assaulted, on camera, and the footage showed police officers watching and laughing. Although the police officers involved were taken off active duty for a period of time, she does not believe they were prosecuted for any crimes.

According to Dr. Portillo, the Honduran constitution and criminal code have provisions intended to protect members of the LGBTQ community, but in practice these provisions are not used to protect members of the LGBTQ community or to prosecute those who discriminate or even physically assault or kill members of the community. She cited an example in which two transgender people ran for public office, and a well-known church leader made a derogatory televised speech encouraging the public to vote against them. But despite evidence of discrimination against
them, the two individuals had their lawsuit dismissed for lack of evidence.
RIPPLE, Circuit Judge, dissenting. I sincerely regret that I cannot join my esteemed colleagues in their disposition of this petition.

I cannot accept my colleagues’ view that the immigration judge “made a hash of the record.” Majority Op. at 4. The record in this case contains evidence supportive of the position of Mr. Velasquez-Banegas and evidence supportive of the position of the Government. The immigration judge carefully evaluated the entire record and determined that Mr. Velasquez-Banegas had not carried his burden of demonstrating, by a preponderance of the evidence, that he would be subject to persecution or torture if he returns to his homeland. Under well-established principles of law, our role in reviewing the immigration judge’s decision is limited. We review legal conclusions de novo; however, we review factual determinations under “the deferential substantial evidence standard.” Khan v. Holder, 766 F.3d 689, 695 (7th Cir. 2014); Mozdzen v. Holder, 622 F.3d 680, 683 (7th Cir. 2010). We reverse “the agency’s findings only if, viewing the record as a whole, a reasonable factfinder would be compelled to reach a contrary conclusion.” Darinchuluun v. Lynch, 804 F.3d 1208, 1214 (7th Cir. 2015) (citing 8 U.S.C. § 1252(b)(4)(B)); see also I.N.S. v. Elias-Zacarias, 502 U.S. 478, 481 (1992). Once we have determined that this deferential standard has been met, we have reached the limit of our authority. It is not within our ken to order a new trial because we believe that the evidence better supports a different conclusion.

Here, the substantial evidence test clearly has been met. Following a hearing, the immigration judge denied relief, re-
jecting both Mr. Velasquez-Banegas’s claim that he faced persecution based on his imputed sexual orientation and his claim that he would be persecuted because of his HIV status.

A.

The immigration judge first concluded that Mr. Velasquez-Banegas had not established that he was an imputed member of the LGBTQ community and therefore would suffer the mistreatment frequently accorded to members of that group. To support this conclusion, the immigration judge pointed to five factors that undercut Mr. Velasquez-Banegas’s claim: (1) Mr. Velasquez-Banegas was not gay and did not plan to associate with the LGBTQ community in Honduras; (2) Mr. Velasquez-Banegas “testified that none of the three people he knew with HIV in Honduras were homosexual, and that neither he nor anyone else believed them to be”¹; (3) Mr. Velasquez-Banegas likely would seek HIV treatment at a hospital located four hours away in Tegucigalpa, reducing the possibility that he would see someone he knew while receiving treatment;² (4) Mr. Velasquez-Banegas would be returning to his hometown where he lived for thirty-eight years and many people who knew him before would still be living there; and (5) neither the provided articles nor the country conditions report stated that individuals who are

¹ A.R. at 114. The Government concedes that this was an inaccurate portrayal of Mr. Velasquez-Banegas’s testimony. Government’s Br. 14 n.4. Mr. Velasquez-Banegas testified that he did not think these three people were homosexual, but he was not aware of what others thought. A.R. at 170–74.

² Id. at 114.
HIV-positive are assumed to be gay, although those documents did discuss access to HIV healthcare, the stigma associated with being HIV-positive, and the violence experienced by members of the LGBTQ community.

Next, the immigration judge addressed Mr. Velasquez-Banegas’s claim that his HIV status was a protected social group. The immigration judge determined that the social group was cognizable and that Mr. Velasquez-Banegas was a member of this group. However, the immigration judge denied relief because Mr. Velasquez-Banegas had not demonstrated that it was more likely than not that his “life or freedom would be threatened” on account of his HIV status.\(^3\) The “most severe harm” that Mr. Velasquez-Banegas would face, according to the immigration judge, was his inability to receive medical care in Honduras.\(^4\) However, the immigration judge concluded, and my colleagues do not challenge, that the problem of inadequate medical care is not specific to those with HIV.

Regarding relief under the Convention Against Torture, the immigration judge found that Mr. Velasquez-Banegas had not established that it was more likely than not that he would be perceived as gay, although the judge recognized that the record reflects that LGBTQ people in Honduras experience persecution and “possibly torture.”\(^5\) The immigration judge added that lack of access to medical care and employment did

\(^3\) Id. at 115.

\(^4\) Id. at 116.

\(^5\) Id. at 116–17.
not constitute torture. Based on these findings, the immigration judge denied Mr. Velasquez-Banegas’s petition.⁶

Mr. Velasquez-Banegas first asks us to review the determination that his HIV status would not cause him to be perceived as gay. He claims that the Board disregarded relevant evidence and also impermissibly reasoned that others would not perceive Mr. Velasquez-Banegas as gay so long as he did not disclose his HIV status.⁷

There can be no doubt that Mr. Velasquez-Banegas presented significant evidence that gay men in Honduras face abuse, violence, and even death at the hands of the general

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⁶ Mr. Velasquez-Banegas appealed this decision to the Board of Immigration Appeals (“the Board”). There, he argued that the immigration judge erred in (1) finding that he would not be perceived as gay; (2) improperly concluding that Mr. Velasquez-Banegas could hide his HIV status; and (3) discounting evidence as too generalized to support his claims. Finally, he alleged that he had met his burden of proof for protection under the Convention Against Torture.

On July 1, 2015, the Board adopted and affirmed the immigration judge’s decision. Because the Board summarily affirmed the immigration judge’s opinion, we base our review on the immigration judge’s analysis. Balogun v. Ashcroft, 374 F.3d 492, 498 (7th Cir. 2004).

⁷ The Board has recognized explicitly that homosexuality qualifies as a “particular social group.” Moab v. Gonzales, 500 F.3d 656, 661 n.2 (7th Cir. 2007). The immigration judge noted that imputation may or may not apply to claims of membership in particular social groups. A.R. at 114. Assuming without deciding this issue, the immigration judge proceeded under the assumption that relief could be granted on this ground. Id. We have held that a petitioner can state an imputed claim where he shows that others will attribute a political opinion to him and will persecute him on that basis. See Chen v. Holder, 604 F.3d 324, 332 (7th Cir. 2010).
public, as well as at the hands of the police force.\(^8\) Indeed, the immigration judge concluded that “LGBTQ individuals in Honduras may face persecution, and possibly torture.”\(^9\) However, the immigration judge also found that Mr. Velasquez-Banegas had not shown that he would be perceived as gay based on his HIV-positive status.

Mr. Velasquez-Banegas submits that the immigration judge erred by discounting evidence merely because it was general in nature. Specifically, he claims that the immigration judge “faulted the testimony and affidavits in the record for only ‘generally’ stating that there is a ‘common belief in Honduras that those with HIV are gay or lesbian,’ and for citing ‘no data, reports, or examples.’”\(^{10}\) The relevant part of the immigration judge’s opinion states:

The record also contains some evidence that those with HIV are at times assumed to be a member of the LGBTQ community, and the respondent expressed this fear in his testimony. See Ex. 3. The respondent’s expert witness, Ms. Portillo, testified and stated in her affidavit that people with HIV are generally considered to be LGBTQ, which she attributes to a lack of information available to the public. She also testified that she does not believe that the respondent would be able to hide his HIV status due to a lack of confidentiality in hospitals and the


\(^9\) Id. at 117.

\(^{10}\) Pet’r’s Br. 17 (quoting A.R. at 17).
likelihood that the respondent would run into someone he knew while seeking treatment. She also discussed a personal experience where she was extorted by police officers while on her way to a gay bar with friends who were members of the LGBTQ community. Three other affidavits in the record state generally that it is a common belief in Honduras that those with HIV are gay or lesbian, but cite no data, reports, or examples. See Ex. 3, Tabs B, E, and F.

However, this evidence is insufficient to establish that the respondent will likely have homosexuality imputed to him in Honduras, as it is general in nature, lacks objective data, and is not specific to the respondent.\textsuperscript{[11]}

First, it is important to note that the immigration judge considered the entire record, including “general” evidence. The judge found the general evidence to be unpersuasive and did not give very much weight to it. While Ms. Portillo, petitioner’s expert, had testified that people in Honduras are uninformed and therefore tend to link homosexuality to HIV, the judge noted that this statement was not based on any report or evidence. Instead, the expert could only support a related point; namely, that “there is considerable overlap between the two groups.”\textsuperscript{[12]} Similarly, the country report only

\textsuperscript{11} A.R. at 114.

\textsuperscript{12} Id. at 398 (“Exhibit D”) (“To be precise, in 2005 UNAIDS estimated that 13% of men who have sex with men were living with AIDS. SHADOW REPORT at page 5.”). The other evidence fell short for the same reason.
supported the notion that the HIV/AIDS epidemic “is still concentrated in high-risk groups such as commercial sex workers and their clients, men who have sex with men, [and] prisoners … .” It did not expand on whether Hondurans likely would assume that all HIV-positive men shared a particular sexual orientation. Indeed, the report could be interpreted as cutting against this view. It listed “Vulnerable Groups” as including “Men who Have Sex with Men,” as well as “Sex workers,” “Prisoners,” “Women,” “Vulnerable Youth,” “Orphans,” “Military,” “Migrant Groups and Mobile Populations in Affected Regions,” and “Indigenous Groups and Descendants of African Origin.” According to the coun-

Exhibit E states “[p]ersecution extends to those individuals who are perceived as gay due to their HIV/AIDS status. The epidemic is concentrated within gay men. As a result, HIV/AIDS is perceived to be a disease ‘caused’ by LGBT individuals. Heterosexual males who have HIV/AIDS are often believed to be gay, and thus face the same risks of harm as gay individuals. In turn, LGBT individuals are often thought to have HIV/AIDS. As such, LGBT individuals and those with HIV/AIDS face persecution based on both homophobia and AIDS-phobia.” Id. at 415. The exhibit, however, cites no support for this conclusion. Similarly, Exhibit F states “[t]he common myth surrounding those infected with HIV is that the person is gay or they engaged in some homosexual activity,” but again does not support this conclusion. Id. at 431. Most unpersuasively, Exhibit B states “[i]n Honduras, there are a lot of people who link HIV to being gay. I know that the two are not necessarily connected because I know that Miguel was not gay, and I know that Rigoberto is not gay. But in my country, a lot of people assume that the two things are linked together,” immediately after discussing a heterosexual man dying from AIDS and rumors that he had infected another woman. Id. at 390.

13 Id. at 303.
14 Id. at 310–12.
try report, all of these groups face an increased risk of exposure. It certainly was well within the discretion of the immigration judge to determine the weight that ought to be given to particular evidence. See 8 U.S.C. § 1158(b)(1)(B)(ii).

My colleagues also suggest that the immigration judge committed legal error in requiring evidence more specific to Mr. Velasquez-Banegas. They take the view that it is enough to be a member of a cognizable group that faces a high probability of persecution. Majority Op. at 6 (citing 8 C.F.R. § 1208.16(b)(2)). It is true that the general rule is that membership in a cognizable social group whose members are exposed to a high probability of persecution is sufficient to make out a case for withholding of removal. But that general rule assumes that it has been established that the applicant is in fact a member of the group. See 8 C.F.R. § 1208.16(b)(2)(ii). Here, no one maintains that Mr. Velasquez-Banegas is gay; in fact, he vigorously denies that he is and has stated that he has no plans to associate with the gay community, given his antipathy toward the group. His inclusion in the group therefore depends on establishing an imputed identification with that group, and, on that question, we already have acknowledged the necessity to examine the surrounding circumstances that might establish such an imputation, including the circumstances of the particular case. See Chen v. Holder, 604 F.3d 324, 332–33 (7th Cir. 2010).

Mr. Velasquez-Banegas seems to recognize the appropriateness of weighing evidence specific to him because he also contends that the immigration judge erred in failing to con-
sider “one of the most important pieces of particularized evidence he offered.” Mr. Velasquez-Banegas explained that, in addition to being HIV-positive, he has “never gotten married,” and currently is middle-aged and single. He asserts that this increases the particularized risk that others will assume he is gay once they learn he has HIV. He claims that because the immigration judge did not cite specifically this evidence in her opinion, her entire determination is void.

As I have noted earlier, the immigration judge did consider particularized evidence about Mr. Velasquez-Banegas, including that:

the respondent will be returning to a country, and region, that he has lived in for thirty-eight out of his forty-seven years of life. His parents and siblings live in Comayagua, where he plans to return, and it is likely that many people who knew him before his departure from Honduras are still living there, … . Thus, the respondent will likely be living with people who have known him for the majority of his life and are unlikely to impute homosexuality to him, should they find out he is HIV-positive.[17]

While the immigration judge’s opinion may have been clearer if it had stated that these findings directly overcame other “particularized” evidence about Mr. Velasquez-Banegas, including his age and marital status, that inference reasonably

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15 Pet’r’s Br. 24–25 (emphasis in original).
16 A.R. at 174.
17 Id. at 114–15.
can be made from the record, and hardly warrants upsetting the immigration judge’s determination. Immigration judges need only consider those issues presented and say enough for us to conclude “that [they] ha[ve] heard and thought and not merely reacted.” Solis-Chavez v. Holder, 662 F.3d 462, 469 (7th Cir. 2011) (internal quotation marks omitted).

Finally, Mr. Velasquez-Banegas also contends that the immigration judge impermissibly reasoned that others would not perceive him as gay so long as he did not disclose his HIV status. He argues that he has a right to be open about his condition.\(^\text{18}\) This is not an accurate characterization of the immigration judge’s opinion. The immigration judge concluded that, because Mr. Velasquez-Banegas likely would seek HIV treatment at a hospital located four hours away from his hometown, this “significantly decreases the odds that he would run into someone he knows while seeking treatment.”\(^\text{19}\) Even if Mr. Velasquez-Banegas chooses to be open about his HIV status, he has not established that his HIV status will cause him to be perceived as gay. The fact that he may choose to share his status does not alter this outcome.

\(^\text{18}\) See Stanojkova v. Holder, 645 F.3d 943, 948 (7th Cir. 2011) (describing the inability to be open about membership in a protected group—their religion—as a “common form of persecution”); Muhur v. Ashcroft, 355 F.3d 958, 960 (7th Cir. 2004) (rejecting argument that applicant should avoid persecution by practicing religion covertly).

\(^\text{19}\) A.R. at 114.
B.

The immigration judge also determined that Mr. Velasquez-Banegas had established his membership in the particular social group of HIV-positive men living in Honduras. However, she then concluded that (1) he could not show a nexus between any harm he may suffer through his membership in this group; and (2) the alleged economic and social harm, including difficulty in procuring medical treatment and obtaining employment, did not rise to the level of persecution.

Although the statute governing withholding of removal does not define “persecution,” we have said that it “must rise above mere harassment.” Ciorba v. Ashcroft, 323 F.3d 539, 545 (7th Cir. 2003). More to the point, we have described persecution as including “detention, arrest, interrogation, prosecution, imprisonment, illegal searches, confiscation of property, surveillance, beatings, or torture,” Toptchev v. I.N.S., 295 F.3d 714, 720 (7th Cir. 2002), behavior that threatens the same, and “non-life-threatening behavior such as torture and economic deprivation if the resulting conditions are sufficiently severe,” Capric v. Ashcroft, 355 F.3d 1075, 1084 (7th Cir. 2004) (citing Sayaxing v. I.N.S., 179 F.3d 515, 519 (7th Cir. 1999)). However, “generalized conditions of hardship which affect entire populations do not rise to the level of persecution.” Id.; see also Musabelli v. Gonzales, 442 F.3d 991, 994 (7th Cir. 2006) (“Asylum is not a form of unemployment compensation.”).20

20 Mr. Velasquez-Banegas repeatedly cites reports showing that police officers and private citizens have targeted LGBTQ individuals in Honduras.
Mr. Velasquez-Banegas claims that the immigration judge ignored evidence related to the poor medical care and economic deprivation that HIV-positive individuals face. Mr. Velasquez-Banegas also claims the immigration judge gave too much weight to the fact that the Honduran government has enacted laws prohibiting the discriminatory practices which Mr. Velasquez-Banegas fears.

Regarding potential economic deprivation, the immigration judge acknowledged:

The record shows that the respondent will face some harm in Honduras on account of his HIV-positive status, including employment discrimination, welfare discrimination, social stigma, and difficulty obtaining medical treatment for HIV. See Ex. 3, Tabs G–O. The respondent’s expert witness, Ms. Portillo, testified that those with HIV in Honduras are frequently denied employment opportunities, particularly in the factory industry, as they are required to provide proof that they do not have the virus before being hired.[21]

Despite this evidence, the immigration judge determined that Mr. Velasquez-Banegas had not met his burden of establishing economically based persecution. The judge cited specific evidence in making this finding, including that the Honduran

But, as noted above, Mr. Velasquez-Banegas failed to connect his HIV status with imputed sexual orientation. We therefore cannot consider the possibility of violence facing LGBTQ persons within the merits of his persecution claim based solely on his HIV status.

[21] Id. at 115.
government has prohibited companies from denying or terminating employment due to HIV status. Additionally, the immigration judge noted that Mr. Velasquez-Banegas’s expert, Ms. Portillo, only testified that the factory industry still conducted HIV tests and “was not aware of other industries in the country that refuse employment due to HIV status.”

The immigration judge found these deficiencies significant because Mr. Velasquez-Banegas did not have a history of factory work. He had grown up on a ranch in Honduras, worked on a horse ranch in Kentucky, and also worked on a tobacco farm. The immigration judge therefore concluded that Mr. Velasquez-Banegas did not establish that he would be unable to secure the type of employment that he would be most likely to seek in Honduras.

Finally, the immigration judge determined that, although Mr. Velasquez-Banegas may experience difficulty obtaining HIV treatment and medication, this difficulty was due to general country conditions that make it difficult for all Hondurans.

22 Id. at 116.
23 Id. at 377–79.
24 Id. at 382.
25 See, e.g., Medhin v. Ashcroft, 350 F.3d 685, 689 (7th Cir. 2003) (petitioner’s alleged loss of one job due to his ethnicity was at most, discrimination but not persecution); Zalega v. I.N.S., 916 F.2d 1257, 1260 (7th Cir. 1990) (“Although [the petitioner] complained that he could not get a government job commensurate with his education and training and that he could not obtain additional land to expand his fox farm, the economic disadvantage [the petitioner] suffered was minor.”).
rans to receive proper medical care. Additionally, the immigration judge noted “that the Honduran Government has passed legislation that establishes the right to medical care for people with HIV.” Honduras also has a socialized medical system, low-cost hospital care for those with HIV (in cities), and “at least thirty[-]seven” HIV treatment centers in the country. The immigration judge was certainly entitled to credit this evidence and come to the conclusion that any economic deprivation that Mr. Velasquez-Banegas might encounter would not rise to the level of persecution. I do not understand my colleagues to disagree with that determination.

Immigration cases always pose a special burden on United States judges. As Jacques Maritain so eloquently put it: “We are all wounded souls.” See Jacques Maritain, Réflexions sur l’Amerique 87–91 (1958). Every American, including every United States judge, has a family memory that includes ancestors who came from some place where life was not as good as it is here. The DNA of our national character makes it very difficult to tell an individual that he cannot enjoy the same liberty, safety, and security that we enjoy. When the individual suffers from a medical condition that cannot be treated as well in the country to which he is returned, basic humanitarian values make the task even more difficult. No doubt, those who must make necessary policy choices and those who must enforce those choices feel, or should feel, that same angst. But immigration must be regulated, and, in this Country, national policy is set by Congress and enforced by the Executive. Our

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26 A.R. at 116.

27 Id.
own task as judges is limited. Because the immigration judge’s determinations were supported by substantial evidence, I respectfully dissent.
TAB 7
In her global human rights update, Bachelet calls for urgent action to heighten resilience and protect people’s rights

45th session of the Human Rights Council
Item 2: Global Human Rights Update

Statement by Michelle Bachelet, UN High Commissioner for Human Rights
14 September 2020

Distinguished President,
Excellencies,
Colleagues and Friends,

In a context of sharply escalating suffering and turmoil across the world, human rights principles, norms and actions offer effective solutions to build stronger resilience to shocks, and counter despair, by preventing social, economic and political instability.

Policies that deliver universal and equal access to social protections and health care; institutions which promote respect for the views and rights of all members of society; and laws that require accountable policing and access to justice help to avert the escalation of tensions and grievances into violence and conflict.

This human rights-based approach supports greater social and economic resilience. It is the foundation of prosperity and political stability. And it protects vulnerable people from the worst impacts of crises.

With COVID-19, a fast-moving and global health crisis has collided with many slower, and more entrenched, political, social and economic crises around the world. Those multiple underlying fractures, which have made us more vulnerable to this virus – and create entry points for its harms – result primarily from political processes that exclude people’s voices, as well as gaps in human rights protection.

As international human rights bodies, and in line with the Secretary-General’s Call to Action for Human Rights, I believe it is the responsibility of both this Council and my Office to promote those measures that will help States better protect the well-being of their peoples, and to cooperate with States to ensure they fulfil their obligations in this regard. In many of the country situations I will outline this morning, I see important opportunities for us to assist States to devise human rights-based action that can de-escalate tensions; support sustainable development; and preserve people’s well-being – even at this challenging time.

Later in the session my Office will discuss aspects of the following country situations: Cambodia, Democratic Republic of Congo, Georgia, Myanmar, Nicaragua, Sudan, Ukraine, Venezuela and Yemen.

Madam President,
In Belarus, we continue to receive alarming reports of the ongoing violent repression of peaceful demonstrations by hundreds of thousands of people from every walk of life, notably women. Reports continue to indicate unnecessary or excessive use of force by law enforcement officials; thousands of arrests, many of them apparently arbitrary; and hundreds of allegations of torture or ill-treatment, including against children, with some reports indicating sexual violence. Recently, abductions by unidentified individuals of people associated with the opposition have also been reported. Journalists reporting on the protests also continue to be targeted for arrests and harassment. There has been limited evidence of any steps by the authorities to address these reports.

Re-establishing social peace in Belarus requires far-reaching dialogue, reforms, and accountability for grave human rights violations. I encourage the Council to focus action on these three areas, to prevent further escalation of violence and grievances. Given their scale and number, all allegations of torture and other forms of ill-treatment by the security forces should be documented and investigated, with a view to bringing the perpetrators to justice.

In Poland, I am concerned about the continuing repression of LGBTI people and activists, including restrictions on their freedom of assembly, and the Government’s support for towns that have termed themselves—using unacceptable language—“LGBTI-free zones.” The scapegoating and targeting of a minority group, for political purposes, feeds intolerance and discrimination, damaging all of society.

Last week’s fire at the migrant centre in Lesbos, Greece has had drastic impact on the lives of thousands of people—and underscores the need for solidarity and shared responsibility among EU Member States. I encourage the European Commission and EU Member States to enhance genuine solidarity and strengthen human rights safeguards at EU external borders in the upcoming EU Pact on Migration and Asylum. Reports of pushbacks and collective expulsions at the sea and land borders of EU States—in violation of legal obligations and with grave consequences for the lives and rights of migrants—call for independent monitoring and verification. I recall to all countries their obligation to cooperate in ensuring that migrants’ lives are protected and their human rights upheld, regardless of their administrative status.

Madam President,

In Lebanon, compounded political, socio-economic and financial crises have persistently burdened the population, with reports indicating that more than 55% of the population is now trapped in poverty—a virtually double last year’s rate. Against this backdrop, last month’s explosion of chemicals warehoused in the port of Beirut has created additional destruction—devastating people’s lives, livelihoods and hope. The additional, heavy impacts of COVID-19, including multiple challenges in accessing basic health and education, have prompted an alarming exodus of young professionals, notably from the health sector—further draining the country of its most precious resources. It is critical that human rights principles be fully integrated into all efforts to rebuild from this tragedy. The authorities must empower individuals and communities to claim their rights, and ensure their participation in decisions. Accountability for this tragedy will be vital, with an impartial, independent, thorough and transparent investigation into the explosion. Political actors must agree on, and implement, reforms aimed at preventing further erosion of rights, to meaningfully address the grievances of the people and the country’s underlying human rights gaps.

In the Occupied Palestinian Territory, the escalating tragedy in Gaza is of particular concern. Although temporary truces are welcome—including the latest agreement to end hostilities between armed groups in Gaza and Israel—Gaza’s two million people desperately need long-term and sustainable solutions. The blockade by sea and land, which Israel has imposed for 13 years, has brought Gaza’s main economic and commercial activities to a complete halt. As a direct result, more than 38% of Gazans live in poverty; 50% are unemployed; and more than 90% of the water from aquifers is undrinkable. Last month’s decision to ban the entry of fuel into Gaza creates even deeper suffering and humanitarian burdens. With sharply rising COVID-19 cases in Gaza, the health sector now faces total collapse, unless aspects of the blockade are lifted. The blockade, which contravenes international law, has conclusively failed to deliver security or peace for Israelis and Palestinians, and should urgently be lifted.

In Iran, human rights defenders—including women’s rights defenders—lawyers, labour rights activists and protesters continue to suffer intimidation, prosecution and ill-treatment. I remain concerned that political prisoners and prisoners of conscience have been excluded from Iran’s temporary release of detainees, in the context of the COVID-19 pandemic, and I am dismayed at the prolonged hunger-strike of human rights lawyer Nasrin Sotoudeh. I urge the authorities to pursue many more temporary releases, as an urgent public health measure, and to immediately release political prisoners and...
releases, as an urgent public health measure, and to immediately release political prisoners and prisoners of conscience.

In Iraq, ongoing killings and attacks on activists and human rights defenders by armed groups – without accountability – are deeply worrying. Last month a report by my Office noted the high number of human rights activists and protestors who remain missing, while others, who have been located, have reported torture and ill-treatment. I encourage the Government to move quickly on its stated commitment to establish a fact-finding commission to ensure accountability and prevent such actions in the future.

Syria’s people continue to face multiple and comprehensive crises. The pandemic has highlighted the devastation of a health system battered by deliberate bombings and other effects of conflict, and ill-equipped to meet even basic needs. WFP reports that 9.3 million people in Syria face food insecurity. These economic challenges are amplified by regional instability, including the financial crisis in Lebanon, while the imposition of strict sanctions has also raised concern that the growing humanitarian needs will be more difficult to address. Families of the thousands of missing persons across the country are especially hard-hit. There must be an end to this inhumanity and conflict.

In Saudi Arabia, I am deeply concerned about the continued arbitrary detention of women human rights defenders who have demanded that Saudi Arabian women be empowered to make their own choices, as equals to men. They should be released without delay.

We also continue remote monitoring of the situation in Western Sahara, where we last conducted technical missions five years ago. Such missions are vital to identify critical human rights issues on all sides and contribute to preventing the escalation of grievances. I look forward to discussing the parameters of a new visit with all parties in the near future.

Madam President,

In Mali, it is vital that human rights be upheld, including during security operations, particularly given the extreme fragility of the security situation. All those illegally detained in relation with the events of 18 August should be released, and all continuing discussions of transitional political arrangements should have the fundamental rights of all Malians at their core, to ensure they work to prevent further conflict. I am concerned by the economic impact of recently adopted sanctions, in a context where extreme poverty, conflicts and insecurity – and climate hazards such as floods and droughts – are creating great hardship and deteriorating humanitarian conditions.

In Tanzania, I draw the Council’s attention to increasing repression of the democratic and civic space, in what is becoming a deeply deteriorated environment for human rights. With elections approaching next month, we are receiving increasing reports of arbitrary arrests and detention of civil society actors, activists, journalists and members of opposition parties. Among the many laws that have restricted civic space online and offline in recent years, the recent Miscellaneous Amendments Act (No. 3) of 2020 undermines strategic litigation and seeks to block government accountability for human rights violations. Further erosion of human rights could risk grave consequences, and I encourage immediate and sustained preventive action. I also call on the Government to uphold the rights of all refugees, and to ensure that any return of refugees be conducted in safety, in dignity and on a voluntary basis.

In Ethiopia, despite notable efforts in recent years to bring about meaningful human rights-based reforms, the killing of an Oromo singer and activist in July triggered protests and inter-communal violence across the country. My Office is ready to support a thorough, independent, impartial and transparent investigation by the Government into the killing and subsequent violence, and to support the Government’s ongoing legislative reforms.

In Burundi, steps taken since July to arrest and prosecute members of the ruling party youth wing, senior police officers and local administrators who have allegedly committed extortion and other crimes are encouraging. However, since elections in May, our reports continue to indicate politically motivated arrests and detentions, as well as the burning of houses of opposition party members. I firmly encourage the authorities to guarantee due process and fair trials, and to uphold human rights. These are the most effective way to prevent conflict.

In Somalia, I am alarmed by an increase in reports of sexual violence against women, girls and boys, with minimal investigation. I again call on the Somali authorities to swiftly adopt the Sexual Offenses law that was approved by Cabinet two years ago. I am encouraged by last week’s decision to appoint a Special Prosecutor to investigate the killings of journalists. It is essential that all States acknowledge and protect the right of their people to freely express their views, and that they protect journalists from arbitrary arrests, unlawful detention, harassment, intimidation and physical attacks, ...
The Office continues to strengthen our presence on the ground in the Sahel region, including in the context of the G5 Sahel Human Rights and International Humanitarian Law Compliance Framework. My Office issued a report last month that outlines the advancement of the work with G5 Sahel Joint military forces to implement human rights compliance in their military operations. It also notes the security, political, operational, logistical and administrative challenges that remain, and outlines the way ahead for this innovative initiative. We continue to support the Joint Force in developing and strengthening its internal monitoring and accountability aimed at preventing human rights violations in the context of Joint Force operations. Recent allegations of human rights violations by armed forces in Burkina Faso, Mali and Niger emphasise the urgent need for decisive action in this respect.

I am concerned that the electoral process in Côte d’Ivoire has begun amid a tense political context and a backdrop of pre-existing triggers of violence related to issues of nationality, toxic regional and ethnic divides, economic inequalities, discrimination and impunity for past crimes. The rifts in society are likely to widen with the intensification of the political campaign and hardening of positions. We also note an increase in hate speech on social media. I urge the authorities to ensure that the human rights of everyone are fully protected and respected in this important election period.

Madam President,

It has been more than a year since my last report on both Indian and Pakistan-administered Kashmir. In Indian-administered Kashmir, incidents of military and police violence against civilians continue, including use of pellet guns, as well as incidents related to militancy. Major legal changes – including to the Constitution and domicile rules – are generating deep anxiety, but the space for political debate and public participation continues to be severely restricted, particularly since new media rules have prohibited vaguely defined “anti-national” reporting. While I welcome the release of some political and community leaders, hundreds of people remain in arbitrary detention, with many habeas corpus petitions still pending – including those of many of Jammu and Kashmir’s political leaders. I welcome the initiatives to extend services to remote areas, and the recent conditional restoration of full Internet connectivity in two districts – which should be applied promptly to the rest of Jammu and Kashmir.

On the Pakistan side, people also have limited Internet access, creating difficulties in accessing education and other vital services. I remain concerned about ongoing restrictions to the rights to freedom of expression and association. My Office is committed to continuing its engagement with both India and Pakistan, to uphold the rights of the Kashmiri people – which is the best way to prevent further tensions and conflict.

In China, my office continues to follow developments in the Hong Kong Special Administrative Region, particularly the impact of the National Security Law. Since its implementation in July, at least 24 individuals have been charged under the law. The Hong Kong authorities have consistently stated that the law is not intended to impact negatively on the peaceful exercise of human rights by Hong Kong residents. Accordingly, I would encourage the Hong Kong authorities to monitor closely the enforcement of the law by the police and the courts, and to take steps to review the law in response to any negative consequences it might have on the enjoyment of human rights.

I am concerned about the Uyghurs. My Office continues to engage with the Chinese Government on the situation in the Xinjiang Uighur Autonomous Region and the impact on human rights of its policies. Following an invitation extended by the Government of China, I have been discussing with the authorities the conditions of a possible visit to Xinjiang when conditions are conducive.

In Sri Lanka, I am troubled that the new Government is swiftly reneging on its commitments to the Human Rights Council since it withdrew its support for resolution 30/1. Among other developments, the proposed 20th amendment to the Constitution may negatively impact on the independence of key institutions, including the National Human Rights Commission. The pardon given in March to a former Army sergeant convicted of participating in unlawful killings; appointments to key civilian roles of senior military officials allegedly involved in war crimes and crimes against humanity; and moves within the police and judiciary to thwart the investigation of such crimes, set a very negative trend. The surveillance and intimidation of victims, their families, human rights defenders, journalists and lawyers should cease immediately. I encourage the Council to give renewed attention to Sri Lanka, in view of the need to prevent threats to peace, reconciliation and sustainable development.

In the Philippines, we continue to work with the Government, the Commission on Human Rights, civil
society and the UN system to develop follow-up actions to our June report. I am concerned by continued reports of drug-related killings, by both police and vigilantes, including during COVID-related restrictions on movement. In June, the Secretary for Justice told this Council that a review would begin into internal police investigations of 5,655 anti-illegal drug operations where deaths occurred. We are seeking details from the Government so we can advise and assess the review panel’s scope, process and efficacy. However, beyond this initial process, there is clearly an urgent need to revoke the policies that continue to result in killings and other human rights violations, to bring to justice the perpetrators, and to halt the use of rhetoric inciting violence against people who use or sell drugs. I am also concerned by harassment, threats and violence against journalists, activists and critics; the passage of anti-terrorism legislation with many problematic provisions; and the President’s announced intention to reinstate the death penalty. I encourage the Council to remain active on this situation and to support my Office’s continued monitoring and reporting – including to this Council – as well as our technical cooperation to implement the report’s recommendations, and to continue to pursue accountability.

In Afghanistan, the human cost of conflict remains unacceptably high with some 3,500 civilian casualties this year, and continuing attacks on healthcare facilities and personnel – a situation that is severely exacerbated by COVID-19. With the formal start of intra-Afghan peace talks on 12 September, I reinforce the call for an immediate reduction in violence, a humanitarian pause, and the need for victim-centred justice and inclusion of marginalised groups’ concerns. These are critical to successful talks and any peace agreement. I also condemn attacks on human rights defenders with nine killed since the start of 2020, including members of the Afghanistan Independent Human Rights Commission. I urge the Government to establish an effective national protection mechanism.

Madam President,

The severe socio-economic impact of the COVID-19 pandemic in the Americas region should alert all actors to the urgency of addressing the region’s profound inequalities in development. Coupled with often fragile democratic systems, it may also be a warning of potentially high risks of social unrest. The only way to build a sustainable recovery will be to address the root causes of inequalities, exclusion and discrimination. It will also be crucial to strengthen democracy and safeguard human rights in response to increasing levels of violence across the region.

Alarming numbers of human rights defenders and journalists continue to be intimidated, attacked and killed – particularly those dedicated to protecting the environment and land rights. I call on all Governments to refrain from discrediting human rights defenders and journalists, putting them at further risk of attacks. I encourage decisive investigations and prosecutions of perpetrators.

In Colombia, my Office has documented 47 killings of human rights defenders in 2020; 44 more cases are in the process of verification. In relation to recent protests in Bogota and Soacha – where excessive use of force may have killed as many as 13 people, leaving more than 300 injured, including 77 with gunshot wounds – my Office is verifying the cases, and has offered technical assistance on democratic and human rights based policing of protests. The 2016 Peace Agreement opened a new chapter for all Colombians, and should be fully implemented to prevent further violence, and human rights violations and abuses.

In Honduras, attacks on and violent deaths of LGBTI persons continue to increase. Since the beginning of the state of emergency in mid-March, OHCHR-Honduras has documented seven killings of trans women; three of them occurred in July alone. In both these countries, I welcome our continued engagement with the authorities, to strengthen accountability.

In Mexico, at least four journalists and seven human rights defenders have been killed in 2020. I welcome our collaboration with authorities to improve the effectiveness of the National Protection Mechanism for Human Rights Defenders and Journalists.

In Brazil, we are receiving reports of rural violence and evictions of landless communities, as well as attacks on human rights defenders and journalists, with at least 10 killings of human rights defenders confirmed this year. The continued erosion of independent bodies for the consultation and participation of communities is also worrying. I call on the authorities to take strong measures to ensure that all decision-making is grounded in the contributions and needs of all people in Brazil.

Also in Brazil – as well as in Mexico, El Salvador and elsewhere – we are seeing increased involvement of the military in public affairs and law enforcement. While I acknowledge the challenging security context, any use of the armed forces in public security should be strictly exceptional, with effective oversight.

In the United States, the shooting of Jacob Blake last month in Kenosha, Wisconsin, by a
In the United States, the shooting of Jacob Blake last month in Kenosha, Wisconsin, by a police officer employing apparently excessive force – and details that have emerged regarding the death of Daniel Prude in Rochester, New York – bring home yet again the need for urgent and profound action to combat systemic racism and racial discrimination in policing and across society. The absence of accountability for many prior killings underscores the gravity of this crisis. Many commitments to reform were made by cities and police following the killing of George Floyd in May – including by law enforcement agencies in Kenosha. Those words need to be matched by real change, to create an environment in which African Americans feel they are protected by law enforcement and the State. I will be speaking later in this session about our follow-up to the Council’s resolution 43/1.

Excellencies,

As you are all aware, the decline in payments of assessed contributions to the UN budget has meant that my Office – like the entire UN Secretariat – has not received all of the approved funds for our activities this year. Furthermore, in an effort to contain or reduce expenditures, the Secretary-General initiated in April a “freeze” on recruitment to fill vacant staff positions using the regular budget. Accordingly, a number of reports and related activities mandated by the Council have not received the necessary funds to enable the Office to complete the required work. This situation has been the topic of several recent briefings organised by the President of the Council, as well as ongoing discussions of my Office with the Controller in New York. As it is likely that these difficulties may persist into next year, we will continue to keep you informed of developments that may further impact on our work.

Madam President,

At this critical moment in world history – with poverty and tensions shooting up and a sharp decline in many people’s hope for a better life – human rights norms provide the tested guidance that can help States de-escalate grievances, deliver appropriate protection, establish a sound foundation for development and security, and ensure justice, freedom and rights.

Humanity has faced many crises. I am convinced that together, we can weather the current challenges – and that our societies can emerge better able to prevent injustice.

It is time to rise to the occasion.

Thank you
TAB 8
**Summary**

In the present report, the United Nations High Commissioner for Human Rights describes the situation of human rights in Honduras from 1 January to 31 December 2019. The High Commissioner highlights key human rights advances and challenges related to poverty and economic and social issues, corruption, business and human rights, migration, health, violence and insecurity, judicial independence and democratic space, with a focus on the situation of human rights defenders, journalists, individuals deprived of their liberty, indigenous peoples and persons of African descent, persons with disabilities, women and lesbian, gay, bisexual, transgender and intersex people. The report highlights some of the activities of the Office of the United Nations High Commissioner for Human Rights in Honduras and concludes with recommendations.

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* The present report was submitted after the deadline so as to reflect the most recent information.
** The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and in Spanish only.
Annex


I. Introduction

1. On 4 May 2015, the United Nations High Commissioner for Human Rights signed an agreement with the Government of Honduras to establish a country office with a mandate to monitor the human rights situation, assist State institutions to comply with international human rights laws and standards, and promote awareness and knowledge of human rights.

2. The present report is based on the information collected through the monitoring carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras in line with its mandate.

II. Context

3. During the period under review, Honduras remained marked by a profound social and political crisis, with high levels of poverty, violence and insecurity. The year was also marked by ongoing trials in domestic and foreign courts dealing with corruption cases and alleged collusion between members of the political establishment and criminal networks.

4. Given that the credibility of the electoral system was affected by the 2017 elections and in view of the recommendations of the international electoral observation missions (European Union and Organization of American States), electoral reforms were prevalent on the agenda of the legislature. In February 2019, the Congress adopted a decree splitting the former Supreme Electoral Tribunal into the National Electoral Council and the Electoral Justice Tribunal, and expanded the number of commissioners of the National Registry of Persons from three to five. The decree regulates the operation of the two new electoral entities and leaves the previous electoral regulation in force, which was not modified by the reforms. According to electoral experts who have visited Honduras, this has resulted in inconsistencies and ambiguities that represent challenges to ensuring a transparent process in the 2021 presidential elections. Furthermore, the decree did not address crucial issues relating to the re-election of the President and the second electoral round. On 24 September, Congress nominated the members of the two committees tasked with drafting two laws to regulate the functioning of the new electoral bodies. It is expected that Congress will adopt the new legislation during the first half of 2020.

5. In September, the appointment process of the electoral authorities, regulated by an ad hoc law adopted on 19 August, was criticized by sectors of civil society because of its lack of civic participation and transparency, with party affiliation prevailing over any other criteria.2

6. In May, Congress published Decree No. 130-2017 on the new Penal Code, which in the view of OHCHR falls below international and regional human rights standards in the qualification of criminal offences on corruption and violence against women and affects the freedoms of expression and assembly. Among other concerns, the proposal lowers prison terms for crimes against the public administration, such as money laundering, fraud and embezzlement. The Mission against Impunity and Corruption in Honduras stated that such reduced sanctions, combined with the principle of retroactivity, which will enable the

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1 Ley Especial para la Selección y Nombramiento de Autoridades Electorales y Atribuciones, Competencias y Prohibiciones, Decree No. 71/2019.
2 See http://asjhonduras.com/webhn/tag/seleccion-de-autoridades-electorales/.
3 See https://oacnudh.hn/publicaciones/ (in Spanish).
application of more lenient criminal sanctions in ongoing corruption cases, undermine the fight against impunity.\(^4\)

7. The decree also decreases prison terms for femicide by 15 years (from a maximum penalty of 40 years to 25) and foresees only a penalty of 1 to 4 years for a newly introduced criminal offence on violence against women. The prohibition of abortion in all circumstances, including in cases of rape or incest, or when the life and/or health of pregnant women is at risk and in cases of severe fetal impairment, was criticized by Articulación 611, an alliance of civil society organizations formed to analyse the new penal code. OHCHR is concerned about the negative impact of the new Penal Code on the right to freedom of opinion and expression, the continued criminalization of conduct as libellous or slanderous and the introduction of criminal responsibility for crimes committed through the media. Numerous constituencies, notably civil society, the private sector and academia, have called on Congress to repeal the decree or postpone its entry into force.\(^5\) The *vacatio legis* was extended to 10 May 2020.

8. The year saw several high-profile criminal cases in domestic and foreign courts against former and current State officials, directors of State companies and senior political figures and their relatives. In September, the Special Prosecution Unit on Corruption-related Impunity of the Office of the Attorney General filed its thirteenth case with the support of the Mission against Impunity and Corruption in Honduras, bringing to around 400 the number of individuals investigated for corruption. The Government announced that it would enter into discussions with the Organization of American States (OAS) on the next phase of the Mission;\(^6\) the current mandate of which expires on 19 January 2020. At the request of the Government, OAS issued an “integral evaluation” of its performance on 9 December, in which it recommended that the existing agreement be extended.

9. In October, a court in the United States of America condemned the brother of the President of Honduras and former member of Congress, Tony Hernández, on charges of possession and trafficking of drugs and weapons. The verdict attracted international attention. The prosecution referred to the infiltration of organized crime in Honduran institutions.\(^7\) In a note verbale on 15 October, the Ministry of Foreign Affairs of Honduras complained to the United States, arguing that the negative comments made during the trial of Tony Hernández and the negative depiction of Honduras affected the interests of the State.

### III. Poverty and economic and social issues

10. Poverty levels remain high, with 59.3 per cent of households living in poor households in 2019.\(^8\) As of October 2019, no data were available on the prevalence of multidimensional poverty in 2018 and only preliminary data could be obtained for 2017 and 2018.\(^9\)

11. Given the relatively high prices of the basic food basket, housing, water and electricity, poorer households were unable to access basic commodities and services, including health care and education. In addition, the social protection system remains

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inadequate because the Social Security Institute is running a default of 6.766 billion lempiras (approximately US$ 273 million) vis-à-vis the private sector, the central Government and the municipalities. On the other hand, 39.6 per cent of the economically active population work in the informal sector, which implies that they neither contribute to nor receive social security services.

12. The index of inequality in income distribution remains the second highest in Latin America and the population has little confidence in the capacity of the State to promote a fair and inclusive economy. The various cases of corrupt practices involving the misappropriation of State funds by State officials, including funds allocated to poverty reduction, health and social security programmes, have further diminished its credibility.

13. In October, the President of the Central Bank revealed that in the first half of 2019, foreign direct investment was down by 39.3 per cent to US$ 242 million compared to the same period in 2018, citing the social and political crisis in the country as key factors.

14. The Government adopted the 2030 national Agenda for Sustainable Development on 4 December, in which it prioritized all 17 Sustainable Development Goals, 68 of the 196 targets and 99 of the 232 indicators. OHCHR supported the Office of the Chief of Staff of the Ministry of Government and the Ministry of Human Rights in linking the targets and indicators of the Sustainable Development Goals with the human rights recommendations made by international human rights mechanisms, an innovative practice that lays the foundation for the integration of the development agenda with the human rights agenda.

A. Business and human rights

15. The Government has reaffirmed its commitment to the development of a national action plan on business and human rights, based on the Guiding Principles on Business and Human Rights, as an instrument for sustainable development. During the year, the Ministry of Human Rights, with technical assistance from OHCHR, promoted a stakeholder dialogue and capacity-building based on the Guiding Principles and held a cycle of conferences on business and human rights with the participation of the Working Group on the issue of human rights and transnational corporations and other business enterprises.

16. At the end of its visit to Honduras from 19 to 28 August, the Working Group welcomed the commitment of the Government on this topic. Nonetheless, it highlighted the need for immediate and profound institutional and legal reforms, in particular to ensure the independence of the justice system, the participation of individuals and communities in decision-making, and the right of indigenous peoples to free, prior and informed consent.

17. The Working Group also expressed concerns about gaps in the national anti-corruption framework, noting that it did not adequately prevent conflicts of interest of public officials and their family members vis-à-vis their business engagements. It also observed the non-compliance of public officials with the framework on disclosure of assets and incomes set out in the United Nations Convention against Corruption. The Working Group called on Congress to exercise due diligence in its signing of public contracts involving concessions for large-scale development projects.

B. Migration

18. Violence and insecurity, ongoing poverty and a lack of confidence in the willingness and capacity of the State to open up the economy and improve living standards remained

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the key drivers of migration. While in 2019 none of the so-called “caravans” of migrants of the size observed in 2018 left Honduras, OHCHR estimates that on average around 400 Hondurans left the country daily for Guatemala, usually with the goal of reaching the United States. An estimated 600,000 Hondurans reside in the United States, around half of them undocumented, and 80,633 of them benefit from temporary protection status which, according to the U.S. Citizenship and Immigration Services, is to be extended until 4 January 2021 in some cases.

19. By 13 December 2019, owing to the hardened immigration policies of the United States and Mexico, 104,099 Hondurans had been returned to the country, including 22,916 children, an increase of 38.3 per cent compared to 2018. No official information was available on the percentage of voluntary returns. The increase in returnees has a direct effect on poverty levels, weighing on scarce economic opportunities and social resources.

20. In September, Honduras signed an agreement with the United States on cooperation in the examination of protection claims. National and international actors expressed concern about the capacity of Honduras to guarantee adequate protection to asylum seekers.

C. National emergencies related to health and water

21. During the year, the Government declared two emergencies related to economic and social issues, which are also linked to the effects of climate change. On 2 July, it declared a national health emergency owing to a dengue epidemic. As of 24 November, the Ministry of Health reported 105,513 cases of dengue nationwide, a figure more than 96 per cent greater than the same period in 2018. In September, prolonged low precipitation resulted in the declaration of a nationwide water emergency, which affected the availability of water for productive use and human consumption. Owing to rationing, households in poor areas of Tegucigalpa did not receive water through water pipes for up to 43 days. The costs associated with having to replace household water provision through the purchase of water from tankers represented a serious financial burden for poor families, who had to pay almost 10 per cent of the minimum income for a barrel of water.

22. The water emergency took place in a context of high environmental vulnerability, as the country is greatly exposed to the effects of climate change. That was evidenced by the expansion of the so-called “dry corridor”, which covers the lowlands of Central America and stretches out from Panama to Guatemala including Honduras. The corridor covers 132 municipalities in the southern and central part of Honduras and is extremely prone to recurrent droughts and severe rainfall and floods.

IV. Violence and insecurity

A. Context

23. Between January and October, the national police recorded 3,083 violent deaths, 25 per cent of which took place in the departments of Francisco Morazán and Cortés, which host the cities of Tegucigalpa and San Pedro Sula respectively and is a higher figure than

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14 This estimate is based on information gathered by OHCHR through its monitoring missions and meetings with civil society and the Honduran National Institution for Migration.
the 3,029 deaths recorded for the same period in 2018.18 The homicide rate in 2019 was 43.63 per 100,000 inhabitants, which represents a two-point increase over 2018.19 The large number of deaths classified by the observatory on violence at the National Autonomous University as “unidentified” could further increase the homicide rate.20

24. Various forms of violence against women and girls remained widespread. Between January and August 2019, 672 cases of sexual violence against women were processed by the judiciary, 60 per cent of which progressed to trial or reached sentence.21 According to the observatory on violence, during the same period, 185 women were killed. However, by August only 15 femicide cases had been processed, 4 of which had reached sentencing or progressed to trial. The other cases were dismissed in the preliminary phase of investigation.22 OHCHR was unable to obtain data on the number of complaints of femicide received by the Office of the Attorney General, but the low rate of prosecution and convictions in such cases raises concerns about the effectiveness of the criminal justice system. OHCHR appreciates the establishment of an inter-institutional commission to follow up on the investigation of violent deaths of women and femicides, at which it has observer status.

25. Violence and insecurity continued to drive people to flee their homes. Since 2013, the Government has recognized internal displacement caused by violence. On 28 March, a bill for the prevention and care of and protection against forced displacement was submitted to Congress but is still pending approval. As permanent adviser to the Inter-institutional Commission for the Protection of Persons Displaced by Violence, OHCHR has been coordinating with the Ministry of Human Rights to promote the approval of the bill. The establishment of a comprehensive protection mechanism for the estimated 247,000 internally displaced persons is still under discussion.

B. Security and defence

26. Honduras remains highly dependent on the military for a range of security-related functions from law enforcement to securing penitentiary centres, although it has committed to withdrawing the military from public security functions (see, for example, CAT/C/HND/CO/2, paras. 13 and 16). The increase in military expenditure by 14 per cent between 2016 and 201823 and the increase by 7.2 per cent of the budget of the Ministry of Defence in 2019 bring into question the firmness of the commitment of the Government to moving steadily towards civilian security. The prevention of violence appears as a low priority, with less than 6 per cent of the amount raised by the security tax allocated to it.24

27. Reform of the national police and the Ministry of Security progressed, albeit slowly. The number of police officers increased by 1,079 in 2019, bringing the total number to 17,878. The Government has set a target of 26,000 police officers by 2022. The Directorate of Police Disciplinary Affairs under the Ministry of Security is in place and functioning but is seriously understaffed. By July, it reported that it was investigating 1,500 disciplinary complaints. It is unclear how this body coordinates with the Police Verification Commission, which has a mandate of civilian oversight of investigative and disciplinary bodies and processes.25

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20 In 2018, the observatory estimated that unidentified deaths amounted to 17.5 per cent of the number of violent deaths. No data are yet available for 2019.
21 Data from the Electronic Centre for Documentation and Judicial Information.
22 Data from the Electronic Centre for Documentation and Judicial Information.
23 See World Bank, military expenditure as a percentage of GDP, available from https://datos.banco.mundial.org/indicator/MS.MIL.XPND.GD.ZS?locations=HN.
25 Congress has extended the mandate of the Commission until 2022.
28. Working conditions within the national police remained an issue of discontent. In June, sectors of the police special forces declared a strike, protesting against poor labour conditions and low salaries. An agreement brokered by the Office of the National Commissioner for Human Rights not to adopt disciplinary measures against officers who had participated in the strike was reached on 20 June with the Ministry of Security. By September, however, disciplinary actions were being pursued against 92 officers and the Police Disciplinary Affairs Department had announced in an official communication that it was not bound by the agreement.

C. Persons deprived of their liberty

29. By 30 September 2019, there were 21,591 adults in detention in Honduras, including 1,171 women, compared to 20,583 in September 2018. The number of persons in pretrial detention remains high (55 per cent of male and 61 per cent of female inmates). The National Committee for the Prevention of Torture qualified the conditions of detention centres as “inhumane” and in some cases amounting to mental and physical torture. Aggravated by overcrowding, other issues included lack of hygiene, poor quality and availability of water, lack of food, limited sleeping arrangements, lack of access to healthcare and prolonged detention in cells with no access to natural light and air.

30. Despite harsh security surveillance, weapons continued to circulate in prisons, including in the penitentiary centres with maximum-security modules, such as Ilama and Morocelí. In some cases, weapons were used to commit targeted killings. For instance, on 26 October, the shooting and stabbing of Magdaleno Meza (real name Nery Orlando López Sanabria), a pretrial detainee related to the trial of the brother of President Hernández, caused an outcry. In January 2019, his lawyers had requested the National Penitentiary Institute to transfer him because of threats against his life, but to no avail. On 9 December, one of his lawyers, José Luis Pinto, was gunned down in the department of Copán. Another of Magdaleno’s lawyers, Carlos Chajtur, has been the subject of threats.26

31. On 5 December, five inmates, reportedly members of the MS-13 gang, were killed inside the penitentiary centre of Morocelí. On 13 December, armed men shot and killed the Director of the Ilama centre, Pedro Ildefonso Armas. The Director was a primary witness to the assassination of Magdaleno Meza and appeared vividly in the video recordings of the killing. On 16 December, the Executive issued presidential Decree No. 068-2019, declaring a state of emergency in the penitentiary system and establishing an intervention commission composed of the National Inter-institutional Security Force, which includes five army Colonels and two national Police Commissioners. The penitentiary centres of Táramar, Morocelí, El Porvenir and the national female penitentiary, which house 44 per cent of the overall population in detention, were already under the management of active military officers. Under the decree, control of the National Penitentiary Institute and the National Institute for Juvenile Offenders was transferred to the National Inter-institutional Security Force for a period of six months.

32. Following the entry into force of Decree No. 068-2019 on 20 December, 21 inmates were killed and at least 13 injured in the Tela male detention centre in the department of Atlántida. The National Inter-institutional Security Force had not taken control of the centre and the prison’s civilian authorities were suspended immediately. On 22 December, at least 19 inmates were killed inside the penitentiary centre of El Porvenir in Valle de Siria, in Francisco Morazán department. As at 23 December, according to data provided by the National Penitentiary Institute, 60 inmates had been killed in custody, 49 in December alone.27

33. OHCHR recalls the obligation of the State to conduct prompt, effective, thorough, independent, impartial and transparent investigations into all incidents of death in custody, as well as into any allegations of torture or inhuman or degrading treatment or punishment of prisoners.

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27 Investigations into the incidents are ongoing.
34. Lack of adherence to principles and procedures for transfers established in the law on the penitentiary system continued. Transfers continued to be made without notification to the families of the detainees and to the criminal enforcement judges. The principle that inmates should be assigned to centres close to their family is frequently violated. Decisions by criminal enforcement judges are often not implemented by the National Penitentiary Institute, or only with significant delays, as illustrated in the case of seven human rights defenders, who were held at the penitentiary centre of Morocelí from 3 September to 30 October 2019, despite a judicial order of 1 September for their transfer to the Olanchito centre.

35. Article 245 of the 2019 General Budget Act, whereby the relatives of persons deprived of liberty were exempted from paying for the documents necessary for the issuance of a visiting card, was often not adhered to. The visiting regulations process consequently remained long, costly and complex for many families.

36. The National Committee for the Prevention of Torture continued to face challenges in the implementation of its mandate. Weaknesses in the normative and administrative framework that hamper the independence and autonomy of the mechanism, including internal allocation of resources, remained unaddressed (A/HRC/40/3/Add.2, para. 38). With a budget representing 0.006 per cent of the national budget, the Committee was unable to strengthen its presence outside the capital, to support local committees and to hire technical staff, such as psychologists. Moreover, there are concerns related to the fulfilment of its mandate, considering that so far there has been no agreement either on the appointment or on the swearing-in of the Commissioners by the President, as required by law, including the Commissioner elected by civil society.

37. In September, in his annual report to the Human Rights Council, the Secretary-General reported on reprisals against the civil society Commissioner on the National Committee for the Prevention of Torture for her cooperation with the United Nations, which took the form of demeaning comments from public officials, including members of Congress, undermining her position and work (A/HRC/42/30, para. 56).

V. Justice

A. Judicial independence

38. The establishment of an independent governance structure for the judiciary and the strengthening of the judicial career are urgent priorities and require increased political commitment. In the course of 2019, the Supreme Court produced an initial text of the laws on the judicial council, the judicial career and the organic law of the judiciary, with significant technical assistance from international donors. International and regional mechanisms have for several years consistently expressed concern vis-à-vis the current framework, which they considered to be obsolete and inadequate, and hampering judicial independence (A/HRC/34/3/Add.2, para. 23, and CCPR/C/HND/CO/2, para. 34).

39. The current framework, which has gaps in the regulation of appointments and promotions within the judicial career, leaves the judicial system exposed to interference by the executive and the legislature. The adoption of legislation regarding the appointment of high judicial officials is crucial, notably to prevent interference by the legislature (A/HRC/40/3/Add.2, para. 40).

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28 Law on the national penitentiary system, art. 92.
29 Ibid., art. 66.
30 The mandate of the previous Commissioners expired on 16 September 2019. There are three Commissioners in total, with one designated by the executive, one by the legislature and one by civil society.
31 See also López Lone y otros vs. Honduras, Inter-American Court of Human Rights, judgment of 5 October 2015, available from www.corteidh.or.cr/docs/casos/articulos/seriec_302_esp.pdf (in Spanish).
40. The inclusion of the Office of the Attorney General and of the President of the Supreme Court in the National Council for Defence, which is led by the President, could open up space for interference by the executive and brings into question crucial democratic principles, such as the separation of powers.\(^{32}\)

B. **Fight against corruption and impunity**

41. During the year, the Special Prosecution Unit on Corruption-related Impunity of the Office of the Attorney General and the Mission against Impunity and Corruption brought corruption-related charges in five cases, involving over 40 high-profile defendants, including relatives of the former President, Porfirio Lobo, former ministers and directors of State companies. In August, a national court sentenced the wife of former President Lobo to 58 years in prison on a range of corruption-related charges. This was the first case filed by the Special Prosecution Unit with the support of the Mission against Impunity and Corruption that led to a sentence.

42. Another of the cases, known as “Corruption on wheels”, was filed in September against officials of the National Bank of Honduras for Agricultural Development for embezzlement of funds of the social protection programme “Bono 10mil”, with the complicity of staff of the Office of the President.

43. In October, the adoption by Congress of the Special Law on public funds\(^ {33}\) and the reform of the Law on Congress reinstating parliamentary immunity generated a public outcry. On 28 October, the Office of the Attorney General presented an appeal against the constitutionality of the Special Law, arguing that it promoted impunity for corruption for public officials.

44. In November 2018, seven individuals charged with the assassination of human rights defender Berta Cáceres were found guilty. On 2 December 2019, more than a year after the verdict, a tribunal issued a sentence condemning the perpetrators to penalties ranging from 30 to 50 years. The trial against the President of the company Desarrollos Energéticos S.A., allegedly involved in the planning and execution of the killing, continued.

C. **Human rights violations by the defence and security forces**

45. OHCHR is concerned about the ongoing impunity in cases of violations perpetrated by members of the defence and security forces.

46. By the end of October, only a fraction of the perpetrators of the serious human rights violations committed by the defence and security forces in the context of the protests against the results of the 2017 presidential elections had been brought to trial. OHCHR documented eight cases being prosecuted, but these concerned only 2 of the 22 homicides of civilians it had documented: a case against a police officer for the killing of a child aged 16 on 4 December 2017 in Agua Blanca, department of El Progreso;\(^ {34}\) and another against a sergeant of the Public Order Military Police for the homicide of David Octavio Quiroz Urrutia on 15 December 2017 in Villanueva, department of Cortés. As at October, the Office of the Attorney General reported that investigations were ongoing in relation to the other cases, including deaths, injuries and one case of enforced disappearance. By that time, it had brought charges related to assassination, attempted homicide, physical assault, torture and ill-treatment, unlawful detention and abuse of authority against 28 members of the security and defence forces. By September 2019, the judiciary had dismissed seven cases in the preliminary investigation phase.

47. Prosecutors handling reports of human rights violations involving army personnel indicated to OHCHR that they had faced obstacles in obtaining information crucial to their

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\(^{32}\) See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24911&LangID=E.

\(^{33}\) Decree No. 116-2019.

\(^{34}\) See OHCHR, “Human rights violations in the context of the 2017 elections in Honduras”.
investigations and described the conduct of the armed forces as obstructive. They indicated that investigators sent to brigades and battalions to retrieve potential evidence were left waiting for hours before receiving or being able to review evidence, or were denied access on the grounds that they had not followed the appropriate procedure, or that the officials responsible were not available.

48. In April, the Office of the Attorney General communicated through social media that the hierarchy of the Public Order Military Police was obstructing the work of its prosecutors, reminded all State officials that they had a duty to cooperate with it and that failure to do so could result in criminal charges.\(^{35}\) In April, a judge in Tegucigalpa denied a motion by the Office of the Attorney General challenging the refusal of the armed forces to release information on an operation conducted in January 2018 to evict a picket mounted against a dam project in Reitoca, in which three members of the indigenous Lenca community were shot and injured. The armed forces invoked national security, refusing to disclose information to the investigators and quoting the law on the classification of public information on security and defence issues.\(^{36}\) In September, civil society organizations presented an injunction before the Supreme Court challenging the refusal of the armed forces to release information and the decision of the judge.

49. The current pattern continues the historic accountability gap for human rights violations, which occurred in the 1980s and 1990s, including the disappearance of 184 individuals.\(^{37}\) In August, the trial of two civilians for the death of Juan Humberto Sánchez in 1983 closed with their acquittal. In 2003, the Inter-American Court of Human Rights established the responsibility of the State of Honduras for his extrajudicial execution by military agents, as well as the lack of investigation and sanction of the culprits.\(^{38}\) Regarding past human rights violations, impunity is pervasive, as shown by the insignificant progress made in the prosecution and trial of members of the security forces for the human rights violations committed after the coup d’etat in 2009.

VI. Democratic space

A. Social dialogue

50. In 2019, multiple protests took place across the country, with peaks in the departments of Francisco Morazán, Cortés, Choluteca, Atlántida and Colón. Between 1 January and 30 September, the police recorded 1,825 protests, including roadblocks, occupations of installations, pickets, marches and assemblies. That represents an increase of 47 per cent over the 1,236 protests registered in 2018.\(^{39}\) Among other motives, inequalities in the guarantee of rights, a perception of institutional incapacity, a lack of democratic representation and corruption prompted protests. Between May and July, opposition to the Government-led reforms of health and education took centre stage. Claims initially focused on a demand to repeal Decrees No. 026/2018 and No. 027/2018, considered by those groups as a means of privatizing the two sectors. While the Government withdrew the decrees and called for a dialogue, protests continued, and other sectors joined in. OHCHR intervened in several protests to diminish tensions.

51. OHCHR continued to document violations attributed to the Public Order Military Police and the army in the context of the policing of protests. To date, a soldier has faced trial for the killing of a child aged 17 who was shot with a service weapon on 20 June in Yarumela, department of La Paz, as he was fleeing after the disbandment of a roadblock.

\(^{35}\) See www.elheraldo.hn/pais/1278211-466/ministerio-p%C3%BAblico-denuncia-obstaculizaci%C3%B3n

\(^{36}\) Decree No. 418/2014.


\(^{38}\) See Inter-American Court of Human Rights, Juan Humberto Sánchez v. Honduras, judgment of 7 June 2003.

\(^{39}\) Data from the Directorate-General of the National Police.
On 24 June, military forces entered the premises of the National Autonomous University of Honduras, shooting and injuring five students. The University presented a formal complaint to the Office of the Attorney General, which remained under investigation at the time the present report was finalized.

52. It is a basic principle that the commitment to uphold human rights involves the obligation to adopt the measures necessary to ensure that violations cease and are not repeated. Calls on Honduras to restrict the circumstances of the deployment of military forces to perform civil security duties and to ensure respect for the exercise of peaceful protests, aligning domestic law and protocols on the use of force in social protests with international standards, remain unmet (A/HRC/34/3/Add. 2, para. 12).

B. Human rights defenders and journalists

53. Human rights defenders and journalists remain exposed to surveillance, threats, harassment, smear campaigns, acts of violence and criminalization of their legitimate activities. In the course of the year, four members of the indigenous Tolupanes of the Locomapa communities in San Francisco Morazán were killed while engaged in the protection of land and territory from commercial logging. The Office of the Attorney General reported on the start of the investigation to clarify the facts. 41

54. The Office of the Specialized Prosecutor for the protection of human rights defenders, journalists, media workers and justice system actors reported that it had received over 100 complaints in 2019. No official information is, however, available on trends and patterns, nor on any charges brought. OHCHR appreciates the existence of a specialized inter-agency group for the elaboration of a protocol for the investigation of crimes against human rights defenders and encourages efforts to finalize such a protocol as soon as possible, as recommended by the inter-American human rights system. 42

55. Between January and September, the National Mechanism for the protection of human rights defenders, journalists, media workers and justice system actors of the Ministry of Human Rights received 87 requests for protection measures, accepting 58 and dismissing 29. Thirty-seven of the requests accepted concerned human rights defenders, 13 media workers, 6 journalists, and 2 justice system actors. Nearly one third of the measures concerned defenders for the protection of the environment, the right to water and land. In 2019, the National Mechanism expanded the range of protection measures, adding emergency relocations, the provision of satellite phones, and reimbursement of medical expenses. It also began disaggregating all statistics by gender. As of September 2019, the National Mechanism had initiated the drafting of a protocol on gender and multiple discrimination and the development of a public policy on human rights defenders.

56. The abusive use of criminal law against human rights and land defenders continued. In August, nine human rights defenders were placed in pretrial detention, charged with unlawful association for their work in the defence of water in the area of the Botaderos National Park.

57. In the course of the year, organizations of journalists and media workers issued 117 alerts related to attacks or threats against individuals and media. 43 OHCHR documented the killing of seven journalists and media workers, in the departments of Valle, Copán, Cortés, Gracias a Dios and Olancho. Two of the journalists had reported threats against them owing to the exercise of their profession and one of the media workers was the target of stigmatization and harassment owing to his gender identity.

58. Between January and September, 19 media workers and journalists were granted protection measures by the National Mechanism, some reporting surveillance and assaults, which they linked to their coverage of anti-government protests. Journalists of Radio

40 See also CCPR/C/HND/CO/2, paras. 20–21.  
42 See, for example, http://corteidh.or.cr/docs/casos/escaleras/acuerdo.pdf (in Spanish).  
43 Data provided by the non-governmental organization (NGO) C-Libre.
VII. Equality and non-discrimination

A. Rights of indigenous peoples and Afro-Hondurans

60. The land and territorial rights of indigenous communities remain unprotected and the effects of lack of consultation and consent remain visible, as illustrated by the situation of the indigenous communities of Reitoca and Tornillito, amongst others. Reparations ordered by the Inter-American Court of Human Rights in 2015 concerning the Garífuna communities of Triunfo de la Cruz and Punta Piedra, namely demarcation and land titling, remained unimplemented, fuelling protests. In July, Miskito indigenous communities and organizations protested in the northern departments asking for effective action by the State to halt the invasion of indigenous lands by third parties.

61. During 2019, five Garífuna women and one man were murdered in the departments of Colón and Cortés; three of them were members of OFRANEH (Organización Fraternal Negra Hondureña), an organization that works to protect the economic, social and cultural rights of Garífuna communities, particularly with regard to the defence of their culture and territory. The emblematic human rights defender, Miriam Miranda, activist and director of OFRANEH, was also the object of threats and intimidations throughout the year.

62. On 23 May 2018, the Executive submitted to Congress a draft law on free, prior and informed consultation, which was before an ad hoc committee at the time the present report was finalized. In June 2019, the Committee asked OHCHR for technical assistance in the design of a consultation process. OHCHR reiterated recommendations it had previously made, together with other international mechanisms, in particular the need to carefully consider if the conditions existed for development of the law and that it would be necessary to engage in confidence-building. OHCHR warned Congress of the risk of heightened social unrest if such conditions were not met (see A/HRC/33/42/Add.2).

63. On 24 May 2019, the Inter-American Commission of Human Rights referred the case of Opario Lemoth Morris and others to the Inter-American Court of Human Rights, arguing that the State of Honduras had violated the right to life, personal integrity, equality and non-discrimination in relation to 34 Miskito divers. Miskito deep-water divers continue to face exploitative and unsafe working conditions, as made evident by the deaths in July of 27 divers and the disappearance of 9 in the context of the sinking of commercial boats on which they worked. In 2019, the Labour inspectorate did not conduct any inspection of fishing vessels on the high seas.

45 See also www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/LegislationAndPolicy.aspx.
B. Women’s rights

64. Structural inequality persisted and women continued to experience discrimination in all spheres of life. Women in conditions of poverty, indigenous women and Afro-Hondurans, as well as transgender and lesbian women experienced multiple forms of discrimination. Numerous important initiatives remained pending in Congress, such as the draft laws on domestic work, on violence against women in politics, on shelters for victims of violence and a comprehensive draft law on violence against women. The State of Honduras has not ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, thereby partially excluding women from the international protection system.

65. The very restrictive legislation on sexual and reproductive rights represented a major gap in the State’s fulfilment of its international obligations. Between 2008 and June 2019, at least 47 women were prosecuted for abortion, including 28 since 2014. The majority were domestic workers or secondary school students. Honduras has the third highest teenage pregnancy rate in the Central American region, yet the use, sale, distribution and purchase of emergency contraception is prohibited. These restrictive laws contribute to high rates of maternal mortality and morbidity.47

C. Children’s rights

66. Children in Honduras represent 40 per cent of the population and are disproportionately affected by poverty and insecurity. Violence against children in its various forms, including physical and sexual violence, is widespread.48 The poor quality and lack of inclusiveness of the education system remains a major obstacle to the development of the child. Ten per cent of children of primary school age and 70 per cent of children aged 15 to 17 do not attend school. Poverty, lack of parental support and insecurity are major causes for dropout.

67. Although the juvenile system has improved since the establishment of the National Institute for the care of juvenile offenders in January 2018, measures need to be taken to prevent human rights violations against children deprived of their liberty.49 On 3 December, riots in the Renaciendo centre for juvenile offenders in the department of Francisco Morazán resulted in the death of four children and at least three were severely injured. As of 30 September 2019, 423 children were in detention, a figure similar to the previous year, while 1,184 enjoyed the benefits of alternative measures to detention.

D. Rights of lesbian, gay, transgender, bisexual and intersex persons

68. Many gaps and shortcomings hampered the recognition of sexual orientation and gender identity and the protection of the rights of lesbian, gay, transgender, bisexual and intersex persons. Lack of public awareness, prejudices and misconceptions contributed to continued discrimination in all areas of life and to violence. In the course of 2019 at least 31 lesbian, gay transgender, bisexual and intersex persons were killed.50

69. No progress was made in the adoption of a law on gender identity and a law against discrimination, despite the efforts of civil society groups. Appeals filed in 2018 against the constitutionality of the prohibition of same-sex marriages remained pending before the Supreme Court.51 In May, the Constitutional Chamber dismissed an appeal alleging

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49 Figures from the National Institute for the care of juvenile offenders.
50 According to the NGO Cattrachas, since 2009, 336 lesbian, gay, transgender, bisexual and intersex persons have been killed.
51 File numbers 233/2018 and 552/2018.
discrimination in the requirement to present a marriage or civil union certificate to allow conjugal visits for a lesbian, gay, transgender, bisexual or intersex couple in a detention centre because such certificates are not issued for such couples. Religious groups continued to play a critical role in preventing advances in protection of the rights of lesbian, gay, transgender, bisexual and intersex persons. The Ministry of Human Rights has reported on training sessions for the armed and security forces on the registration and detention of lesbian, gay, transgender, bisexual and intersex people.

E. Rights of persons with disabilities

70. Modest progress was made in the implementation of the 2017 recommendations of the Committee on the Rights of Persons with Disabilities (see CRPD/C/HND/CO/1). Legislation, public policies and programmes still contain provisions that do not comply with the human rights model of disability established in the Convention. The 2005 Act on Equity and Comprehensive Development for Persons with Disabilities has not been reformed, despite advocacy by organizations of persons with disabilities. During the year, two draft bills on disability rights were presented to the Congress. OHCHR considers that there is a need for an in-depth analysis of whether the draft bills conform to international norms and standards.

VIII. Activities of the Office of the United Nations High Commissioner for Human Rights

71. On 11 January, the Special Rapporteur on the situation of human rights defenders issued his report on his visit to Honduras, conducted in May 2018 (A/HRC/40/60/Add.2). On 8 May, the Working Group on the issue of discrimination against women in law and in practice issued a report on its visit of November 2018 (A/HRC/41/33/Add.1). In August, the Special Rapporteur on the independence of judges and lawyers and the Working Group on the issue of human rights and transnational corporations and other business enterprises visited Honduras.52

72. In 2019, OHCHR conducted 75 missions throughout the country to monitor the situation of human rights.

73. Throughout the year, OHCHR implemented the technical cooperation programme agreed with the Ministry of Human Rights in December 2018 and the training programme on human rights for State officials, in which representatives of 35 State institutions participated, concluded. OHCHR supported the Ministry of Human Rights in various other areas, including in relation to the protection of human rights defenders, the harmonization of legislation with international human rights norms and standards, the development of human rights policies, education, the protection of internally displaced persons and business and human rights.

74. Through a letter of intent, OHCHR formalized a joint programme of cooperation with the Office of the National Commissioner for Human Rights.

75. From January to October, OHCHR participated as an observer in 41 sessions of the Council of the National Mechanism for the protection of human rights defenders and followed 36 cases that were filed before the Technical Committee.

76. OHCHR provided advice to Congress and civil society on international human rights standards, in particular on the draft law for the new Penal Code, the reform of the Law on Equity and Integral Development of Persons with Disabilities and the draft law on free, prior and informed consent of indigenous peoples. OHCHR provided training to women members of Congress through the Parliamentary Academy.

77. OHCHR conducted an assessment of the National Committee for the Prevention of Torture, with the objective of supporting the development of an institutional plan outlining priority needs and interventions to strengthen the mechanism. The two organizations jointly trained members of the national police, the armed forces, penitentiary guards and representatives of the local torture prevention boards on international and domestic standards. The local boards also received a grant from the Special Fund of the Optional Protocol to the Convention against Torture in 2019 to strengthen their capacities.

78. Between September and December, OHCHR conducted a human rights training programme with the Public Prosecutor’s School, in which 31 prosecutors participated.

79. OHCHR provided technical assistance to the Ministry of Foreign Affairs, the Ministry of Human Rights and the committees of relatives of missing migrants, in order to prevent and address this phenomenon.

80. OHCHR facilitated a national meeting of human rights defenders on the theme of “Between commitment, risk and challenges”, which brought together more than 100 defenders from all over the country to share their experiences and views. OHCHR also supported a network of trade unions to implement a human rights approach to labour and trade union issues.


82. OHCHR has been implementing projects financed by Canada, the Netherlands, Sweden, Switzerland and the United States of America.

IX. Recommendations

83. The High Commissioner urges the authorities of Honduras to implement the recommendations made in previous reports and in the reports of United Nations human rights mechanisms.

84. The High Commissioner:

(a) Calls upon the Government and all stakeholders to agree on a reform agenda to strengthen the democratic space, the separation of powers, the rule of law and the independence of the judiciary, and safe and meaningful participation by all in public affairs, thereby ensuring access to public information and respect for the right to freedom of opinion and expression;

(b) Urges all relevant institutions to take concrete steps to combat corruption and impunity and break away from any acquiescence with groups and interests operating outside the law.

85. The High Commissioner calls upon the Government and relevant institutions to:

(a) Ensure the incorporation of a human rights-based approach in the implementation of the 2030 Agenda for Sustainable Development, guarantee that no one is left behind and continue its efforts to develop specific human rights indicators that include data disaggregated by indigenous peoples, Afro-Hondurans, persons with disabilities and gender;

(b) Address structural inequality, based on disaggregated data, and ensure access for all to the rights to food, water, sanitation, health, education and affordable housing;

(c) Protect displaced persons, migrants in transit and Honduran migrants and returnees, and take steps to investigate the deaths and disappearances of Hondurans abroad;
(d) Focus on violence prevention policies and the development of a professional and accountable civilian police force;

(e) Take quantifiable measures to separate the functions of the police and the army, and adopt a plan for the demilitarization of law enforcement functions;

(f) Ensure that the use of force by all defence and security actors, particularly in situations of protests, adhere to human rights law and that the use of lethal force is subject to stringent conditions and to transparent accountability mechanisms;

(g) Address the deteriorating situation in detention centres, in particular prison conditions and policies, in line with international norms, and guarantee the security of protected persons in such institutions;

(h) Respect the independence of the National Committee for the Prevention of Torture to ensure that its mandate can be fully implemented, and protect the commissioners;

(i) Adopt the reforms necessary to ensure the development of an independent and professional justice system;

(j) Take steps to design a comprehensive policy for the protection of human rights defenders and ensure the commitment of all entities, including the defence and security forces;

(k) Adopt measures to protect women, lesbian, gay, transgender, bisexual and intersex persons and persons with disabilities from violence and discrimination, ensure the promotion and protection of gender equality, sexual orientation and sexual and reproductive rights and systematically prevent and punish gender-based violence, femicide, discrimination and stereotyping;

(l) Adopt a legal framework to guarantee the rights of persons with disabilities to non-discrimination, inclusion, accessibility and equality before the law;

(m) Extend the mandate of the Mission against Impunity and Corruption.

86. The High Commissioner calls upon the private sector to comply with all relevant international human rights norms and standards, especially the Guiding Principles on Business and Human Rights, particularly in relation to the rights of communities to lands and natural resources.

87. The High Commissioner calls upon the Congress to:

(a) Ensure that the implementation of prior consultation is the subject of extensive discussion and consultation with indigenous peoples instead of ensuring the rapid adoption of a consultation law;

(b) Implement an open, transparent and comprehensive consultation process to review provisions of the Penal Code that do not comply with international and regional human rights norms and standards.

88. The High Commissioner urges the institutions of the justice system to:

(a) Strengthen and accelerate investigations and prosecutions of human rights violations committed by the security and defence forces and implement the recommendations made by OHCHR in its report on human rights violations in the context of the 2017 elections in Honduras;

(b) Step up the investigation and prosecution of crimes against human rights defenders and prevent the misuse of criminal law by reviewing criminal cases that are pending against them and dismissing those that do not meet due process requirements.
TAB 9
Human Rights Council
Working Group on the Universal Periodic Review
Thirty-sixth session
4–15 May 2020

Summary of Stakeholders’ submissions on Honduras*


I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 28 stakeholders’ submissions to the universal periodic review, presented in a summarized manner owing to word-limit constraints.1

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies2

2. Four submissions recommended that Honduras ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.3 Joint Submission 17 (JS17) recommended that Honduras ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.4

3. The Geneva International Centre for Justice (GICJ) recommended that Honduras accept the individual complaint procedures under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination.5

4. Joint Submission 10 (JS10) recommended that Honduras sign the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.6

5. The International Campaign to Abolish Nuclear Weapons (ICAN) recommended that Honduras ratify the UN Treaty on the Prohibition of Nuclear Weapons.7 Two

* The present document was not edited before being sent to United Nations translation services.
submissions recommended that Honduras ratify the International Labour Organization Domestic Workers Convention, 2011 (No. 189).8

6. GICJ welcomed the establishment in Honduras of an office of the Office of the High Commissioner for Human Rights (OHCHR). It also noted that Honduras had received visits by several special procedures mandate holders and that, in 2017, it had submitted a midterm report to the Universal Periodic Review (UPR).9 Joint Submission 4 (JS4) recommended that Honduras submit a midterm evaluation report on the implementation of the recommendations received during the present universal periodic review.10

7. GICJ noted positively the establishment in 2016 of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) of the Organization of American States and recommended to extend its mandate beyond 2020.11

B. National human rights framework12

8. JS10 acknowledged that there had been certain advances in the implementation of the recommendations received by Honduras during its second universal periodic review, including the creation of the Ministry of Social Development and Inclusion and the entry into operation of the Ministry of Human Rights.13

9. GICJ recommended that Honduras set out more specific, clear and objective criteria for the selection of the National Human Rights Commissioner (CONADEH), encourage indigenous and female candidates, and ensure a broader participation of civil society in the selection process.14

10. Joint submission 12 (JS12) recommended that Honduras ensure that the National Committee for the Prevention of Torture (CONAPREV) had sufficient resources and that its member were chosen by transparent and merit based selection criteria.15

11. JS4 recommended that Honduras systematically consult with civil society on the implementation of recommendations received under the universal periodic review and incorporate the results of that process into public policies for the promotion and defence of human rights.16

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination17

12. Joint Submission 15 (JS15) noted that the recently adopted criminal legislation was still not compatible with international human rights standards on discrimination and that it should include definitions of direct and indirect discrimination besides prohibiting discrimination in both the public and private spheres.18 It recommended that Honduras develop and adopt legislation to combat discrimination against vulnerable groups.19 Red Lésbica Cattrachas (Cattrachas) recommended that a definition of hate crime should be expressly included in criminal legislation.20

13. Joint Submission 9 (JS9) highlighted that members of indigenous and Afro-Honduran communities and persons with disabilities continued to suffer discrimination and that children living in neighbourhoods where criminal gangs (maras) were particularly active were stigmatized and mistreated by law enforcement officers.21

14. JS9 also noted that machismo and discrimination against women remained prevalent in Honduras and that, in spite of the progress made, there was still a lack of adequate protection policies. It recommended that Honduras ensure the full implementation of the second plan for gender equality and equity, for the period 2010–2022, and that it foster a culture of non-discrimination against women.22
15. Three submissions noted that lesbian, gay, bisexual, transgender and intersex people faced persistent discrimination and that, rather than safeguarding the rights of that community, the State appeared to be doing just the opposite. Cattrachas noted that the media had had a prominent role in heightening the climate of hatred towards persons of diverse sex and gender and that religious fundamentalists encouraged discrimination against lesbian, gay, bisexual, transgender, transsexual, transvestite and intersex persons.

16. Joint Submission 16 (JS16) highlighted that a gender identity law allowing transgender and transsexual persons to obtain identity documents that accurately reflected their gender identity had not yet been adopted.

17. Several submissions indicated that over the previous decade Honduras had granted a considerable number of concessions for mining, electricity, agro-industrial and tourism projects and noted that this development model, which was based on unrestricted extraction of natural resources without prior consultation with the communities affected, was incompatible with sustainable land use and respect for human rights and had led to many conflicts between residents, the State and private companies.

18. Peace Brigades International Honduras Project (PBI) recommended that Honduras establish accessible, transparent and effective consultation and complaint mechanisms for communities affected by mining and commercial projects. Joint Submission 14 (JS14) recommended that Honduras conduct an audit under international observation to verify the legality and legitimacy of the various mining projects.

19. JS10 recommended that Honduras adopt a national plan of action to implement the United Nations Guiding Principles on Business and Human Rights in which all stakeholders, and in particular organizations of campesino, indigenous and Afrodescendant persons, participate as widely as possible.

20. PBI expressed serious concern about the definition of the offence of association for purposes of engaging in terrorism contained in the new Criminal Code, which, owing to the ambiguous manner in which it was phrased, could permit the criminalization of other forms of conduct and could be used against rights defenders.

22. Several submissions expressed concern about the ongoing militarization of the public security system, as reflected in the creation of the Public Security Council and the Public Order Military Police. Although initially established as a temporary measure, the latter has become a permanent structure with a steadily growing personnel. PBI recommended that Honduras refrain from deploying the armed forces in citizen security operations, commit to a time frame for phasing out the Public Order Military Police and improve the human rights training provided to the security forces.

23. JS12 noted that torture and other ill-treatment continued to be used by the security forces and highlighted that the vast majority of such cases remained in impunity. It also noted that the definition of torture in the new Criminal Code did not meet the requirements of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, since it did not include as active subjects individuals acting at the instigation of the State.
24. Joint Submission 13 (JS13) highlighted that the United Nations Working Group on mercenaries had indicated that there were more than 74,000 security guards in Honduras, over 60,000 of which were not registered, and that the use of private security guards was poorly regulated.38

25. Three submissions were concerned about the situation of the penitentiary system, including the severe and widespread overcrowding, lack of access to quality healthcare and sanitation, and the high levels of prison violence.39 JS12 stated that the percentage of pre-trial detainees exceeded that of those condemned, and that the Criminal Procedure Code continued to establish 21 crimes for which pre-trial detention was mandatory.40 GICJ recommended speeding up the adoption of the proposal tabled by the National Penitentiary Institute regarding the release of about 685 persons on humanitarian ground, most notably persons affected by mental or other disability.41

26. JS12 highlighted the increasing militarization in the management of prisons and the use of military facilities to hold persons deprived of liberty.42 GICJ acknowledged the construction and refurbishment of certain prison facilities, but expressed concern over newly opened detention centres, such as the Centro de Ilama Santa Barbara and the Centro Penal de Moroceli, which were ruled by military agents.43 Joint Submission 3 (JS3) recommended that Honduras allow unrestricted access to prisons for the National Committee for the Prevention of Torture (CONAPREV) and civil society organizations.44

27. Several submissions highlighted the persistence of widespread violence against lesbian, gay, bisexual, transgender and intersex persons.45 JS16 reported that, according to data published by the Office of the National Commissioner for Human Rights (CONADEH), more than 280 persons of diverse sexual orientation had lost their lives in violent circumstances in the last decade and that over 90 per cent of those crimes had gone unpunished.46 Two submissions indicated that the Act on Policing and Harmonious Social Relations continued to be used to justify the arbitrary detention of transgender persons.47

Administration of justice, including impunity, and the rule of law48

28. Joint Submission 8 (JS8) reported that the crisis precipitated by the 2009 coup d’état had worsened in recent years, exposing institutional weaknesses, a lack of separation between powers and a backdrop of persistent corruption and impunity.49 GICJ urged Honduras to amend the selection and appointment procedures of the Supreme Court judges, the Attorney General and his/her Deputy and implement all the recommendations of the Special Rapporteur on the independence of judges and lawyers.50

29. GICJ was also alarmed by the high levels of impunity, in particular for crimes perpetrated against women and human rights defenders. It noted that political trials, delays in the administration of justice, and impunity for acts of violence, killings and human rights violations were giving rise to profound dissatisfaction among the population.51

30. JS3 reported that the creation of the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials had failed to provide an institutional response to the violence that those groups faced.52 Joint Submission 11 (JS11) highlighted the violence and intimidation to which lawyers were exposed, in particular those working on cases directly affecting the interests of the army, security forces, landowners and private companies.53

31. Various communications referred to the emblematic case of the murder of the indigenous and environmental rights campaigner, Berta Caceres.54 JS4 noted that, because of her high profile, greater progress had been made in the investigation of her case than in most others, but stressed that the investigation had still been plagued by irregularities.55 JS11 recommended that Honduras continue with its inquiries into the alleged intellectual authors of this crime.56

32. The Center for Reproductive Rights (CPR) reported that justice officials were often unaware of the languages and cultures of the indigenous peoples and that the Office of the
Special Prosecutor for Ethnic Groups and Cultural heritage lacked financial and human resources to carry out its functions effectively.\textsuperscript{57}

*Fundamental freedoms and the right to participate in public and political life*\textsuperscript{58}

33. Several submissions raised concerns about provisions in the new Criminal Code that undermined freedom of expression and association and criminalized participation in social protests.\textsuperscript{59}

34. A number of submissions drew attention to the sizeable number of incidents in which human rights defenders, including journalists, media professionals, indigenous rights defenders, environmental defenders, student leaders and trade union activists, had been killed, threatened, attacked or subjected to acts of violence.\textsuperscript{60} Three submissions stated that the especially vulnerable situation of female human rights defenders was a particular concern.\textsuperscript{61}

35. The Inter-American Commission on Human Rights (IACHR) drew attention to the persistently high rates of violence against journalists and the fact that most of these crimes went unpunished.\textsuperscript{62} JS4 noted that journalists who reported on protests, organized crime, corruption, mining projects and human rights abuses were particularly vulnerable.\textsuperscript{63}

36. Four submissions provided information on the adoption of the Act on the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials, in 2015, and the creation of the National Protection System.\textsuperscript{64} JS3 expressed the view that the effectiveness of the National Protection System had been diminished by the failure to comply with regulations and civil society’s limited involvement in decision-making.\textsuperscript{65} PBI noted that the authorities were still not always fully informed about the system, especially in rural areas.\textsuperscript{66} Three submissions recommended that Honduras provide the National Protection System with the necessary funding and operational capacity.\textsuperscript{67}

37. JS11 noted that the Act on the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials envisaged physical protection measures only and did not address the structural reasons that placed these persons at risk. It thought it necessary that Honduras adopt an “integral protection policy”, as defined by IACHR.\textsuperscript{68}

38. Two submissions recommended that Honduras put a stop to campaigns that sought to smear and stigmatize human rights defenders and that it ran campaigns to raise awareness of their work, and particularly the work of female human rights defenders.\textsuperscript{69}

39. PBI drew attention to the systematic use of criminal legislation to criminalize, curtail and undermine the work of human rights defenders.\textsuperscript{70} Two submissions recommended that Honduras put a stop to such practices.\textsuperscript{71}

40. Two submissions stated that article 72 of the Honduran Constitution prohibited censorship, but that article 75 stipulated an exception “to protect the ethical and cultural values of society”.\textsuperscript{72} The Committee to Protect Journalists (CPJ) noted that the Criminal Code currently in force criminalized calumny, insult and defamation and recommended that Honduras refrain from using criminal defamation lawsuits against reporters and ensure that “crimes against honor” were eliminated from the new Criminal Code.\textsuperscript{73}

41. Three submissions highlighted that the Bill on Cybersecurity and Protection Measures against Acts of Hate and Discrimination on the Internet and Social Networks threatened freedom of expression and recommended that the Congress reject it.\textsuperscript{74}

42. JS10 recommended that Honduras repeal the Act on the Classification of Public Documents relating to Security and National Defence, which restricted public access to information on private, State-backed projects that affected people’s lives.\textsuperscript{75}

43. Cultural Survival (CS) welcomed the regulations on community outreach media services that allowed organizations of indigenous communities and persons of African descent to use radio and television channels for cultural and educational purposes and to encourage community participation. However, it found it regrettable that more than 12 radio stations created by four indigenous groups had yet to be granted a licence.\textsuperscript{76}
44. JS9 welcomed the efforts that Honduras had made to combat human trafficking by implementing the Trafficking in Persons Act and making investigations more thorough. The European Centre for Law and Justice (ECLJ) noted that Honduras had increased resources and funding to the Inter-Institutional Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons. However, both submissions observed the persistence of a high number of cases of human trafficking.

45. JS9 recommended that Honduras takes steps to prevent sexual exploitation and human trafficking using public information campaigns in the media and on social networks and that it enhance detection, investigation and follow-up mechanisms with a view to bringing those responsible to justice.

46. Three submissions noted that equal marriage was prohibited in Honduras and same-sex couples were denied the right to adopt.

47. Joint submission 1 (JS1) recommended that Honduras cease imports of invasive surveillance technology and abolish all security service practices related to the control of communications and the internet.

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

48. JS3 highlighted that, since the coup d’état in 2009, Honduras had pursued policies that tended to heighten job insecurity and that gender inequality remained an issue in the formal employment sector. It recommended that Honduras repeal the Hourly Employment Act and implement public policies with a gender perspective in order to improve access to formal employment.

49. Joint Submission 5 (JS5) welcomed the adoption of the Support for Micro and Small Enterprises Act but indicated that the lack of citizen security was a major obstacle to the development of micro-businesses. Two submissions highlighted that widespread violence and extortion had had a serious impact on sectors such as public transport and small business.

50. Joint Submission 7 (JS7) noted that the lack of legislation regulating sex work made sex workers more vulnerable to discrimination and ill-treatment and recommended that Honduras adopt the bill on autonomous sex work. It also recommended adoption of the bill on paid domestic work, which would mean that paid domestic work was recognized as employment and homes were recognized as places of work, and of the draft public policy on the prevention of damage to the health of women working in the maquila industry.

51. JS4 recommended that Honduras amend articles 495, 537, 555, 558 and 563 of the Labour Code in order to remove all unjustified restrictions on freedom of association, trade union rights, collective bargaining and the right to strike.

52. JS2 noted that applicants for jobs in many private companies and within the armed forces were required to undergo HIV screening.

Right to social security

53. JS15 indicated that, in 2019, the National Congress had amended the Framework Act on the Social Protection System so that pension and retirement funds could be used to finance health services, thereby jeopardizing the rights of those for whom the system had been created.

Right to an adequate standard of living

54. JS3 noted that the average poverty rate in Honduras over the past five years had been 68.12 per cent and that inequality persisted. It reported that the State’s attempts to address those issues through welfare-based programmes had been ineffective.
submissions recommended that Honduras implement integrated public policies to reduce poverty, extreme poverty and inequality.95

55. Joint Submission 5 (JS5) reported that water was generally unsafe to drink and was not accessible to most people in Honduras, and that the country faced serious supply problems owing to bad practices in water storage and use and the impact of climate change.96

56. JS10 noted that the economic model that had taken root in Honduras treated land as an object to be exploited and monopolized by large corporations, had aggravated historical inequalities in access to land and had generated increasing social discord. It stated that the promotion of agricultural exports had resulted in unrelenting use of toxic agrochemicals and had discouraged the production of basic grains (corn, beans and rice), and that this had had a negative impact on food security and sovereignty.97

57. JS10 also noted that the State’s response to the social discord had been repressive, and had involved taking criminal action against persons defending the rights of the campesino, indigenous and Afrodescendant communities. It drew attention to several specific conflicts, including the conflict in Bajo Aguán. It recommended that Honduras cease criminalizing the campesinos’ struggle, adopt a protocol on forced evictions in rural areas that is in line with international human rights standards, and adopt the bill on comprehensive agrarian reform with a gender perspective.98

58. JS3 recommended that Honduras repeal Ministerial Agreement No. 1402-2018, under which technical environmental research had been classified as confidential information, and implement the principles of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.99

Right to health100

59. JS5 highlighted the insufficient availability of medication and beds in public hospitals, which caused long waiting lists.101 Joint Submission 17 (JS17) recommended that Honduras prioritize investment in the national health system in order to guarantee the availability of free, universal public health care.102

60. GICJ noted that, in 2019, more than 61,000 people in Honduras had been infected with dengue fever and that haemorrhagic dengue had claimed the lives of 106 persons. It recommended that Honduras reinforce preventive measures and seek technical assistance from the Pan-American Health Organization (PAHO).103

61. JS15 recommended that Honduras adopt policies on sexual and reproductive rights that are not influenced by religious doctrines, that it implement the National Policy on Sexual and Reproductive Health that was approved in 2016, and that it allocate sufficient budgetary resources to this policy.104

62. Four communications noted that Honduras maintained an absolute criminalization of abortion and a ban on emergency contraceptives. They recommended that Honduras decriminalize abortion and legalize it in cases of rape, incest, unviability of the foetus or risk to the life or health of the mother, and repeal the ban on emergency contraceptives.105 CPR highlighted that the criminalization of abortion and the ban on emergency contraceptives disproportionately affected victims of sexual abuse, adolescent girls, and poor women.106

63. JS2 noted that the State’s HIV prevention policies were ineffective and that persons infected by HIV faced discrimination. It recommended that Honduras repeal all legislation that undermined the rights of persons infected by HIV and re-establish the national HIV prevention programme as a means to facilitate coordination between the State and civil society.107

Right to education108

64. JS9 reported that a million children and teenagers between the ages of 3 and 17 either were outside the education system or did not regularly attend school, including a disproportionate number of indigenous children, children of African descent and children
with disabilities. It added that special attention needed to be given to the process of integrating returning migrant children and children displaced by violence into the education system.109

65. JS8 noted that the proportion of the State budget allocated to education had decreased between 2010 and 2019.110 JS9 recommended that Honduras ensure that all children had access to education and that it guarantee the quality of education by allocating greater budgetary resources to teacher training and infrastructure.111

66. JS15 noted that, despite various attempts to address the situation, children and teenagers in Honduras still did not have access to comprehensive sex education owing to a lack of interest and political will on the part of the authorities and the considerable influence of the different churches in decision-making forums including educational reform committees.112

67. JS17 recommended that Honduras discontinue the Guardians of the Nation programme and ensure that children and teenagers did not take part in military activities.113

4. Rights of specific persons or groups

Women114

68. JS3 drew attention to the structural violence suffered by women in Honduras, which was sustained by a culture of tolerance and high levels of impunity.115 Several submissions noted the sizeable number of cases of domestic and sexual violence and highlighted the fact that Honduras had one of the highest rates of violent deaths of women and femicide in the world.116

69. IACHR warned that, although the country’s homicide rate had fallen, the frequency of gender-related killings of women had not fallen to the same extent as that of other homicides. It was especially concerned about the particular brutality towards women evident in these killings.117

70. Joint Submission 7 (JS7) reported that, although a special team had been created in 2016 to investigate violent deaths of women and femicides, its budget was not sufficient. It noted that there were serious procedural flaws in the manner in which femicides were investigated and prosecuted, owing to a lack of human resources, limitations on their ability to travel to rural areas, a lack of technical supplies and equipment, and inadequate inter-institutional coordination.118

71. JS15 recommended that the new Criminal Code establish penalties for offences of sexual violence against women that are commensurate with the grave nature of these crimes.119 Three submissions recommended that Honduras approve and implement the Protocol of Integral Attention for Victims and/or Survivors of Sexual Violence.120 JS7 recommended that Honduras adopt the draft comprehensive law on violence against women and develop related public policies to combat the structural causes of violence against women.121

Children122

72. JS9 noted that many children are still not registered and recommended that Honduras extend the reach of campaigns to raise awareness of the importance of registering children among parents, predominantly in rural areas, and that it invest in mobile units to access the most remote locations.123

73. JS17 noted that the institutions tasked with protecting the rights of children and young people had persistent weaknesses and were insufficiently coordinated. It recommended that Honduras raise the status of the Directorate for Children, Adolescents and the Family and the National Institute for Youth to that of State secretariat, that it improve inter-institutional coordination and that it continue its efforts to implement a comprehensive system of safeguards for the rights of children and adolescents.124

74. JS3 recommended that Honduras prioritize public investment in projects for children and adolescents.125
75. Two submissions highlighted that minors were particularly vulnerable to the widespread violence that characterized the country, being exposed to threats, killings, acts of torture and sexual violence and recruitment into armed groups. JS9 expressed concern about the extreme vulnerability of children living in street situations to so-called “social cleansing” operations. JS17 recommended that Honduras allocate a budget to the National Policy on the Prevention of Violence against Children and Young People and proceed with its implementation.

76. JS9 reported that most children between the ages of 5 and 17 lived in rural areas and that 16.4 per cent of them worked. It recommended that Honduras establish policies and mechanisms to prevent and eradicate child labour, including support programmes for low-income families, campaigns to raise awareness of the importance of keeping children in school and prevention projects run in partnership with the private sector.

77. JS17 noted that progress in implementing the special justice system for juvenile offenders had stalled. It acknowledged that efforts had been made to improve conditions in centres for juvenile offenders following the creation of the National Institute for Juvenile Offenders but noted that conditions remained precarious and that prevention, rehabilitation and social reintegration strategies had not been implemented.

Minorities and indigenous peoples

78. CS noted that the preliminary bill on free, prior and informed consent that had been submitted to the National Congress was not compatible with international standards and did not reflect the contributions of indigenous organizations and organizations of persons of African descent. Several submissions recommended that Honduras postpone adoption of the bill and review the drafting process with a view to ensuring the active participation of all indigenous peoples and their organizations.

79. JS13 pointed out that mining and energy projects launched in indigenous peoples’ territories and lands without their prior consent had given rise to social and environmental conflicts in Honduras. JS14 highlighted that indigenous leaders linked to acts of resistance and the defence of their natural resources faced violence, killings and criminal prosecution, while the crimes committed against them went unpunished.

80. JS10 recommended that Honduras guarantee the right to prior consultation enjoyed by campesino, indigenous and Afrodescendant communities in the context of mining projects and that it comply with the ruling handed down by the Supreme Court of Justice in 2017 in the constitutional challenge brought against the law on mining.

Migrants, refugees, asylum seekers and internally displaced persons

81. JS6 noted that the main causes of forced displacement were threats, killings, extortion, forced recruitment into criminal organizations, sexual and domestic violence and land dispossession for the development of mining, energy, tourism and agro-industrial projects, and that indigenous communities, women, lesbian, gay, bisexual, transgender and intersex persons, children and adolescents were the population segments most likely to be adversely affected.

82. JS8 noted that Honduras had acknowledged that forced displacement was a problem needing to be addressed at the national level with the creation of the Inter-Institutional Commission for the Protection of Persons Displaced by Violence in 2013 and the subsequent establishment of the Directorate General for the Care and Protection of Internally Displaced Persons. However, it emphasized that the latter body had not been allocated sufficient budgetary or human resources. It recommended adopting, as a matter of urgency, the bill on the prevention of forced displacements and the care and protection of forcibly displaced persons that had been submitted to the National Congress in 2019.

83. Three submissions noted that the prevailing model of exclusive development and the climate of violence and discrimination were fuelling mass migration to North America and that, in 2018 and 2019, this had resulted in the formation of migrant caravans. JS8 expressed concern about the criminalization of the caravans and the use of police and military force to prevent migrants from leaving the country. JS3 noted the launch of
campaigns threatening criminal action against the parents of migrant children, and even the possibility of three years’ imprisonment, if they attempted to migrate irregularly.\textsuperscript{142}

84. JS9 recommended that Honduras take measures to strengthen coordination between countries of origin, transit and destination in order to protect migrant children, young people and women and to safeguard their physical, psychological and emotional well-being by offering support programmes and guaranteeing access to basic services.\textsuperscript{143}

85. JS8 noted that, in 2019, organizations of relatives of missing migrants had registered 741 Honduran migrants as having disappeared on the northward migration route. It emphasized that Honduras had not developed an effective mechanism for reporting persons who went missing outside the national territory and that there were no effective search and investigation mechanisms and no centralized register of missing persons.\textsuperscript{144}

86. JS8 also reported that the number of Honduran migrants being detained in and deported from transit and destination countries had increased in recent years and that the consular assistance available to them was insufficient. It recommended that Honduras open more consulates, particularly along the migration route, and that it appoint consuls with expertise on migration issues.\textsuperscript{145}

87. JS6 reported that 75,579 Hondurans had returned to the country in 2018, a year-on-year increase of 56.8 per cent.\textsuperscript{146} JS17 recommended that Honduras provide comprehensive protection for unaccompanied young persons and children returning to the country and that it guarantee their social reintegration.\textsuperscript{147} JS3 recommended that Honduras amend the Act on the Protection of Honduran Migrants and Members of Their Families to include reinsertion measures for deported migrants and protection measures for those at risk.\textsuperscript{148}

88. JS17 recommended that Honduras rescind the migration agreements that gave it the status of a “safe third country” because it could not offer the conditions needed to ensure optimal security for those in need of international protection.\textsuperscript{149}

\textit{Notes}

\textsuperscript{1} The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

\textbf{Civil society}

\textit{Individual submissions:}

- AHR: The Advocates for Human Rights (United States);
- Cattrachas: Red Lésbica Cattrachas (Honduras);
- CPR: The Center for Reproductive Rights, Inc. (Switzerland);
- CPJ: Committee to Protect Journalists (United States);
- CS: Cultural Survival (United States of America);
- ECLJ: The European Center for Law and Justice (France);
- GICJ: Geneva International Centre for Justice (France);
- ICAN: International Campaign to Abolish Nuclear Weapons (Switzerland);
- PBI: Peace Brigades International Honduras Project (Honduras);
- Red COIPRODEN: Coordinadora de Instituciones Privadas pro las Niñas, Niños, Adolescentes, Jóvenes y sus Derechos (Honduras).

\textit{Joint submissions:}

- JS1: Joint Submission 1 submitted by: Access Now (United States of America), ACI Participa (Honduras);
- JS2: Joint Submission 2 submitted by: Red Lésbica Cattrachas (Honduras), La Fundación Llanto, Valor y Esfuerzo – LLAVES (Honduras);
- JS3: Joint Submission 3 submitted by: Asociación de Mujeres Intibucanas Renovadas – AMIR (Honduras), Asociación de Jueces por la Democracia – AJD (Honduras), Asociación Feminista Trans – AFET (Honduras), Asociación FIAN Honduras (Honduras), Asociación Intermunicipal de Desarrollo y Vigilancia – AIDEVISH (Honduras), Asociación LGTB Arcoíris de Honduras (Honduras), Asociación Nacional de Personas viviendo con SIDA – ASONAPVSIDA
(Honduras), Asociación para una ciudadanía participativa – ACI-Participa (Honduras), Asociación por la Democracia y los Derechos Humanos – ASOPODEHU (Honduras), Asociación Prevención y Educación en Salud Sexual y SIDA Tela – APREST (Honduras), Caritas – diócesis de San Pedro Sula (Honduras), Centro de Derechos de Mujeres – CDM (Honduras), Centro de Desarrollo Humano – CDH (Honduras), Centro de Educación y Prevención en salud, sexualidad y SIDA – CEPRES (Honduras), Centro de Estudios de la Mujer Honduras – CEM-H (Honduras), Centro de Estudios Para la Democracia CESPAD (Honduras), Centro de Investigación y Promoción de los Derechos Humanos – CIPRODEH (Honduras), Centro para la Prevención, Tratamiento y Rehabilitación de víctimas de la Tortura y sus familiares – CPTRT (Honduras), Colectivo Diamantes Limeños (Honduras), Colectivo Unidad Color Rosa – CUCR (Honduras), Comité de familiares de detenidos desaparecidos de Honduras – COFADEH (Honduras), Comité de familiares de migrantes desaparecidos del progreso – COFAMIPRO (Honduras), Comité por la libre expresión – C-Libre (Honduras), Coordinación de instituciones privadas por las niñas, niños, adolescentes, jóvenes y sus derechos – COIPRODEN (Honduras), Crisálidas de Villanueva (Honduras), Ecuménicas por el derecho a decidir (Honduras), Equipo de monitoreo independiente de Honduras – EMIH (Honduras), Equipo de reflexión, investigación y comunicación – ERIC-SJ (Honduras), Espacio ACI Familia franciscana – JPIC (Honduras), Federación de Sindicatos de Trabajadores de la Agroindustria – FESTAGRO (Honduras), Foro de mujeres por la vida (Honduras), Foro Nacional de Sida – FOROSIDA (Honduras), Foro nacional para las migraciones – FONAMIH (Honduras), Foro social de la deuda externa y desarrollo de Honduras – FOSDEH (Honduras), Frente amplio del COPENH (Honduras), Asociadas por la Justo en Honduras – JASS (Honduras), Las hormigas (Honduras), Movimiento Ambientalista Social del Sur por la Vida – MASSVIDA (Honduras), Movimiento Indígena Independiente Lenca de la Paz en Honduras – MILPAH (Honduras), Movimiento ambientalista santabarbarense – MAS (Honduras), Movimiento amplio por la dignidad y la justicia – MADIJ (Honduras), Movimiento de mujeres por la paz visitación padilla (Honduras), MUCA y plataforma agraria (Honduras), Observatorio permanente Bajo Aguan (Honduras), Organismo cristiano de desarrollo integral de Honduras – OCDIH (Honduras), Brigadas de Paz Internacional PBI (Honduras), Plataforma internacional contra la impunidad – PI (Honduras), Pastoral de movilidad humana – PMH (Honduras), Red de defensoras de derechos humanos de Honduras (Honduras), Red de participación de organización de sociedad civil Siguatepeque – RPOSC (Honduras), Red de trabajadoras sexuales de Honduras – REDMUDE (Honduras), Unión de empresas y de organización des trabajadores del Campo – UTC (Honduras), Vía campesina (Honduras);

**Joint Submission 4 submitted by:** Alianza Mundial para la Participación Ciudadana – CIVICUS (South Africa), Red Latinoamericana y del Caribe para la Democracia – REDLAD (Colombia), Asociación de Organismos no Gubernamentales – ASONOOG (Honduras);

**Joint Submission 5 submitted by:** Congregación de Nuestra Señora de la Caridad del Buen Pastor (Switzerland), Misioneras de San Carlos Borromeo – Scalabrinianas (Honduras), Franciscanos Conventuales (Honduras);
Joint Submission 6 submitted by: Cristosal (El Salvador), Asociación Para Una Vida Mejor de Personas Infectadas/Afectadas por el VIH-Sida en Honduras – APUVIMEH (Honduras);

Joint Submission 7 submitted by: Centro de Derechos de la Mujer – CDM (Honduras), Asociadas por lo Justo – JASS (Honduras), Plataforma Right Here Right Now – RHRN (Honduras), Foro de Mujeres por la Vida (Honduras), Red Nacional de Defensoras de Derechos Humanos en Honduras – RNDDHH (Honduras), Centro de Estudios de la Mujer – CEMH (Honduras), Centro de Estudios y Acción para el Desarrollo de Honduras – CESADEH (Honduras), Grupo Sociedad Civil – GSC (Honduras), Red de Mujeres de Santa Bárbara (Honduras), Red de Mujeres Trabajadores Sexuales – REDMUSE/Restrasex (Honduras), Red Contra la Violencia de Choloteco (Honduras), Red de trabajadoras Domésticas de Francisco Morazán – RDT (Honduras), Grupo Lésbico y Bisexual Litos de Honduras – GLBLDH (Honduras), Movimiento de Mujeres por la Paz “Visitaición Padilla” (Honduras);

Joint Submission 8 submitted by: Boston University School of Law International Human Rights Clinic (United States of America), Consejo Noruego para Refugiados (Norway), Equipo de Reflexión, Investigación y Comunicación (Honduras), Fundación para el Acceso a la Justicia y el Estado de Derecho (Mexico);

Joint Submission 9 submitted by: Istituto Internazionale Maria Ausiliatrice – IIMA (Switzerland), International Volunteerism Organization for Women, Education, and Development – VIDES International (Italy);

Joint Submission 10 submitted by: La Via Campesina Honduras (Honduras), FIAN Honduras (Honduras), Centro de Estudio para la Democracia – CESPAD (Honduras), Centro Desarrollo Humano – CDH (Honduras), Plataforma Agraria (Honduras), MILPAH (Honduras), Movimiento Ambientalista Social del Sur por la Vida – MASSVIDA (Honduras), Comité para la Defensa y Desarrollo de la flora y Fauna del Golfo de Fonseca – CODDEFFAGOLF (Honduras), ADEPES (Honduras), Caritas (Honduras), Asociación para el desarrollo de la Península de Zacate Grande – ADEPZA (Honduras), Iglesia Católica Parroquias de Amapala y Langue (Honduras), UCT La Paz (Honduras), Movimiento Ambientalista de Santa Bárbara – MAS (Honduras), Observatorio permanente de derechos humanos del aguan – ODPHA (Honduras), ACI Participa (Honduras), Organismo Cristiano de Desarrollo Integral de Honduras – OCDIH (Honduras);

Joint Submission 11 submitted by: Avocats Barreau Paris (France), Consejo General de la Abogacía Española (Spain);

Joint Submission 12 submitted by: World Organization Against Torture OCMT (Switzerland), Center for Prevention, Treatment and Rehabilitation of Victims of Torture and their Families – CPTTRT (Honduras);

Joint Submission 13 submitted by: La Plataforma Internacional contra la Impunidad (Guatemala), El Consejo Indígena Lenca (Honduras);

Joint Submission 14 submitted by: Movimiento Amplio por la Dignidad y Justicia (Honduras), Consejo Cívico de Organizaciones Populares e Indígenas de Honduras – COPINH (Honduras);
JS15 Joint Submission 15 submitted by: Plataforma Derechos Aquí y Ahora Honduras (Honduras), Sexual Rights Initiative (Switzerland), Comité por la Diversidad Sexual de Honduras (Honduras), Plataforma Somos Muchas (Honduras), Grupo Estratégico por la Anticoncepción de Emergencia (Honduras);

JS16 Joint Submission 16 submitted by: Asociación Kukulcan (Honduras), Asociación Colectivo Violeta (Honduras), Asociación LGTB Arcoiris de Honduras (Honduras), Humanos en Acción (Honduras), Grupo Lésbico Bisexual LITOS (Honduras), SOMOS Centro para el Desarrollo y la Cooperación LGTBI (Honduras), Grupo Lésbico Bisexual Trans Feminista Ixchel (Honduras), Asociación de Derechos Humanos Cozumel Trans (Honduras);

JS17 Joint Submission 17 submitted by: Aldea Infantiles SOS (Honduras), Asociación Compartir con los Niños (Honduras), Asociación Cristiana de Jóvenes – ACJ (Honduras), Asociación Hondureña de Apoyo al Autista – APOAUTIS (Honduras), Asociación Juventud Renovada Hogar Diamante (Honduras), Asociación Libre Expresión (Honduras), Asociación Programa Amigo de los Niños / Children International APAN/CI (Honduras), Casa Alianza de Honduras (Honduras), Casa Asti (Honduras), Casa de los Ángeles de Honduras (Honduras), Casa Hogar Temporal Bencalet (Honduras), Familias Solidarias de Honduras (Honduras), Fundación Hondureña de Rehabilitación e Integración del Limitado FUHRIL (Honduras), Instituto Psicopedagógico “Juana Leclerc” IPJL (Honduras), Nuestra Pequeños Hermanos – NPH (Honduras), Olimpiadas Especiales (Honduras), Plan Internacional Honduras (Honduras), Programa de Rehabilitación de Parálisis Cerebral – PREPACE (Honduras), Proyecto Alternativas y Oportunidades (Honduras), Save The Children Honduras (Honduras), Visión Mundial Honduras (Honduras).

Regional intergovernmental organization(s):

IACHR-OAS Inter-American Commission – Organization of American States (United States of America).

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2 For the relevant recommendations, see A/HRC/30/11, paras. 126.1–126.6, and 124.14–124.16.
3 JS7, p. 4. JS3, p. 18; JS15, p. 11; and JS17, p. 11.
4 JS17, p. 11.
5 GICJ, p. 5. See also JS3, p. 17 and JS12, p. 6.
6 JS10, pp. 9–10.
7 ICAN, p.1.
8 JS3, p. 18; and JS7, p. 9.
9 GICJ, pp. 1–2.
10 JS4, p. 17.
11 AI, pp. 2 and 5.
12 For the relevant recommendations, see A/HRC/30/11, paras. 124.1, 124.3–124.5, and 125.8.
13 JS10, p. 6. See also IACHR, p. 4.
14 GICJ, p. 5.
15 JS12, p. 6.
16 JS4, p. 17.
17 For the relevant recommendations, see A/HRC/30/11, paras. 124.6, 124.7, 124.10, 124.18, 124.20, 124.44, 124.47, 125.3, 125.11, 126.8, and 126.9.
19 JS15, p. 11.
20 Cattrachas, p. 7.
21 JS9, pp. 1–2.
22 JS9, p. 6. See also GICJ, p. 4.
23 JS3, p. 15. JS16, pp. 6–7 and 9; and Cattrachas, p. 1. See also PBI, p. 3; and AHR, p. 3.
24 Cattrachas, p. 2. See also AHC, p. 1.
25 JS16, p. 13. See also JS3, p. 19; JS15, p. 10; AHC, p. 6; and Cattrachas, pp. 5–6.
26 For the relevant recommendations, see A/HRC/30/11, para. 124.12.
86 JS5, p. 3.
87 JS3, p. 11; and JS5, p. 2.
88 JS7, pp. 5 and 8–9.
89 JS4, p. 15.
90 JS2, p. 3.
91 For relevant recommendations see A/HRC/30/11, para. 125.63.
92 JS15, p. 5.
93 For relevant recommendations see A/HRC/30/11, paras. 125.64, and 125.68–125.71.
94 JS3, p. 10. See also JS10, p. 4; and JS15, p. 5.
95 JS3, p. 17; and JS7, p. 9.
96 JS5, p. 4. See also JS3, p. 11.
97 JS10, pp. 2–4.
98 JS10, pp. 4–5 and 10. See also JS3, pp. 14 and 19.
99 JS3, p. 19.
100 For relevant recommendations see A/HRC/30/11, paras. 125.65, 125.72, and 126.7.
101 JS5, p. 4. See also JS7, p. 10.
102 JS17, p. 12. See also JS7, p. 12.
103 GICJ, pp. 3 and 5.
104 JS15, p. 8.
105 JS3, pp. 12 and 18; JS7, pp. 10–12; JS15, pp. 7–8; and CPR, pp. 1–2 and 8. See also JS17, p. 11; and IACHR, p. 14.
106 CPR, pp. 2 and 4.
107 JS2, pp. 1, 4–6 and 9. See also CPR, pp. 5–6.
108 For relevant recommendations see A/HRC/30/11, paras. 125.6, 124.19, 124.24–124.28, 124.30–124.34, 124.46, 125.12, 125.13, 125.37, 125.38, 125.62, 125.66, and 125.67.
109 JS3, p. 12. See also JS8, p. 3; JS17, pp. 4–5; and CPJ, p. 4.
110 JS8, p. 3.
111 JS9, p. 3. See also JS8, p. 12.
112 JS15, p. 3. See also JS7, p. 11.
113 JS17, p. 11.
114 For relevant recommendations see A/HRC/30/11, paras. 124.9, 124.14, 124.19, 124.24–124.28, 124.30–124.34, 124.46, 125.12, 125.13, 125.37, 125.38, 125.62, 125.66, and 125.67.
115 JS3, p. 12. See also AHC, pp. 4–5.
116 JS3, p. 12. JS7, pp. 1 and 3; JS9, p. 6; JS15, p. 12; CPR, p. 2; and GICJ, p. 4.
117 IACHR, p. 13.
118 JS7, p. 2. See also AHC, p. 6.
119 JS15, p. 15. See also JS3, p. 17; and JS7, p. 3.
120 JS7, p. 5; JS15, pp. 9 and 15; and CPR, p. 8.
121 JS7, p. 4.
122 For relevant recommendations see A/HRC/30/11, paras. 124.17, 124.19, 124.24–124.28, 124.30–124.34, 124.46, 125.12, 125.13, 125.37, 125.38, 125.62, 125.66, and 125.67.
123 JS9, p. 5.
124 JS17, pp. 3 and 10. See also JS3, p. 18.
125 JS3, p. 18.
126 JS3, p. 12; JS8, p. 3; and JS9, p. 2. See also Red COIPRODEN, pp. 1–2.
127 JS9, p. 2.
128 JS17, p. 11.
129 JS9, pp. 4–5.
130 JS17, p. 8. See also JS9, p. 7.
131 For relevant recommendations see A/HRC/30/11, paras. 124.8, 124.57, 124.59, and 125.76.
132 CS, pp. 1 and 6. See also JS3, p. 15; JS14, p. 1; and IACHR, p. 14.
133 JS3, p. 19; JS13, p. 6; JS14, p. 7; and CS, p. 7.
134 JS13, pp. 2 and 4. See also JS9, p. 8; and IACHR, p. 14.
135 JS14, pp. 3–7. See also CS, pp. 5–6; and IACHR, pp. 1–2.
136 JS10, p. 9.
137 For relevant recommendations see A/HRC/30/11, paras. 125.19, and 125.77–125.81.
138 JS6, pp. 4–6. See also JS8, pp. 3–5.
139 JS8, pp. 12 and 14. See also JS3, p. 19; JS6, p. 11; and JS17, p. 12.
140 JS10, p. 5; JS5, p. 3; and JS8, pp. 1–2. See also Red COIPRODEN, pp. 1–2.
141 JS8, pp. 5–6. See also IACHR, pp. 3–4.
142 JS3, p. 6. See also JS8, p. 6.
143 JS9, p. 5.
144 JS8, pp. 7–8.
145 JS8, pp. 9–10 and 13.
146 JS6, p. 8.
147 JS17, p. 12.
148 JS3, p. 19.
149 JS17, p. 13. See also JS8, pp. 6–7.
TAB 10
Situation of Human Rights in Honduras
Human Rights Situation in Honduras
order the integration of 50% of women in the selection lists of all public levels.485 According to the information transmitted by the State, in 2017 all political parties that participated in the primary elections held in March 2017 met the participation requirement;486 the Supreme Electoral Tribunal (TSE) has also trained women from political parties under the methodology of Candidate Academy and Parliamentary Academy in different regions of the country. The participation of women in judicial instances, such as the Supreme Court of Justice (out of 15 judges, 5 are women) and the Executive Branch (out of 3 presidential appointees, 2 are women; out of 641 decision-making positions, 299 are occupied by women; out of the total of 24,912, 15,603 are women) is also noted.487

273. Without prejudice to these developments, the Commission is concerned about the many obstacles women continue to face in participating in the political life of their country, in particular the political violence of which they are victims. According to information received by the Commission during its visit to the country, at least 40 acts of violence against women candidates, including harassment, armed aggressions, tear gas attacks, threats on social networks, beatings, illegal detentions and threats to their lives, were reported during the 2017 electoral period.488

274. The IACHR calls upon the State to take the necessary actions to promote the political participation of all women without discrimination and free from violence, and to adopt and implement appropriate measures to encourage political parties to ensure that all women have fair and equal opportunities to compete for and be elected to all public offices.

E. LGBTI Persons

275. As part of the on-site visit to Honduras, the Commission received information on the situation of violence and discrimination against LGBTI persons in the country. In this regard, the Commission was informed about the number of cases of murders based on sexual orientation and gender identity, as well as about the high degree of impunity in these cases. It also obtained information on structural discrimination committed by State agents and legislative changes that generated possible discriminatory situations against LGBTI persons. In spite of the challenges, the IACHR also learned of important advances in favor of equality and non-

485 La Tribuna, This is how the regulation of parity of men and women for public office was established, September 12, 2016.

486 According to information provided by the State, the following were proposed: 1 woman for the office of president, 18 for presidential appointees, 924 for deputies, 1,017 for alternate deputies, 553 for mayors, 2,410 for vice-mayor and 10,771 for councilors. However, the results of the elections do not express the same figures for the inclusion of women, given that 1 woman was elected president, 5 women appointees, 143 women proprietary deputies, 170 women alternate deputies, 95 women mayors, 799 women vice-mayors and 2,622 women councilors. State of Honduras, Observations on the draft Chapter IV of the IACHR Annual Report 2017, communication to the IACHR, February 9, 2018.


discrimination, in the areas of education with sexual diversity and gender perspective towards a cultural change, in addition to the work of State institutions aimed at investigating and sanctioning crimes committed against LGBTI persons.

276. Four years gone by since the issuance of the Report on the Situation of Human Rights in Honduras, the IACHR notes that LGBTI persons in the country continue to live in contexts characterized by frequent physical, psychological and sexual violence. Furthermore, these persons do not have effective access to justice. In that sense, their claims to justice face obstacles and the respective cases result in widespread impunity. In this regard, despite some convictions in judicial cases of violence against LGBTI persons, rulings are scarce and do not take into account possible motivations based on prejudice as a factor for the commission of crimes. This transmits a social message that legitimizes discrimination and hatred against LGBTI persons.

277. The Commission likewise continues to receive information from civil society on acts of violence committed against persons of diverse sexual orientation and gender identity and expression. The IACHR notes with concern the 155 murders of gays, lesbians, and transgender people in the last five years, including two cases that occurred during the time the IACHR was conducting its on-site visit on June 30 and July 7, 2018. According to data provided on cases of violence, most of the killings occurred against gay men and trans women. Likewise, regarding trans women, the IACHR notes with concern that according to the information received, all the victims were under 34 years, which reinforces the low average life expectancy of this population in the hemisphere.

278. In addition, the IACHR emphasizes that in many of the cases of violence there were high levels of viciousness and cruelty, such as stabbing, riddling, execution, asphyxiation by strangulation, beating, calcination, and beheading. In this regard, the Commission highlights the case of Michelle Hernandez, a 24-year-old trans woman whose body was burned after being beaten to death in the municipality of Villanueva, department of Cortés, in early 2019. According to what has been reported in the media, to date no suspect has been identified or punished.

279. The IACHR also expresses concern regarding the murders committed against human rights defenders of LGBTI people. Between 2015 and 2016, the Commission had knowledge of the following murders: Juan Carlos Cruz Andara, Angy Ferreira, Violeta Rivas, Jorge Alberto Castillo, Gloria Carolina Hernández Vásquez, Paola

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491 Information provided by civil society as part of the on-site visit on the murder of two gay men on August 2, 2018.
494 Information provided by civil society.
495 Radio America, LGBT community members beaten to death and burned in northern Honduras, March 24, 2019.
Barraza\textsuperscript{496} and René Martínez Izaguirre.\textsuperscript{497} Similarly, the case of David Valle, whom, in 2017, was stabbed by an unknown man in his home in Tegucigalpa.\textsuperscript{498} The IACHR stresses that women human rights defenders face increased vulnerability to violence due to a combination of factors related to their perceived sexual orientation and gender identity, their advocacy role, and the issues they advocate for and work on,\textsuperscript{499} which is why states must ensure their safety. At the same time, the IACHR learned that the violence suffered by LGBTI persons in Honduras is a factor in several cases of forced displacement, both internal and international. According to the information received, LGBTI persons, who through different intersections of vulnerability are more likely to be victims of violence, are forced to seek safer spaces, which often means fleeing and leaving their place of origin. In this sense, violence, death threats, insecurity and impunity force people whose sexual orientation and diverse gender identity and/or expression to consider the possibility of leaving their homes as the only alternative to protect their life and physical integrity.\textsuperscript{500}

280. For its part, the State of Honduras informed the IACHR about several measures taken in recent years to guarantee the safety of LGBTI persons in the country. In this regard, they highlighted the plan to prioritize the investigation of homicide cases against “vulnerable populations”, including LGBTI persons. This plan is developed through the creation of the Special Unit “task force” or “Operative Force” on Violent Crimes, which is in line with the protocols and the Police Investigation Directorate.

281. The State also provided information indicating that the Public Prosecutor’s Office of the Republic of Honduras has registered, in the last five years, a total of 92 cases of attempts and murders of members of the LGTBI community, of which, until 2018, only eight rulings have resulted in convictions and five acquittals. In addition, according to the information provided, the institution included social workers and psychologists in the investigation team for cases of violence against LGBTI persons, with the aim of forming a multidisciplinary team to determine the motives and the possible presence of elements of hatred in these crimes.

282. The IACHR takes note of the efforts undertaken by the State to investigate and punish those responsible for acts of violence and discrimination against LGBTI persons. However, it also highlights that according to information provided by the Commissioner for Human Rights (CONADEH), more than 90% of these crimes remain unpunished.\textsuperscript{501} In addition, civil society denounced to the IACHR that in the

\textsuperscript{496} IACHR, IACHR condemns killings and other acts of violence against human rights defenders of LGBT persons in Honduras, March 7, 2016.
\textsuperscript{497} IACHR, IACHR Condemns Killing of LGBT Rights Defender in Honduras, June 15, 2016.
\textsuperscript{498} IACHR, IACHR condemns attack on LGBTI rights defender David Valle in Honduras, August 9, 2017.
\textsuperscript{499} IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, OEA/Ser.L/V/II. Rev.2.Doc. 36, para. 335.
\textsuperscript{500} CONADEH, Forced Internal Displacement in Honduras, December 2007, p. 48.
\textsuperscript{501} CONADEH, Actions of Violence against Members of Sexual Diversity Prevail in Impunity, May 17, 2018.
last five years, only 65 cases involving the murder LGTBI persons were prosecuted out of the total of cases.502

283. The IACHR emphasizes that due to the absence of official statistics on victims of violence based on sexual orientation or gender identity, the numbers provided by civil society vary from those presented by the State. In this regard, the Commission stresses that, in order to generate statistics on violence due to prejudice, the State must take steps towards the creation of information and reporting systems that expressly incorporate variables on sexual orientation and gender identity. Likewise, the IACHR urges the State to create effective and coordinated inter-institutional mechanisms to train members of the security forces, justice operators and professionals who collect and analyze data on crimes and violence so that they can generate reliable statistics on the situation of violence against LGBTI persons.

284. The Commission further takes note of the concern expressed by civil society, indicating that the “hatred” was deleted in May 2019 from the aggravating grounds of Article 32.8 of the Criminal Code, which has been considered a step backwards in the framework of legal protection.503 This situation would leave without defense the legal protection against discrimination based on sexual orientation and gender identity.504

285. In this context, the Commission reminds the State of Honduras that the right to personal integrity and access to justice are fundamental principles of the democratic rule of law. In this regard, given the figures of murdered LGBTI persons, the IACHR calls on the State of Honduras to move forward with thorough and impartial investigations into cases of violence based on sexual orientation, gender identity or expression in its territory, adopting effective measures to try, sanction and redress violence against LGBTI persons. The Commission reiterates that impunity for crimes committed against LGBTI persons conveys a strong social message of legitimization of such acts of violence, which generates more violence.

286. Furthermore, the IACHR recalls that acts of violence and discrimination experienced by LGBTI persons reflect the prejudice rooted in society and, therefore, cultural change through educational processes plays a fundamental role in modifying sociocultural patterns of behavior, including the development of education programs - formal and non-formal - adapted to all levels of the educational process, seeking to counteract prejudices and all types of discriminatory situations against LGBTI persons;505 as well as to adopt legislative measures that promote equality and protect people against discrimination.

503 Proceso Digital, Published in La Gaceta the new Penal Code, May 14, 2019.
504 Information provided by civil society as part of the on-site visit.
505 IACHR, Advances and Challenges towards the Recognition of the Rights of LGBTI Persons, December 7, 2015, para. 36.
1. **Discrimination**

287. With regard to the widespread context of discrimination against LGBTI persons, the Commission received information from civil society indicating that in 2004, the right to marriage was restricted only between men and women “who have the quality of such naturally”, forbidding thereby marriage and de facto union between persons of the same sex and trans persons. Article 116 also prohibited adoption by same-sex couples. With respect to the foregoing, the IACHR learned of the statement of the Public Prosecutor’s Office within the framework of the action of unconstitutionality that analyzes marriage in light of the principles of equality and non-discrimination. In particular, it expressed its opinion on the possibility of granting LGBTI persons “unequal” treatment regarding the right to marry. The Commission considers that such an opinion may in itself constitute an act of institutional discrimination and recalls that, in order for a restriction on human rights to be based on a prohibited or “suspect” category, State agents cannot base their actions on prejudice and/or stereotypes, they must also comply with the principles of necessity and proportionality.

288. The IACHR reiterates that the right to equality and non-discrimination is a fundamental principle that obliges the State of Honduras to provide equal protection to all persons under its jurisdiction and to adopt measures to eliminate and combat discriminatory practices. In this sense, on several occasions the Commission has asked the authorities to refrain from spreading stigmatizing messages against LGBTI persons, as well as to contribute strongly to the construction of a climate of tolerance and respect.

289. The Commission also learned of the approval of the change to article 22 of the Act on Adoption by the National Congress of Honduras, which expressly prohibits the adoption of children into marriages or de facto unions formed by persons of the same sex, even though such marriages or unions are not legal in the country. In this regard, the IACHR notes that this reform represents a form of differentiated treatment of same-sex couples, representing a violation in the light of the principles of equality and non-discrimination, and considers that this article may in itself constitute an act of discrimination. On this issue, the Commission has repeatedly stated that the limited and stereotyped understanding of the concept of the family ignores current international standards in this area and arbitrarily excludes diverse families.

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506 Constitution of Honduras, art. 112.
507 Information provided by civil society as part of the on-site visit.
508 IACHR, Advances and Challenges towards the Recognition of the Rights of LGBTI Persons, December 7, 2015, para. 36.
510 IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, November 12, 2015, para. 255.
290. For its part, the State of Honduras informed the IACHR of 224 training workshops against discrimination based on sexual orientation or gender identity, for public health agents and the police carried out by the National Human Rights Commissioner (CONADEH) between 2015 and 2017.\textsuperscript{512}

291. In addition, civil society informed the Commission that important steps have been taken in the health system in terms of access to health services free of stigma and discrimination for LGBTI persons, including the creation of specialized clinics on sexual diversity, such as the Sentinel Surveillance Clinics for Sexually Transmitted Infections (VICITS).\textsuperscript{513}

292. The Commission notes with concern the information received that in the country, 11.9% of trans women live with the immunodeficiency virus (HIV).\textsuperscript{514} The Commission takes note of the discrimination faced by trans people, in particular, exposing them to a process of exclusion, which in turn makes them more vulnerable, among other causes, because they are more susceptible to HIV infection.

293. Regarding public perceptions of LGBTI persons, civil society organizations denounced to the IACHR that in the framework of the 2017 general elections some media used discriminatory expressions, images, cartoons, and polls against LGBTI candidates who participated in the elections.\textsuperscript{515}

294. At the same time, the Commission takes note of the information received from the State of Honduras on the development of a component that prioritizes the teaching of gender and sexual diversity in schools, within the framework of the Public Policy and National Plan of Action on Human Rights (2013).\textsuperscript{516} The IACHR highlights that discrimination against LGBTI persons, or those perceived as such, is closely linked to the existence of social and cultural prejudices rooted in the American continent societies.\textsuperscript{517} In this sense, the IACHR welcomes the initiative of the project and reaffirms that human rights education, particularly the one that contains a gender perspective, plays a transformative role towards cultural changes in society in order to eliminate structural prejudices, historical discrimination, stereotypes and false concepts about LGBTI persons, contributing to a more just, egalitarian and inclusive society.\textsuperscript{518}

295. In light of the foregoing considerations, the IACHR urges the State to move forward with a legal framework that specifically guarantees comprehensive protection for people against discrimination based on sexual orientation, gender identity or body diversity, including the adoption of a gender identity law, the reform of institutions

\textsuperscript{512} Information provided by the State as part of the on-site visit.
\textsuperscript{513} Information provided by the State as part of the on-site visit.
\textsuperscript{514} UNAIDS, Honduras Overview, 2019.
\textsuperscript{515} Information provided by civil society.
\textsuperscript{516} Information provided by the State as part of the on-site visit.
\textsuperscript{517} IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, November 12, 2015, para. 428.
\textsuperscript{518} IACHR, Advances and Challenges towards the Recognition of the Rights of LGBTI Persons, December 7, 2015, para. 66.
and the implementation of policies to combat discrimination and that guarantee the effective inclusion of LGBTI persons. The Commission reminds the State, within the framework of its international human rights commitments, to refrain from introducing into its legal system laws that generate discriminatory practices against LGBTI persons based on prejudice. The Commission therefore also recommends that the State repeal discriminatory laws such as the Adoption Act and, in the meantime, impose an explicit and formal moratorium on the application of that law.

F. Internally displaced persons

296. Honduras is a country of origin, transit, destination and return of migrants. Internal displacement and migration to other countries are the predominant trend in the country. Throughout the visit, the IACHR received abundant information on how, in recent years, various factors have forced tens of thousands of people to flee their homes both within Honduras and to other countries in the region, contributing to the exodus of displaced persons and refugees from the Northern Triangle of Central America.

297. According to the Inter-Institutional Commission for the Protection of Persons Displaced by Violence, in November 2017, there were approximately 174,000 internally displaced persons in Honduras.\(^{519}\) For its part, the report by the Network of Civil Society Organizations for the Protection of Displaced Persons indicates that until 2018 the number of internally displaced persons (IDPs) would be 264,481,\(^{520}\) which could even be higher.

298. During the visit, the IACHR gathered 27 testimonies from people who were forced to move internally as a result of various forms of violence, including maras and gang violence; gender and intra-family violence; violence based on sexual orientation and gender identity; violence by state actors in the post-election context; displacement caused by the implementation of extractive industries; as well as displacement caused by climate change and natural disasters.

299. Moreover, the study of characterization of internal displacement in Honduras indicates that the main causes of displacement are the persecution and insecurity of the community (67.9%), threats (20%), murders (17%), personal injuries (12%),

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\(^{519}\) Inter-institutional Commission for the Protection of Persons Displaced by Violence, Characterization of Internal Displacement in Honduras, November 2015, p. 12

\(^{520}\) Based on the interpretation of the statistics obtained from UNHCR concerning Honduran asylum seekers, the IDMC and NRC report, data from the statistical report prepared by the organization Cristosal Honduras, and cases handled by the organizations Pastoral de Movilidad Humana, Casa Alianza Honduras, Red Contra la Violencia Sindical and CIPRODEH. Document prepared by the Network of Civil Society Organizations for the Protection of Internally Displaced Persons (Red OSC), received by the IACHR on the occasion of its on-site visit to Honduras.
TAB 11
**Human Rights Council**

**Forty-first session**

**24 June–12 July 2019**

**Agenda item 3**

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

**Visit to Honduras**

**Report of the Working Group on the issue of discrimination against women in law and in practice**

**Summary**

The Working Group on the issue of discrimination against women in law and in practice conducted a visit to Honduras from 1 to 14 November 2018. In the present report, the Working Group assesses the situation regarding the human rights of women in the country, noting achievements and challenges. It examines the legal, institutional and policy framework for promoting gender equality and the participation and empowerment of women in family, economic, social, political and public life, paying particular attention to women who experience intersecting forms of discrimination. The Working Group also presents recommendations for further progress in eliminating discrimination and promoting equality.

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* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission and Spanish only.

** Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter’s control.
Annex

Report of the Working Group on the issue of discrimination against women in law and in practice on its visit to Honduras

I. Introduction

A. Visit

1. The Working Group on the issue of discrimination against women in law and in practice visited Honduras from 1 to 14 November 2018 at the invitation of the Government. The delegation of experts from the Working Group met with various concerned stakeholders in Tegucigalpa, La Esperanza, San Pedro Sula, El Progreso and La Ceiba. They wish to thank the authorities, in particular the National Institute for Women, for their remarkable level of cooperation and support in the organization of the visit. They are grateful to all their interlocutors – public officials, health professionals, representatives of civil society and academia, the United Nations country team and representatives of the private sector – for all the fruitful exchanges. They are particularly grateful to the women human rights defenders, many of whom travelled long hours to meet with them.

2. In the capital, the experts met with the First Lady, representatives of the Ministry of General Government Coordination, the Ministry of Foreign Affairs, the Ministry of Human Rights, the National Institute for Women, the Ministry of Governance, Justice and Decentralization, the Ministry of Security, the Ministry of Development and Social Inclusion, the Ministry of Education, the Ministry of Health, the Ministry of Labour and Social Security, the Ministry of Economic Development, the Monitoring Centre on Violence, the National Statistics Institute and the Ministry of Infrastructure and Public Services. The experts also met with the President of the Supreme Court, the Attorney General’s Office, the Office of the National Commissioner for Human Rights, the Inter-Agency Commission to Monitor Investigations into Violent Deaths of Women and Femicide, the national mechanism for the protection of human rights defenders, and representatives of Congress. In San Pedro Sula and La Ceiba, the experts met with the governors, mayors, representatives of the municipal offices for women and of local human rights institutions, local justice officials, public defenders and the police.

3. The experts visited the women’s prison, the Ciudad Mujer initiative and a school in Tegucigalpa, and a shelter for women victims of violence and a hospital in San Pedro Sula. They met with numerous women’s organizations and women human rights defenders. The experts also met with the Honduran Private Enterprise Council.

B. Context

4. With a population of 9,023,838 people, Honduras is considered to have a medium level of development, ranking 133 of 189 States in terms of the human development index. Although poverty has been reduced since 2013 and currently stands at 59.6 per cent, the country has the highest level of economic inequality in the continent. It continues to

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struggle with crime and violence and has one of the highest rates of murders in the world, including an alarming rate of femicide. Furthermore, Honduras suffers from acute environmental vulnerability, and is prone to hurricanes, floods and droughts, worsened by the State’s inadequate responses to climate change. Since the coup in 2009, the country has been facing a governance crisis with fragile institutions. Widespread structural impunity, corruption and the militarization of national security also affect prospects for ensuring fully fledged democratic governance and sustainable development. Moreover, some aspects of development policies, which include the granting of concessions to extractive industries and energy companies, pose a serious risk to the livelihood and culture of indigenous, Garífuna and rural populations and a threat to the environment. Increased privatization of public services has also amplified the vulnerability of the most disadvantaged groups of the population, such as women living in poverty.

5. The country is still marked by the 2017 post-electoral polarization and social distrust. The Working Group carried out this visit at a moment of severe migration crisis, in which, according to information received from the Government, more than 7,000 people (among them approximately 1,500 women and girls) had left the country, fleeing widespread violence, poverty and a lack of economic opportunities. The Working Group hopes that the Government will take measures to support and protect returnees and to address the root causes of migration. It also hopes that government security policies shift the focus from militarization to human security.

II. Legal, institutional and policy framework for women’s equality and human rights

6. The Working Group notes the significant efforts by Honduras to strengthen its legal, institutional and policy framework for the promotion and protection of women’s human rights and also notes remaining gaps where further steps could be taken.

A. Legal framework

1. Ratification of international instruments and cooperation with human rights mechanisms

7. The Working Group welcomes the ratification by the State of all core human rights instruments and its strong commitment to cooperate with United Nations human rights mechanisms, as shown by its engagement with the treaty bodies and the universal periodic review and its standing invitation to the special procedures of the Human Rights Council. Honduras ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1983, with no reservations. However, the Working Group regrets that the Government has so far failed to ratify the Optional Protocol to that Convention. The Working Group also regrets that the Government has not ratified relevant conventions of the International Labour Organization (ILO), including the Domestic Workers Convention, 2011 (No. 189).

2. Main achievements in promoting women’s rights and gender equality in the law

8. The Working Group commends the efforts by Honduras to strengthen its legal framework for the promotion and protection of women’s human rights and gender equality. The prohibition of discrimination including on the basis of sex is enshrined in the Honduran Constitution, article 60 of which states that all Hondurans are equal before the law, and that

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5 In a preliminary report detailing its prevention and protection action in this migration crisis (starting on 12 October), the Office of the National Commissioner for Human Rights stressed that the root causes of this forced migration were poverty, unemployment, inflation, increased costs of public services and their lack of quality and accessibility, as well as insecurity stemming from violence, in particular from gangs and organized crime.
any discrimination based on sex, race, class and any other reason that is harmful to human dignity is punishable. In the past decades, a number of laws relevant to women’s rights and gender equality were adopted, including the Equal Opportunities for Women Act (2000), the Domestic Violence Act (2006), Decree No. 54-2012 amending the Elections and Political Organizations Act and establishing quotas to increase the political participation of women (2012), Decree No. 23-2013 criminalizing femicide (2013), the Responsible Parenting Act (2013), the Act for the Protection of Earnings and Regularization of Informal Employment (2013), Decree No. 27-2015 on equal pay (2015) and the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials (2015).

9. During the visit, the experts were informed that several relevant draft laws were scheduled in Congress, such as bills regulating domestic work, agrarian reform, violence against women in politics, transgender peoples’ rights and shelter houses for victims of violence and a comprehensive law on violence against women. The Working Group hopes that any shortcomings in these bills will be remedied (see relevant sections below) and that they will be passed without undue delay.

3. Challenges

10. However, according to the information received during the visit, this solid legal framework is not systematically implemented in practice and there is a need for better coordination between the relevant actors for it to be effective. Furthermore, there is still room for the improvement of laws and policies, such as on the political participation of women and domestic work (as detailed in para. 29 and 42 respectively). As for the legal framework on gender-based violence, the numerous provisions applicable might create some lack of clarity (see paras. 56). The very restrictive legislation on sexual and reproductive rights represents a major gap in the State’s fulfilment of its international obligations (see paras. 50–51).

B. Institutional and policy framework

11. The Working Group welcomes the adoption of numerous policies aimed at promoting women’s rights and gender equality, such as the second plan for gender equality and equity (2010–2022), the national plan against violence towards women (2014–2022) and the policy and national action plan against commercial sexual exploitation and trafficking in persons (2016–2022).

12. The Working Group welcomes the considerable efforts deployed by the National Institute for Women, which is responsible for promoting and coordinating the implementation of policies on gender equality and the integration of women into sustainable development efforts. It regrets that the Institute was downgraded from a ministry to a directorate under the Social Inclusion Office. The State has to reinforce the national machinery promoting and protecting women’s rights and allocate the necessary financial and human resources to ensure the effective implementation of gender equality policies, in line with its international obligations. It is essential that the Institute’s role in promoting and coordinating gender equality policies be reinforced and that its mandate be strengthened vis-à-vis other entities of the executive.

13. The Working Group notes with appreciation the Ciudad Mujer initiative, launched in 2016. The initiative, led by the National Institute for Women, provides for a network of services offered by 16 relevant agencies in relation to protection from violence, economic empowerment, sexual and reproductive health and community education focused on human rights. These comprehensive services are provided free of charge to any woman who needs them, and childcare is provided while women use services that they need. However, the initiative is not used as much as expected by women survivors of violence, one of its limitations being that it does not operate around the clock. The experts hope that this
initiative, which they consider a promising practice, will be implemented throughout Honduras and be given sufficient resources.\(^6\)

14. The experts are pleased that in 2017 the Ministry of Human Rights was created as an autonomous institution, which undertakes significant efforts to secure the mainstreaming of human rights standards. The ministry is coordinating the Inter-Agency Commission to Monitor Investigations into Violent Deaths of Women and Femicide, established in August 2018, as well as the protection mechanism for human rights defenders and the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons. This ministry and its mechanisms also need to be strengthened to ensure the enforcement of human rights and gender equality in the country.

15. The experts welcome the creation of gender units in the central Government and hope that they will be soon operational in all ministries, that they are given the appropriate budget and that they focus on the needs of all women. The experts also welcome the establishment of municipal offices for women. However, the experts were informed during the visit that not all the municipal offices had received their budget from the central Government. In addition, a number of women have raised concerns that the offices are staffed and funded according to party loyalties rather than according to the professional expertise and merits of the programmes.

16. The experts also appreciate the work done by the Office of the National Commissioner for Human Rights, which has regional offices in all departments of Honduras. They hope that in the near future the Office will be able to comply with the requirements of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular with regard to its financial resources, cooperation with other entities, pluralism and independence, and regain its A status.

C. Administration and access to justice

17. The Working Group acknowledges that the Government has adopted multiple initiatives to improve access to justice and accountability for discrimination and violence against women. These improvements include upgrading the Ministry of Human Rights; establishing 10 Special Prosecutors’ Offices, including one for human rights; doubling the number of prosecutors and the budget of the Attorney General’s Office; establishing a vetting process to identify corrupt police officers; and opening new courts in rural areas. There are also plans under way to establish a new competitive process for the selection of judges and to adopt a plan aimed at reducing delays in judicial proceedings. The experts stress the importance of these plans incorporating a gender focus.

18. Moreover, efforts were made to modernize the administration of justice, including the installation of a gender unit within the Supreme Court, training and awareness-raising for court personnel on gender and reforms to criminal and civil procedures. However, significant gaps persist, such as in relation to the pursuit of a judicial career and the adoption of legislation on the Council of the Judiciary and Judicial Service. Moreover, a more targeted focus on improving women’s access to justice needs to be included.

19. The experts note persistent failings concerning women’s access to justice, which is essential for the realization of all their rights and is a fundamental element of the rule of law and good governance, together with the independence, impartiality, integrity and credibility of the judiciary, the fight against impunity and corruption, and the equal participation of women in the judiciary and other law implementation mechanisms. Many of the components of the right to access to justice\(^7\) are not guaranteed to most women in Honduras.

\(^6\) More resources (human, financial and material) are needed, in particular from the Ministry of Health. Health services are the most sought after under the initiative.

\(^7\) See Committee on the Elimination of Discrimination against Women, general recommendation 33 (2015) on women’s access to justice.
20. The experts also note that the justice system, including the courts and other institutions, does not offer realistic solutions to overcome the barriers that women face in accessing justice. These obstacles occur in a context of structural discrimination and inequality, due to factors such as gender stereotyping, discriminatory laws, intersecting discrimination, procedural and evidentiary requirements and practices, and a failure to systematically ensure that judicial mechanisms are physically, economically, socially and culturally accessible to all women. Furthermore, obtaining effective legal solutions requires costly legal representation, which most women in Honduras cannot afford. Although some civil society organizations and legal clinics at the public universities offer free legal assistance, they cannot cover the legal needs of most women.

21. According to the testimonies and information received, factors such as socioeconomic status, residence in rural areas, ethnicity and age strongly influence women’s real possibilities of accessing effective legal remedies. During the visit, the experts received multiple testimonies regarding the lack of access to justice by women facing intersecting forms of discrimination, all of whom decried the impunity that existed (see para. 32) for the high rate of femicide and other forms of gender-based violence and their profound lack of trust in the legal system, which was also acknowledged by some government and police officials. Machismo, misogyny and gender stereotypes, coupled with the poverty or lack of financial independence of most women, increase the risks to which women are exposed and prevent them from fully exercising their right to access justice. More efforts should be made to secure effective access to justice for women.

III. Participation of women in family and cultural life, political and public life and economic and social life, and access to health

22. Despite efforts by the State and feminist activists in the country to promote women’s empowerment and gender equality, discrimination against women persists in all spheres of their lives. This systemic and structural discrimination, nurtured by patriarchy and discriminatory gender roles, affects all women in Honduras, but women living in poverty, indigenous, Garífuna and Afro-Honduran women, lesbian, bisexual, transgender, queer and intersex women and women with disabilities, inter alia, are particularly disadvantaged.

A. Family and cultural life

23. Patriarchal patterns of behaviour, attitudes, expectations, beliefs and practices discriminating against and denigrating girls and women remain widespread. It was emphasized by many interlocutors during the visit, including government officials, that there is a culture of machismo in Honduras. Patriarchal attitudes in the country perpetuate inequality, as well as domestic violence and other forms of violence committed outside the home, and limit women’s participation in civil, political, economic and social life and a more egalitarian family environment.

24. Honduras legally recognizes only heterosexual marriage, sexual minorities’ rights to enjoy family and private life being severely limited. Moreover, deep-rooted social norms impose on men the role of family breadwinners (although there are more and more women heads of households; see para. 38), while women are expected to do the housework, raise the children and look after other dependants. Women in Honduras spend about 30.2 hours per week in unpaid work, while men spend only 7.8 hours (see para. 40). The experts noted during the visit that even some government programmes sometimes perpetuated gender stereotypes or focused primarily on women’s role in the family. Laws and policies must be developed to reduce and redistribute women’s unpaid care work and provide equal opportunities for women to develop personally and professionally. In this respect, the

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experts commend the recruitment of women in construction and public work undertaken by the Gender Unit in the Ministry of Infrastructure and Public Services. The experts encourage more initiatives to provide jobs for women and challenge stereotypes. More efforts are needed to address men’s discriminatory attitudes and behaviours and positively transform masculinity. Furthermore, different family forms should be legally recognized.

25. In addition to the entrenched patriarchal culture, family life and women’s reproductive health are highly conditioned by a conservative society, influenced by the Church. The experts learned from various interlocutors that both Catholic and evangelical churches have significant influence over political decision-making bodies and public opinion, including in the discussion of the decriminalization of abortion in three circumstances and lifting the prohibition on emergency contraception. These policies should be premised on human rights standards and not on any particular religious doctrine. The Working Group joins other international human rights expert mechanisms in reiterating that freedom of religion or belief should never be used to justify discrimination against women (see A/HRC/38/46).

26. The media also play a key role in perpetuating harmful gender stereotypes, reinforcing gender inequality. Television channels and advertising in general continue to reinforce sexist gender stereotypes, as was pointed to by many interlocutors. Sensational cases tend to receive excessive media coverage at the expense of positive portrayal of women, and women (including victims of violence) are often depicted in a disrespectful manner, which may further fuel violence against them. The media must take on their role in promoting gender equality.

B. Political and public life

27. The Working Group welcomes the improvement in the number of women in public offices, such as the increase in the percentage of women in the police force (from 3 to 19 per cent) and judiciary (54 per cent of all judges are women), and was pleased to meet with women in high-level positions, including the Minister of Human Rights and the Director of the National Institute for Women. However, women, particularly those experiencing intersecting forms of discrimination, remain significantly underrepresented in all areas of political and public life. The low level of participation of women in public life is reflected at all decision-making levels: national, regional and community.

28. Women constitute 21.1 per cent of Congress, marking a decrease from the previous elections (25.7 per cent). Women constitute only 12 per cent of the Board of Directors of the National Congress (2 out of 17 members) and some of the Congress’s commissions have no women members (such as the Budget Commission). In 2017, women made up 21.7 per cent of ministers, 7.4 per cent of mayors and 30.7 per cent of city councillors. To date, there has never been an indigenous or Afro-Honduran minister. In the Supreme Court, 5 of the 15 judges are women.

29. In political parties, the highest positions are generally held by men. In 2012, Decree No. 54-2012 raised the quota for the inclusion of women candidates to 40 per cent for positions of authority and within parties, as well as candidates to popularly elected positions. It established that the principle of parity (50 per cent women) would be applied beginning with the 2015 electoral period. Moreover, a parity pact signed by Honduran political parties indicates that ballots should alternate in displaying the names of women and men candidates. However, the experts regretted to learn that recently adopted regulations, which stipulated that the names had to alternate further down the list of candidates only, had actually contributed to decreased numbers of women in office.

30. The experts were also informed of additional barriers to the participation of women in political life, such as the fact that women candidates for office were often discouraged from putting themselves forward by communities and partners, and that they had become

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10 Gender Equality Observatory for Latin America and the Caribbean, “Honduras: country profile”.
targets of political violence. Moreover, women politicians generally have less financial resources to fund campaigns. The Working Group calls on the Government to take further measures to support women’s participation and address violence in politics.

Women human rights defenders

31. Although Honduras has made efforts to establish a mechanism for the protection of human rights defenders, there still seems to be little understanding of the specificities and needs of women human rights defenders and the hurdles that they face. All the women human rights defenders met during the visit – who were working in areas of violence against women, including trafficking, discrimination, gender equality and sexuality education, reproductive rights, environmental and land rights, labour rights, rights of lesbian, bisexual, transgender, queer and intersex women and the rights of women engaged in sex work/prostitution – stated that they were not able to operate in a safe and enabling environment. They told the experts that they faced numerous attacks and threats, as well as the criminalization of their activities and lack of access to justice.

32. Several interlocutors, including family members, expressed great dissatisfaction with the trial for the murder of Berta Cáceres, a Lenca feminist leader. The experts were informed that the family had been denied access to reports and evidence during the investigation phase, which had lasted more than two years and was marred by numerous irregularities, and that the lawyers representing the family had been excluded from the trial without a legitimate reason. The Working Group welcomes the ruling by the trial court in Tegucigalpa in November 2018, which resulted in the conviction of seven men, but remains concerned that those masterminding and funding the crime have still not been sanctioned. Any irregularities reflect poorly on the judiciary as a whole, which is already mistrusted for its lack of accountability.

33. The mistrust in the judiciary is further fuelled by the practice of criminalizing human rights defenders. Not only does this have a disproportionate effect on women human rights defenders, who often do not have enough resources to pay for legal defence or travel to judicial or police stations, but it further erodes women’s already fragile trust in the judiciary or police. During the visit, representatives of women’s organizations from La Paz, La Esperanza, El Progreso, Bajo Aguán, San Pedro Sula, Tegucigalpa, Tela, La Ceiba and Santa Bárbara informed the experts about arrests, prosecutions and legal proceedings initiated against women human rights defenders as a means of intimidating them and hindering their work.

34. Stigmatization of women human rights defenders by officials, and also by their own organizations, families, communities and the media, not only disempowers them but also exposes them to heightened risks. They face smear campaigns aimed at discrediting their work, and are often accused of being opposed to the development of Honduras, of being “unnatural” mothers and wives or even of being criminals. One defender shared her painful experience of not only being criminalized and attacked by members of her own community, but also being constantly harassed and insulted by members of her family, who accused her of being a bad mother, while she explained that she had been defending her land precisely to secure her children’s future.

35. In most cases, women defending the environment and land rights face criminal charges, including coercion, trespassing and unlawful seizure, and land encroachment. The experts are concerned that the incorporation in January 2018 of the crime of illegal trespassing and appropriation of land into the list of crimes that may be committed by organized criminal groups, along with offences such as money laundering and terrorism, may generate a stigmatizing effect on women land defenders. For some, criminalization also entails prison. Even alternative measures given in response to criminal proceedings have apparently been abused as a tool of control and humiliation. For example, some defenders have been required to report regularly and for an extended period of time to the police or the courts to sign a document, which is seen by defenders as the form of judicial harassment. One woman revealed that she had been raped on her way to report to the police, which she was required to do weekly.
36. The experts also received testimonies of women human rights defenders facing legal action for defamation and slander, as well as the threat thereof. Others have reported that their organizations are subjected to unreasonable tax supervision and registration requirements. The experts were also informed that women who were more vocal, or worked on contested issues such as the rights of sexual minorities or sexual and reproductive rights, were at risk of harsher treatment, including excessive use of force and even murder. Often, women human rights defenders do not have sufficient protection. Some women said that they had to pay for the food and transportation costs for the security officers, and other pointed to the issue of the protection system focusing on the main person at risk only, sometimes leaving family members at risk. While the experts learned from the representatives of the protection mechanism that they were committed to ensuring a gender perspective, more should be done to ensure that there truly is such a gender focus.\textsuperscript{11}

C. Economic and social life

37. The Working Group notes that the State has been making efforts to enhance women’s economic empowerment and social inclusion, such as through the creation of the “Better Life” programme and the adoption of the Act on the National Solidarity Loan Programme for Rural Women. The experts welcome the recent accession by Honduras to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, having observed first-hand how poverty and inequality affect the everyday lives of women around the country. While 34.5 per cent of households depend on the woman’s income,\textsuperscript{12} women’s participation in economic life remains very low. The rate of participation by women in the paid labour force is 50.9 per cent, compared to 85.8 per cent by men.\textsuperscript{13} Some 75.5 per cent of women work in the informal sector, which often implies a considerably precarious situation and no protection. The unemployment rate among women is 10.7 per cent, against 5.1 per cent among men.\textsuperscript{14}

38. The feminization of poverty is of great concern to the Working Group: 44.4 per cent of households headed by women live in extreme poverty (against 41.9 per cent of those headed by men).\textsuperscript{15} Subemployment, unemployment and lack of access to land, credit and technology represent critical challenges for women, also preventing them from responding to their family needs. The organizations of peasant farmer women have documented that only 8 per cent of rural women possess land titles. Women’s organizations have attributed the lack of women’s access to credit, including agricultural financing, to high interest rates, the high deposits required, cumbersome procedures and discriminatory practices.

39. Limited access to land and credit severely restricts women’s economic prospects and autonomy. According to information received, women wishing to set up their own businesses are often precluded from doing so because of the need for capital, or because they are unable to meet the regulatory requirements (some women do not even have bank accounts). The patchwork of economic and community development programmes available has apparently variable outcomes. Some programmes are dismissed by women as politicized and thus not effective in improving the situation of women living in poverty; others appear to be inaccessible, even to the communities at which they are targeted.

40. The experts also received information about the problem of unpaid care work in Honduras, which represents a considerable additional burden, in particular for those who face heavy workdays. This situation is normalized by a lack of gender-sensitive education and is reinforced in the family, in social life and at work. It is crucial to adopt a process of education that is focused on a gender perspective. Alliances between women and men

\textsuperscript{11} See also A/HRC/40/60/Add.2.
\textsuperscript{12} Honduras, “Programa presidencial Ciudad Mujer Honduras”, report, 2018.
\textsuperscript{14} Honduran Private Enterprise Council, “Mujeres en la gestión empresarial en Honduras”, report, April 2018.
\textsuperscript{15} Polétikah, “Feminización de la pobreza”.
should be created to generate positive changes. Laws and policies should be developed that recognize, reduce and redistribute women’s unpaid care work and provide adequate social protection, including childcare facilities.

41. The experts noted that in the maquila sector, concerning the delocalized manufacturing of garments, and where labour rights violations have been widely reported, workers are predominantly women: they are therefore predominantly affected by the work hazards of the sector, including repetitive physical tasks that, when carried out over an extended length of time, lead to physical strain and injury. The experts were informed that the pressure under which workers were asked to perform caused mental distress and that the regular granting of temporary contracts for that type of work prevented them from enjoying the same legal protections and social benefits as other workers. At the same time, rural women’s travel to urban areas in order to perform this work can cut them off from extended family networks and other forms of social support. In addition, in a country where violence against women is an ever-present reality, travel to and from work before and after a long shift places maquila workers’ personal security at risk. The experts also received allegations that the salaries in maquilas were below the minimum national salary, that employees often suffered from harassment, exploitation, psychological pressure based on high production objectives, longer working hours, few resting times, little time to eat and no access to drinking water. The weak unions, the lack of knowledge about laws and labour rights (such as the laws on collective contracts and on social insurance and the Labour Code) do not help the situation.

42. The experts are also concerned about the rights of domestic workers, who reportedly receive low pay for long hours of work and often face bad working and living conditions. The nature of domestic work, which is carried out in private rather than in public spaces, renders domestic workers vulnerable to abuse and exploitation. In this respect, the experts take note of a pending domestic workers’ bill, which seeks to provide greater protection to domestic workers. However, they are concerned that this draft law falls short in some respects, as it fails, inter alia, to expressly stipulate a minimum wage and require mandatory social protection. The experts hope that the law that is adopted will be in compliance with international standards, such as with respect to a minimum wage, access to the State social security system, decent working hours, resting time and paid leave.

43. According to the Honduran Private Enterprise Council, despite some progress made, the rate of women in business leadership positions remains very low: only 27 per cent of presidents of executive boards are women. A recent study by the Honduran Private Enterprise Council concluded that there was still a long way to go before attaining inclusive and gender-sensitive management of businesses, stressing that the corporate culture was still very male-dominated. Domestic care work seems to be one of the major barriers for women’s empowerment and promotion to the highest levels of leadership. Honduras has the lowest rate of public childcare provision in Latin America.

Education

44. While the rates of progress and completion of education among girls are slightly higher than those among boys, girls face significant obstacles in accessing quality education.

16 See, for example, A/HRC/29/27/Add.1 and Inter-American Commission on Human Rights, Situation of Human Rights in Honduras (Washington, D.C., 2015); see also concluding observations of the Human Rights Committee (CCPR/C/HND/CO/2) and the Committee on Economic, Social and Cultural Rights (E/C.12/HND/CO/2).

17 The previous Government issued a decree granting access for domestic workers to the services of the Honduran Social Security Institute, but on an optional basis only, depending on the will of the employer.

18 Honduran Private Enterprise Council, “Mujeres en la gestión empresarial en Honduras”.


education. Due to education-related costs, which apparently vary, access to education is restricted in a country where most of the population lives in poverty. Illiteracy remains a problem, at 18.7 per cent of women in rural areas and 7.6 per cent in urban areas. The education sector has been increasingly privatized, and the closure or inaccessibility of public educational institutions limits access to education for rural women and women living in poverty. According to information received, the quality of education provided in public schools is also unsatisfactory.

45. The Equal Opportunities for Women Act sets solid ground for gender-sensitive education, but according to the information received, the reality is quite different. While there are certain civic education programmes, the teachers themselves acknowledged that there should be more comprehensive programmes on gender equality in schools. Other interlocutors also expressed the view that awareness-raising about gender equality should start in schools. The experts concur with this view: the topics of gender equality, stereotypes and violence against women should be integrated in core curricula, and a safe and respectful educational environment should be ensured for girls in schools free from military or religious influence.

46. In view of the very high rates of adolescent pregnancy, the Government should ensure that comprehensive and science-based sexuality education is systematically provided in schools. Adolescent pregnancy remains a major factor leading to maternal and child mortality, and to intergenerational cycles of ill health and poverty. Adolescent pregnancy can also have a negative social and economic impact on girls, their families and communities, limiting girls’ access to education and employment opportunities. The experts were informed that pregnant girls often cannot pursue their education; the Government should deploy all possible efforts to secure school enrolment of pregnant girls and ensure they have support after giving birth. The experts also express concerns about the security of girls on their way to school. Many parents reportedly hesitate to send their daughters to school for fear of violence, including sexual violence, particularly around mining areas.

D. Health

1. General access to health care

47. Despite the National Health Plan (2014–2018), which is aimed at improving access to health-care services, the coverage of public health remains weak. According to the Office of the National Commissioner for Human Rights, hospitals do not have the capacity to attend to the large number of patients or provide for the necessary services, including medicines. The privatization of health services has reduced access to health care for many women. According to the latest National Population and Health Survey, only 10 per cent of Honduran women are affiliated to the Honduran Social Security Institute, which provides health insurance. The most common causes of death in women are breast and uterine cancer, but there are no free prevention programmes.

48. The experts welcome the establishment of a government commission to examine gaps in the health-care system, which disproportionately affect women. Access to health care varies for women around the country, with women living in poverty and rural women having less access than others. The experts were informed that in rural areas, hospitals were too far away, of poor quality or lacking medication. Further, lesbian, bisexual, transgender, queer and intersex women, women engaged in sex work/prostitution and women living with HIV have reportedly less access to quality health care due to stigmatization and discriminatory attitudes. Women have reported severe cases of discrimination against women living with HIV, including forced sterilization. The experts were also informed that

24 Honduras, “Programa presidencial Ciudad Mujer”.

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such violations also applied to women with intellectual and psychosocial disabilities, whose health needs are generally not sufficiently addressed. There are no targeted health programmes for women engaged in sex work/prostitution.

2. Sexual and reproductive health

49. The experts acknowledge the State’s intention to reduce maternal mortality in Honduras – which is still very high, at 129 deaths of women per 100,000 live births\(^{25}\) – as reflected in a public health campaign that seeks to encourage pregnant women to give birth in hospitals. However, they have received numerous reports that women are being forced to give birth in hospitals and that the failure to do so results in fines. The experts were also informed that midwives who assisted in delivering babies in the community were threatened with fines or incarceration. The experts consider this practice problematic as it does not respect women’s autonomy. In addition, it does not take into account other structural factors that prevent women from visiting the hospital, including transportation costs that are often prohibitive for women living in poverty and rural women. In the light of this, the experts encourage the Government to consider ways to work together with midwives and women in communities in order to develop a common, culturally sensitive approach to the reduction of maternal mortality.

50. Fertility rates in Honduras vary from 2.5 children in urban areas to 3.5 in rural areas (4.1 children for women without a university degree and 1.7 for those with a university degree). Many interlocutors pointed to the lack of accessibility of contraception, particularly in rural areas, which, together with the prohibition of emergency contraception, contributes to a high rate of unwanted pregnancy, including adolescent pregnancy.\(^{26}\) According to the United Nations Population Fund (UNFPA), Honduras has the second highest rate of adolescent pregnancy among countries in Latin America. One out of four girls has been pregnant at least once before reaching the age of 19 years, and 18 per cent of adolescents’ needs in contraception are not met. In rural areas, the rate of adolescent pregnancy reaches 30 per cent.\(^{27}\) The experts were informed that many early pregnancies were the result of the crimes of rape and incest. The experts regret that proposed protocols and amendments to the law, which would have enabled exceptions to the absolute bans on abortion and emergency contraception and which could take into account the needs of victims of sexual violence, including child victims, have not been put in place.

51. The Working Group echoes the concerns of the Committee on the Elimination of Discrimination against Women (CEDAW/C/HND/CO/7-8), the Inter-American Commission on Human Rights,\(^{28}\) and special procedures mandate holders that women’s sexual and reproductive rights are seriously restricted in the country. Honduras is one of the very few States in the world that prohibit abortion in all circumstances, including in cases of rape or incest, where the life and/or health of pregnant women is at risk and in cases of severe fetal impairment. The use, sale, distribution and purchase of emergency contraception is also prohibited and carries the same penalties as abortion itself. As shown by data from the World Health Organization (WHO), restrictive laws on abortion increase maternal mortality and morbidity rates due to unsafe abortions, and are not efficient in reducing the rate of abortion.\(^{29}\) The Working Group has called for women to be allowed to terminate the pregnancy on request during the first trimester.\(^{30}\) According to information

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\(^{26}\) The adolescent birth rate is 70.8 births per 1,000 women aged 15 to 19 years (UNDP, “Human development indices and indicators: 2018 Statistical Update – briefing note for countries on the 2018 Statistical Update: Honduras”).

\(^{27}\) UNFPA, “Transformando retos en oportunidades”, 20 April 2016.

\(^{28}\) Organization of American States, “CIDH concluye su visita a Honduras y presenta sus observaciones preliminares”, 3 August 2018.


provided by the Ministry of Health, in 2017 approximately 15,000 women were hospitalized with a diagnosis of abortion. However, some women’s organizations have documented a much higher number: since only one in six women seek medical attention, the number of unsafe abortions could be between 51,000 and 82,000 per year.31

52. Further, the criminalization of abortion and the obligation of medical professionals to report cases of women whose injuries appear related to unsafe abortions have led to women being incarcerated. These denunciations by medical professionals may dissuade women suffering from a miscarriage or complications from abortion to seek the necessary medical attention, thereby putting their lives in danger. The Working Group regrets that recent efforts to amend the Criminal Code with a view to decriminalizing abortion have failed, and recalls that criminalizing women for abortion is against international human rights standards. The Working Group reiterates that criminalizing the termination of pregnancy is one of the most damaging ways of instrumentalizing and politicizing women’s bodies and lives, subjecting them to risks to their lives or health and depriving them of autonomy in decision-making. The Working Group also regrets the detrimental influence of religious lobbies on matters of public health and that there is no political will to review the national legislation on abortion and emergency contraception to bring it into line with international standards (see A/HRC/32/44).

IV. Gender-based violence against women and women experiencing intersecting forms of discrimination

A. Gender-based violence against women

53. During the visit, the experts were informed that violence against women is rampant in the country, fuelled by inequality, insecurity and impunity, and the lack of socioeconomic opportunities. A permissive regulation on the possession of firearms also contribute to the problem: in 2017, 62 per cent of femicides were committed with the use of firearms.32 The forms of violence include exploitation, psychological, physical and sexual violence, trafficking and femicide, as well as legally unregulated cyberviolence (e.g., cyberharassment and publication of intimate images without consent, including of public and political personalities). The perpetrators include partners and family and community members, as well as other private actors and State agents. Certain groups of women are particularly vulnerable, such as women human rights defenders, lesbian, bisexual, transgender, queer and intersex women, women engaged in sex work/prostitution, and young girls. According to the interlocutors met, there has been a rise in the brutality of violence, as well as the number of cases of disappearance of women. Violence has been one of the root causes of migration by women.

54. Domestic and sexual violence are among the most reported crimes in the country, and the rate of femicide is very high. According to data from the Monitoring Centre on Violence, 5,347 women were murdered between 2005 and 2017.33 While between 2014 and 2017 there were 1,944 registered cases of femicide, only 33 were tried in that period. The conviction rate has been very low.34 Indeed, according to the interlocutors met, 95 per cent of femicides go unpunished. Moreover, the interlocutors were concerned at the fact that

34 According to the annual report of the Office of the National Commissioner for Human Rights of 2017, 19 cases of femicide were presented before the courts, out of which 4 ended with a conviction, 1 was provisionally dismissed and 7 are being tried (see http://app.conadeh.hn/descargas/INFORME%20ANUAL%20COMPLETO%202017.pdf).
crimes are often attributed to *maras* (gangs), even though such murders constitute a small amount of the overall number of femicides. It appears that in such cases even less investigative effort is made.

55. This impunity is symptomatic of a pattern of structural discrimination against women. While the problem of impunity was obvious to all the interlocutors met, criminal justice officials mostly considered that it was often due to victims withdrawing the complaints. Little understanding was shown of the victims’ lack of trust in the system and the inadequate protection against the risks to their security that they often faced when denouncing offenders, as well the obstacles that their economic dependence on the perpetrators created in terms of pursuing legal remedies. According to international human rights standards, the State is not absolved from the obligation to investigate serious incidents of violence if the victim withdraws the complaint: investigative efforts must be focused on all relevant evidence.

56. The Working Group notes that the Government took some measures to reduce impunity for violence against women. The Domestic Violence Act, which regulates intimate partner violence against women (when acts do not constitute criminal offences) was reformed in 2006. It provides for a range of security, protection and precautionary measures, as well as procedural rights for the victim, which is to be commended. The Criminal Code criminalizes violence within the family, femicide and sexual crimes.

57. The experts are concerned that there seems to be a lack of clarity in the legislative framework on violence against women that can result in cases of a criminal nature being subject to civil jurisdiction only. The interlocutors from the relevant State agencies placed significant emphasis on the preventive function of the Domestic Violence Act, but it is questionable whether civil law, which provides for community service as a sanction, does indeed fulfil this function. The 24-hour detention periods provided as a measure under this law might be insufficient for protecting victims and preventing violence, as noted by one of the police officers met. The experts were also informed of delays during legal proceedings, which jeopardized the protection of the victims. Moreover, there seems to be a problem with respect to the implementation of protection measures. According to international human rights standards, protection orders should be available to all victims, regardless of how the act of violence is classified, and independent of any other legal proceedings. The experts hope that all serious acts of gender-based violence are indeed treated as criminal offences, and recommend an integrated, comprehensive approach to violence against women that reflects the seriousness of the problem.

58. The experts welcome the establishment in August 2018 of the Inter-Agency Commission to Monitor Investigations into Violent Deaths of Women and Femicide, but express concern at its lack of funding, which jeopardizes its proper functioning. Some interlocutors expressed the need for better data collection, more investigators and an appropriate budget for the Office of the National Commissioner for Human Rights and the Ministry of Security. Moreover, a number of interlocutors pointed to problems with respect to the interpretation of the definition of femicide, which may reduce the number of charges brought for the crime, in particular when the crime of femicide is reclassified by the judge as murder or homicide. Concern was also expressed by non-governmental organizations about the insufficient services for children of femicide victims.

59. The experts commend the Government for establishing a specialized unit for women within the Attorney General’s Office and within the police and specialized courts on domestic violence, as well as for undertaking training and campaigns on gender-based violence. However, according to the information received, these units are not properly funded or staffed, and there are only three specialized courts in the whole country. The experts were informed that in some municipalities there is a lack of prosecutors in domestic violence cases, meaning that public defenders represent both the perpetrator and the victim, as well as a shortage of judges to supervise the execution of measures. Moreover, some

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victims complained of insufficient coordination between the relevant authorities. Concern was also expressed about changes in the rotation of judges.

60. The experts are concerned at the low number of shelters, of which there are only four in the whole country (see A/HRC/WG.6/22/HND/1), and their lack of resources as observed during the visit. One of the shelters was actually closed during the visit due to inability to pay rent. The Working Group urges the Government to finance the shelters and services for victims and provide support to women who leave the shelters, as they often have nowhere to go.

B. Women experiencing intersecting forms of discrimination

61. There is lack of data on women experiencing intersecting forms of discrimination. Moreover, there is a lack of targeted policies and laws, and research on the needs of these women. During the visit, the experts met with the representatives of indigenous, Garífuna and Afro-Honduran women, peasant farmers and rural women, transgender women, women engaged in sex work/prostitution and women living with HIV. They also visited women’s prison in Tegucigalpa. All these women recounted stories of discrimination, marginalization and exclusion. Lesbian, bisexual, transgender, queer and intersex women and women engaged in sex work/prostitution have been particularly vulnerable to violence, and transgender women, women engaged in sex work/prostitution and women living with HIV complained in particular of obstacles to accessing quality health services. The experts have tried to reflect these concerns throughout the report, and the focus in this section is on indigenous, Garífuna and Afro-Honduran women, rural women and incarcerated women.

1. Indigenous, Garífuna, Afro-Honduran and rural women

62. Despite the constitutional guarantee to preserve native cultures, the historic exclusion of indigenous, Garífuna and Afro-Honduran people underlies the current violations of their human rights, including their precarious socioeconomic situation, privatization of their lands, militarization of their territories, repression of their leaders and violence in isolated areas. For women, this is exacerbated by gender-based discrimination in society at large and within their own communities. They have less access to decent work, land ownership, credit, housing, education and health. However, there is no data disaggregated by ethnicity, which would provide the basis for targeted policies addressing the needs of these communities, and specifically women.

63. The main challenges that these women face are access to and control of land: they constitute only 4 per cent of beneficiaries of a 30-year agrarian reform process and 22 per cent of beneficiaries of the land title programme (A/HRC/37/3/Add.2, para. 10). They struggle with the lack of guarantee of economic and social rights, including in the context of development projects, and high rates of poverty. Rural women and women belonging to indigenous and communities of African descent have routinely recounted their frustration at the absence or inadequacy of consultations by the Government before undertaking large-scale development projects, granting concessions to international corporations or developing laws and policies that affect them, such as the bill on patenting Lenca designs. Their land, livelihoods and traditional way of life remain under acute threat by these activities, which often result in the displacement of the Garífuna and indigenous populations as well as denial of access to natural resources.

2. Incarcerated women

64. In 2018, the number of incarcerated adults reached 20,583, including 1,240 women. Overall detention rates increased by 8.33 per cent, while for women the rate increased by 17.31 per cent. While pretrial detention decreased overall, it increased among the female population, from 63 to 68 per cent (A/HRC/40/3/Add.2). According to information received, there has been an increase in the number of charges brought against women for crimes that

36 There are nine recognized ethnic minorities in Honduras: seven indigenous groups and two groups of African descent.
automatically include pretrial detention. The experts recall that, pursuant to resolution 1/08 of the Inter-American Commission on Human Rights relating to principles and best practices on the protection of persons deprived of liberty in the Americas, preventive deprivation of liberty must be applied only within the strictly necessary limits.

65. According to the information received during the visit, most women in the prison in Tegucigalpa come from a precarious socioeconomic background and have been incarcerated for drug-related crimes. The experts observed poor conditions of detention, such as substandard infrastructure, unsanitary conditions, insufficient rehabilitation programmes, poor medical care and serious overcrowding, including in the “home” where children are placed with their mothers. Honduran law provides that children of women prisoners have the right to be cared for by their mothers inside the prison during their first two years of life. A court resolution can extend that period for up to two additional years when it is in the child’s best interests to do so. The experts recall that international standards encourage the use of alternatives to imprisonment for crimes carrying short prison sentences and for incarcerated mothers of small children.37

66. The experts were informed during the visit that women requesting conjugal visits were subjected to various invasive procedures and medical checks, including tests for HIV and forced contraception, which often effectively prevented them from exercising that right. More stringent requirements for unmarried partners, coupled with the prohibition of same-sex marriage, has discriminatory effects on unmarried and lesbian, bisexual, transgender, queer and intersex women prisoners. Furthermore, the experts were informed of a new set of rules of procedure for visiting people in prison adopted in 2016.38 Visitors need to obtain several documents and fulfil numerous requirements to obtain a permit that lasts for only a few months and then has to be renewed. These documents are costly – they can amount to 3,000 lempiras ($124) yearly – and disproportionately affect people living in poverty.

V. Conclusions and recommendations

A. Conclusions

67. The State has shown efforts to improve the situation of women in the country, and has instituted measures at the legislative, policy and institutional levels. The experts met a number of committed individuals, both in the central Government and at the local level, and were particularly impressed by the considerable contribution of the women’s rights and feminist movement in Honduras in the elaboration of public policies integrating a gender perspective. The experts were also encouraged by the Ciudad Mujer initiative, which is promising as long as further supported by all necessary resources and developed across the country.

68. Despite all these efforts, gender inequality persists. Women’s living conditions have not improved and poverty, violence, insecurity and social exclusion still affect them significantly. Women are underrepresented in political and economic spheres, girls face significant barriers to access to quality education (including sexuality education) and there are many obstacles to access to quality and comprehensive health care. In particular, access to sexual and reproductive health is very restrictive; abortion is prohibited in all circumstances, as is emergency contraception. Certain categories of women are in a particularly disadvantageous position, such as indigenous, Garífuna and Afro-Honduran women, lesbian, bisexual, transgender, queer and intersex women, rural women, women with disabilities and women living in poverty. Women in prison also face poor conditions and women human rights defenders are subjected to criminalization, violence, stigmatization and intimidation.

37 See the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).
38 National Prison Institute Agreement No. 001-2016 on regulations governing visits to establishments of the national prison system.
69. In order to address all the persisting challenges that stand in the way of the realization of women’s rights, the State must accelerate its efforts. It must tackle the problem of gender inequality in a coordinated and systematic way and take comprehensive measures in all spheres of life, including the transformation of patriarchal attitudes. Particular attention should be paid to women experiencing intersecting forms of discrimination.

B. Recommendations

70. In a spirit of cooperation, the Working Group has formulated the following recommendations to the State with a view to strengthening measures designed to guarantee gender equality, the empowerment of women and the promotion and protection of women’s human rights.

71. With regard to the legal framework, the Working Group recommends that the State:

(a) Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(b) Ratify the relevant ILO Conventions, including the Domestic Workers Convention, 2011 (No. 189), and duly implement the Domestic Workers Recommendation, 2011 (No. 201);

(c) Adopt the laws pending in Congress relevant to women’s rights and ensure their compatibility with international human rights standards;

(d) Repeal laws prohibiting access to emergency contraception and liberalize abortion law so as to ensure access at least in cases where the pregnancy poses a threat to the life or health of the woman, where it is the result of sexual violence or in case of severe foetal impairment, as the first step;

(e) Review the permissive legislation on firearms with a view to their eventual prohibition;

(f) Keep the legal framework under regular and well-informed review, ensuring its compliance with international standards, to ensure a positive impact on women.

72. With regard to the institutional and policy framework, the Working Group recommends that the State:

(a) Ensure the effective implementation of legislation;

(b) Strengthen the autonomy, role and position of the National Institute for Women vis-à-vis other State bodies, ensuring that it obtains the necessary support and cooperation from all the relevant ministries and receives enough resources to fulfil its mandate;

(c) Ensure that municipal offices for women and gender units in ministries are sufficiently funded and staffed by competent and trained personnel;

(d) Allocate sufficient resources (human and financial) to programmes under the Ciudad Mujer initiative and secure their availability across the country;

(e) Ensure better coordination among all concerned stakeholders so that laws and policies on women’s rights and gender equality are effective;

(f) Ensure that all State entities include gender indicators in their strategic planning, with dedicated budgets;

(g) Increase the budget and strengthen the human resources of the Ministry of Human Rights, which coordinates the Inter-Agency Commission to Monitor Investigations into Violent Deaths of Women and Femicide, and of the protection mechanism for human rights defenders and the Inter-Agency Commission to Combat
Commercial Sexual Exploitation and Trafficking in Persons, to ensure the enforcement of human rights and gender equality in the country;

(h) Take all necessary measures to ensure that the Office of the National Commissioner for Human Rights regains its A status;

(i) Shift the focus of security policies from militarization to human security.

73. With regard to access to justice, the Working Group recommends that the State:

(a) Ensure women’s access to justice, addressing the gaps stressed in the present report;

(b) Ensure that free and quality legal aid is provided to women who do not have the necessary financial resources;

(c) Ensure that all the current reforms within the justice system duly incorporate a gender focus.

74. With respect to family and cultural life, the Working Group recommends that the State:

(a) Undertake sustainable educational strategies and awareness-raising campaigns aimed at addressing gender stereotypes and discriminatory attitudes and beliefs;

(b) Ensure that the media do not promote stereotypes and gender-based violence, and raise their awareness on violence against women and human rights defenders;

(c) Ensure that health policies are not under the undue influence of any particular religious doctrine or a set of beliefs;

(d) Recognize diverse family forms.

75. With respect to political and public life, the Working Group recommends that the State:

(a) Ensure the effective implementation of the law on quotas;

(b) Provide the necessary support to women candidates, address political violence against women and promote women’s participation in political life;

(c) Conduct sustainable awareness-raising campaigns to prevent violence against women in politics and effectively investigate cases;

(d) End the criminalization and judicial harassment of women human rights defenders, protect them from violence (including by private actors) and investigate crimes against them;

(e) Ensure that the protection mechanism established by the State duly integrates a gender perspective and addresses the particular needs of women human rights defenders;

(f) Take all necessary measures to secure justice for Berta Cáceres and her family, in accordance with international standards, and duly sentence the main instigators of the crime.

76. With respect to economic and social life, the Working Group recommends that the State:

(a) Take measures to increase labour participation by women, particularly of women experiencing intersecting forms of discrimination, including measures to ensure work-life balance;

(b) Take measures to recognize, reduce and redistribute unpaid care work and provide for adequate social protection;

(c) Measure the impact of measures such as the Better Life programme and the National Solidarity Loan Programme for Rural Women to check that they do
improve the living conditions of women, and ensure that they are accessible to women facing intersecting and multiple forms of discrimination;

(d) Ensure the respect for labour rights in the *maquila* industry and for domestic workers, in accordance with international standards;

(e) Ensure that labour inspectors conduct thorough and independent investigations in *maquilas* into working, safety and health conditions and that effective referral mechanisms are available to all, including domestic workers;

(f) Support campaigns to raise awareness about the importance of women’s membership of trade unions;

(g) Promote women’s entrepreneurship and establish quotas in corporate boards to ensure due representation of women in leadership positions;

(h) Ensure full accessibility of quality education for all girls;

(i) Ensure that human rights education is taught in all public schools, covering women’s rights and gender equality, with a focus on prevention of gender-based violence;

(j) Ensure that comprehensive and science-based sexuality education is included in core curricula and systematically taught in all public schools;

(k) Ensure that pregnant girls remain in school and that they are supported in pursuing their education after giving birth.

77. With regard to access to health, the Working Group recommends that the State:

(a) Ensure full and appropriate access to quality health care to all women across the country, including in remote areas and with particular attention to the needs of women experiencing intersecting forms of discrimination, such as women living with HIV, women engaged in sex work/prostitution and women with disabilities;

(b) Expand the coverage of prevention services, in particular for breast and uterine cancer;

(c) Ensure unimpeded access to reproductive health services and contraception, in particular for adolescents and women with limited financial means, particularly in rural areas, and redouble efforts to prevent adolescent pregnancy;

(d) End the penalization of women and midwives for home births and ensure that health authorities establish cooperation with midwives to ensure that women have access to the highest standards of health care, while respecting their autonomous decision-making;

(e) Ensure that legislation on abortion and emergency contraception is in compliance with international human rights standards.

78. With regard to gender-based violence, the Working Group recommends that the State:

(a) Take all necessary steps to address the high levels of impunity, ensuring that all cases are effectively prosecuted and sentenced and that serious acts of gender-based violence are treated as criminal offences, while systematically respecting survivors’ rights;

(b) Ensure that legislation is fully compatible with international standards and adopt an integrated, comprehensive approach to combating violence against women;

(c) Strengthen and secure sufficient human and financial resources for the specialized units and courts, improve coordination among the relevant actors and secure further training for the relevant personnel;

(d) Ensure the effectiveness of restraining orders and a sufficient number of duly funded shelters, and improve rehabilitation measures;
(e) Ensure consistent interpretation of the definition of the crime of femicide;

(f) Ensure sufficient services for children of femicide victims;

(g) Document and duly investigate cases of women’s disappearance in a systematic manner;

(h) Continue conducting sustainable awareness-raising campaigns, including among the media;

(i) Establish a centralized data-collection system.

79. With regard to women experiencing intersecting forms of discrimination, the Working Group recommends that the State:

(a) Establish a system for collecting disaggregated data on women facing intersecting discrimination, with a view to better identifying the challenges that they face and tailoring policies accordingly in consultation with communities;

(b) Systematically consult indigenous, Garífuna and Afro-Honduran women on the design of policies affecting their lives, as well as other groups of women experiencing intersecting forms of discrimination;

(c) Regarding indigenous and Garífuna women guarantee their access and full participation in decision-making; prevent and combat violence against them; guarantee adequate health care, including sexual and reproductive health care and respecting the practice of traditional medicine; and ensure their access to quality education, respecting their languages and culture;

(d) Ensure equal access to decent employment, entrepreneurship, loans and financial services, as well as the possession of their lands and means of production;

(e) Eliminate violence, discrimination and stigmatization against lesbian, bisexual, transgender, queer and intersex women, women with disabilities, women engaged in sex work/prostitution and women living with HIV and ensure their effective participation in political, civil, economic and social life and access to quality health services;

(f) Improve detention conditions and duly implement regional and international standards on detention, in particular with regard to alternatives to imprisonment for crimes carrying short prison sentences and for incarcerated mothers of small children, as set out in the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

(g) Simplify prison visiting procedures;

(h) Take measures to support and protect migrant returnees and to address the root causes of migration.

80. The Working Group also recommends that the international community in Honduras, in both the United Nations system and the diplomatic community, ensure that their actions for the promotion of women’s rights and gender equality are coordinated, are based on international human rights standards and entail sustainable strategies rather than being limited to short-term projects. The Working Group further recommends the creation of a constructive space for dialogue involving the authorities and civil society organizations, even on issues deemed controversial.
TAB 12
Summary

In the present report, the United Nations High Commissioner for Human Rights describes the situation of human rights in Honduras from 1 January to 31 December 2018, with a focus on poverty and economic and social issues; violence and insecurity; the fight against corruption and impunity; democratic space; and the situation of human rights defenders, journalists, indigenous peoples, women and lesbian, gay, bisexual, transgender and intersex people. The High Commissioner also highlights some of the activities of the Office of the United Nations High Commissioner for Human Rights in Honduras and concludes with recommendations.
Annex


I. Introduction

1. On 4 May 2015, the United Nations High Commissioner for Human Rights signed an agreement with the Government of Honduras to establish a country office. The Office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras monitors the situation of human rights and provides capacity-building and technical assistance to State institutions and civil society organizations, with the overall goal of enhancing the promotion and protection of human rights in the country.

II. National context

2. President Juan Orlando Hernández Alvarado was sworn in on 27 January 2018, in a volatile social and political context following massive citizen protests against the outcome of the presidential election.

3. Recognizing the existence of political divisions, the President called for an open national dialogue to find a way forward and heal the nation, asking the United Nations to support its facilitation. Several political parties and civil society organizations also called for United Nations support. In February 2018, the Department of Political Affairs conducted an exploratory mission to the country. Recognizing the existence of a long-standing political crisis, profound polarization within the society and distrust vis-à-vis “traditional politics”, it recommended the implementation of confidence-building measures before a dialogue could be established.1

4. On 28 August, following over six months of negotiations under the auspices of the United Nations, the Government and three of the main political parties signed a joint “Commitment for Honduras” and established a mechanism for inter-party dialogue composed of four working groups on, respectively, the 2017 electoral process and the presidential re-election, human rights, constitutional reforms and the rule of law, and electoral reforms. The dialogue concluded on 11 December without any formal agreement.2 An amnesty proposal to address the legal situation of individuals accused of crimes committed in the context of the electoral protests was tabled but found no consensus; there was no agreement on the holding of a referendum to reform the Constitution and abrogate the prohibition of presidential re-election.

5. As reflected by the outcome of the United Nations-supported dialogue, the country remains profoundly polarized, and the fractures generated by the striking down of the presidential term limit established in the Constitution, allegations of fraud and involvement of criminal groups in the 2017 elections remain unhealed (A/HRC/37/3/Add.2, para. 3). Impunity is pervasive, including for human rights violations, as shown by the modest progress made in the prosecution and trial of members of the security forces for the human rights violations committed in the context of the 2017 elections.

6. Poverty and inequality are deep-rooted and a core cause of ongoing migration, as reflected in the participation of thousands of Hondurans in a caravan that left the country in October aiming for the United States of America.

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1 See http://hn.une.un.org/content/unct/honduras/es/home/presscenter/nota-para-corresponsales-de-prensa--honduras.html.
2 The working groups developed 169 recommendations for legislative and policy reform, which, however, were not formally endorsed. The executive submitted the recommendations to Congress.
7. In an effort to strengthen State institutions in charge of the protection and promotion of human rights, the Ministry of Human Rights began operating on 27 January 2018. However, independent State institutions such as the Office of the National Commissioner for Human Rights (CONADEH) and the National Committee for the Prevention of Torture (CONAPREV) remain challenged, politically and financially.

III. Poverty and economic and social issues

8. Honduras is a lower-middle-income country, marked by pervasive poverty affecting over 67 per cent of its population; 58.9 per cent of the rural population lives in extreme poverty.\(^3\) In 2016, the Government adopted a multidimensional poverty index, which reflects the extent of the challenges facing Honduras as it estimates that 70.7 per cent of the population faces severe deprivation with respect to education, health and living standards.\(^4\) The country is one of the most unequal in Latin America in terms of income distribution.

9. Honduras has made the 2030 Agenda for Sustainable Development a centrepiece of its national development programme, prioritizing 13 Sustainable Development Goals and 43 targets, and developing 66 indicators. The adoption of a human rights approach based on disaggregated data and strict monitoring of the situation of the groups experiencing the most discrimination is urgently required if the pledge that no one will be left behind in the implementation of the Goals is to be met (CRPD/C/HND/CO/1, paras. 65–66).

10. In 2016, the Committee on Economic, Social and Cultural Rights expressed its concern at the limited impact of programmes on reducing poverty (E/C.12/HND/CO/2, paras. 39–40). Poverty trends show that monetary transfers to poor families under social protection programmes such as “Better Life” helped to alleviate urgent needs, but have not resulted in sustainable progress towards fulfilling the right to an adequate standard of living and other economic and social rights.

11. Corruption diverts essential resources away from the State, and independent studies estimated that the cost of corruption has reached 10 per cent of the gross domestic product (GDP).\(^5\) In 2018, official data indicate that 11.4 and 5.9 per cent of the budget respectively were allocated to the education and health sectors. Despite this relatively high level of investment, results in terms of the delivery of services have been below expectations, including in terms of coverage, quality and quantity. Despite a progressive expansion of the national budget, poor management and corruption in key sectors of the State continue to hamper the requirement for maximum use of available resources. In November, the National Anti-Corruption Council reported that between 2015 and 2018, corruption affected 49 per cent of the health budget.\(^6\)

12. On 15 September, the executive introduced before Congress the 2019 draft budget law, which was approved on 18 December and published on 20 December.\(^7\) In the current budget, the resources for education and health have been increased by 7.18 and 1.95 per cent respectively. The increased prices of electricity and fuel affected the costs of transport and the basic food basket, and triggered strikes in parts of the country in July and August.

13. There is a close relationship between persistent poverty and migration. In 2017, remittances represented 18.6 per cent of GDP and the third most important source of financial inflows for Honduras. Deportations of Hondurans had increased by 38 per cent by November 2018 compared with 2017; 66,000 migrants were returned in 2018, mainly from

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\(^3\) National Statistics Institute, Household Survey, 2018.

\(^4\) See the speech of President Hernández before the General Assembly in September 2018, available at www.scgg.gob.hn/es/node/64.


\(^7\) Article 13 of the law requires that Congress publish legislative proposals within 10 days of receiving them.
Mexico and the United States (including 11,000 women and girls), and the continuing returns are likely to exacerbate existing poverty.8

A. Access to, use of and control over land

14. Conflict over land and the frequent undue use of the criminal justice system against individuals advocating against large-scale projects affecting land remain a concern. In January, illegal trespassing and appropriation of land were added to the list of crimes that can be committed by organized criminal groups.9 OHCHR is concerned about the impact of this reform in a context of recurrent social conflict related to land. For instance, in October, in Guapinol, Department of Colón, 18 individuals (including 2 women) belonging to community and environmental organizations camping in the area of a mining project were charged with illegal trespassing and appropriation. Under the new Penal Code, adopted by Congress in January 2018 but not yet promulgated, the punishment for trespassing and appropriation of land has been increased to four years of imprisonment.

15. Given the pervasiveness of conflict over land in Honduras, OHCHR urges the authorities to shift their approach from criminalization to addressing the socioeconomic conditions underlining the phenomenon and effectively protecting indigenous rights over their ancestral territory.

B. Labour rights

16. The Honduran labour context facilitates the maintenance of forms of economic inequality. Official data indicate that 68.5 per cent of the population is either unemployed or underemployed, with women disproportionally facing substandard conditions of work.10 Labour organizations are weak and union members stigmatized and targeted, affecting meaningful collective bargaining and protection of labour rights. In January/February alone, trade unions registered acts of violence against 13 trade unionists, including 6 women, in the education, agroindustry and public sectors. Of 19,837 inspections conducted by the labour inspectorate of the Ministry of Labour and Social Security between January and September 2018, over 60 per cent revealed breaches of laws, rules and regulations.11 The law on labour inspections remains without regulations, which limits its impact.

17. The conditions of work in the underwater fishing industry in La Mosquitia remain of concern, as the mainly indigenous Miskito workers are subjected to exploitation and precarious labour conditions. In 2018, the labour inspectorate followed up on incidents involving eight divers, three of whom had died while the others suffered injuries resulting in disabilities. Since its inauguration in 2016, the centre for the care of divers with disabilities in Puerto Lempira has treated over 2,200 patients, representing a fraction of all affected divers as the cost of travelling from remote areas, the length of the journey and the degree of impairment limit access to that health service. OHCHR worked with the inter-institutional commission on underwater fishing to review the regulations on occupational health and safety in that field. OHCHR is concerned about the limited participation of the workers and the private sector in the process, and notes the need to comply with the right to free, prior and informed consultation.

18. In June, the Inter-American Commission on Human Rights transmitted to the State its confidential report on the merits of the case Opario Lemoth Morris and others v. Honduras.12 In June, the Ministry of Labour and Social Security replaced the Directorate for Indigenous and Afro-Honduran Peoples at the head of the inter-institutional

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8 Consular and Migratory Observatory of Honduras, at www.conmigho.hn.
11 Corresponding to 12,043 inspections. Data from the Ministry of Labour and Social Security.
12 The complaint (No. 1186-04) filed against Honduras adduced failure to protect the rights to life, humane treatment and others of deep-sea divers who suffered disabilities and health complications as a result of their working conditions.
commission. It is hoped that the higher rank of the new chair will help strengthen coordination and consolidate political will by the participating institutions.

C. Business and human rights

19. In June, the Government of Honduras announced its readiness to promote the development of a national action plan on business and human rights. In cooperation with the Working Group on the issue of human rights and transnational corporations and other business enterprises, OHCHR shared a proposed methodology for drafting such a plan, advising on the importance of broad consultations involving the business sector as well as unions and communities, including rural, indigenous and Afro-Honduran communities. The Government has developed a preliminary road map.

IV. Violence and insecurity

20. Between January and June, the National Police recorded 1,808 violent deaths (including of 190 women), a decrease of 11.7 per cent from 2017.\(^\text{13}\) The national homicide ratio dropped from 59.05 per100,000 inhabitants in 2016 to 43.5 per 100,000 in 2017 and to 40.72 in 2018, and the traditionally violent municipality of San Pedro Sula as well as the Central District experienced reductions in the homicide rate of up to 25 per cent, a greater reduction than in the national rate.\(^\text{14}\) At the same time, the large number of deaths that are classified as “unidentified”\(^\text{15}\) could affect the estimation of the reduction in the homicide rate.

21. Organized crime, including cartels, criminal families and gangs such as maras and pandillas play an important role in the violence and insecurity. Through corruption and collusion, organized crime has infiltrated government agencies and the broader political arena, as demonstrated by the profile of the individuals prosecuted in ongoing criminal cases in national courts or extradited or arrested in foreign jurisdictions.\(^\text{16}\)

22. In such a complex environment, the public discourse tends to focus largely on street gangs as the main causes of violence.\(^\text{17}\) However, official disaggregated data on the situational context and types of homicidal violence, which are instrumental for the measurement of progress towards Sustainable Development Goal 16, are not available.\(^\text{18}\) In 2017, the special criminal court established to prosecute and try cases involving organized crime networks handled 133 criminal cases, only 31 of which involved homicide. The scarcity of judicial data, with few homicides resulting in charges and even fewer progressing to trial, hinders the analysis of and trends in homicidal violence. OHCHR is concerned that the political discourse focuses too much on certain types and perpetrators of violence, underestimating others such as criminal networks with close political and economic ties, which has an impact on the effectiveness of security and criminal policies.

23. The Government has intensified its advocacy to have the Honduran maras and pandillas recognized as armed non-State actors and human rights violators, in line with the position expressed in 2013 at the time of the establishment of the Public Order Military Police. OHCHR reiterates that such a designation can only be made using a casuistical approach that incorporates country- and time-specific elements and is based on such criteria

\(^{13}\) See www.sepol.hn/sepol-estadisticas-honduras.php?id=158.
\(^{14}\) Ibid.
\(^{15}\) The National University of Honduras recorded 308 “unidentified” deaths between January and June 2018 and 596 in 2017.
\(^{16}\) See, for reference, Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), at www.oas.org/es/sap/dsdme/maccih/new/default.asp.
\(^{17}\) See interview with Minister Luis Fernándo Suazo in La Tribuna, 17 October 2018, at www.latribuna.hn/2018/10/17/el-80-por-ciento-de-los-homicidios-son-cometidos-por-las-maras-y-pandillas/.
as control of territory and population, exercise of governance functions and identifiable political structures. In the current context, Honduras should intensify its efforts to prevent violence, continue to tackle violence by maras and pandillas through criminal legislation and intensify its fight against organized crime and economic crimes, including corruption.

A. Security forces

24. In January 2018, the laws on the Ministry of Security, the national police and the police career came into force. At the same time, the Ministry of National Security and Defence adopted the general regulations on the law of the Ministry, the general regulations on the police career law, and the regulations on the organization and functions of the directorate of police disciplinary affairs. OHCHR recognizes the advances made by this new framework, including by strengthening the independence of investigative and disciplinary bodies, civilian oversight and the professionalism of the police force. In 2018, 2,671 new recruits joined the national police, which now has a force of 15,661 personnel.

25. In July 2018, the Government strengthened joint police-military work by establishing a national force of 500 officers to fight maras and pandillas. The Public Order Military Police, with 5,000 officers, has remained in operation since 2013. Decree 223-2011 has interpreted article 274 of the Constitution to provide for the armed forces to cooperate in public order functions “exceptionally” and “in situations of emergency”.

26. OHCHR observes that what was established as an exceptional regime in the context of a “security crisis … representing a threat to the security of the State” has become a normalized practice. OHCHR and relevant international human rights mechanisms have consistently recommended that Honduras reconsider the role played by the military in public order functions and noted the high risk of human rights violations, as highlighted by the concerns arising from the participation of the military in the policing of the 2017 protests related to the elections.

27. In March, Congress abolished article 335 B of the Penal Code which defined conduct constituting incitement to terrorism too broadly. However, no steps have been taken to address the concerns expressed by the High Commissioner and international human rights mechanisms regarding article 335 and the overly broad definition of the crime of terrorism.

28. As the majority of deaths continues to be caused by firearms, OHCHR hopes that the implementation of the recently adopted law on firearms, which reduces to three the number of weapons allowed per person and establishes improved registration and permit procedures, will contribute to reducing violence. OHCHR notes that an effective arms control system is not yet in place as the law fails to regulate the possession of arms by security companies.

29. Excessive use of force by law enforcement officials continued to be reported. One member of the Public Order Military Police is currently on trial for the assassination of three members of the Miskito indigenous community during a night operation in May in Warunta, Department of Gracias a Dios. In October, in San Pedro Sula, three children travelling in a vehicle were struck by bullets as the Public Order Military Police were engaged in an operation against street gangs. On 26 November, a journalist reporting on a protest in Tegucigalpa on the anniversary of the 2017 elections was injured in the arm when penitentiary guards on transport duty opened fire when approaching the protest. Tear gas appears to be routinely used, often indiscriminately and on questionable grounds of necessity.

30. To remedy the gaps contained in the currently fragmented legal framework on the use of force, since 2016 the Ministry of National Security and Defence has been working

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19 Decree 168-2013.
20 See, in this regard, CAT/C/HND/CO/2, para. 13.
21 CCPR/C/HND/CO/2, para. 20.
on a comprehensive bill to regulate the use of force by all law enforcement actors. The adoption of human rights-compliant and comprehensive legislation and protocols is urgent, not least given the expanded participation of civil and military forces in Special Forces activities.

B. Children in conflict with the law

31. The establishment of the National Institute for the Care of Juvenile Offenders (INAMI) in January brought some improvement to the juvenile justice system. By September, the number of children deprived of liberty had decreased by 23 per cent, while alternative measures to detention grew by 40 per cent, affecting 862 children.\(^{23}\) Reports, including by social workers tasked with following children in conflict with the law, reveal significant child protection gaps, including at the family and community levels.

32. The ongoing restructuring of the pedagogical centre in Jalteva, funded through the security tax, will allow the transfer of juvenile offenders from the centre within the police antiterrorist battalion (Cobra) to upgraded civilian facilities, reduce overcrowding and provide for separate detention of juvenile offenders who have reached adulthood. Despite some progress in implementing educational programmes, respect for social and educational rights during internment and monitoring of the implementation and evaluation of alternative measures require urgent attention and adequate investment.

33. Reports of excessive use of force to control disturbances in the centres have been received, including at the Renaciendo centre in February, in the juvenile centre at the Cobra battalion in August and at the girls’ centre of Sagrado Corazón de María in February.

C. Individuals deprived of their liberty

34. Despite the opening of new prisons in 2017, overcrowding continued to increase, reaching 100 per cent over capacity in the Tamara centre and over 30 per cent in the newly opened centre of Ilama. By September 2018, the number of incarcerated adults had reached 20,583 (including 1,240 women), compared with 19,000 in December 2017 (including 1,050 women). The overall percentage of inmates held in pretrial detention decreased from 58 to 53 per cent, but grew from 63 to 68 per cent among the female population. In 2017, one in every five inmates in pretrial detention was being held on charges of criminal association, for which pretrial detention is mandatory under article 184 of the Code of Criminal Procedure.\(^{24}\) As only 30 per cent of such cases progress to trial, the majority of individuals held on charges of criminal association are released after being held in pretrial detention for up to two years. The damaging impact of pretrial detention should be carefully factored into any decision to apply this measure.\(^{25}\)

35. As of September, 23 inmates had died, 4 in a violent manner while on early release, 2 of accidents, 1 of suicide and 16 of natural causes.\(^{26}\) Poor health services accounted for several of these deaths. Such was the case of two women who died of aggravated respiratory complications at the National Penitentiary of Tamara in September, allegedly because they did not receive timely medical assistance. By August, 144 cases of tuberculosis had been recorded in prisons throughout Honduras.\(^{27}\) Inmates in the maximum security prisons of La Tolva and Moroceli were particularly affected, as conditions of

\(^{23}\) In May 2017, 572 children were detained; in September 2018, the number was 445 children, including 47 girls.

\(^{24}\) Article 184 of the Code of Criminal Procedure contains a list of 20 crimes for which pretrial detention is mandatory.

\(^{25}\) Data from the Electronic Centre for Documentation and Judicial Information.

\(^{26}\) Data from the National Prison Institute.

detention and limited access to open air resulted in deteriorated physical condition and facilitated the spread of the disease.

36. As of September, five inmates had died violently in prison riots, including in September in Moroceli and in October in Ilama. Deplorable conditions of detention, transfer without notification to families and lack of adherence to procedures were the main grievances behind the protests. In March, CONAPREV transmitted to the Office of the Special Prosecutor for Human Rights information related to a joint military-police security operation in the detention centre of El Porvenir, during which over 80 inmates were injured. By the end of November, CONAPREV had transmitted to the Office information on 284 incidents related to torture or ill-treatment in places of detention, including two cases which appeared to have resulted in the death of the victim in police custody, one in Pespire, Department of Choluteca, and another in the city of La Ceiba.

37. Visiting regulations are restrictive, and the cost of obtaining a visitors permit disproportionately affects low-income and large families as each member is required to obtain an individual permit that is valid for only six months. Conjugal visits are allowed subject to the presentation of five health certificates, including on HIV status. This is a concern from the perspective of mandatory testing, which the domestic law forbids, and affects the right to private and family life as visits are barred if a test is refused or yields positive results. Relatives of detainees continue to report arbitrary application of the visiting regulations and demands for bribes in the centres of Ilama, Moroceli, El Porvenir and the maximum security module in Tamara. On 20 December, Congress approved legislation whereby family members can obtain the necessary documentation free of charge.²⁸

38. The independence and autonomy of CONAPREV has come under challenge by the administrative restructuring mandated by decree 009-2018, which places the mechanism under the responsibility of the executive. Independence as well as operational and financial autonomy are key principles in the establishment and functioning of a national preventive mechanism.²⁹ In 2013, human rights mechanisms had already recommended that the legislative framework of CONAPREV be reformed to allow for it to have its own budget.³⁰ In 2016, they expressed concern that the system currently in place for selecting and appointing the three expert members of CONAPREV did not include the necessary procedures to ensure the candidates’ functional independence and the absence of any conflicts of interest.³¹

V. Justice

A. Independence of the judiciary and selection and appointment of high-level judicial authorities

39. Legal reforms are urgently required to guarantee an independent and effective justice system able to sustain efforts against impunity and corruption. Following the decision of the Supreme Court of Justice in 2016 to declare the law on the judicial council unconstitutional, there has been no progress in the establishment of an independent governance structure for the judiciary that separates disciplinary and administrative functions. Identified weaknesses of the law on the judicial career remain unaddressed in the ongoing process to recruit judges against 193 posts.

40. In June, Congress reappointed the Attorney General to another term of office, disregarding the legal procedure which requires the candidate to be selected from a list developed by a nominating committee.³² In addition, the work of the nominating committee

²⁸ La Gaceta, No. 34,825, 20 December 2018, art. 245.
²⁹ See CAT/OP/12/5.
³⁰ CAT/OP/HND/3, para. 11.
³¹ CAT/C/HND/CO/2, paras. 29–30.
³² See https://oacnudh.hn/oacnudh-expresa-su-preocupacion-en-relacion-al-reciente-proceso-de-eleccion-del-fiscal-general/.
lacked transparency and public oversight, including by not allowing full disclosure of its decision-making to interested national and international entities, including OHCHR and the Mission against Corruption and Impunity in Honduras (MACCIH). The recommendations of OHCHR, the Special Rapporteur on the independence of judges and lawyers and the Inter-American Commission on Human Rights regarding the need for transparent and publicly available information on criteria for the selection of the candidates were not taken into account.

41. In September, in compliance with the ruling of the Inter-American Court of Human Rights on the case López Lone and others v. Honduras, the Supreme Court reinstated to their posts two judges who had been arbitrarily dismissed for their participation in peaceful protests after the 2009 coup.

B. Fight against corruption and impunity, including prosecution of human rights violations

42. In 2018, the special prosecution unit to fight corruption-related impunity of the Office of the Attorney General, with the support of MACCIH, took steps against corrupt political networks. Between May and June, it opened prosecutions against 38 high-profile individuals, including members of Congress and former ministers, on the grounds of misappropriation of public funds, fraud and money laundering to support party campaigns in the context of the 2013 elections. In February, the spouse of former President Lobo was arrested and tried under the recently created special anti-corruption court; in November, charges were brought against his brother for fraud and embezzlement of public funds.

43. However, such efforts face significant resistance. In January, the reform of the 2018 budget law by Congress attracted a national and international outcry, and was criticized by MACCIH as an attempt to block investigations as part of an “impunity pact” at the highest institutional levels. In March, Congress adopted bills to reform the asset forfeiture law and the law against money-laundering to prevent the seizing of assets held by State officials; these bills were finally vetoed.

44. The presence of MACCIH in Honduras was challenged when, in March, members of Congress filed a constitutional challenge against the decree approving the agreement establishing the Mission. Although the Supreme Court affirmed its constitutionality in May, it also restricted the scope of the technical assistance provided by MACCIH. Civil society organizations denounced the ruling as “political” and argued that it undermined judicial independence.

45. Important legislative initiatives to strengthen the prosecution of corruption and organized crime remain pending. The bill on effective collaboration has yet to be discussed, although it was presented to Congress in April 2017. The law on classification of public documents related to security and national defence requires significant reform to comply with standards on access to information. In May, the Chief Justice established a special protection unit for judges, magistrates and public defenders to provide protection to personnel at risk. The Office of the Attorney General was in the process of establishing a similar mechanism. Witness and victim protection mechanisms urgently require strengthening.

46. The prosecution of human rights violations faces important obstacles. As of mid-December, the Office of the Attorney General had brought charges against 24 security agents (10 members of the national police, 8 members of the armed forces and 6 members of the Public Order Military Police) in connection with 15 incidents which occurred during

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33 See https://oacnudh.hn/oacnudh-expresa-su-preocupacion-por-la-falta-de-publicidad-en-la-conformacion-de-la-nomina-de-5-candidatos/.
36 See http://asjhonduras.com/webhn/tag/fallo-csj/.
the post-electoral crisis. The majority of the charges relate to violations of State employees’ duties under article 333 of the Penal Code.

47. On the other hand, investigations into deaths that occurred during the protests proceed slowly and charges have been filed in only one case, involving the killing of a child in the Department of El Progreso. According to official information, investigations continue on 21 cases. On 17 October, the Attorney General publicly requested the armed forces to make available the information necessary to advance the investigations; the armed forces responded that all cooperation had been made available.

48. OHCHR observed delays in proceedings resulting from securing the participation of military personnel in proceedings, reluctance of witnesses and victims to engage, security considerations, and a focus on individual accountability to the detriment of command and control responsibilities within the security forces.

49. In May, 10 members of the navy were convicted for the killing of two members of the Garifuna indigenous community of Iriona, thanks to the coordinated efforts of the Office of the Special Prosecutor for Crimes against Life and the Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage. However, the pronouncing of sentence was still pending in November.

50. In June, in Tegucigalpa, the decision of a court dismissing charges of torture, illegal detention and abuse of authority against three senior police officers attracted a wide public outcry. The three had been accused of pepper spraying the faces of students and human rights defenders while arresting them during a protest at the National University of Honduras in September 2017.

51. On 29 November, the trial of eight individuals charged in connection with the assassination of human rights defender Berta Cáceres concluded, with seven of the defendants found guilty and one acquitted. Four of the accused were also found guilty of the attempted murder of a Mexican environmentalist. Several shortcomings were apparent in the handling of the case, including restricted access to the investigation materials by the lawyers of the victim and their eventual exclusion from the trial. At the same time, the company Desarrollos Energéticos S.A. (DESA) was found to be involved in the planning and execution of the killing, and the President of the company is on trial in a separate proceeding.

52. Despite initial steps in the implementation of the judgment of the Inter-American Court of Human Rights in the Escaleras Mejía and others v. Honduras case in 2017, the Office of the Attorney General has not developed a protocol for the investigation of crimes against human rights defenders. OHCHR reiterates the usefulness of such an instrument to enable a context, gender and pattern analysis in the investigation of such cases.

53. In March 2018, the Office of the Attorney General established the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Media Workers and Justice System Actors. In September, two prosecutors were assigned to the Office.

VI. Democratic space

A. Media and right to information

54. The right to access to public information remains arbitrarily restricted. No steps have been taken to review the 2014 law on classification of public documents related to security and national defence, despite the recommendations of national, regional and international bodies. Information was obtained about ministerial resolutions from 2008 and 2018 that declared technical information related to licences for environmental projects, including their location, to be confidential. OHCHR shared with the Institute on Access to Public

37 Ministerial decisions No. 725-2008 and No. 1402-2018.
Information an analysis of legal standards and jurisprudence, highlighting the incompatibility of the measures with international norms as well as with domestic legislation.

55. The telecommunications framework act of 1995 has not addressed problems related to the concentration of ownership of the media. From the perspective of promoting diversity, the act and its accompanying regulations have weaknesses and resulted in limiting the development of alternative media, including community radio stations. According to information received, only 19 out of over 300 radios broadcasters in the country have a licence, while the others operate under the constant threat of closure.  

56. The Criminal Code provides for sentences of up to three years of imprisonment for slander, two years for libel and up to four years for defamation in the media despite numerous recommendations of international and regional human rights mechanisms to regulate these matters through civil law.  

B. Human rights defenders and journalists

57. Attacks, criminalization, harassment and smear campaigns against human rights defenders, as well as burglaries of their offices and private residences remained of deep concern.

58. Between January and September, the national mechanism for the protection of human rights defenders, journalists, media workers and justice system actors of the Ministry of Human Rights received 140 requests for protection measures, accepting 118 and dismissing 22. As of November, the mechanism was implementing 201 protection measures, 26 corresponding to measures requested by the Inter-American Commission on Human Rights; the other 175 concerned 105 human rights defenders, 28 journalists, 23 media workers and 17 justice system actors, and included 15 measures ordered as a result of a risk to human rights defenders and journalists that emerged in the post-electoral crisis. The measures issued by the Inter-American Commission applied to 19 human rights defenders, 3 journalists, 1 media worker and 3 justice system actors. In 2018, the mechanism expanded the range of measures, adding self-protection training and psychosocial support to traditional measures such as police escorts, emergency contact numbers and upgrading of infrastructure.

59. The council of the national mechanism remains weak, mainly due to the modest engagement with the mechanism of some of its member institutions. By October, the Office of the Attorney General had participated in only one out of eight meetings of the council, and the judiciary in two. This lack of engagement deepens the distrust many human rights defenders hold vis-à-vis national institutions. The adoption of a comprehensive policy on human rights defenders could help overcome coordination challenges and consolidate commitment by all actors concerned.

60. In May, the Special Rapporteur on the situation of human rights defenders visited Honduras and concluded that despite strong efforts to establish an effective mechanism of protection, the vast majority of human rights defenders in Honduras are not able to operate in a safe and enabling environment. At the end of a visit in November, the Working Group on the issue of discrimination against women in law and in practice expressed similar concerns about the situation of women human rights defenders.

38 Data provided by the NGO C-LIBRE.
39 CCPR/C/HND/CO/2, para. 41 (e).
41 See https://drive.google.com/file/d/1yC1HFFPGm1i40GLdIExdME6Jlb_CKnbg/view.
VII. Equality and non-discrimination

A. Rights of indigenous peoples

61. On 23 May 2018, the executive submitted to Congress a draft law on free, prior and informed consultation of indigenous peoples. OHCHR was informed that a consultation on the draft law would be conducted by a special committee. The involvement of the legislative committee on indigenous issues is unclear.

62. OHCHR considers that, in its current form, the draft falls short of human rights standards and does not fully safeguard indigenous peoples´ rights to land, territories, natural resources and free, prior and informed consultation and consent. Indigenous peoples´ organizations voiced opposition to the draft law in various forums. OHCHR is concerned that, should the law be adopted with the current gaps, social conflict related to development and investment projects in indigenous and Afro-Honduran territories may increase.

63. OHCHR continued monitoring situations of social unrest caused by lack of consultation with indigenous communities in the approval and execution of hydroelectric and other projects. Self-identification of indigenous communities and traditional ownership of land are at the core of such conflicts, as in the case of the Petacon hydroelectric project in Reitoca, Department of Francisco Morazán, and the El Tornillito dam in Chinda, Department of Santa Barbara. In 2018, the Office of the Special Prosecutor for Ethnic Groups and Cultural Heritage investigated 10 cases of abuse of authority and violation of public duties by municipal and State officials who had authorized hydroelectric, mining and other types of projects without prior consultation, with resulting environmental damages.

64. The slow implementation of the 2015 decisions of the Inter-American Court of Human Rights on cases involving the Garifuna communities of Triunfo de la Cruz and Punta Piedra remained of concern. By December, 6 of the 19 points of the judgment had been implemented. Initial steps to delimit lands in Triunfo de la Cruz have been taken; however, conflicts continue due to the lack of compliance with the resettlement and compensation of third party settlers ordered by the Court. Criminal investigations into the murders of five members of both communities have resulted in only one arrest warrant for the murder of Félix Ordóñez Suazo.

65. In La Moskitia, Miskito and Tawahka indigenous representatives continued to report acts of aggression, violence and intimidation against their communities, including as a result of cattle ranching and drug trafficking.

66. Development and investment projects in indigenous lands and territories take place in contexts of profound marginalization and poverty. In the Department of Gracias a Dios, for example, 78 per cent of the households are indigenous, and some 90 per cent experience multidimensional poverty. Serious gaps in the enjoyment of core human rights tend to produce undue pressure on indigenous communities, which may agree to projects in exchange for the promise by private business to provide services such as health and education.

B. Women’s rights

67. Domestic legislation recognizes the principle of non-discrimination based on sex and gender. However, the effective implementation of policies to prevent and address discrimination against women and girls, including temporary special measures, are neglected.

68. Although the principle of parity was formally observed during the general elections of 2017, the modality of implementation as a result of the rules and regulations of the law

42 See www.corteidh.or.cr/docs/casos/articulos/seriec_304_esp.pdf; and www.corteidh.or.cr/docs/casos/articulos/seriec_305_esp.pdf.
43 Decree 44-2004.
led to a decrease in women’s representation from 26 to 21 per cent, with only 27 women elected to Congress. Moreover, key committees of Congress do not include women, such as the committees on the budget, mining and hydrocarbons, energy, housing and transportation. The Academy of Parliamentarian Women was inaugurated as a space for exchange and empowerment.\textsuperscript{44}

69. Sexual violence remains widespread. OHCHR welcomes the development of the national protocol for assistance to victims of sexual violence, and it is hoped that it will enable emergency contraception to be made available to survivors.\textsuperscript{45}

70. The Penal Code adopted in January maintains the absolute prohibition and criminalization of abortion in all its forms, violating women’s sexual and reproductive rights. Between January and September 2018, seven women were charged with the “crime” of undergoing an abortion; in some cases, the national police brought them before the public after their arrest and published their names and pictures on social media, thereby violating their human rights, including the rights to privacy and due process.

71. As of 15 November, at least 320 women had been violently killed\textsuperscript{46} although charges of femicide were brought in only 13 cases by August, indicating that the gender dimension of those killings was not taken into account. In response, in August the executive formally established a commission for the follow-up of femicide which, along with the creation of special units for the investigation of gender-related crimes, represents an important step in addressing the impunity associated with these crimes, using an interinstitutional approach. These efforts need to be complemented by the rapid adoption of a dedicated investigative protocol and by preventive actions addressing the causes of violence.

C. Rights of lesbian, gay, transgender, bisexual and intersex persons

72. Lesbian, gay, transgender, bisexual and intersex persons continue to be discriminated against in all areas of life. An action filed in March by the lesbian organization Cattrachas against the constitutional prohibition of same-sex marriage remains pending before the Supreme Court. The law on adoption passed by Congress in August explicitly excludes same-sex couples from adopting.

73. According to reports, in 2018, at least 22 lesbian, gay, transgender, bisexual or intersex persons were killed, and by November trials were ongoing in four of these cases.

D. Rights of migrants

74. According to the International Organization for Migration (IOM), about 7.8 per cent of the Honduran population lives outside Honduras, including 35,000 asylum seekers.\textsuperscript{47} In May, the United States decided to discontinue the temporary protected status for Hondurans agreed in 1999, effective as of January 2020.

75. In October, thousands of Hondurans, including men, women, boys and girls, joined a “caravan of migrants” to reach the United States, travelling through Guatemala and Mexico. On 20 October, following warnings that international aid and assistance would be cut “with immediate effect” unless migrants were stopped, the Honduran authorities temporarily closed the main crossing point to Guatemala, reportedly “for the purpose of saving the life and physical integrity of citizens and preventing human trafficking”. The Observatory on Migration reported that 7,208 people had returned to Honduras between 15

\textsuperscript{44} Supported by OHCHR, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the National Democratic Institute, Oxfam and the Netherlands Institute for Multiparty Democracy.

\textsuperscript{45} Pending signature of the Minister of Health.

\textsuperscript{46} Data of the Observatory on Violence of the National Autonomous University of Honduras.

\textsuperscript{47} IOM, World Migration Report 2018.
October and 13 December (not all of whom left with the caravan). It is reported that 9,400 people remained in Mexican territory as of 15 December.

76. The Government announced the adoption of a safe return plan, but OHCHR has been unable to obtain a copy of it. Returnees interviewed by OHCHR indicated their intention to attempt migration again, due to the lack economic and social opportunities and reintegration assistance. A narrative stigmatizing the migrants’ caravan appeared in national and international media, suggesting that the movement had been infiltrated by organized crime, including jihadists and maras and pandillas, and orchestrated by the political opposition for “political and criminal purposes”.

VIII. Activities of the Office of the United Nations High Commissioner for Human Rights in Honduras

77. OHCHR provided technical advice on human rights in the context of the national political dialogue, advising the Political Commission and the Human Rights Working Group.

78. OHCHR conducted 55 missions throughout the country to monitor the situation of human rights. It monitored eight trials, including the trial of the persons accused of the assassination of human rights defender Berta Cáceres.

79. On 10 December, OHCHR and the Ministry of Human Rights launched a technical cooperation programme. By December, the training programme on human rights for State officials had been launched and two training modules were conducted. OHCHR advised the Ministry to develop a national action plan on business and human rights, jointly with the Working Group on the issue of human rights and transnational corporations and other business enterprises.

80. OHCHR supported the national mechanism for the protection of human rights defenders, journalists, media workers and justice system actors.

81. OHCHR provided advice to Congress and civil society on international human rights standards, including on the bill on cyber security and hate crimes and the bill on domestic workers. OHCHR supported congresswomen through the Parliamentary Academy. It also supported indigenous and Afro-Honduran members of Congress through training on human rights and the right to free, prior and informed consent.

82. OHCHR observed the election of the Attorney General and the Deputy, and shared relevant international standards and good practices through forums, publications and press releases.

83. OHCHR held training sessions on human rights standards for staff of the Office of the Attorney General, judges and magistrates, including for the Supreme Court.

84. OHCHR and CONAPREV jointly trained members of the national police, the armed forces, penitentiary guards and representatives of the newly established local torture prevention boards on international and domestic standards. The United Nations Voluntary Fund for Victims of Torture, administered by OHCHR, contributed funding to CONAPREV.

85. OHCHR promoted human rights standards through forums and public debates. In October, with MACCIH and the Center for Justice and International Law (CEJIL), it held a forum on criminal networks, corruption and human rights. Other events included a public debate on women’s rights, on standards for the election of the Attorney General (in Tegucigalpa and San Pedro Sula), on illicit associations and their impact on human rights and on the situation of human rights defenders. OHCHR participated in events organized by

national and international non-governmental organizations on a range of human rights themes.

86. OHCHR promoted the implementation by concerned United Nations agencies of the human rights due diligence policy on United Nations support to non-United Nations security forces in Honduras, reviewing projects for compliance with the policy.

87. OHCHR promoted a human rights-based approach in the implementation of the Sustainable Development Goals by the State and the United Nations Country Team, also discussing human rights indicators with the Ministry of Government Office of the Chief of Staff.

88. OHCHR presented the annual report of the High Commissioner to the Human Rights Council (A/HRC/37/3/Add.2) and the report of the High Commissioner entitled Human Rights Violations in the Context of the 2017 Elections in Honduras. It promoted human rights through press releases, interviews, editorials and social media and launched the campaign for the seventieth anniversary of the Universal Declaration of Human Rights.

89. OHCHR has been implementing projects financed by Canada, the Netherlands, Sweden, Switzerland and the United States.

IX. Cooperation with regional and international human rights mechanism

90. In May and November respectively, the Special Rapporteur on the situation of human rights defenders and the Working Group on the issue of discrimination against women in law and in practice visited Honduras.

91. In May, the Committee on Enforced Disappearances reviewed the State party report of Honduras (CED/C/HND/1), noting in its concluding observations the partial compliance of legislation and State actions with the International Convention for the Protection of All Persons from Enforced Disappearance. In July, it conducted a follow-up visit to Honduras to promote understanding of its observations and recommendations. In November, the Committee on the Elimination of Racial Discrimination reviewed the combined sixth to eight periodic reports of Honduras (CERD/C/HND/6-8).

92. OHCHR assisted the Inter-American Commission on Human Rights during its visit to Honduras in July, and joined its mission to the Departments of Cortés and El Progreso, as well as to the Bajo Aguán region.

X. Recommendations

93. The High Commissioner urges the authorities of Honduras to implement the recommendations of her predecessor and of United Nations human rights mechanisms, in consultation with civil society.

94. In the area of poverty and economic and social issues, the High Commissioner urges the Government and/or institutions to:

   (a) Improve the development of disaggregated indicators and the collection of disaggregated data, promoting a human rights, multicultural and gender approach in public policies and planning;

   (b) Take the necessary steps to ensure fair access to land and natural resources, shifting the focus away from criminalization of land encroachment and towards the socioeconomic conditions underlining the issue;

50 CED/C/HND/CO/1, para. 9
(c) Ensure that the Ministry of Labour and Social Security fully exercises its mandate to monitor employment conditions and imposes sanctions where labour rights are infringed, in coordination with the judiciary;

(d) Adopt a policy or plan to guide business enterprises concerning their human rights responsibilities to ensure that the private sector exercises due diligence and assesses the impact of business activities on human rights, and that remedies are in place for any human rights impact generated by such activities.

95. Concerning violence and insecurity, the Government is urged to:

(a) Strengthen efforts to pursue organized crime in all its forms, recognizing its close connection with economic crimes, including corruption;

(b) Design and implement a security plan providing for measurable progress towards the demilitarization of public order functions, strengthen transparency concerning defence and security matters and guarantee the development of a professional and accountable civilian police force that is properly vetted and trained;

(c) Ensure that legislation is adopted or revised in line with human rights and other international law standards, prioritizing areas such as the use of force, organized crime, the control of firearms and ammunition and the regulation of private security companies; and reform terrorism-related legislation and abrogate articles 335 of the Penal Code;

(d) Bring prison conditions and policies in line with international norms and implement alternative restrictions in full compliance with international standards, in particular the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

(e) Prioritize interventions preventing the institutionalization of children and favouring the best interest of the child, and increase resources for juvenile justice and child protection.

96. In the area of justice, the Government should:

(a) Adopt the necessary legal reforms to strengthen the sector’s independence and career structure, and reform the process for the election of the Attorney General to ensure transparency and publicity;

(b) Step up efforts to fight impunity, including with regard to human rights violations, and promote coordination among specialized units of the Office of the Attorney General;

(c) Assign the necessary resources to the investigation of the human rights violations which took place in the context of the 2017 elections, prioritizing deaths and injuries; bring to justice and ensure the accountability of the security and law enforcement sector; and support access to justice by victims.

97. With regard to the development of democratic space, the Government should:

(a) Review legislation and regulations that hamper the right to access public information, address concentration of ownership of the media by reforming the Telecommunications Act and decriminalize defamation and slander;

(b) Promote coordination across the State entities with responsibilities related to the protection of human rights defenders, including through the development and adoption of a comprehensive, rights-based and gender-responsive policy;

(c) Make progress in the development of an inclusive, rights-based and gender-responsive protocol for the investigation of crimes against human rights defenders and the strengthening of the new specialized unit.
98. Concerning equality and non-discrimination, the Government should:

(a) Duly consult with indigenous peoples, through their representative institutions, on any law or regulation to implement free, prior and informed consultation, and redouble efforts to delimit, demarcate, register and protect the integrity of indigenous lands;

(b) Adopt temporary special measures to promote women’s participation in public life; revise protocols to investigate and prosecute gender-based violence and femicide in compliance with international human rights standards; lift the absolute prohibition on abortion, in accordance with the State’s regional and international obligations; and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(c) Take concrete steps towards eliminating discrimination based on sexual orientation and gender identity, and ensure prompt, effective and gender-responsive investigations and prosecution of crimes committed against women and lesbian, gay, bisexual, transgender and intersex persons, including effective remedies;

(d) Strengthen measures to address the protection needs of migrants, in particular those in situations of vulnerability; assist victims of violence at risk of displacement; and support returned migrants’ access to social and employment programmes.
TAB 13
Human Rights Council  
Fortieth session  
25 February–22 March 2019  
Agenda item 3  
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Visit to Honduras

Report of the Special Rapporteur on the situation of human rights defenders*  

Summary

The Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst, visited Honduras from 29 April to 12 May 2018. The main objective of his visit was to assess the situation of human rights defenders in the country and to determine how it may have changed since his predecessor, Ms. Margaret Sekagya, visited the country in 2012. That assessment was conducted in the light of the obligations and commitments assumed by the State under international human rights law, including the Declaration on Human Rights Defenders.

He analyses the legal and institutional framework for the protection of human rights defenders and the environment in which they are working. He finds that human rights defenders in Honduras are operating in a civic space that is under siege and subject to serious violations and restrictions of civil and political rights. He also finds that rights defenders are attacked with total impunity and are criminalized, delegitimized and disparaged because of the work they do in promoting and defending human rights.

The Special Rapporteur recognizes the existence of specific groups of human rights defenders who are at risk, including persons who are defending civil and political rights, the human rights of lesbian, gay, transgender, bisexual and intersex persons and indigenous peoples, the land and environment, the human rights of journalists, students and legal professionals, and migrants.

* The summary of this report is being circulated in all official languages. The report itself, which is annexed to this document, is being issued in the language of submission (Spanish) and English only.

** This report is being issued after its scheduled date of issuance owing to circumstances beyond the author’s control.
He concludes that, despite the efforts being made and, in particular, the establishment of a national protection mechanism, the vast majority of human rights defenders in Honduras are unable to work in a safe, supportive environment. In closing, the Special Rapporteur makes a series of recommendations designed to assist the Government and other relevant actors in their efforts to create a safe, supportive environment in which human rights defenders can promote and protect human rights safely and effectively.
Annex

Report of the Special Rapporteur on the situation of human rights defenders on his visit to Honduras

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I. Introduction

1. The Special Rapporteur on the situation of human rights defenders conducted an official visit to Honduras from 30 April to 12 May 2018 at the invitation of the Government. The main objective of his visit was to assess the situation of human rights defenders in the country and to evaluate how it may have changed since the visit of his predecessor, Ms. Margaret Sekaggya, in 2012. That assessment was conducted in the light of the State’s obligations and commitments under international human rights law and under the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).

2. The Special Rapporteur visited the capital, Tegucigalpa, and various locations in the departments of La Paz, Atlántida, Intibucá, Santa Bárbara, San Pedro Sula, Yoro, Colón and Choluteca. During his visit, the Special Rapporteur met with the President of the Republic and high-level officials from the Ministry of Human Rights, the Ministry of Security, the Ministry of National Defence, the Ministry of Foreign Affairs, the Public Prosecution Service, the Office of the Counsel General of the Republic and the Supreme Court. He also met with commissioners from the Public Information Institute and officials representing the Government, the Public Prosecution Service and the National Police Force at the departmental and municipal levels. In addition, the Special Rapporteur held talks with the Office of the National Commissioner for Human Rights (CONADEH) and the National System for the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials.

3. The Special Rapporteur met with more than 400 human rights defenders – 40 per cent of them women – drawn from various sectors of civil society who are working in a number of fields; they included lawyers, journalists and representatives of non-governmental organizations and indigenous communities.

4. During his visit, the Special Rapporteur participated in a public event organized by the Centre for Justice and International Law and the Office of the United Nations High Commissioner for Human Rights (OHCHR) on comprehensive action to protect rights defenders in Honduras and issued a joint statement with the National Council for the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials.¹

5. The Special Rapporteur wishes to express his gratitude to the Government for its invitation and for its cooperation before and during his visit. He extends his thanks to the State, departmental and municipal authorities who met with him and to the OHCHR office in Honduras for its invaluable support in connection with his visit. He is also grateful to all those who met with him and shared their experiences and insights.

II. The legal and institutional framework for the protection of human rights defenders

6. The Constitution of 1982 states that Honduras is a free, democratic and independent republic and guarantees the fundamental rights and freedoms that ensure the existence of ample civic space, the participation of citizens in public and political life and the involvement of civil society in the promotion and defence of human rights.² The constitutional framework is reinforced by the international and regional treaties ratified by Honduras, which form part of the domestic legal order immediately upon entering into

² The Constitution recognizes freedom of opinion (art. 72), freedom of thought (art. 77), freedom of assembly and association (arts. 78 and 79), the right to political participation (arts. 2 and 37) and the principle of non-discrimination. See also articles 65, 68, 69, 84, 98, 182 and 183.
force and take precedence if they conflict with domestic law. Honduras has ratified nine key international human rights treaties,\(^3\) the core regional human rights treaties\(^4\) and International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples.

7. In recent years, Honduras has made significant efforts to improve its legal, public policy and institutional framework with a view to facilitating a safe and supportive environment for the defence and promotion of human rights.

8. In 2013, Honduras adopted the first Public Policy and National Action Plan on Human Rights (2013–2022), which includes a chapter on rights defenders.\(^5\) Two years later, Congress passed the Act on the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials, which established a national protection mechanism.\(^6\) The adoption of the associated regulations in 2016 was a significant step forward in the Act’s implementation. The passage of the Act and the establishment of the mechanism are both milestones in the effort to protect human rights defenders in Honduras and reflect one of the key recommendations made by the previous Special Rapporteur.\(^7\) Despite these significant steps, however, the Government has not adopted a comprehensive public policy or an adequate budget for the protection of human rights defenders.

9. Access to justice and accountability remain major challenges, particularly in relation to cases in which human rights defenders have been threatened, attacked or killed. In recent years, Honduras has established a competitive selection process for the appointment of 191 judges, created new courts in rural areas and developed a plan to reduce delays in court proceedings. Since 2012, and with support from the Government of the United States of America, the number of prosecutors and the budget of the Attorney General’s Office have doubled. Furthermore, 11 special prosecutor’s offices have been created, including the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials, which was established in March 2018. Despite these efforts, impunity remains widespread. To date, the budget of US$ 830,000 pledged for the new Attorney General’s Office has not been made available, and the adoption of a special protocol for the investigation of offences against rights defenders remains pending. The Special Rapporteur regrets the irregularities observed in the selection process for the post of Attorney General.

10. Following an investigation and a drive to clean up the country’s law enforcement agencies, 4,925 police officers have been dismissed for alleged misconduct or as part of an administrative reorganization process. The progress made in this regard is diminished, however, by the involvement of the armed forces in carrying out police functions and maintaining public order since 2011. There is no indication that this “temporary” measure will be lifted in the near future; on the contrary, it appears set to continue.

11. The opening of the OHCHR office in Honduras in 2015 was an important step in supporting human rights and protecting rights defenders. Also noteworthy is the implementation of the Honduran Recommendations Monitoring System (SIMOREH), which compiles the recommendations made to the Government by the various international and regional human rights mechanisms.

12. The Ministry of Human Rights, which was elevated to ministerial level in January 2018, has recently requested support from OHCHR in drafting a national plan on business and human rights. Although this is a positive development, since it involves the participation of society and indigenous and campesino groups, it is being seriously undermined by other government initiatives. On 17 August 2018, the Government renewed

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\(^6\) Legislative Decree No. 34-2015 of 16 April 2015. Article 19 establishes the National Protection System, commonly known as the national protection mechanism.

\(^7\) A/HRC/22/47/Add.1, paras. 124 and 132.
a ministerial agreement that, if approved by the Public Information Institute, would ensure that the content of environmental permits granted to companies and extractive industries would remain classified for five years. Information on the type and location of approved concessions or projects would not be available to the public, leaving those affected by them legally defenceless and hindering the work of journalists and advocates.

13. The potentially adverse effects of this agreement would be exacerbated by the absence of an adequate legal framework for upholding the right of indigenous peoples to free, prior and informed consent. The Special Rapporteur is concerned at the prospect of the passage of the new draft framework legislation on free, prior and informed consultation with indigenous and Afro-Honduran peoples presented in May 2018. According to the information received, there was an insufficient degree of consultation with indigenous peoples on the legislation, which suffers from even greater shortcomings, both in methodology and in substance, than the previous draft and conflicts with the international legal framework in force, in particular ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples.

III. Situation of human rights defenders

14. During his visit, the Special Rapporteur assessed the presence or absence of the basic elements of a safe and supportive environment for human rights defenders, namely a supportive legal and institutional framework, access to justice, a robust and independent national human rights institution, effective, gender-sensitive policies and protection mechanisms specifically focusing on at-risk groups, non-State actors who respect and support the work of human rights defenders and a strong, dynamic community of human rights defenders. His ultimate aim was to determine whether rights defenders in Honduras are safe and empowered.

A. Civic space under attack, against a backdrop of serious violations and restrictions of civil and political rights

15. The Special Rapporteur’s visit took place three months after President Juan Orlando Hernández took office in January 2018 following the presidential elections of 26 November 2017. The constitutionality of the current President’s candidacy, the electoral process and the result of the elections was questioned by much of society. Many people took to the streets across the country, availing themselves of their civil and political rights to protest what they perceive as electoral fraud and to challenge the results of the election.

16. The State’s response to the demonstrations and protests that followed the elections gave rise to serious human rights violations that severely restricted the populace’s civic space. That response was marked by the excessive use of force, mass arbitrary arrests, ill-treatment and the filing of criminal charges against hundreds of people in connection with their participation in the demonstrations. A total of 23 people, including 1 police officer, were killed and 166 wounded during operations to disperse and pursue protestors; at least 16 shooting deaths and 30 gunshot injuries are thought to have been caused by State security forces. Journalists and rights defenders, particularly those who organized and participated in protests, were also subjected to violence, intimidation, threats, surveillance, monitoring and stigmatization. In addition, the newly elected President declared a state of emergency, which led to violations and restrictions of the rights of assembly, political

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8 See Ministerial Agreement No. 1402-2018 of 17 August 2018.
10 Office of the National Commissioner for Human Rights (CONADEH), Informe Anual 2017, paras. 69–71. CONADEH documented the arrest of at least 1,675 people for violating the curfew between 1 and 5 December.
12 Ibid.
participation and freedom of expression and movement. CONADEH recommended that rights defenders should be exempt from the curfew; its recommendation was not taken up.

17. When the Special Rapporteur arrived in Honduras in April 2018, the streets appeared calm. However, the prevailing tensions and the polarization of society were evident. The members of civil society remained fearful. The Government should urgently clarify what happened, identify the responsible parties, make sure that they are held accountable for their actions and ensure that law enforcement personnel are upholding the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. To date, one police officer is being held in pretrial detention for the alleged murder of a minor during a post-election demonstration, and 18 indictments have been filed against national and military police officers, mostly for abuse of authority, unlawful raids of private homes and making threats. By contrast, 114 people have been charged in connection with offences allegedly committed following the elections, of whom 81 are awaiting trial and 3 have been deprived of their liberty.\(^\text{13}\)

18. Beyond the application of concrete measures to address the recent post-election crisis, the Government should implement comprehensive legislative, political and other reforms based on a new approach that ensures the existence of a broad civic space in which citizens can participate in public affairs, take part in demonstrations and express grievances and dissent. Only then will rights defenders be able to promote and defend human rights in an effective and safe manner.

19. In this context, certain existing legislative initiatives and legal frameworks should be reviewed. In January 2018, Congress adopted a new Criminal Code which has not yet entered into force and has not been made public. The Special Rapporteur has seen what is understood to be the most recent text and is concerned that the enforcement of some of the criminal offences delineated in the new Code could lead to the imposition of undue restrictions on freedom of assembly and expression and the right to participation and, hence, on the civic space.

20. The offence of unlawful occupation of a premises, as defined in the new Criminal Code, could result in the criminalization of individuals who are exercising their right to peaceful assembly if it is applied in the context of peaceful demonstrations or evictions even when the persons concerned have no intention of taking possession of the premises in question.\(^\text{14}\) Similarly, the new broadly defined offences of unlawful assembly and unlawful demonstration could result in the criminalization of rights defenders and have a deterrent effect on them. While, under the new Code, defamation is no longer a criminal offence,\(^\text{15}\) the offences of libel and slander, which are punishable by deprivation of liberty and fines, respectively, are retained. In the area of terrorism, while the recent repeal of the controversial article 335 B of the 1983 Criminal Code is a positive step, the offence of association for purposes of engaging in terrorism contained in the new Code has an excessively broad scope that could permit the criminalization of other forms of conduct and could be used against rights defenders. If it is passed, the bill on cybersecurity and measures to protect against acts of hatred and discrimination on the Internet and social networks could be used to silence rights defenders and journalists who publish content on the Internet and social media platforms, thereby constraining the digital civic space in Honduras.\(^\text{16}\)

21. The Special Rapporteur has also received worrying information which indicates that the role being played by the National Council for Defence and Security in certain areas is impacting negatively on the civic space and revealing a growing concentration of power in the executive branch and increasing interference by it in the legislative and judicial branches. The Council is the highest body responsible for the development, design and

\(^{13}\) Information provided by the Office of the United Nations High Commissioner for Human Rights (OHCHR).

\(^{14}\) Article 378 of the new Criminal Code.

\(^{15}\) Human Rights Committee, general comment No. 34 on article 19: freedoms of opinion and expression, para. 47. See also articles 229 and 230 of the new Criminal Code.

oversight of general policies on security, national defence and intelligence. Through the adoption of the Act on the Classification of Public Documents relating to Security and National Defence of 2014, the Council has designated the documents of at least 16 public institutions as classified. The Act not only runs counter to national legislation and international standards in the areas of anti-corruption measures and access to information, but also deals a serious blow to the progress made by the Public Information Institute in opening up access to such information.\(^{17}\)

**B. Widespread attacks on rights defenders committed with total impunity**

22. Organized crime, drug trafficking, gang violence and corruption are the root causes of the high rates of violence in Honduras. Concerted efforts have halved the murder rate in the last six years.\(^{18}\) However, the level of violence, threats and extortion remains alarmingly high and has an impact on human rights defenders operating in this difficult environment. Around 95 per cent of femicides and 97 per cent of homicides go unpunished.\(^{19}\) The Global Impunity Index ranks Honduras among the 13 countries with the highest levels of impunity in the world.\(^{20}\)

23. Honduras remains one of the most dangerous countries in Latin America for human rights defenders. The Special Rapporteur regrets that there are no official statistics on cases in which rights defenders have been attacked or killed. According to information from OHCHR, between 2015 and October 2018 at least 43 rights defenders were killed, with 6 of those murders being committed since 2017. The number of rights defenders killed in the last two years represents a significant decrease that is in line with the overall drop in the homicide rate; however, 16 demonstrators were also shot to death by law enforcement officers following the election.\(^{21}\) At least 76 journalists were murdered between 2001 and 2017,\(^{22}\) at least 11 defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons were killed between 2008 and the beginning of 2018,\(^{23}\) more than 120 land rights defenders were killed between 2010 and 2017\(^{24}\) and, in the last two years, there have been 2,137 attacks on female rights defenders, 6 of whom have been murdered.\(^{25}\)

24. Rights defenders are also the target of threats, harassment, intimidation and beatings, as well as being stigmatized and portrayed as criminals in media smear campaigns. The Special Rapporteur was told that, while such attacks are perpetrated by members of the national police and the army, hired assassins and unidentified persons, they are instigated by corrupt public officials and corrupt members of the business sector and of the security forces who collude for profit.

25. The vast majority of murders and attacks targeting rights defenders go unpunished; if investigations are launched at all, they are inconclusive. The case of the human rights defender Berta Cáceres could become the first exception if – in addition to the conviction of her murderers – progress is made in holding the individuals who ordered and funded the killing accountable by ensuring that they are identified, investigated, prosecuted and punished. The Special Rapporteur has requested the Honduran authorities to provide information on the extent of impunity existing in relation to attacks and other forms of violence directed at defenders and journalists; to date, none has been received. Impunity perpetuates violence against defenders and sends the message that there are no consequences for attacking them.

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17 In recent years, the Institute has established a national system and a network of information officers. https://www.insightcrime.org/news/analysis/7-keys-understanding-honduras-declining-homicide-rate/.
19 See footnote 11.
21 Cattrachas Lesbian Network, Media Monitoring Centre, April 2018.
26. The work done by the Mission to Support the Fight against Corruption and Impunity in Honduras to support and strengthen Honduran institutions and assist them to prevent, investigate and punish acts of corruption is a fundamental part of the efforts being made to combat impunity. The Special Rapporteur commends the Mission and the Organization of American States on their decision to launch an investigation into allegations of corruption in the Berta Cáceres case and is following with concern the possible negative impact of the Supreme Court’s ruling in the case known as the “Network of Deputies”, notwithstanding its recognition of the constitutionality of the agreement establishing the Mission.26

C. Criminalizing, undermining and discrediting of rights defenders and their work

27. Defenders and journalists in Honduras face criminal charges for carrying out their work. The practice of criminalizing the defence of human rights or threatening to do so is widespread, affecting in particular those who defend land, environmental and civil and political rights and those who report irregularities in State or business operations or violations committed by the Government or companies.

28. Defenders are criminalized primarily through the intentional misuse of criminal legislation. The offences of unlawful occupation of a premises and coercion, as defined in the Criminal Code in force, are the charges most often used against persons organizing or participating in demonstrations or sit-ins or setting up encampments in private or public spaces, including campesinos, indigenous persons and students.27 Although the penalty for such offences is imprisonment, in practice persons convicted of these charges are often given alternative penalties, such as the obligation to appear before the judicial or police authorities once a week or a ban on travelling outside the country or returning to the location of a protest. These measures have a major financial impact, especially for campesino and indigenous defenders, and make it difficult for female rights defenders to manage the additional burden of caring for their dependants and shielding their children from criticism and taunting.

29. According to OHCHR, during the protests that followed the elections, 1,352 demonstrators were arrested for breaking the curfew established by Executive Decree No. PCM-084/2017.28 The Special Rapporteur deplores the criminalization of demonstrators arrested on that charge. Without prejudice to the presumption of the innocence of the 80 individuals who remain accused of having committed offences during the protests,29 these accusations cannot and should not be used to undermine the peaceful exercise of civil rights by thousands of people.

30. The Special Rapporteur is also concerned about the use of the offences of slander, libel and defamation, as defined in the existing Criminal Code, against journalists and defenders, and he fears that this may continue under the new Criminal Code.30 In 2016, the journalist Ariel D’Vicente was sentenced to three years in prison and barred from exercising his profession as a result of a complaint filed against him for reporting corrupt practices involving Mr. Mejía Tinoco, then the Chief of Police in Choluteca. Two years later, Mr. Mejía Tinoco, who had since become Police Commissioner and been a member of the protection mechanism until 10 October 2018, was arrested on charges of money-

26 https://dplfblog.com/2018/06/12/el-fallo-de-sala-constitucional-de-la-corte-suprema-hondurena-sobre-la-maccih-si-pero-no/.
27 See articles 206 and 227 to 230 of the Criminal Code now in force.
28 During the same period, the Office of the National Commissioner for Human Rights (CONADEH) recorded 1,675 cases and the national police 1,150 cases.
29 The charges laid include criminal property damage, arson, manufacture and possession of explosive material, theft, unlawful possession of weapons, conspiracy, infliction of serious bodily harm and murder.
30 Human Rights Committee, general comment No. 34, para. 47.
laundering. During his visit, the Special Rapporteur met with at least one other defender also accused of libel: Miriam Miranda, a defender of the Garifuna people’s land rights.  

31. The practice of criminalizing journalists’ professional activities and the activities of rights defenders or threatening to do so is used as a deterrent that is intended to stop people from investigating abuses, irregularities or human rights violations. Its impact is severe. In addition to the consequences of the penalties imposed on rights defenders, there is a widespread belief in Honduran society that they are criminals who are breaking the law, when in fact they are exercising their rights and addressing structural problems linked to poverty, inequality and discrimination.

32. In this context of criminalization, politicians, the media and non-State actors, such as companies or religious groups, conduct smear campaigns targeting defenders and journalists that often incite hatred and brand them as political opponents, terrorists, anti-progress groups, anti-nationalists or traitors. One example of this is the successive campaigns that have been waged to defame and undermine Father Ismael Moreno and the journalists and social commentators working at Radio Progreso.

D. Specific groups of human rights defenders who are at risk

1. Defenders of civil and political rights

33. During his visit, the Special Rapporteur spoke with ordinary people, members of the opposition and opposition voters, students, and men and women of different ages, ethnicities and occupations from different parts of the country who had organized and/or attended protests to express their rejection of the electoral process and their desire for free and fair elections. The Special Rapporteur was struck by the accounts of beatings, threats and raids of the homes of protest organizers, by the fear they felt because of these experiences and the militarization of the country and by the heart-rending stories of persons who had lost children or spouses and of young men and fathers who had been disabled by a bullet wound or injuries caused by the tear gas used during the protests.

34. Despite the crackdown, protesters continued to gather in the streets and to take part in cacerolazos or sit-ins, among other activities, not only in order to exercise their rights but also in an effort to defend and promote civil and political rights and preserve the civic space. In the Special Rapporteur’s view, the people who did so peacefully, especially those who organized campaigns or protests, were acting as defenders of civil and political rights regardless of whether or not they desisted after the social protests died down.

35. The Government recorded 897 protests between 29 November and 28 January, while civil society organizations had recorded 1,155 by the end of December, most of which were peaceful. The Special Rapporteur wishes to stress that “[a]cts of sporadic violence or other punishable acts committed by others do not deprive peaceful individuals of their right to freedom of peaceful assembly” and to make it clear that the organizers of peaceful protests should never be considered responsible for the illegal behaviour of others.

36. The journalists covering events following the election and the human rights defenders monitoring the situation who organized and participated in protests were prime

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33. Marches where participants bang on pots and pans; this form of protest is also conducted in private homes after curfew.
34. The national human rights network Coalición contra la Impunidad recorded at least 50 reports of protest organizers and participants being threatened, surveilled or followed between mid-December 2017 and 27 January 2018.
35. OHCHR (see footnote 11 supra), paras. 79 to 81.
targets of actions, assaults and rights violations that prevented them from doing their work. The national protection mechanism has dealt with 30 cases related to the post-election situation since 26 November 2017 involving 15 human rights defenders, 9 media professionals and 6 journalists. The Special Rapporteur heard statements and collected documentation concerning journalists and professionals from national and international media outlets who had been held at gunpoint, assaulted or arrested by the security forces for covering the post-election situation. One of the transmission towers of the community radio station Radio Progreso was sabotaged during the post-election riots, and five members of its analysis, investigation and communication team were attacked.

2. **Defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons**

37. Defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons and members of that community in Honduras are often victims of generalized violence. They lack appropriate protection from the State, and attacks against them occur in a context of total impunity and discrimination. According to the lesbian network Cattrachas, between 2008 and November 2018, at least 304 members of that community were murdered, including 11 human rights defenders. To date, there has not been a single conviction, despite the establishment of a special unit on violent deaths among that community.

38. During his visit, the Special Rapporteur heard from many defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons who decried the role of the media and new communications technologies in spreading messages vindicating hate speech directed at this group and its defenders in a climate of total impunity.

39. While the Special Rapporteur was in the country, the decision of the Supreme Court to hear the amparo application that had been filed in an effort to obtain the recognition of same-sex marriages or civil unions and allow name and gender changes for members of this community was made public. The Special Rapporteur observed how various national television and print media either produced or conveyed hate speech, discriminatory messages and threats online and on social media directed at lesbian, gay, bisexual, transgender and intersex persons and their defenders. The Special Rapporteur notes that lesbian activists face additional challenges, including attempts by other defenders of sectors of this community to undermine and marginalize them.

40. The Special Rapporteur also received reports from defenders with whom he met during his visit, including members of the organizations Muñecas Arcoiris (Rainbow Dolls) and the Centro para el Desarrollo y la Cooperación LGBTI ("Somos CDC"), who had been victims of attempted murder, harassment, assault, death threats and sexual offences.

3. **Land rights defenders and environmental activists**

41. Honduras has become one of the most dangerous places in the world for land rights defenders and environmental activists. According to Global Witness, between 2010 and January 2017, over 120 people were murdered for defending the land and the environment. Since then, at least two more activists have been killed and many have received death threats.

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38 OHCHR (see footnote 11 supra), paras. 87 to 98.
39 Ibid., para. 98.
41 See footnote 23 supra.
42 Information provided by the Office of the National Commissioner for Human Rights (CONADEH).
43 The amparo application was filed by Indyra Mendoza, a defender of the rights of lesbians, gays, bisexuals and transgender and intersex persons, with the Constitutional Chamber of the Supreme Court.
44 See footnote 24 supra.
42. The murder of indigenous leader Berta Cáceres for her human rights work in defence of the Guacarque River and in opposition to the Agua Zarca project is known to all. During her life, Berta Cáceres was prosecuted for trespassing, coercion and causing property damage in connection with her activism. The Special Rapporteur met with Ms. Cáceres’s family and members of the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (Civic Council of People’s and Indigenous Organizations of Honduras) during his visit. At the time of writing, seven people had been convicted for Ms. Cáceres’s murder on 29 November 2018. Although the Special Rapporteur sees this as a positive step, he wishes to stress the importance of investigating, trying and convicting the persons who ordered and paid for her murder. To date, Mr. Castillo, the chief executive of the construction company DESA, is the only person accused of planning the crime (and the fourth to have ties to the armed forces). The Special Rapporteur is concerned at reports of serious irregularities and breaches of due process, in particular reports that access to evidence was denied and that DESA ran smear campaigns targeting the lawyers handling the case and members of Consejo Cívico. Two years after the murder, similar situations, in which the rights of the population groups concerned are disregarded by the sponsors of corporate projects and where activists who oppose the projects are attacked, can be found throughout the country.

43. The recurring issue of land rights remains unresolved, and the leaders of the campesino movement who advocate for land restitution are harshly repressed. Between 2008 and October 2013, 90 campesino deaths were recorded in Bajo Aguán alone, and a further 17 have been recorded since the establishment of a special unit for the investigation and prosecution of violent deaths in Bajo Aguán in 2014. To date, there have been only 12 convictions in connection with these deaths. Yet attacks, forced evictions, harassment and the prosecution of land rights defenders and environmental activists are routine. At least 7,000 campesinos, indigenous persons and Garifuna have been prosecuted for their efforts to defend their land rights.

44. In Pajuiles, the Special Rapporteur heard about the prosecution of community leaders who had taken part in the Campamento Digno por el Agua y la Vida (Dignity Camp for Water and Life), which had been set up in permanent locations at both entrances to Hidrocep in protest against the firm’s operations and its pollution of the Mezapa River. The Special Rapporteur wishes to emphasize that the right to peaceful assembly can take the form of a sit-in or gathering whose purpose is to express complaints or desires, and he emphatically opposes the practice of charging activists with trespassing.

4. Indigenous rights defenders

45. The threats made against indigenous peoples are essentially linked to their efforts to defend their land and natural resources, fight racism and discrimination and claim their economic, social and cultural rights and their right to access to justice. Indigenous activists of the Lenca, Maya, Tolupán, Garifuna, Nahua, Pech Tawahka and Miskito peoples frequently face death, prosecution, stigmatization, judicial harassment and discrimination for fighting for the rights of their peoples.

46. The Special Rapporteur heard numerous stories of indigenous persons from various parts of the country taking on national and international companies to defend their ancestral lands and natural resources and protect them from serious damage at the hands of corporate enterprises. In addition, he notes with concern the link between social conflict and a failure to comply with the duty to consult with indigenous peoples, coupled with collusion between public officials, businesses and landowners.

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46 Information provided by the special unit for the investigation of violent deaths in Bajo Aguán.

47 Ibid.

48 Information provided by Vía Campesina.
47. In Santa Bárbara, Lenca indigenous leaders from the departments of Santa Bárbara and Cortés exposed, among others, the case of the El Tornillito hydraulic project, the second biggest in Honduras. The Honduran construction company Hidrovolcan S.A. obtained an environmental permit to build a dam on the Ulúa River and signed an agreement with the Government for the provision of energy in 2012 without prior consultation with the communities concerned, of which five could be flooded out of their settlements. These communities recounted their opposition to the project, which they placed on record at a town hall meeting held on 23 February 2017. In addition, they denounced the pressure exerted by the company in collusion with the municipal authorities of San Antonio de Cortés and the national police, as well as the adverse impact of the dam on the livelihoods (farming, livestock and fisheries) of the area’s inhabitants.

48. The cases of the Garífuna indigenous communities of Punta Piedra and Triunfo de la Cruz illustrate the challenges faced by Afro-Honduran indigenous land rights defenders in gaining access to justice and effective remedies. Following a long domestic legal battle, these communities, with support from the Organización Fraternal Negra Hondureña (Fraternal Black Association of Honduras), obtained two favourable judgments from the Inter-American Court of Human Rights. The judgments establish the violations committed by the Government, the rights of both communities, including the right to collective property ownership, rights in relation to third parties and with regard to tourism and mining projects conducted by Canadian firms in Triunfo de la Cruz and Punta Piedra, and the appropriate reparations. Three years on, the judgments remain largely unimplemented. On 8 October 2018, the National Agrarian Institute began the process of appraising and demarcating the land in Triunfo de la Cruz.

5. Female rights defenders

49. Women activists in Honduras play a very important role in the promotion of human rights, democracy and justice. However, this makes them the target of attacks and serious violations of their rights. In 2016 and 2017, a total of 2,137 assaults were recorded, including serious attacks on life or physical integrity, as well as a large number of campaigns to discredit, undermine or prosecute women activists and numerous threats and acts of intimidation. The documented assaults also include attacks on women defenders of civil and political rights in the aftermath of the elections. According to the same source, 45 per cent of the assailants identified by women activists were police officers, military personnel or other State officials.

50. The Special Rapporteur has identified women land activists and defenders of the rights of indigenous peoples, the rights of lesbians, gays, bisexuals and transgender and intersex persons, and the rights of women as the persons who are the most likely to be attacked and at the highest risk in Honduras. In the last three years alone, 29 attempted murders of such women have been recorded, and 6 women have been killed. The death of indigenous activist Berta Cáceres – a devastating blow to the indigenous movement and to women activists – was followed by the murder of another indigenous land activist, Lesbia Urquía, and by threats directed at other activists in which reference has been made to Berta Cáceres. Since early 2016, at least four women defenders of the rights of lesbians, gays, bisexuals and transgender and intersex persons have been murdered. The violence and fury

49 Legislative Decree No. 26-2012.
50 Statements by the Movimiento Ambientalista Santa Bárbaraense (Santa Bárbara Environmental Association) and Asociación Comunidades Unidas en Pro del Desarrollo Social de la Biodiversidad del Río Ulúa (Association of Allied Communities for the Social Development of the Ulúa River Biosphere).
51 Inter-American Court of Human Rights, Garífuna Punta Piedra Community and its Members v. Honduras, decision of 8 October 2015, series C No. 304; and Garífuna Triunfo de la Cruz Community and its Members v. Honduras, decision of 8 October 2015, series C No. 305.
52 To date, Honduras has complied with 6 of the 19 reparation measures ordered by the Inter-American Court of Human Rights, decision of 16 September 2016.
54 Defender para vivir (see footnote 25 supra).
55 Ibid., p. 25 ff.
unleashed on their bodies are in themselves a message of hate and a further threat to the community.

51. The Special Rapporteur was struck by the statements of female defenders of women’s rights who, while helping victims of domestic violence work their way through the corresponding complaint and judicial procedures, were threatened with death and sexual violence and were treated in a chauvinistic, intimidating manner by police officers. Honduras has one of the highest rates of femicide and violence against women in the world.\textsuperscript{56} Furthermore, in 2017 the number of attacks against women defenders of sexual and reproductive rights increased as they lobbied for the decriminalization of abortion in the new Criminal Code under three sets of circumstances. The statements made by Ecuménicas por el Derecho a Decidir (Ecumenical Groups for the Right to Choose) refer to stigmatization by leaders of the Catholic Church of Honduras, online threats, physical assaults, insults and censorship of the content of their Facebook page.

52. In addition to the risks faced by their male peers, women activists are also the object of gender-specific threats and attacks. Cases of sexual violence and harassment against women activists are rarely reported because of such factors as social stigmatization and fear. The persons who commit these attacks include State officials and strangers but also neighbours, colleagues and even community leaders.\textsuperscript{57} Campaigns to discredit and undermine women activists also have a gender component inasmuch as they include attacks on their role as women and their sexuality and are conducted in the domestic, family and community spheres so as to have an impact as “close to home” as possible.

6. **Journalists, students, law professionals and defenders of migrants**

53. Journalists in Honduras are murdered and are the targets of threats, intimidation, attacks, smear campaigns and prosecution in response to their critical analyses of the political situation and in retaliation for exposing human rights violations, their perpetrators and cases of corruption. According to the annual report of CONADEH, at least 75 journalists and media professionals were murdered between 2001 and 2017.\textsuperscript{58} In 91 per cent of these cases, there have been no convictions and no suspects have been brought to trial. Women journalists also reported being sexually assaulted. The Special Rapporteur is concerned by the cancellation of the television programme \textit{El Informador}, moderated by journalist Jairo López, who has availed himself of the services of the national mechanism for the protection of defenders and has been the object of death threats, attacks and multiple smear campaigns in which he has been accused of being a terrorist.

54. University students are key actors and promoters of social movements in Honduras. Their calls, through peaceful means, for improvements in the university’s workings and management and for greater student participation have been met with criminal charges, administrative penalties, violence and arbitrary detention in the past and especially in recent months. According to information provided to the Special Rapporteur, on 7 September 2017, at least eight students and four human rights defenders, including woman activist Hemde Castro, were violently ejected while documenting and taking part in a peaceful student protest at the National Autonomous University of Honduras. On 1 June, the three high-level officials who had been accused of torture, illegal detention, infliction of bodily harm and breach of official duty for ordering their removal and for the attacks were acquitted. The Special Rapporteur regrets the restriction and violation of student rights in a context of impunity.

55. Between 2010 and 2016, 117 law professionals died violent deaths. Those working on cases of corruption, organized crime, drug trafficking and violence against women are at particular risk. The Special Rapporteur heard the shocking account from the former mayor of Arizona, whose life is in danger, of the murder of a former prosecutor who was acting as his defence lawyer, Carlos Hernández, on 10 April 2018. Mr. Hernández was defending the

\textsuperscript{56} The National Violence Observatory has documented a total of 987 cases of women whose deaths were attributable to external causes.

\textsuperscript{57} \textit{Defender para vivir} (see footnote 25 supra), p. 75 ff.

\textsuperscript{58} See footnote 22 supra.
former mayor, who stood accused, as was Mr. Hernández himself, of trespassing in connection with alleged activities conducted while protesting against the construction by the company Generación Eléctrica (INGELSA) of a hydroelectric dam on the Jalamito River (Atlántida).

56. The defence of the human rights of disappeared migrants is mostly shouldered by female relatives (mothers, wives, aunts, sisters) who have scant financial resources and little schooling. These women defenders have to contend with national institutions’ failure to take appropriate action in order to investigate their relatives’ disappearance and determine their whereabouts, as is also true of the institutions of countries of transit and destination, and are calling for CONADEH to get involved. Regarding the migrant caravan that left San Pedro Sula on 13 October 2018 for the United States of America, the Special Rapporteur is concerned at the prosecution of migrant rights defenders, who have been accused of setting up the caravan for political gain.

IV. The national mechanism for the protection of human rights defenders

57. The adoption of the Act on the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials and the launch of the national protection mechanism in 2015 represent significant advances in the protection of rights defenders. The mere existence of the mechanism is an affirmation of these persons’ important role in society and the Government’s obligation to protect them as they carry out their work. The Special Rapporteur welcomes the fact that civil society is represented on, and participates in, the National Council for the Protection of Human Rights Defenders (the deliberative body set up to advise the mechanism) but calls for greater participation in the other bodies that make up the mechanism.

58. Since its establishment, the mechanism’s internal structure, working methods and operations have been strengthened. Nevertheless, the high turnover of State officials working in the various bodies that make up the mechanism interferes with its coordination and effective operation, which detracts from the protection that it can provide to rights defenders. Also, the mechanism is not sufficiently well known outside Tegucigalpa, and coordination with the authorities at the municipal and departmental levels is very weak.

59. Although the mechanism processed only 9 cases in 2015, the year in which it was established, it dealt with 143 cases in 2017 and 140 cases (30 of which related to the post-election period) between 1 January 2018 and 30 September 2018. This significant rise in requests for protection reveals that defenders are placing increased trust in the mechanism, although, as will be seen below, that observation must be qualified. From its inception until the time of the visit, the system granted 1,121 protection measures to 211 persons, the vast majority of whom are defenders, and accepted 221 of the 293 requests for protection measures that it received. The mechanism is currently dealing with 206 requests for protection, of which 127 correspond to defenders, 37 to journalists, 27 to media professionals and 20 to justice officials.

60. Although the annual budget of the national protection mechanism has been increased by 60 per cent, it represents only 15 per cent of the budget of the Ministry of Human Rights and does not appear to be sufficient to address the real needs of defenders in Honduras.

61. In response to the demands of beneficiaries and civil society, the mechanism has broadened the range of protection measures that it offers. In addition to those provided for in the regulations, which primarily relate to police procedures, it now offers preventive, economic, psychological and social assistance as well as measures related to technology.

59 Representatives of civil society occupy 2 of the 14 seats on the Council.
60 Information provided by the Government.
61 See article 54.
62 For example, training in self-defence.
63 A subsidy for transportation and communication.
and infrastructure. Police intervention, however, still takes precedence over preventive and other measures, a situation that is strongly criticized by defenders.

62. A significant number of the over 400 rights defenders with whom the Special Rapporteur met expressed a deep distrust of the national protection mechanism and, in particular, the police protection measures mentioned above. Defenders continue to identify the national police, the military police and the armed forces as the main perpetrators of human rights violations and attacks against defenders. It is therefore difficult for them to trust officers from these institutions to protect them by availing themselves of the measures provided for under the national mechanism.

V. National human rights institutions

63. The Office of the National Commissioner for Human Rights (CONADEH) is the national human rights institution in Honduras. It has a clear mandate to protect and promote human rights, including by taking legal action, following up on complaints of human rights violations and conducting promotional and training activities. It has 3 units and 6 national offices in Tegucigalpa, 7 regional offices, 14 departmental offices and a budget that, according to the Commissioner, is still not sufficient to enable the institution to fulfil its objectives and role.64

64. In 2011, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions downgraded CONADEH to B status for failing to comply with the Paris Principles.

65. Since 2014, CONADEH has established local networks for vulnerable defenders at the municipal level. From 2015 to 2018, it dealt with a total of 9,629 complaints or reports of alleged human rights violations, of which only a small percentage concerned rights defenders. The Special Rapporteur was told by many different people that they did not trust the institution, particularly in relation to its political independence. Although, in recent years, CONADEH has taken a public position in support of rights defenders, its weak public stance on human rights violations and assaults on civic space in the wake of the elections has generated greater distrust among defenders and civil society.

66. The Special Rapporteur welcomes the Commissioner’s initiative to develop an intersectional strategy in collaboration with human rights defenders as a follow-up to the initial recommendations made in the Rapporteur’s end-of-mission statement.65 He urges the Commissioner to ensure that representatives of the most at-risk defenders are included in the process of drafting the strategy and that the strategy is incorporated into the institution’s programme of work for the coming years as a matter of priority.

VI. Role of non-State actors

67. The Special Rapporteur received a great deal of information about the harmful repercussions of corporate operations, in particular those related to the mining, energy, agricultural, forestry, tourism and security sectors throughout the country, and such enterprises’ involvement in threats, attacks and abuse directed at human rights defenders, in some cases by security staff. The State should investigate and prosecute the perpetrators and instigators of such violations.

68. During the mission, the Special Rapporteur received information on plans for the construction of the Los Prados solar power plant that were drawn up by the Norwegian company Scatec Solar ASA and by Norfund and may receive funding from the Norwegian Guarantee Institute for Export Credits and the Central American Bank for Economic Development.

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Integration. According to that information, this plan was initiated without proper consultation with the inhabitants of the affected communities and will result in a loss of biodiversity and adversely affect water sources and the environment. On the basis of false testimony, at least 17 inhabitants of the area have been convicted of coercion against company employees and given non-custodial sentences. Inhabitants of the area and demonstrators at the encampments have reported that security guards working for the company Energías Solares S.A. have attacked and intimidated them. The project is proceeding, and the neighbouring communities are reporting that the companies concerned are using strategies aimed at creating divisions among them.

69. Cases have been documented in which members of Catholic and evangelical church authorities have made public statements in various media, including social media, which seem intended to whip up an atmosphere marked by exclusion, harassment and even hatred and discrimination against lesbian, gay, transgender, bisexual and intersex persons and defenders of sexual and reproductive rights. Religious groups have also reportedly carried out attacks about which church authorities have remained silent. The Special Rapporteur urges church authorities to play a positive role in proactively condemning and discouraging violence, discrimination and smears against lesbian, gay, transgender, bisexual and intersex persons and defenders of women’s sexual and reproductive rights.

VII. Community of human rights defenders

70. The meetings that the Special Rapporteur held with over 400 human rights defenders confirmed that civil society is diverse and strong in Honduras. State repression of defenders and public protests, the lack of any response to their demands and the impunity that has prevailed for years have caused the community of defenders to harbour strong feelings of distrust, hostility and rejection towards the Government and public authorities in general. It is necessary for the State and the Government to change the way that they respond to demands and their relations with civil society, which, in turn, needs to be more open to engaging in a constructive dialogue with the authorities on the promotion of human rights.

71. The human rights movement in Honduras could play a role in supporting equality and the eradication of violence against women if it joined forces with rights defenders and these groups worked together to champion respect for women’s rights and zero tolerance of gender-based violence within social and human rights movements, as in other spheres. It is important to claim a place for women human rights defenders and their causes on the human rights agenda. The Special Rapporteur reiterates that the formal and informal networks of defenders should be institutionalized and that the various movements and organizations should strengthen and support each other.

VIII. Conclusions and recommendations

72. Having examined the information received from the Government, civil society and other stakeholders, the Special Rapporteur has concluded that, despite the efforts made and, in particular, the establishment of a national protection mechanism, the vast majority of human rights defenders in Honduras are not working in a safe, supportive environment. In most of the country, they are in danger, as they face numerous attacks and threats, their activities are criminalized and undermined, and the civic space in which they operate is under attack.

66 Scatec Solar and Norfund own 70 per cent and 30 per cent of the plant, respectively, and operate through five local companies: Energías Solares S.A., Fotovoltaica Sureña, Generación Energética, Fotovoltaica Los Prados and Foto Sol.

67 Residents of the communities of Rancherías, Costa Azul, Guamerú, Prados 1 and 2, El Obraje and El Chagüíton.

73. The human rights violations and the dramatic curtailment of civic space witnessed during the post-election period have aggravated the situation. Although the peak of the crisis has passed, it has not been overcome. The return to the status quo brings a return to a situation in which civil society is subject to restrictions on the right of assembly, freedom of opinion and expression and participation in public affairs against a backdrop of poverty and profound inequality in Honduras.

74. Defenders are individuals who, in their daily struggle to expand the civic space while fending off attacks upon it, confront violations of the civil, economic, political, social and cultural rights of persons who are marginalized, excluded and discriminated against in a context of corruption, violence and impunity.

75. The State has an obligation to protect them, place priority on their human rights agenda and adopt the measures needed to guarantee them a safe, supportive environment, without prejudice to the important battle against drug trafficking being waged by the current Government. The success of the fight against impunity will depend on the existence of the political will to carry out that fight and to overcome the challenges posed by corruption, organized crime and the militarization of public security.

76. In order to facilitate this process, the Special Rapporteur is offering the Government the opportunity to engage in technical cooperation and is putting forward a series of recommendations that should be taken into account by the relevant actors.

77. The Special Rapporteur recommends that the Government:

(a) Refrain from penalizing human rights defenders for their work and ensure that prosecutors and judges promptly receive appropriate training concerning the important role played by rights defenders in society;

(b) Publicly recognize the pivotal role played by rights defenders in society and condemn violations of their human rights and attempts to discredit them;

(c) Ensure prompt and impartial investigations into cases involving threats and violence against rights defenders, bring to justice the authorities and accomplices guilty of perpetrating such offences and provide redress to the victims;

(d) Review, and avoid adopting, legislation that restricts the civic space and the rights to freedom of expression, peaceful assembly and participation in public affairs, together with any legislation that introduces or contains ambiguous definitions, including the relevant sections of the new Criminal Code cited in the report and the law on cyberspace;

(e) Amend the Secrets Act to allow appropriate access to public information in accordance with international standards and the recommendations of the Public Information Institute, the Mission to Support the Fight against Corruption and Impunity in Honduras, and the Inter-American Commission on Human Rights, among other bodies;

(f) Develop a legislative framework for the protection of whistle-blowers;

(g) Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean;

(h) Relaunch an inclusive, appropriate dialogue and consultation process with the broadest possible range of organizations of indigenous peoples in order to adopt, with their consent, a regulatory framework on the right to free, prior and informed consultation of indigenous peoples in the country in accordance with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous
Peoples and implement the recommendations of the Special Rapporteur on the rights of indigenous peoples in this regard. It is also recommended that the new bill on consultation of May 2018 be withdrawn and that the procedure for the approval of Ministerial Agreement No. 1402-2018 be halted;

(i) Adopt a comprehensive public policy on the protection of rights defenders that incorporates intercultural, community and gender perspectives and allocate the budget necessary for its effective implementation in line with the jurisprudence of the Inter-American Court of Human Rights and the judgments handed down in the cases of Luna López v. Honduras and Escaleras Mejía et al. v. Honduras;

(j) Ensure that the responses to people’s needs for protection are differentiated, that they incorporate a gender perspective, are based on culturally appropriate and differentiated assessments of the particular risks facing each defender and are suited to the specific situation of each person, including the nature of his or her work and whether he or she belongs to an indigenous people or to the lesbian, gay, bisexual, transgender and intersex community. These responses should also take into account each person’s vulnerability or exposure to forms of violence within his or her family and/or community and should be tailored to the rural, remote or urban setting in question;

(k) Ensure that communities outside Tegucigalpa are made aware of the mechanism and receive training in that regard and strengthen cooperation and coordination at the municipal and departmental levels with a view to providing effective responses and protection throughout the national territory;

(l) Take the necessary measures to ensure that State institutions in all parts of the country are able to recognize and understand the role of defenders, their important function and the work of the national mechanism;

(m) Prioritize the drafting of regulations governing the protection of journalists, media professionals and justice officials in accordance with article 66 of the relevant law;

(n) Prioritize the fight against the impunity of perpetrators of murders, attacks and threats against rights defenders, support the work of the Office of the Attorney General, set up the Office of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Media Professionals and Justice Officials and provide it, and all other special prosecutors’ offices and specialized units, with adequate financial support and the human resources needed to investigate violations against defenders;

(o) Help to further the important work of the Mission to Support the Fight against Corruption and Impunity in Honduras and ensure its continuity;

(p) Ensure effective coordination and cooperation between the new Office of the Special Prosecutor for the Protection of Human Rights Defenders, the existing Office of the Special Prosecutor for Human Rights, Office of the Special Prosecutor for Crimes against Life, Special Unit for the Investigation of Violent Deaths in Bajo Aguán and Office of the Special Prosecutor for Ethnic Groups;

(q) Adopt a specialized protocol for investigating crimes against rights defenders, taking into account the agreement signed in the case of Escaleras Mejía et al. v. Honduras, and ensure the prior participation of civil society.

78. The Special Rapporteur recommends that the Commissioner and the Office of the National Commissioner for Human Rights (CONADEH):

(a) Guide and advise the Government on its human rights obligations, particularly the obligation to ensure ample civic space for civil society in which the rights of peaceful assembly, freedom of expression and political participation are respected and rights defenders enjoy a safe, supportive environment;
(b) Include specific activities in its programme of work related to the promotion and protection of rights defenders, such as monitoring and collecting statistics on attacks against defenders and journalists and on levels of impunity, follow-up on complaints filed by defenders and public recognition of their work.

79. The Special Rapporteur recommends that organizations and agencies belonging to the United Nations system:

(a) Support rights defenders, designate a focal point in the country team to receive their complaints and maintain an ongoing dialogue with defenders and civil society;

(b) Support and promote the expansion of the Office of the United Nations High Commissioner for Human Rights into other parts of the country in order to provide greater protection for human rights defenders;

(c) Provide the staff of their organizations with training concerning the Declaration on Human Rights Defenders, the definition of human rights defenders and their important role in society.

80. The Special Rapporteur recommends that companies and other non-State actors:

(a) Respect human rights, particularly those of rights defenders, and internationally accepted principles relating to business and human rights, including the Guiding Principles on Business and Human Rights;

(b) Conduct assessments, in conjunction with civil society and rights defenders, of the human rights impact of the projects that they carry out;

(c) Hold effective prior consultations before undertaking projects that affect indigenous peoples and ensure that their decisions are respected in accordance with applicable international norms and principles;

(d) Refrain from stigmatizing rights defenders verbally or intimidating them by means of legal proceedings or physical aggression, whether initiated directly or through private security companies.

81. The Special Rapporteur recommends that the international community:

(a) Step up its efforts to apply national and international guidelines on the protection of rights defenders, including through the observation of their trials and the provision of political or financial support to at-risk defenders;

(b) Meet periodically with rights defenders, especially those who are located in rural and remote areas;

(c) Publicly condemn violations of the human rights of defenders and promote and raise awareness of their positive role in society.

82. The Special Rapporteur recommends that religious groups refrain from stigmatizing human rights defenders, particularly those defending the sexual and reproductive rights of women and girls and the lesbian, gay, bisexual, transgender and intersex community, and recognize the important role of faith-based defenders.

83. The Special Rapporteur recommends that civil society:

(a) Ensure that self-defence measures are strengthened and made available to rights defenders facing specific risks or in remote locations;

(b) Address the issue of discrimination against women and lesbian, gay, bisexual, transgender and intersex defenders within the framework of broader human rights movements;

(c) Strengthen its strategy for lobbying the Government and State agencies and promoting dialogue between different actors.
TAB 14
REPORT No. 157/18
CASE 13.051
REPORT ON MERITS

VICKY HERNÁNDEZ AND FAMILY
HONDURAS

Adopted by the Commission at its session No. 2143 held on December 7, 2018
170th Regular Period of Sessions

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I. SUMMARY

1. On December 23, 2012, the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission,” “the Commission,” or “the IACHR”) received a petition lodged by Red Lésbica “CATTRACHAS” a feminist lesbian organization in Honduras and Centro de Derechos Humanos de las Mujeres (hereinafter “the petitioners”), alleging the international responsibility of Honduras (hereinafter “the Honduran State,” “the State,” or “Honduras”) to the detriment of Vicky Hernández and her family.

2. The Commission adopted Report on Admissibility No. 64/16 on December 6, 2016. On December 15, 2016, the Commission notified the parties of that report and placed itself at their disposal with a view to reaching a friendly settlement. The parties were afforded the regulation time limits to present additional observations as to merits. All information received was duly relayed between the parties.

3. The petitioners alleged that the State was responsible for the killing of Vicky Hernández, a trans woman and human rights defender who was murdered during a curfew established under the coup d’état in 2009. They argued that it was an extrajudicial execution given the high presence of military personnel and police in the area as well as the existence of a context of violence, discrimination, and police brutality toward LGBTI persons in Honduras, which intensified in the wake of the coup. They argued that the State had failed to act with due diligence to investigate the facts and identify those responsible, and that there was discrimination in terms of access to justice because of Vicky Hernández’s gender identity.

4. The State contended that it had fulfilled its obligation to investigate the death of Vicky Hernández and that it had made substantial efforts to get to the truth. It argued that the proceedings had been long and drawn out because the case was complex. It said that it had not been demonstrated that the State, through its agents, had acted in contravention of the Convention and that in the course of the proceedings the effort had been made to respect the victim’s gender identity.

5. Based on its findings of fact and law, the Inter-American Commission has concluded that the State is responsible for the violation of Articles 4(1) (right to life), 5(1) (right to humane treatment), 8.1 (right to a fair trial), 11 (right to privacy), 13 (freedom of thought and expression), 24 (right to equal protection and nondiscrimination), and 25(1) (right to judicial protection) of the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") taken in conjunction with the obligations established in Article 1(1) of the same instrument. The Commission also found that there had been a violation of Article 7 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, (hereinafter "Constitution of Belém do Pará"). The Commission made appropriate recommendations.

II. SUBMISSIONS OF THE PARTIES

A. The Petitioners

1 In a written communication dated March 30, 2015, the CDM withdrew its representation in this case.
2 Subsequently, Robert F. Kennedy Human Rights became co-petitioner.
3 IACHR, Report No. 64/16, Petition 2332-12, Admissibility, Vicky Hernández and Family, Honduras, December 6, 2016. Articles 4, 5, 8, 13, 24, and 25 were declared admissible in connection with Article 1.1 of the American convention, as was Article 7 of the Convention of Belém do Pará.
6. The petitioners say that on the night of June 29, 2009, Vicky Hernández, a trans woman registered at birth as Johny Emilson Hernández, was murdered in the city of San Pedro Sula in the context of roundups conducted by the National Police during a curfew instituted the day before, following the coup d'état in the country. They stressed that the killing occurred at a time when “the only people on the streets were security forces personnel.” They said that the events were consistent with the context of discrimination and violence toward women and LGBTI persons in Honduras, noting that trans women were particularly prone to be subjected to violence by the police and other state agents, a situation that worsened and intensified in the wake of the coup.

7. In relation to the criminal investigations, they said that they had not been conducted with the proper diligence. They said that only 12 investigative procedures had been carried out, four of which were the initial actions that are taken as a matter of routine during the removal of a corpse and identification of the deceased, and that the only statement taken in the process had been that of Vicky's mother. They charged that key procedures, such as an autopsy, which was twice requested by the prosecutor's office were not carried out, and that as at March 2015 there was no record of an autopsy in the record. They said that at the time of the events, it was denounced that the refusal to conduct an autopsy was based on the presumption that the victim had HIV. They said that no witnesses were contacted that might have been able to provide relevant information and that they had not had access to a full, up-to-date copy of the record.

8. They alleged a violation of Vicky Hernández's rights to life and humane treatment in connection with Article 7 of the Convention of Belém do Pará. The petitioners also alleged that Honduras was responsible for violation of the rights to a fair trial and judicial protection taken in conjunction with Article 7(b) of the Convention of Belém do Pará, since the investigation that it opened did not adopt a gender and gender identity perspective, and that it also failed to pursue lines of inquiry in relation to the context or take into account the victim’s work as an activist. They also alleged that the possibility of sexual violence was not analyzed and that the authorities failed to act with diligence in collecting and analyzing evidence. They argued that the State violated Vicky Hernández's right to equal protection in connection with Article 7 of the Convention of Belém do Pará, since the mere fact that she was a trans woman deprived her of her right to be accorded the proper attention by the authorities in charge of the investigation. They said that the state also violated the right to freedom of expression due to the fact that in the context of the proceedings the authorities made biased assumptions and registered Vicky as an individual of male sex named Johny because Honduran law does not allow someone to be legally recognized by the gender identity that they choose for themselves. Finally, the petitioners said that the State violated the right to humane treatment of Vicky Hernández’s mother, cousin, and niece.

B. The State

9. The State contended that in keeping with its obligation to investigate the death of Vicky Hernández it had made efforts to get to the truth. It said that the proceedings had been long and drawn out because the case was complex. It explained that the refusal to provide a complete, up-to-date copy of the record was based on the fact that such access could jeopardize the effectiveness of the inquiries. As regards investigative procedures, it said that the removal of the corpse had been carried out and an on-site inspection record prepared. It also said that it took a statement from the mother of the victim, who stated that on June 27, 2009, Vicky arrived at her house and asked to borrow some money, and that she then left, after which she did not see her again. The State said that the mother said in her statement that "her son had mentioned some weeks earlier that another trans person had robbed him and threatened him if they saw him again [Tr: sic]." The State said that subsequently several telephone calls were made to gather additional information about the facts, but that all of the telephone numbers called had been out of service. The State underscored that the area where the events occurred was one of the most violent parts of the city where the Salvatrucha gang (mara salvatrucha) exercised considerable control.

10. The State stressed that the lack of witnesses at the scene had made it impossible to clarify what had happened and identify those responsible. As regards the autopsy report, it said that in December 2015 it had been part of the investigation record and that it found that the characteristics of the injuries were consistent with those caused by a regular firearm projectile from a long distance. It said that in September
2017 a follow-up request was made to the Evidence Warehouse so that its laboratory might examine the evidence collected at the scene, including an apparently used condom and a bullet. It said in relation to the condom, that it had not been analyzed to determine if it contained genetic material because the genetic material could be lost if the packaging were opened and the evidence handled without there being any suspect. As regards the bullet, the State said that information on the current state of its analysis was being sought.

11. As to the rights to life and humane treatment, it said that it had not been demonstrated that the State, through its agents, had acted in contravention of the Convention. It considered that it was up to the petitioners to demonstrate the State’s responsibility for the killing and that the fact that impunity precluded knowing who the culprits were did not mean that they were State agents and that “it is impossible for the State to control the free will of private citizens.” As to the rights to a fair trial and judicial protection, the State said that it had complied with inter-American standards as far as investigation was concerned and that it is obligation should not be considered unfulfilled simply because the investigation had not yielded satisfactory results. It said that one line of investigation sought to identify the person who had threatened the victim days prior to the events, according to their mother's statement. It said that inquiries into the involvement of State security organs were not being pursued. Finally, with regard to the right to equal protection, Honduras argued that the investigation had not produced sufficient reasonable evidence to believe that the case might have been a hate crime against LGBTI persons by agents of the State and that, moreover, in the course of the proceedings, the effort had been made to respect the victim’s gender identity by referring to her by her trans woman’s name.

III. FINDINGS OF FACT

A. CONTEXT

1. General context of discrimination and violence against LGBT persons in Honduras

12. The IACHR, the Office of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Office of the UN Special Rapporteur on violence against women have stated that discrimination and violence against members of the LGBT community in Honduras has been cause for great concern in recent years.⁴ Civil society organizations have informed the IACHR about the high number of murders of lesbian, gay, bisexual, and trans people in the country, saying that there is a “social environment ... of traditional discrimination against LGBT people, leading to violence motivated by prejudice.”⁵ In January 2011, the United Nations Human Rights Council, in the context of its Universal Periodic Review, called on the State to respond to the increasingly worse situation of crimes against the LGBT population in the country.⁶

13. According to reports received by the IACHR, from 2009 to December 2014 there were 174 recorded violent killings of LGBT persons in the country, 69 of whom were trans.⁷ Between May 2003 and July 2012, CEJIL registered 214 crimes against LGBT persons, including violations of the right to life, violations of the right to humane treatment, rape, and violations of the right to personal liberty. It also noted that the cities of Tegucigalpa and San Pedro Sula were the most dangerous for LGBT people.⁸ Of the 214 crimes reported, it said that at least 127 were committed against “trans or transvestite” individuals, and that,

of those, police were said to be responsible in 47 incidents. According to another report, between 2008 and 2016, there were 89 recorded killings of trans persons, with Honduras as the country with the highest relative murder rate of trans individuals worldwide, with 10.77 per million inhabitants.\(^9\) CEJIL has also said that trans women, in particular, suffer violence doubly, especially when they are perceived as engaging in sex work.”\(^11\) It said that the bodies of murdered “trans women or transvestites” in Honduras are often dumped in public places, in full sight of people, and that “the majority of documented assaults and murders were committed with a firearm.”\(^12\)

14. In relation to investigations into cases of violence against LGBT persons, the IACHR has received information indicating that the murders tend to go unpunished, and that such cases are tainted from the start by prejudices based on the sexual orientation, gender identity or gender expression of the victims.\(^13\) According to information received by the IACHR, of 141 violent deaths reported between 2010 and 2014, only 30 cases had been prosecuted.\(^14\) The State itself informed the IACHR that in only 4 percent of homicides committed by members of the police, particularly unlawful detention and misuse of authority.\(^16\) The organization Global Rights and the International Human Rights Clinic at the University of Virginia published a report in which they concluded that the criminal justice system discriminates against LGBT persons and fails to protect them. Their murders are not investigated and go unsolved, allowing the perpetrators to remain unpunished. The report also highlighted repeated violations against members of the LGBT community committed by members of the police, particularly unlawful detention and misuse of authority.\(^16\)

15. The IACHR has expressed concern about police abuses against LGBT persons, saying that police involvement “leads others to believe that they can harm persons of non-normative sexual orientations and gender identities with impunity.”\(^17\) It has found that “[n]umerous reports indicate that trans women and trans sex workers are particularly vulnerable to police abuse and are regularly subjected to inhumane treatment by law enforcement when detained.”\(^18\) The IACHR has received information about attempted extrajudicial executions of trans persons by members of the police in Honduras.\(^19\) The IACHR has said that the most commonly reported forms of abuse are extortion and the demand for sexual favors; use of excessive force; vicious beatings; the use of firearms to hurt or incapacitate victims; instances in which trans women are forced to strip fully naked in public; and constant hostility and acts of humiliation such as forcible removal of wigs, misgendering, and constant verbal abuse.\(^20\)

16. According to CEJIL, there is a recurring pattern of arbitrary arrests and assaults committed by the police against trans persons in Honduras.\(^21\) Red Lésbica Cattrachas has noted that trans women are easy targets for the Honduran authorities because of their vulnerable socioeconomic situation, and that, according to civil society and international entities, they are “are constant victims of violence at the hands of the police.”\(^22\) CEJIL has said that trans persons and transvestites are commonly engage in sex work on the

\(^9\) CEJIL, Diagnosis of hate crimes motivated by sexual orientation and gender identity: Costa Rica, Honduras and Nicaragua, San José, Costa Rica, 2013, p. 120 (in Spanish only).
\(^13\) IACHR, Situation of Human Rights in Honduras, OEA/Ser.L/V/II, December 31, 2015, par. 137.
\(^15\) IACHR, Violence against LGBTI Persons, OAS/Ser.L/V/IIRev.2, November 12, 2015, par. 447.
\(^16\) Global Rights & International Human Rights Clinic at the University of Virginia School of Law, Violations of the Rights of Lesbian, Gay, Bisexual and Transgender Persons in Honduras, 2006.
\(^20\) IACHR, Violence against LGBTI Persons, OAS/Ser.L/V/IIRev.2, November 12, 2015, par. 132.
streets because of the difficulty of finding other forms of employment, which, coupled with existing prejudices, "has been a determining factor in increasing their exposure to crimes, whether at the hands of the police or of members of the public." 23 Most arbitrary detentions of trans women sex workers occur during encounters with police and military personnel who seek sexual services from them and then refuse to pay. 24

17. The IACHR has found that in most cases, the victim's sexual orientation or gender identity or expression are completely disregarded in the investigation, despite their potential usefulness in identifying possible motives or suspects. In other instances, such discriminatory assumptions or prejudice may also lead to an abandonment or unsuccessful conclusion of the investigation, or may even prevent there being any investigation at all. 25 According to Human Rights Watch, "[p]rejudices within law enforcement agencies may lead to bias in police investigations of crimes against transgender people. Investigative independence may also be at risk when the perpetrators are members of the police force. 26

18. The IACHR noted that "defenders of the human rights of trans persons are in a situation of extreme vulnerability to suffering violence by state and non-state actors, as a reprisal for their human rights activism and the carrying out of sex work. Trans women human rights defenders are ... subjected to arbitrary arrest, extortion and threats from police officers." 27 This context is relevant, given that, as is described hereinbelow, Vicky Hernández, was a defender of the human rights of trans persons.

2. General context of the coup and violations of the rights of LGBT people

19. On June 28, 2009, the democratically elected president was overthrown in Honduras and the constitutional order, interrupted. 28 In relation to that, the IACHR reported that "violations of the rights to life, humane treatment, freedom of assembly and association, personal liberty, judicial guarantees, freedom of expression, political rights, the rights of women and the rights of minority groups were exacerbated by the absence of democratic institutions capable of processing complaints, investigating facts, punishing those responsible and making reparations to the victims." 29 The interruption of the constitutional order caused by the coup d’état "was coupled with a heavy military presence in various areas of civilian life, suspension of guarantees with enforcement of curfews, and the ineffectiveness of judicial remedies in safeguarding people's fundamental rights." 30 The IACHR concluded that repeated curfews, the militarization, the primacy of military power over civilian power, and the inefficacy of the judicial mechanisms, all placed the entire population in a defenseless situation, which created a favorable climate for the perpetration of human rights violations. 31

20. Since the coup d’état in Honduras, the IACHR 32 and the UN Special Rapporteur on the situation of human rights defenders 33 have found that LGBT persons were among the groups suffering severe violence in Honduras. 34 The Special Rapporteur indicated that the persistence of such acts could indicate a pattern of hate crimes, primarily committed by the police and private security guards. 35 CEJIL conducted a study that analyzed the rise in killings and concluded that the coup generated a general climate of violence and insecurity and marked a tipping point in terms of a worsening of crimes against life of members of the LGBT population. In terms of statistics, it stated that by "late 2009, the documented figures for such acts were

23 CEJIL, Diagnosis of hate crimes motivated by sexual orientation and gender identity: Costa Rica, Honduras and Nicaragua, San José, Costa Rica, 2013, p. 120 (in Spanish only).
27 IACHR, Preliminary Observations concerning the Human Rights Situation in Honduras, December 5, 2014.
34 IACHR, Violence against LGBTI Persons, OAS/Ser.L/V/II rev.2, November 12, 2015, par. 141.
double those of 2008, three times as high as those of 2007, and exponentially higher than the numbers for previous years, such as 2005 or 2006. The number LGBT persons murdered in 2009 and 2010 was almost as high as the total documented number between 2003 and 2008.” It added:

(...) during the seven-month de facto government of Roberto Micheletti, the incidence of crimes against life targeting members of the LGBT population by semester increased fivefold (with 23 killings in the six-month period; that is, more than three crimes of that type per month). It is worth noting that during the multiple curfews instituted in the months following the coup, the state security forces maintained tight control and a heavy presence on the streets, and it was precisely during such periods that murders were committed of LGBT persons (particularly trans people and transvestites engaging in sex work), whose bodies were then also found on streets and in other public places. Given the situation, a number of activists believe that there is a strong probability that many of the murders committed in that context can be attributed to the state security forces.36

B. Regarding Vicky Hernandez and her Immediate Family

21. Vicky Hernández was born in San Pedro Sula, Honduras, on September 21, 1983, and was registered at birth as Jonhy Emilson Hernández.37 She went to school until the sixth grade of primary, when she was forced to drop out in order to get a job and support her mother financially, as well as contributing to her niece’s education costs.38 The petitioners say that Vicky was a sex worker and a recognized activist within the Unidad Color Rosa, Colectivo TTT, an organization that defends the human rights of trans persons in Honduras.39 They said that at the time of the events, Vicky was 26 years old and lived in San Pedro Sula with her mother, Rosa Argelia Hernández Martínez; her cousin, Tatiana Rápalo Hernández;40 and her three-year-old niece, Argelia Johana Reyes Ríos.41 The petitioners say that Vicky was enjoyed a good relationship with her siblings and was very close to her relatives, especially her niece Andrea Ríos.42 According to the socioeconomic report, Vicky was living with HIV. The same document reports that Mrs. Rosa Argelia mentioned that two months before she was murdered, her daughter was the victim of an attack by a security guard who dealt her a machete blow to the head. She said that Vicky went immediately to the police station, where the police told her, “For all we care, you can die.” A friend later took at the hospital.”43

C. Facts in the Case

22. On the night of June 28, 2009, at a press conference held on the premises of the National Congress, the de facto president, Roberto Micheletti declared a curfew in the context of the coup d’état. The measure was in effect from 9:00 p.m. to 6 a.m. over the course of the next 48 hours. The IACHR has said that there is no information regarding the legal instrument on which the curfew was based.44

23. In a statement, Vicky’s mother said that on the morning of June 27, 2009, Vicky asked to borrow 100 lémipiras. Then she left and she never saw her again.45 The petitioners said that, according to information that Mrs. Rosa Argelia provided to Cattrachas, Vicky was last seen on the afternoon of June 28,

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39 Petitioners' brief of April 21, 2017.
40 According to the petitioners, Tatiana Rápalo Hernández was the alleged victim’s cousin, but she was registered in the national register with Vicky’s mother’s surname, which is why she regards her as her youngest daughter. She said that Vicky and Tatiana were very close, and that she was the first person he spoke to about her transgender identity.
41 Petitioners’ brief of April 21, 2017.
2009, leaving the home of Marimar, a trans friend and sex worker whom she had gone to visit. At 7:30 a.m. on June 29, 2009, after the curfew had ended, investigators at the National Bureau of Criminal Investigation (DNIC) were informed of the discovery of the lifeless corpse of Vicky Hernández on public view at No. 3 Calle 7 y 8, Avenida Colonia Ruiz, San Pedro Sula. DNIC personnel arrived at the scene of the crime at 9:15 a.m. to carry out the removal of the corpse. The record of the removal of the corpse noted that "there was a large number of curious onlookers and journalists" at the scene.

24. The coroner at the scene of the crime noted a wound with irregular edges in Vicky’s left eye, a wound with irregular edges on the left frontal region, and bruising around her eye. The coroner concluded that Vicky was murdered with a firearm and determined a postmortem interval of 8 to 10 hours prior to the discovery of her body at 9:10 a.m. She was registered as “John Doe” [“desconocido (sexo masculino)”]. The record also reported the discovery of a bullet and an apparently used condom next to the body. The investigation record does not say whether any tests were performed or if any signs of sexual violence were found on Vicky’s body.

25. In the wake of the incident, human rights organizations denounced that forensic authorities refused to carry out an autopsy, on the pretext that the victim was presumed to be living with HIV. According to information provided by the State in December 2015, the investigation file contains a transcript of the autopsy report prepared by Dr. Itpsa Suyem Rosales, “which determined that the cause of death was a brain laceration and described the injuries found as caused by a firearm projectile, as well as an entry and exit wound.” The record provided by the petitioners does not contain the report.

26. According to the statement provided by Mrs. Rosa Argelia, on the afternoon of June 29, a trans woman called Alicia, who was murdered some time afterwards, called her to let her know that her daughter had been found dead. She said that on receiving the news she thought it was a joke and asked one of her sons to investigate what had happened; he later confirmed that Vicky's body had been found. According to the socioeconomic report, Mrs. Rosa Argelia went to the Public Prosecution Service (Ministerio Público) morgue with Fredy, a friend of Vicky’s who was living with them at the time, to identify the body.

27. According to the report containing Rosa Argelia’s statement, she said that "one week before her son was killed he had told her that another transvestite, whose name she did not recall, had attacked him and threatened him, saying that if he saw him again he would kill him. According to Mrs. Hernández, she did not know the transvestite’s physical appearance or his name or alias.”

28. Vicky's wake was held at the offices of Unidad Color Rosa, Colectivo TTT in San Pedro Sula and she was later buried at La Puerta cemetery. The record shows that Vicky's death was not registered in the National Civil Records Office until 2013.

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A. DOMESTIC PROCEEDINGS

29. The case of the Public Prosecution Service was registered as a proceeding against unknown persons for the crime of homicide of Jhony Emilson Hernández Martínez. The State said that the case was under the jurisdiction of the Office of the Special Prosecutor for Crimes against Life and, since 2013, the Social Impact Homicide Unit (Unidad de Muertes de Impacto Social).59 The preliminary inspection and record of removal of the corpse were done on June 29, 2009.60 On July 24, 2009, the IACHR requested the Supreme Court of Justice of Honduras for information on the case under Article 41 of the American Convention.61 As the IACHR noted in its report Honduras: Human Rights and the Coup d’État, the Supreme Court made the following reply:

In the case of the death of Jonhy Emilson (Sonny Emilson) Hernández Martínez alias "Vicky Hernández Castillo," a member of the LGTTB community identification number 0501-1983-08333, a native and resident of the Sunsery neighborhood of San Pedro Sula, Cortés, age 26. The forensics report found that the cause of death was strangulation; the case is currently under investigation. Thus far, the motive for the crime is unknown although the most likely theory is that this was a crime of passion.62

30. On March 16, 2011, the Crimes against Life Unit of the Prosecutor's Office requested the Regional Director of Forensic Medicine for the autopsy reports on at least six homicides of trans women, including the case of Vicky Hernández.63 The record contains no reply to that request.

31. On March 30, 2011, the investigating prosecutor at the Crimes against Life Unit requested the DNIC to conduct more investigative procedures in the case of Vicky Hernández, including:

1. Identify the suspects, including their legal particulars. 2. Forward photographs of the suspects. 3. Request the Department of Forensic Pathology for the autopsy report on the victim. 4. Request criminal records for the suspects and the victim. 5. Take statements from witnesses to the criminal act. 6. Take statements from the aggrieved (the victim's relatives). 7. Investigate whether semen was obtained from exhibit No. 1 "allegedly used condom and its wrapper" in order to perform the relevant forensic analysis. 8. Establish the motive for the homicide of the deceased. 9. Any other necessary procedure to clarify the criminal act. The foregoing should be sent to this prosecutor's office as a matter of urgency.64

32. On May 3, 2011, the DNIC took a witness statement from Vicky Hernández’s mother.65 The Commission notes that in the preliminary inspection procedure, under the heading "Witnesses and Family Members," in addition to the home address of Rosa Argelia Hernández, also provided are information on two of Vicky’s friends and the address of the Unidad Color Rosa group.66 One, whose name was given as Milton Torres, was a trans woman by the name of Michelle Torres who was murdered with a firearm on August 30, 2009 in San Pedro Sula, but was never interviewed.67

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60 Annexes 3 and 4. Investigation Record 1057-09 presented on November 20, 2013, Preliminary inspection and record of removal of corpse. Appended to the petitioners’ brief of April 1, 2015.
33. In May 2011, a request was made to the DNIC for Vicky Hernández's criminal record. On March 8, 2013, the Office of the Prosecutor for Crimes against Life urgently requested the DNIC to send the photographic album and crime scene sketch for the Vicky Hernández case to the Sexual Diversity and Social Impact Homicide Unit. Based on the information available, it is not known if that request was followed up. On that same date, the Office of the Special Prosecutor for Crimes against Life requested the Bureau of Immigration and Foreign Status to notify it of Vicky Hernández's migratory movements as a matter of urgency.

34. On July 23, 2013, a criminal investigation analyst with the Sexual Diversity and Social Impact Homicide Unit submitted a report containing a list of procedures carried out and informing that the autopsy, numbered A-1384-09, had been performed by Dr. Dixiana Rosales, who no longer worked for the Directorate of Forensic Medicine, for which reason efforts were underway to locate her and take her statement.

35. On May 17 and 18, and on June 6, 10, and 23, 2013, the petitioners made multiple attempts with the Office of the General Coordinator for Prosecutors, the Office of the Regional Coordinator for Northern Zone Prosecutors, and the Special Prosecutor for Common Crimes, Tegucigalpa to obtain a copy of the judicial record, without receiving any response.

36. In October 2013, the lawyer Rita Isabel Romero became attorney for Rosa Argelia Hernández in the domestic proceeding. In an interview with Vicky Hernández's mother and next-of-kin on October 14, 2013, they told Ms. Romero that "they themselves prepared [Vicky’s] body for burial and they know for a fact that there were no marks on her neck, chest, or anywhere else on her body to indicate that she had undergone an autopsy." The lawyer Romero also found that Vicky Hernández’s death had not been registered in the Civil Records Office and undertook the necessary formalities for her death to be registered.

37. On October 16, 2013, the Ms. Romero went to the Public Prosecution Service to obtain a complete copy of the record and was granted approval to examine it. On October 17, 2013, the lawyer Romero formally requested a photocopy of the record. She also requested the Regional Director of Forensic Medicine, taking into account the report of July 23 of that year, to corroborate whether the doctor who performed the autopsy in the Vicky Hernández case was Dr. Dixiana Ferrufino or Dr. Itpsa Rosales. Finally, she asked that the request of the Crimes against Life Unit of the Prosecutor's Office of March 16, 2011, be fulfilled, stating that as of October 16, 2013, the autopsy report that had been requested two years earlier was nowhere to be found in the record.
38. On October 18, 2013, the Regional Coordinator of Forensic Medicine informed the Special Prosecutor for Crimes against Life that the autopsy report prepared by Dr. Itpsa Rosales in the Vicky Hernández case had been sent to the Homicide Prosecution Unit on July 13, 2013. On October 28, 2013, the Office of the Prosecutor of the Social Impact Homicide Unit sent a second request to the Regional Director of Forensic Medicine, asking that the report and photographs of the autopsy prepared by Dr. Rosales be sent as a matter of urgency. In a reasoned decision of that same date, the Office of the Prosecutor for Crimes against Life refused the request of the lawyer Romero for a photocopy of the record, saying that the case was under investigation and, therefore, “it would jeopardize the investigation.” On October 30, 2013, the lawyer Romero again requested the Special Prosecutor for Crimes against Life for a record of the investigation as the hierarchical superior. On that same date, she formally requested the same prosecutor to locate the autopsy report in the Vicky Hernández case and include it in the record of the investigation.

39. On November 4, 2013, a criminal investigation analyst at the Sexual Diversity and Social Impact Homicide Unit prepared a report for the prosecutor of the Sexual Diversity and Social Impact Homicide Unit on the steps taken in the investigation, saying that several calls had been made to the telephone number of Vicky’s mother but that the person who answered provided no information about her. The IACHR notes that the petitioners said that Mrs. Rosa Argelia is still living at the address provided in the record of the investigation. In a procedure report of that same date, the Office of the Prosecutor for Crimes against Life indicated that it had attempted to make telephone calls to Oscar Almendazes, the Episcopal Ministry, and Unidad Color Rosa but that all the numbers had sounded “disconnected.”

40. On November 12, 2013, the Social Impact Homicide Unit sent the record to the Special Unit for Crimes against Life Examination. On November 20, 2013, in a reasoned decision, the special prosecutor of the Crimes against Life Prosecution Unit recognized the mother’s right to obtain a copy of the record.

41. In March 2015, the lawyer Romero had another opportunity to examine the record and found that there was no evidence that the authorities were continuing to conduct investigative procedures. She also noted that the following documents had not been incorporated into the record: (i) the autopsy report, (ii) the note dated October 18, 2013, from the Forensic Medicine Service to the Office of the Special Prosecutor for Crimes against Life, informing that said autopsy “was sent to the Homicide prosecution unit on July 13, 2013,” and (iii) the requests submitted by her on October 17 and 30, 2013. Accordingly, on March 12, 2015, the Ms. Romero reiterated the formal request that the autopsy report be included in the record.

42. The petitioners said that subsequently, on February 22 and March 2, 2017, formal requests were submitted by the representatives of Rosa Argelia to be given access to an updated copy of the record but

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80 Annex 19, Official letter, Regional Coordinator of Forensic Medicine, October 18, 2013. Appended to the petitioners’ brief of April 1, 2015.
86 Petitioners’ brief of April 21, 2017.
that the State has systematically refused to allow them access to it. The state argued that "private citizens cannot be allowed access to investigative procedures because they may hinder them." The State said that on September 13, 2017, a request was made to the "Evidence Warehouse for a report on the exhibits collected at the scene so as to know the location of each one and the laboratory in charge of them." It said that the purpose in doing so was to redirect the requests for expert opinions and reports.

43. The petitioners said that at the time of submitting their observations on the merits of the case in April 2017, they did not have a complete and up-to-date copy of the record of the investigation.

44. The petitioners said that Vicky’s murder was an appalling emotional blow to her mother, whose suffering from the loss of her daughter continues to this day. They said quite apart from the close relationship that Mrs. Rosa Argelia enjoyed with her daughter, Vicky’s murder worsened her economic situation because Vicky contributed to the upkeep and education of her niece Argelia Johanna Reyes, who remained under the guardianship of her grandmother Rosa Argelia. The petitioners say that all three continue to suffer from the emotional harm caused by the violent circumstances of Vicky’s trans-femicide. They said that those feelings have been aggravated by the authorities’ obstruction in the course of the investigation, and that Mrs. Rosa Argelia says that state agents were responsible for her daughter’s murder.

45. The petitioners said that Vicky’s trans-femicide had a powerful impact on the sexual diversity community in Honduras. They said that Vicky’s fellow activists continue the struggle to bring clarity to the circumstances of her death and helped Vicky’s mother to obtain legal representation in 2013 in order to have the case reviewed and to promote access to justice for Vicky and her next-of-kin. Six of the seven women who founded Unidad Color Rosa, Colectivo TTT, the group to which Vicky belonged, have been murdered; and of the 27 trans women murdered in Honduras between 2009 and 2012, 15 were activists of that group.

IV. LEGAL ANALYSIS


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93 Petitioners’ brief of April 21, 2017.
94 State’s brief of November 3, 2017.
95 State’s brief of November 3, 2017.
96 Petitioners’ brief of April 21, 2017.
97 Petitioners’ brief of April 21, 2017.
99 Petitioners’ brief of April 21, 2017.
103 Article 4(1). Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.
104 Article 5(1). Every person has the right to have his physical, mental, and moral integrity respected.
105 The pertinent portions of that article provide: 1. Everyone has the right to have his honor respected and his dignity recognized; 2. No one may be the object of arbitrary or abusive interference with his private life, his family, or his correspondence, or of unlawful attacks on his honor or reputation.
106 The pertinent portions of Article 13 of the American Convention state: Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one’s choice.
107 Article 24. All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.
108 Article 7 of the Convention of Belém do Pará provides: The States Parties condemn all forms of violence against women and agree to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate such violence and undertake to: a. refrain from engaging in any act or practice of violence against women and to ensure that their authorities, officials, personnel, agents, and institutions act in conformity with this obligation; b. apply due diligence to prevent, investigate and impose penalties for violence against women [...].
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24 and 1(1) of the American Convention and 7(a) and (b) of the Convention of Belém do Pará

1. General Considerations on right to life and the obligation to respect and ensure rights

46. The Commission recalls that the right to life is a prerequisite for the enjoyment of all other human rights and if it is not respected all other rights are meaningless. Compliance with Article 4, in combination with Article 1(1) of the American Convention, “not only requires that no person be deprived of his life arbitrarily, but also that the States take all appropriate measures to protect and preserve the right to life, as part of their duty to ensure full and free exercise of the rights by all persons under their jurisdiction.

47. In its very first judgment in a contentious case, the Inter-American Court ruled:

Article 1(1) is essential in determining whether a violation of the human rights recognized by the Convention can be imputed to a State Party. In effect, that article charges the States Parties with the fundamental duty to respect and guarantee the rights recognized in the Convention. Any impairment of those rights that can be attributed, under the rules of international law, to the act or omission of any public authority constitutes an act imputable to the State and which entails its responsibility as established in the Convention.

48. The international responsibility of the State may be based on the acts or omissions of any branch of government or organ thereof that violate the American Convention, and it arises immediately with the attributed international wrongful act. In such circumstances, to establish a violation of the rights enshrined in the Convention one need not determine, as in domestic criminal law, the guilt of its agents or their intent, nor need one individually identify the agents to which the violations are attributed. It is sufficient to demonstrate “that acts or omissions have been verified that have allowed the perpetration of these violations or that a State obligation exists that the State has failed to meet.”

49. In the course of their work, the Commission and the Court have sought to define the content of the obligations to respect and ensure rights in accordance with Article 1(1) of the Convention. With respect to the obligation to respect rights, the Court has stated: “According to Article 1(1), any exercise of public power that violates the rights recognized by the Convention is illegal. Whenever a State organ, official or public entity violates one of those rights, this constitutes a failure of the duty to respect the rights and freedoms set forth in the Convention.”

50. As the Court has found, this conclusion is independent of whether the organ or official has contravened provisions of internal law or overstepped the limits of his authority. Under international law, a State is responsible for the acts of its agents undertaken in their official capacity and for their omissions, even when those agents act outside the sphere of their authority or violate internal law.

51. For its part, the Commission has determined that a violation of the human rights protected by the Convention may engage the international responsibility of a state party, either because the violation is perpetrated by its own agents, or—even if the violations initially are not directly attributable to the State because they were committed by a private individual—when it has not been possible to determine who committed it due to a lack of diligence of the State in reasonably preventing the violation or in treating it in
accordance with the provisions of the Convention. The important thing is to determine if the illegal act involved the participation, support or tolerance of state agents or resulted from the failure of the State to meet its obligation to reasonably prevent human rights violations, conduct a meaningful investigation to identify and punish those responsible, and provide adequate reparation the victim or their family members for the harm caused.\textsuperscript{115}

52. As regards the obligation to ensure rights, the Court has determined that this obligation refers to the duty of the States to organize the entire government apparatus and, in general, all the structures through which public authority is exercised, so that they are able to ensure by law the free and full exercise of human rights. As a consequence of this obligation, the States must prevent, investigate and punish any violation of the rights recognized by the Convention and, moreover, if possible attempt to restore the right violated and provide compensation as warranted for damages resulting from the violation.\textsuperscript{116}

53. Those obligations are also applicable in relation to possible acts by nonstate actors. Specifically the Inter-American Court has held that “the State's international responsibility may arise from attribution to the State of human rights violations committed by third parties or individuals, within the framework of the State's obligations to guarantee respect for those rights between individuals,\textsuperscript{117} [...] \textit{erga omnes} obligations to respect protective provisions and to ensure the effectiveness of the rights set forth therein under any circumstances and regarding all persons. The effect of these obligations of the State goes beyond the relationship between its agents and the persons under its jurisdiction, as it is also reflected in the positive obligation of the State to take such steps as may be necessary to ensure effective protection of human rights in relations amongst individual.\textsuperscript{118} “These obligations devolve upon all subjects of international law and presumptions of non-compliance must be determined in function of the need for protection in each particular case.”\textsuperscript{119}

54. Specifically, regarding the duty to prevent violations, the court has said: “A State cannot be responsible for all the human rights violations committed between individuals within its jurisdiction. Indeed, the nature \textit{erga omnes} of the treaty-based guarantee obligations of the States does not imply their unlimited responsibility for all acts or deeds of individuals,\textsuperscript{120} because its obligations to adopt prevention and protection measures for individuals in their relationships with each other are conditioned by (i) whether the State was aware or should have been aware of a situation of risk, (ii) if that risk was real and imminent, and (iii) if the State adopted measures that could reasonably have been expected to avert that risk.\textsuperscript{121}

55. In short, insofar as establishing the international responsibility of the state is concerned, what is decisive is whether a violation of the rights recognized by the Convention has occurred with the support or the acquiescence of the government, or whether the State has allowed the act to take place without taking measures to prevent it or to punish those responsible. Thus, what is required is to determine whether the violation is the result of a State's failure to fulfill its duty to respect and guarantee those rights, as required by Article 1(1) of the Convention.\textsuperscript{122}

2. General considerations with regard to violence based on prejudice toward a person’s gender identity and gender expression

\textsuperscript{115} IACHR, Report No. 65/01, Case 11.073, Merits, Juan Humberto Sánchez, Honduras, March 6, 2001, par. 88.
\textsuperscript{116} I/A Court H.R., Case of Velásquez Rodríguez v. Honduras, Merits, Judgment of July 29, 1988, Series C No. 4, par. 166.
\textsuperscript{117} I/A Court H.R., Case of the Pueblo Bello Massacre, Judgment of January 31, 2006, Series C No. 140, par. 113.
\textsuperscript{118} I/A Court H.R., Case of the “Mapiripán Massacre,” Judgment of September 15, 2005, Series C No. 134, par. 111.
\textsuperscript{119} I/A Court H.R., Case of the Pueblo Bello Massacre, par. 117.
\textsuperscript{120} I/A Court H.R., Case of the Pueblo Bello Massacre, par. 117.
\textsuperscript{121} In several of its judgments, the Inter-American Court has relied on the jurisprudence of the European Court with respect to the aforesaid elements of the duty to prevent violations. In that connection, see: I/A Court H.R., Case of the Pueblo Bello Massacres v. Colombia, Judgment of January 31, 2006, Series C No. 140, par. 124; I/A Court H.R., Case of González et al. ("Cotton Field") v. Mexico, Preliminary Objection, Merits, Reparations and Costs, Judgment of November 16, 2009, Series C No. 205, par. 284; I/A Court H.R., Case of Luna López v. Honduras, Merits, Reparations and Costs, Judgment of October 10, 2013, Series C No. 269, par. 75. 124.
\textsuperscript{122} I/A Court H.R., Case of Velásquez Rodríguez v. Honduras, Merits, Judgment of July 29, 1988, Series C No. 4, par. 173.
56. The Commission has reiterated the link between discrimination and violence against LGBT persons, referring to the concept of prejudice based on sexual orientation, gender identity, or gender expression as a means of understanding violence against LGBT persons, as it makes it possible to identify the social context in which such violence manifests itself.

57. In that connection, the Commission has given particular attention to violence based on prejudice toward the gender identity and gender expression of trans persons, especially trans women. It has reiterated that the majority of trans women are caught up in a cycle of violence, discrimination, and criminalization that generally starts at a very early age owing to the exclusion and violence suffered at home, in the community, and at school. According to data collected by the IACHR, 80% of trans persons killed were 35 years of age or younger. It also found that they are particularly vulnerable to violence at the hands of State security forces charged with law enforcement.

58. The Commission has stated that when someone who is lesbian, gay, bisexual or trans, or perceived as such, is attacked or killed, the State must conduct an investigation to determine whether the crime was committed based on the real or perceived sexual orientation or gender identity of the victim or victims. Determining whether or not violence against LGBT persons is based on prejudice requires an exhaustive investigation of the reasons for the violence, carried out under the principle of due diligence.

59. Without seeking to suggest that it is an exhaustive list, the Commission considers that the following elements, among others, may be indicative of a crime based on prejudice, particularly when they occur in combination: (i) the presence of a known bias against LGBT persons on the part of the perpetrator, or situations in which the perpetrator is part of a group which is considered to be biased against LGBT persons; (ii) the brutality of the crime and signs of animosity; (iii) the victim’s status as an activist in LGBT issues or a defender of LGBT persons and their rights; or (iv) the nature or significance of the place where the violence or incident took place, or from where the victims were lured (for example, a place known to be frequented by LGBT persons, or an area where sex work involving trans persons is known to take place).

The Commission has also stressed that what is decisive for the purposes of establishing the extent of the State’s obligation is that from the very beginning of the investigation there be an examination of the motives of the attack, and that this examination include consideration of the relevance of the victim’s sexual orientation or gender identity, whether real or perceived. A hypothesis that the crime was motivated by prejudice can thereby be confirmed or ruled out during the course of the investigation. The Commission found that in murders of LGBT persons or people perceived as such, trans women and trans persons with female gender identities are more likely to be killed by firearms, and their bodies were more likely to be found in the streets or other public spaces, and sometimes in situations linked to sex work.

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123 The IACHR has said: “Crimes based on prejudice are rationalizations or justifications of negative reactions, for example, to non-normative expressions of sexual orientation or gender identity.” In that connection, the Commission has considered that “the concepts of prejudice and stereotype are linked” and that “hate crime” is another useful concept that has been developed to characterize violence against LGBT persons. IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, OAS/Ser.L/V/II.rev.2, Doc. 36, November 12, 2015, pars. 41-44.


60. In light of the foregoing, the Commission considers that inter-American jurisprudence developed in cases such as Cotton Field v. Mexico and Velásquez Paiz v. Guatemala are wholly applicable to the analysis of cases of prejudice-based violence within the terms of the context described above, for the purposes of clarifying acts of violence or attacks presumably motivated by reasons of gender and, in keeping with the present analysis, prejudice, and that particular consideration should be given to the possible "discriminatory connotations" that may have motivated that violence. Indeed, the IACHR has already taken into account considerations made at the international level that violence against LGBT persons constitutes "a form of gender-based violence, driven by a desire to punish those seen as defying gender norms." The IACHR has also said that sexual violence may acquire a particular significance when perpetrated against LGBT persons, as it can be used as a way to punish and debase victims for being who they are.

61. The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has noted that "a considerable proportion of the incidents of torture carried out against [LGBT persons] suggests that they are often subjected to violence of a sexual nature, such as rape or sexual assault, in order to "punish" them for transgressing gender barriers or for challenging predominant conceptions of gender roles." Likewise, it has been considered that "[t]he purpose and intent elements of the definition of torture ... are always fulfilled if an act is gender-specific or perpetrated against persons on the basis of their sex, gender identity, real or perceived sexual orientation or non-adherence to social norms around gender and sexuality." In a more recent report, the current rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment noted: "Gender stereotypes play a role in downplaying the pain and suffering that certain practices inflict on women, girls, and lesbian, gay, bisexual and transgender persons. Furthermore, gender intersects with other factors and identities, including sexual orientation, disability and age, that may render a person more vulnerable to being subjected to torture and ill-treatment."

62. In light of the foregoing, the Commission recalls that gender identity and expression, as well as sexual orientation are fundamental components of the private life of an individual, and therefore the right freely to express that gender identity must be respected as part of the free development of personality, essential to a person's life project, dignity, and liberty. In that sense, when the underlying motive of violence is prejudice based on gender identity, that also constitutes an affront to the right of all persons "to self-determination and to freely choose the options and circumstances that give meaning to his or her existence, in accordance with his or her own choices and convictions."

3. Analysis of the case

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137 UN, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/31/57, 5 January 2016, para. 3.
The Commission will analyze, first, if elements emerge from the facts in the case that would allow the acts to be characterized as violence based on prejudice toward Vicky Hernández’s gender identity and expression. Second, the IACHR will analyze if the Honduran State bears international responsibility for her death.

As regards the former, as noted above, certain elements analyzed jointly are indicative of whether or not a crime was committed out of prejudice. In that connection, some of the elements that the Commission has examined and which are recurrent in cases of violence based on prejudice toward trans people, particularly trans women, have to do with inflicting sexual violence on the victims as a form of punishment for their gender identity and expression that fail to conform to social norms relating to gender and sexuality, as well as the modus operandi of those who commit such crimes. In this case, the Commission observes that the record of removal of the corpse mentioned the discovery of an apparently used condom next to the body. The Commission believes that fact could be indicative of sexual violence, yet it finds that there is no information in the record to suggest that the relevant tests were carried out to rule out if Vicky Hernández was a victim of such violence. The Commission also notes that Vicky Hernández was murdered with a firearm and that her body was found in a public place, both elements consistent with what the IACHR has found as regards the manner in which most prejudice-based crimes against trans women are committed, quite often in situations connected with sex work, as occurred in this case.

In addition, the Commission finds that the facts in this case are framed by a context of violence and discrimination against LGBT persons in Honduras. As described in the section on proven facts, that context has been recognized by the IACHR, the United Nations Human Rights Council, and various civil society organizations. As the Commission has established, in that context around the time of Vicky Hernández’s death, an alarming increase began to be recorded in killings connected with the victims’ gender identity and expression. The IACHR reiterates what was mentioned in the section on context precisely regarding the fact that San Pedro Sula, where the events occurred, is one of the most dangerous places for LGBT persons and registers a particularly high incidence of such crimes. A recurring pattern of police violence has also been widely documented in that context. Another important element of this analysis concerns Vicky Hernández’s activities as a sex worker and her activism on such issues.

In light of the preceding elements taken together, the Commission finds that under the aforementioned standards, given the nature and manner of the violence inflicted on Vicky Hernández and bearing in mind the additional indicia suggested by the considerations as to the context in which the events occurred, what happened to Vicky Hernández can be characterized as a murder based on prejudice toward her gender identity and expression as a trans woman and, therefore, a trans-femicide.

As to the second aspect, next, the IACHR will determine if Vicky Hernández’s murder is attributable to the State, in light of its obligation to respect and ensure rights.

Thus, in relation to the duty to respect rights, the Commission finds that the aforementioned context of violence based on prejudice in Honduras intensified amid the 2009 coup, which was characterized by a strong military presence in different spheres of civilian life as well as the suspension of guarantees through the implementation of curfews in which the state’s security forces maintained tight control and a heavy presence on the streets. The Commission also concluded that the curfews, the militarization of the country, the primacy of military power over civilian power, and the inefficacy of the judicial mechanisms, all placed the entire population in a defenseless situation, “which created a favorable climate for the perpetration of human rights violations.” The Commission cannot help but note that, according to information gathered by various civil society organizations, people from the LGBT community, especially trans sex workers, were murdered during the multiple curfews instituted during the coup and reportedly found in public places and on the streets.

By virtue of the foregoing, the IACHR considers that the context of violence against LGBTI persons in Honduras, along with the high incidence of participation by security agents in such violence, its upsurge as a result of the coup d’État, the general climate of militarization generated in the wake of the coup with the resulting control imposed by the state’s security forces, as well as the fact that Vicky Hernández’s
murder occurred precisely in the context of a curfew during which, at the exact time of her death, the streets were under the control of state security agents, amount to strong circumstantial evidence of direct state involvement in the events.

70. In controversies alleging the participation of the State in gross human rights violations, such as the violent killing of a person, the Commission has stated that faced with evidence of this nature, which would appear directly to engage the State’s international responsibility, the authorities in charge of the investigation should have made every effort to clarify any possible responsibility or involvement on the part of State authorities in a violation of the right to life. Thus, it is up to the State to carry out a thorough, meaningful, and diligent investigation to prove or disprove the evidence of involvement of State agents. Where that has not happened, the Commission has accorded probative force to such circumstantial evidence when inadequately investigated.

71. In similar fashion, the Inter-American Court, having established a failure of diligence in the investigation of indications of state participation, has found it:

... reasonable to assess as evidence the indications contained in the case file ... that point to the involvement of state agents in these events, particularly those handled by the very state agencies that were in charge of the investigation which have not been disproven by the State. Reaching any other conclusion would entail allowing the State to resort to its own negligence or inefficacy [in] the criminal investigation to release itself from responsibility for the violation of Article 4(1) of the Convention.

72. Likewise, the Court has reiterated that failure to investigate alleged violations committed against someone when there are suggestions of involvement of state agents “prevents the State from presenting a satisfactory and convincing explanation of the [facts] alleged, and disproves the arguments concerning its responsibility, with adequate probative elements.” The Court has considered such failure to clarify the facts as a factor to be born in mind in accrediting alleged violations and the attendant international and responsibility.

73. In this case, as is analyzed in detail below, the Commission finds that the State has not carried out a thorough, meaningful, and diligent investigation to prove or disprove the evidence of involvement of State agents in the murder of Vicky Hernández. The Commission notes that the Honduran State has neither outlined nor exhausted lines of inquiry that take into account the context of violence based on prejudice toward trans women sex workers in Honduras and the pattern of police violence against them. In that regard, the record suggests that the State has not even outlined or considered a hypothesis of possible participation by state agents in the events, bearing in mind the context that framed them, specifically with regard to the fact that they occurred during a curfew in which it is proven that the military maintained a strong presence and control on the streets.

74. The Commission finds that, that aside, the only line of inquiry that the State did pursue—one tending to demonstrate that the events occurred in the context of a dispute between private citizens—has not yielded any results that would disprove the evidence of involvement of state agents.

75. In light of the foregoing the Commission considers that the lack of a diligent investigation—as will be analyzed below—prevented the State from offering a satisfactory and convincing explanation based on adequate elements of proof to disprove the allegations of its agents’ responsibility in the events in this case. Owing to the failings in the investigation, the Commission has nothing to counter the aforementioned
strong circumstantial evidence and concludes, therefore, that the State breached its obligation to respect Vicky Hernández’s rights to life and humane treatment. Furthermore, as the incident qualifies as an act of violence based on prejudice for the victim’s gender identity and expression, the Commission finds that that breach also extended to the right to privacy, the right to freedom of expression, and the principle of equal protection and nondiscrimination.

76. In addition, given the circumstances and context of this case, the IACHR considers that it involves a breach both of the duty to respect rights and of the obligation to ensure them. In relation to the latter, the Commission finds that the Honduran State was aware of the existence of the context of historical discrimination against LGBT people, particularly against trans persons, which has resulted in violence motivated by prejudice in Honduras, as has been documented over the past several years by civil society organizations 146 and by the United Nations. 147 Despite that, the State provided no information regarding steps taken to address that context and prevent it from continuing. Indeed, trans persons in Honduras are still not recognized by their gender identity and expression. In that connection, the Commission underscores that the failure legally to recognize the gender identity and expression of trans persons is to deny their very existence. As the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity has noted, the vast majority of trans and gender-diverse persons in the world do not have access to gender recognition by the State. They live in a legal vacuum where stigma and prejudice create a climate that tacitly permits, encourages and rewards with impunity acts of violence and discrimination against them, creating a situation of de facto criminalization. 148

77. Nor does the Commission have access to any information about specific preventive measures in the context of the curfew declared at the time of the coup, despite the State having knowledge of the lack of protection with which LGBT persons found themselves, according to the findings as to context. On the contrary, the case of Vicky Hernández was framed, rather, by an increase in violence based on prejudice against trans women in Honduras in the aforementioned context, which denotes a generalized environment of defenselessness.

78. Compounding the foregoing, the Commission underscores that, according to information provided by the petitioners which the state has not contested, two months before she was murdered, Vicky Hernández went to a police station to report that she had been assaulted by a security guard who struck her in the head with a machete, to which the officers responded, “For all we care, you can die.” This information is consistent with the context described in this report, in terms both of the violence and of the lack of an effective response to complaints and the attendant impunity and repetition.

79. Based on the foregoing, the Commission finds that Vicky Hernández was murdered in circumstances where she was clearly defenseless and unprotected against the threats of violence to her as a trans woman and sex worker in the context analyzed above, which also amounts to a breach of the duty to ensure rights.

80. In light of the considerations set out in this section, the Commission concludes that the Honduran State is responsible for violating the rights to life, humane treatment, privacy, freedom of expression, equal protection and nondiscrimination, as well as to live free from violence, recognized at Articles 4(1), 5(1), 11, 13, and 24 of the American Convention taken in conjunction with the obligation to respect and ensure rights enshrined in Article 1(1) of that instrument, and at Article 7 of the Convention of Belém do Pará, to the detriment of Vicky Hernández Martínez.

B. Rights to a fair trial, equal protection and nondiscrimination, and judicial protection [Articles 8(1),\textsuperscript{149} 24, and 25(1)\textsuperscript{150} of the American Convention and Article 7 of the Convention of Belém do Pará]

1. General Considerations

81. According to the consistent case law of the organs of the inter-American system, as a result of the protection granted by Articles 8 and 25 of the Convention and the general obligations contained in article 1(1) thereof, the States have a duty to provide effective judicial recourses to the victims of human rights violations that must be substantiated in accordance with the rules of due process of law.\textsuperscript{151} That obligation, which relates to means rather than to results, must be assumed by the State as its own legal duty and not as a mere formality preordained to be ineffective.\textsuperscript{152}

82. The Court has held that when it comes to the investigation of the death of a person who was in State custody, as in this case, the relevant authorities "have a duty to initiate ex officio and without delay, a serious, impartial, and effective investigation." According to its jurisprudence, "this investigation must be conducted using all available legal means to determine the truth and to investigate, prosecute and punish all those responsible for the facts, especially when State agents are or may be involved."\textsuperscript{153} Thus, the duty to investigate must be undertaken in a serious, have an objective, and be assumed by the State as its own legal duty, not as a step taken by private interests.\textsuperscript{154}

83. In that same vein, in order to ensure due diligence in the conduct of a thorough and impartial investigation of a violent death, including situations that might include State agents, the Commission underscores a number of standards contained in the Minnesota Protocol, an instrument that sets out a number of basic procedures, such as identification of the victim; recovery and preservation of evidentiary material related to the death to aid in any potential prosecution of those responsible; identification of possible witnesses and collection of statements from them concerning the death; determination of the cause, manner, location and time of death, as well as any pattern or practice that may have brought about the death; distinction between natural death, accidental death, suicide and homicide; identification and apprehension of the person(s) involved in the death; and bringing of the suspected perpetrator(s) before a competent court established by law.\textsuperscript{155}

84. Furthermore, under the standards of the aforementioned protocol, it is a generally recognized principle of autopsies in cases of suspicious deaths that the work of forensic personnel, among others, is to help to ensure that the causes and circumstances of the death are clarified so that conclusions may be presented as to the cause of death and the circumstances that contributed to it. Likewise, the Protocol recognizes that there are few cases in which the cause of death can be determined on the basis of the autopsy alone without other additional information about the death; therefore the autopsy report should contain a list of the injuries discovered and offer an interpretation in respect of those injuries. Finally, the Protocol

\textsuperscript{149} Article 8(1) of the American Convention: Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.

\textsuperscript{150} Article 25(1) of the American Convention: Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

\textsuperscript{151} I/A Court H.R., Case of Rodríguez Vera et al. (Persons Disappeared from the Palace of Justice) v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 14, 2014. Series C. No. 287, par. 435.

\textsuperscript{152} I/A Court H.R., Case of Velásquez Rodríguez v. Honduras, Merits, Judgment of July 29, 1988. Series C. No. 4, par. 177.

\textsuperscript{153} I/A Court H.R., Case of Mendoza et al. v. Argentina, Preliminary Objections, Merits and Reparations, Judgment of May 14, 2013. Series C. No. 260, par. 218. See also Cf. Velásquez Rodríguez Case v. Honduras, Merits, pars. 177, and Case of the Santo Domingo Massacre v. Colombia, par. 157.

\textsuperscript{154} I/A Court H.R., Velásquez Rodríguez Case v. Honduras, Merits, Judgment of July 29, 1988. Series C. No. 6, par. 177.

recognizes the particular importance in such autopsies of putting together a record of images of the autopsy, by taking both appropriate photographs for documentation and independent review, and x-rays of the entire body.\textsuperscript{156}

85. Furthermore, with regard to the principle of a reasonable time established in Article 8(1) of the American Convention, the Inter-American Court has established that it is necessary to take into account three elements in order to determine the reasonableness of the time in which the proceedings are held: (a) the complexity of the case; (b) the procedural activity of the party concerned, and (c) the conduct of the judicial authorities.\textsuperscript{157} In addition, the Commission and the Court have considered that it is also necessary to take the interest affected into consideration.\textsuperscript{158}

86. At the same time, the high levels of impunity and the prevalence of violence based on prejudice require that crimes against LGBT persons receive full and unbiased investigation.\textsuperscript{159} States have a reinforced duty to combat generalized violence and impunity. In light of that, the IACHR considers that in such cases the duty of due diligence should be especially rigorously applied, given the historical and entrenched discrimination that this group has suffered,\textsuperscript{160} and which is also closely connected with the violence that affects them in particular.\textsuperscript{161}

87. In that regard, the IACHR has determined that problems with the investigations of crimes against LGBT persons involve, in part, failure to investigate whether or not the crime was committed by reason of the victim’s gender identity or sexual orientation.\textsuperscript{162} It has also noted that when crimes are truly motivated by prejudice but are not classified as such, there is a shifting of blame toward the victim (i.e., the prejudice may result in the crime being excused or less grave on the basis of the actions or conduct of the victim). This shift renders invisible the power structures that reproduce the homophobic stereotypes that underpin the prejudice.\textsuperscript{163} In that regard, the IACHR finds that lack of due diligence in such cases may constitute a form of discrimination against the victims and a violation of the right to equal protection.\textsuperscript{164}

88. In that connection, the IACHR highlights that in addition to opening lines of inquiry at the outset of the investigations in which there is important circumstantial evidence, authorities should take into account whether the crime was committed based on prejudice and conduct investigations that are free of stereotypes related to diverse sexual orientations and gender identities and expressions; States must take into account the general context of bias, prejudice, and violence against LGBT persons in their countries, which may be more profound in places outside of the major cities. In addition, in conducting these investigations, authorities should rely on expert witnesses who are able to identify the often nuanced

\textsuperscript{156} Ibid., pars. 148-182, 255, 264, and 266.
\textsuperscript{158} I/A Court H.R., Case of Valle Jaramillo et al. v. Colombia, Merits, Reparations and Costs, Judgment of November 27, 2008, Series C. No. 192, par. 155.
\textsuperscript{159} IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, OAS/Ser.L/V/II.rev.2, Doc. 36, November 12, 2015, par. 489.
\textsuperscript{160} See: I/A Court H.R., Case of Atala Riffo and Girls v. Chile, Merits, Reparations and Costs, Judgment of February 24, 2012, Series C. No. 239, par. 92.
\textsuperscript{162} IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, OAS/Ser.L/V/II.rev.2, Doc. 36, November 12, 2015, par. 484.
\textsuperscript{163} IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, OAS/Ser.L/V/II.rev.2, Doc. 36, November 12, 2015, par. 485.
\textsuperscript{164} Likewise, the European Court of Human Rights has also affirmed that the obligation to prevent “hatred-motivated violence” by third parties, as well as to investigate the existence of a possible link between a discriminatory motive and the act of violence, can fall under the obligation to put processes in place to prohibit torture (Article 3), and may also be seen to form part of the authorities’ positive responsibilities under the prohibition of discrimination (Article 14). See: ECHR, Identoba and others, (Application no. 73235/12) v. Georgia, 12 May 2015, para. 63, cited in IACHR, Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas, OAS/Ser.L/V/II.rev.2, Doc. 36, November 12, 2015, par. 385.
discrimination and prejudice against LGBT persons that is pervasive and embedded in the societies of the region.\footnote{IACHR, \textit{Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas}, OAS/Ser.L/V/II.rev.2, Doc. 36, November 12, 2015, par. 28.}

2. Analysis of the case

89. In first place, as mentioned earlier in this report, the Commission notes that the State did not outline or implement logical lines of inquiry based on the evidence and context that surrounded the events in this case. In that connection, the only line of inquiry that Honduras pursued was one aimed at identifying the individual who supposedly threatened Vicky Hernández, the only evidence for which is contained in a statement taken from the victim’s mother two years after the incident.

90. The Commission finds that the State completely omitted from the investigation any analysis of multiple elements that suggested that the deed might be consistent with a crime prompted by prejudice and possibly involved state agents; namely that (i) she died from a gunshot wound to the head; (ii) her body was left in a public place; (iii) an apparently used condom was found at the scene; (iv) the deed took place at night during a curfew in which the streets were under military control; and (v) it occurred in a context of discrimination based on prejudice that included, \textit{inter alia}, police violence against LGBT persons, especially trans women sex workers. The State took no steps either to confirm or exclude the involvement of the security forces or the possibility that the crime might have been motivated by prejudice. The State also failed to pursue any line of inquiry relating to Vicky Hernández’s activist work as a member of the Color Rosa TTT trans collective, in spite of subsequent information regarding the continued murder of members of that same group.

91. In second place, as regards the procedures conducted as part of the sole line of inquiry adopted by the State, the Commission considers that the investigative process at the domestic level was lacking and the activities to gather evidence minimal, unjustifiably sporadic and protracted, and uncoordinated. The Commission notes that the only procedures carried out during the year in which the incident occurred were the preliminary inspection and the record of removal of the corpse. The facts in the case show that the authorities did not resume investigating until 2011, two years after the events.

92. The Commission finds that there is a factual discrepancy between the State and the petitioners regarding the autopsy report on Vicky Hernández and whether or not it was included in the record of the investigation at the domestic level. In that connection, it should be highlighted that the record provided to the Commission, which was updated on November 20, 2013, contained no such report. Likewise, the Commission notes that the facts in the case indicate that on March 12, 2015, the petitioners submitted a second formal request to the Office of the Special Prosecutor for Crimes against Life to have the autopsy report included in the record, saying that as of that date, the autopsy report had not yet been added to the record. The Commission finds that the State has not furnished sufficient proof to show that the report has actually been included in the record, nor offered a satisfactory explanation as to why that had not yet occurred in 2013.

93. On a separate matter, regarding the mention in the record of the murder’s classification as a possible crime of passion, the Commission recalls the Court’s positions in the cases of \textit{Velásquez Paiz} and \textit{Gutiérrez Hernández}:

“[… ] the notion of ‘crime of passion’ is part of a stereotype that justifies violence against women. The inclusion of the qualifier ‘passion’ tends to justify the assailant’s conduct. For example, ‘he killed her out of jealousy’ or ‘in a fit of rage’ are expressions that encourage condemnation of women who suffer violence. The victim is blamed and the violence of the attacker supported.” (Free translation)\footnote{I/A Court H.R., \textit{Case of Velásquez Paiz et al. v. Guatemala}, par. 187, citing the expert opinion rendered before a notary public (affidavit) by Alberto Bovino in that case.} In that connection, the Court rejects any State
That same reasoning applies in this case, in which the classification of the deed as a crime of passion implied a justification of the violence against a trans woman.

Equally, the Commission finds that the State omitted to carry out key procedures for the investigation. The record of removal of the corpse noted that an apparently used condom and a bullet were found at the scene of the crime. As previously mentioned in this report, the Commission finds nothing in the record to suggest that the appropriate studies were carried out to determine if Vicky Hernández was a victim of sexual violence, nor was a scientific analysis done of the residue found in the condom, or the necessary measures adopted to preserve the evidence with a view to future comparisons with potential culprits. The record also does not show that any tests were done on the bullet found at the scene of the crime to determine its caliber, for instance, and whether that caliber matched any kind of firearm used by the State's security forces. According to information provided by the State, it was only in September 2017, eight years after the events occurred, that follow-up information about those two evidentiary exhibits was requested from the evidence warehouse. By the same token, there is no record of any steps taken to identify the State security agency were assigned to the area where the body of Vicky Hernández was found during the curfew.

In addition, the only witness statement taken by the DNIC in the case was that of the mother of Vicky Hernández, two years after the murder. The IACHR finds that the record of the preliminary inspection procedure, under the heading "Witnesses and Family Members," contains information on two of Vicky's friends who were never interviewed. Finally, in spite of the fact that the record of the removal of the corpse noted that at the time of the procedure there was "a large number of curious onlookers and journalists" present, nothing in the record suggests that statements were taken from any of the people present in order to identify potential witnesses.

Third, in relation to the issue of reasonable time, the Commission observes that nine years after the events the authorities have not yet identified those responsible or made any significant progress in terms of determining the circumstances in which the murder of Vicky Hernández occurred. The Commission finds that contrary to what the State has contended, this case cannot be termed complex since it involves a single victim and the record confirms the existence of witnesses, the presence of physical evidence, and the known context of a curfew coupled with a climate of violence against trans people, all of which are indicators that should have prompted lines of inquiry. In any event, the State has not furnished any concrete arguments to justify the overall delay, setbacks, and particular inactivity at various times in the investigation in light of the purported complexity. The commission considers it clear, rather, that the delay and lack of progress in the investigation are due to the State’s failure to investigate with the diligence that was required of it in this case, not only because of the existence of evidence of violence based on prejudice, but also because of possible state involvement and the context in which it occurred.

In light of the preceding considerations, the Commission concludes that the State of Honduras is responsible for violating the rights to a fair trial, equal protection and nondiscrimination, and judicial protection recognized at Articles 8(1), 24, and 25(1) of the American Convention taken in conjunction with the obligations enshrined in Article 1(1) of that instrument, and at Article 7 of the Convention of Belém do Pará, to the detriment of the family members of Vicky Hernández individually identified in this report.

C. Right to humane treatment of the next-of-kin [Article 5(1) of the American Convention]

99. The Commission and the Inter-American Court have indicated that the next-of-kin of victims of certain human rights violations may, in turn, be considered victims.\(^{168}\) In that regard, the Court has ruled that their right to mental and moral integrity [may be] violated based on the particular circumstances of the violations perpetrated against their loved ones and owing to the subsequent acts or omissions of the State authorities in relation to the facts.\(^{169}\)

100. In this case, the Commission considers it reasonable to conclude that the loss of a loved one, the gravity of the acts that occurred in light of the analysis contained in this report, and the absence of clarification and an adequate and timely judicial response have produced consequences that have extended beyond the immediate victim and impacted the members of her family identified in this report. Consequently, the Commission finds that the State has also violated the right of those individuals to have their mental and moral integrity respected, as established in Article 5(1) of the American Convention, taken in conjunction with the obligations set out in Article 1(1) of the same instrument.

V. CONCLUSIONS AND RECOMMENDATIONS

101. Based on its findings of fact and law, the Inter-American Commission concludes that the State is responsible for the violation of Articles 4(1) (right to life), 5(1) (right to humane treatment), 8.1 (right to a fair trial), 11 (right to privacy), 13 (freedom of thought and expression), 24 (right to equal protection and nondiscrimination), and 25(1) (right to judicial protection) of the American Convention on Human Rights, taken in conjunction with the obligations established in Article 1(1) of the same instrument. The Commission also finds a violation of Article 7 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RECOMMENDS THAT THE STATE OF HONDURAS:

1. Provide full reparation for the human rights violations found in the instant report, including both material and nonpecuniary dimensions. The state should adopt measures of economic compensation and satisfaction.

2. Arrange for the next-of-kin of Vicky Hernández to receive the necessary physical and mental health care for their rehabilitation, if they so wish and in a manner that meets with their agreement.

3. Continue the criminal investigation in a diligent and effective manner within a reasonable time in order to completely clarify the events, identify all those who bear possible responsibility, and impose the appropriate penalties for the human rights violations declared in this report. In complying with this recommendation, the State should take into consideration the multiple shortcomings identified in this report, including pursuing the logical lines of inquiry referred to herein.

4. Arrange mechanisms to ensure non-repetition that include (i) adopting legislative, administrative, or other measures to secure recognition for the self-perceived gender identity of trans persons, taking into account inter-American standards in such matters; (ii) adopting legislative, administrative, or other measures to adequately map the context of violence faced by LGBT people in Honduras and introduce a comprehensive policy for its prevention and eradication that addresses its structural causes; (iii) designing instruction, awareness, and training programs for State security bodies in relation to violence based on prejudice against LGBT persons; (iv) establishing adequate reporting


mechanisms for accountability by State security bodies in response to alleged incidents of violence based on prejudice against LGBT people; and (v) adopt all necessary measures to ensure access to justice in cases of violence against LGBT persons based on the standards described in this report on merits.
TAB 15
“Every Day I Live in Fear”
Violence and Discrimination Against LGBT People in El Salvador, Guatemala, and Honduras, and Obstacles to Asylum in the United States
“Every Day I Live in Fear”
Violence and Discrimination Against LGBT People in
El Salvador, Guatemala, and Honduras, and
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Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.


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IV. Honduras

I am considering leaving [Honduras]. But I don’t have the financial means to buy a plane ticket. I also don’t want to risk my life [traveling by land]. If I stay here, I will at least get a dignified burial. But what if I end up on the street?
—William Alejandro Martínez, trans man interviewed in Tegucigalpa, Honduras, May 16, 2019, who is now seeking asylum in Spain

Background

Honduras is the second poorest country in Central America and is marked by staggering income inequality. The Economic Commission for Latin America and the Caribbean (ECLAC), a regional United Nations commission tasked with contributing to the economic development of Latin America, estimated that in 2018, 56 percent of the population lived in poverty and 19 percent in extreme poverty. The Honduran government estimated these same numbers to be 62 percent in poverty and 39 percent in extreme poverty.

Poverty is one contributing factor to Honduras’s astronomical rates of violence. Gangs including Mara Salvatrucha-13 (MS-13) and the two factions of the 18th Street Gang (Barrio 18) have significant power and carry out acts of violence including murder, extortion, kidnapping, human trafficking, and intimidation. In 2019, Honduras had 41.2 homicides

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312 Ibid.


per 100,000 inhabitants, one of the highest rates in the world.\textsuperscript{315} Local human rights and humanitarian organizations have documented cases of homicides that go unreported to authorities because victims fear reprisals—including extrajudicial killings—from criminal organizations.\textsuperscript{316} Impunity for reported incidents of violence is also the norm: in February 2019, Honduras’s human rights commission stated that failure to conduct meaningful investigations resulted in impunity for 90 percent of murders in the country.\textsuperscript{317}

In 2009, a military coup ousted President Manuel Zelaya, the first blow in a sustained attack on democratic institutions that also increased military influence in policing.\textsuperscript{318} Civil society leaders, human rights activists, student activists and journalists are subject to intimidation by state agents and criminal organizations.\textsuperscript{319} The United Nations special rapporteur on the independence of judges and lawyers has raised questions about the independence of Honduras’ judiciary.\textsuperscript{320} The justice system lacks adequate funds, equipment and staff, rendering it ineffective and vulnerable to intimidation, corruption, political manipulation, and patronage. Organized criminal elements have exercised influence on the outcomes of some court proceedings.\textsuperscript{321}

Honduras is a transit point for drug trafficking from Colombia and Mexico to North America, and according to the UN Office on Drugs and Crime, in the wake of the 2009 coup,

\begin{itemize}
  \item \textsuperscript{316} Ibid., p. 15.
  \item \textsuperscript{320} In August 2019, the United Nations special rapporteur on the independence of judges and lawyers reported that four justices of the Constitutional Chamber of the Supreme Court were removed by Congress for political reasons and noted the lack of transparency in judicial appointments and lack of public scrutiny in the appointment of high officials. United Nations Office of the High Commissioner for Human Rights, Preliminary Observations About Official Visit to Honduras, Diego García-Sayán, Special Rapporteur on the independence of judges and lawyers, August 22, 2019, https://ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24910&LangID=S (accessed September 11, 2020).
\end{itemize}
narcotrafficking flights routed through Honduras notably increased and organized criminals took control of more Honduran territory. The drug trade has corrupted mayors, members of the national congress, and a former president, and US prosecutors have linked current president Juan Orlando Hernández to the drug trade. The National Police has been implicated in cooperating with traffickers moving cocaine or receiving bribes in exchange for ignoring criminal activity.

Sexual Orientation and Gender Identity in Honduras

Legal and Policy Context
Honduras has no comprehensive civil law prohibiting discrimination on the basis of sexual orientation and gender identity. In 2013, Honduras enacted a penal code that punishes discrimination on several grounds, including sexual orientation and gender identity, as well as public speech that incites “discrimination, hate, persecution, violence or attacks” on the same grounds with up to five years in prison. Additional sanctions apply if the perpetrator is a public official. In response to an information request from Human Rights Watch, the Attorney General’s office stated that four people have been convicted since 2013 on charges related to anti-LGBT discrimination.

A new penal code, with lower penalties and narrower categorizing of types of discrimination covered, went into effect in June 2020, although at the time of writing a group of judges had challenged the new code

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326 Republic of Honduras, Ministerio Público, Oficio S.D.G.F. no 480-2020, September 25, 2020; see Annex VII.
before the Supreme Court, arguing that it instituted impunity for abuse of power, in violation of the constitution.\textsuperscript{327}

The 2013 penal code also provides for higher penalties for all bias-motivated crimes on grounds including sexual orientation and gender identity, but there are no confirmed convictions. Since 2017, criminal complaint forms have included a box that can be ticked if the victim reporting a crime self-identifies as LGBTI, but the Attorney General's Office reported in response to an information request from Human Rights Watch that a lack of cases indicates “that it is being ignored by the officials receiving the complaints.”\textsuperscript{328}

Honduras has no law allowing a person to modify their legal name and gender. In 2015 during its Universal Periodic Review at the United Nations Human Rights Council, Honduras accepted several recommendations to address violence and discrimination based on sexual orientation and gender identity. However, it rejected recommendations to pass a proposed Gender Identity Law that would allow for an administrative procedure for name and gender change on official documents.\textsuperscript{329} Trans people interviewed by Human Rights Watch described constant challenges related to the mismatch between their appearance and the name and sex marker on their official documents: everyday challenges such as routine banking or buying a long-distance bus ticket, contributed to a sense of perpetual alienation and exclusion.\textsuperscript{330}

Honduras’s semi-autonomous National Human Rights Commission (\textit{Comisionado Nacional de Derechos Humanos}, CONADEH), established in 2014, houses an Ombudsperson’s Office for HIV and Sexual Diversity, but it is under-resourced: its director, Francia Maradiaga, told Human Rights Watch that the office does not have the capacity to investigate individual cases and relies heavily on information from the lesbian human


\textsuperscript{328} Ibid.


\textsuperscript{330} Human Rights Watch interviews with Pablo B. (pseudonym), Tegucigalpa, May 14, 2019, and Anabel H. (pseudonym), Tegucigalpa, May 16, 2019.
rights organization Cattrachas, which documents human rights violations against LGBT people.\textsuperscript{331}

A May 2018 CONADEH report estimated that more than 40 LGBT people had been killed in the year leading up to the report’s publication, although the report did not reach a determination as to how many of the murders were likely to be related to anti-LGBT animus. CONADEH condemned the environment of impunity for anti-LGBT violence and called for the state to bring perpetrators to justice. It also expressed support for a process of legal gender recognition for trans people.\textsuperscript{332} In 2019, CONADEH specifically named state security agents as among those responsible for violence against LGBT people.\textsuperscript{333} Maradiaga told Human Rights Watch that CONADEH had trained 8,000 members of the National Police on LGBT issues, but that the Military Police—although they engage with and arrest civilians, including LGBT people—had been less open to trainings.\textsuperscript{334}

Honduras places transgender women in men’s prisons, which can lead to physical and sexual abuse. A judge informed Human Rights Watch of a case in which a trans woman was raped by her fellow detainees with the complicity of prison guards. The judge said she had informed prosecutors when she became aware of the case, but that they did not investigate. “There’s no way to protect” trans women in men’s prisons, she said.\textsuperscript{335}

Honduras’s 2001 Law on Police and Social Affairs establishes a police mandate regarding the “prevention and elimination of disturbances to tranquility, public morality, and proper conduct.”\textsuperscript{336} It empowers the National Police to arrest anyone who “goes against modesty, proper conduct and public morals ... and disturbs the neighbors' tranquility with their

\textsuperscript{331} Human Rights Watch interview with Francia Maradiaga, Tegucigalpa, May 16, 2019.
\textsuperscript{334} Human Rights Watch interview with Francia Maradiaga, Tegucigalpa, May 16, 2019.
\textsuperscript{335} Human Rights Watch interview with Mildred López, El Progreso, August 28, 2019.
immoral conduct.” The law includes sanctions against particular groups of people, including “vagabonds,” defined as including “street people, scoundrels, street prostitutes, drug addicts, drunkards, and gamblers.” Human Rights Watch found in a 2009 report that the law was used arbitrarily to justify arrests of transgender women.

In 2005, Honduras passed a constitutional amendment prohibiting the recognition of marriage between people of the same sex, including same-sex marriages contracted in other countries. Honduras also bans adoption by same-sex couples. While lack of access to marriage was not among the factors that led any LGBT asylum seekers interviewed by Human Rights Watch to leave their country, the existence of such an amendment is an indication of state-sponsored homophobia.

**Social Stigma and Discrimination**

Negative experiences in the family, at school, and during everyday interactions on the streets and in public accommodations contribute to the stigma and discrimination experienced by LGBT people in Honduras.

Lucía P., a 25-year-old transgender woman originally from Comayagüela, told Human Rights Watch that she left home at age 16 because her family did not accept her gender expression. “My parents always criticized homosexual people ... they always said things to me like ‘You have to be like a man,’” she said.

Nina G., a 26-year-old lesbian from Tegucigalpa, said that when she was a teenager, her father expelled her older half-brother from the home after he came out as gay: “My father said to him, ‘You’re not going to contaminate my daughter.’” When Nina herself told her...

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338 Ibid, art. 99.
parents she was a lesbian at age 19, “My father insulted me, got angry, and said it was my brother’s fault.” Nina G.’s mother told her that she was possessed by a demon.344

William Martinez, a 36-year-old transgender man from Comayagüela, described coming to terms with himself first as a lesbian and then as a trans man. At age 28, he disclosed his identity to his parents, who told him “all the worst things you can say to a homosexual” and then kicked him out of the family home. William S. described his vulnerability after being expelled by his parents:

I was kicked out of my house, with three lempiras (US 12 cents) in my bag. I bought a cigarette and I ran out of money. I didn't know where to go.... I stayed at 24/7 gas stations. I walked long stretches and sat down to talk for hours with the guard. And during the day I visited the few people I knew to be able to eat. A person with whom I got along realized that something was happening to me, asked me, and gave me a place to stay.345

Juan Y., a 35-year-old transman who grew up in the Francisco Morazán department, explained to Human Rights Watch that stigma and discrimination are directly related to economic well-being:

When [people] realize that I am biologically female, I suffer more discrimination, for example at the beach or at the pool. I therefore need to choose where to go so as not to expose myself to danger. It has much to do with one’s economic situation: when I have less means, I am more exposed. For example, now I have more money so I can take a car, not the bus, I can work more from home.346

Violence Against LGBT People in Honduras

Given the pervasive nature of crime in Honduras generally, it is not surprising that LGBT people also fall victim to violence. But some cases bear clear indications of anti-LGBT animus, even when it is unclear who has perpetrated such crimes.

For example, Shakira, a trans woman also known by her nickname “La Moy,” was killed on June 9, 2019 in Choloma, 10 miles north of San Pedro Sula. A person who saw Shakira’s body told a Human Rights Watch researcher that her face was mutilated with a rock, her penis was cut off, and a note was left by her body that said, “[this] is the first one, two more to go.”

Honduras, by some estimates, has the highest rate of murders of transgender people in the world. Other forms of violence against trans people are also common. Human Rights Watch first reported on violence against trans women in Honduras in 2009. At that time we reported on a range of abuses based on gender identity and expression, including rape, beatings, extortion, and arbitrary detentions by law enforcement officials, as well as police inaction and recurrent failure to investigate violence against transgender people.

Such violations persist. Eleven of the 25 LGBT Hondurans whom Human Rights Watch interviewed had experienced some form of violence related to their sexual orientation or gender identity. The story of Perla M., a 29-year-old transwoman from San Pedro Sula, is emblematic of the multiple forms of violence that trans people, and some lesbian, gay, and bisexual people, experience in Honduras. As a child who did not conform to a male gender expression from an early age, Perla was repeatedly targeted. She told Human Rights Watch that her uncle and two of his friends raped her when she was six years old. Two years later, she said, a schoolteacher raped her.

Perla began doing sex work at age 15. At age 20, Perla and five other trans friends were briefly detained by police:

They were joking, saying that we don’t have any rights. They put us in a cell with men. We were in a cell for 24 hours. I asked the police for water, and

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351 Ibid.
one of them threw water in my face. He said, ‘You all shouldn’t exist, we work guarding the community but not animals like you.’\textsuperscript{352}

Perla said that police abuse, based on her own experience and the experience of others, was the main reason she joined a caravan of asylum seekers in January 2019. She said that a friend of hers was arrested and later found dead, and she had heard other stories of police allegedly killing trans women. Police violence against the general population was also a factor, she said, referencing an abusive police response to election-related protests in December 2017. “So many people were beaten, killed. After all this death I decided to go in the caravan, because I wanted to protect my life.”\textsuperscript{353}

The state of Honduras is the respondent in a case currently pending before the Inter-American Court of Human Rights related to the murder of Vicky Hernández, a trans woman killed on the streets of Tegucigalpa in 2009. Petitioners, the Lesbian Network Cattrachas and RFK Human Rights, allege that the Honduran state bore direct responsibility for her death, and in addition, that in failing to conduct a meaningful investigation into the murder, including into whether violence was motivated by anti-LGBT prejudice, Honduras violated her right to life under the Inter-American Convention on Human Rights. The Inter-American Commission found Honduras responsible for, inter alia, the violation of the right to life, the right to equal protection and nondiscrimination, and the right to judicial protection under the American Convention on Human Rights.\textsuperscript{354} The commission submitted the case to the court in April 2019 because of Honduras’s lack of compliance with the commission’s recommendations. Those recommendations included:

- Adopting legislative, administrative, or other measures to secure recognition for the self-perceived gender identity of trans persons, taking into account inter-American standards in such matters;
- Adopting legislative, administrative, or other measures to adequately map the context of violence faced by LGBT people in Honduras and introduce a comprehensive policy for its prevention and eradication that addresses its structural causes;

\textsuperscript{352} Human Rights Watch interview with Perla M. (pseudonym), Washington D.C., December 5, 2019.
\textsuperscript{353} Ibid.

Human Rights Watch wrote to the Honduran Attorney General’s Office in July 2019 requesting available statistics on violence against LGBT people, including criminal cases opened and cases resulting in convictions. According to the office, the special prosecutor for crimes against life, which prosecutes murders, opened 45 cases for murders of LGBT people between 2015 and September 2019, of which 12 had resulted in convictions. None of these cases were prosecuted as hate crimes.\footnote{Ibid.}

**Domestic Violence**

Human Rights Watch interviewed four LGBT Hondurans who described experiencing domestic violence or neglect at the hands of family members or intimate partners, or both. One went to the police to file a complaint, but only faced further abuse. The other three did not consider filing complaints, expecting police would not be responsive.

Carla T., a 24-year-old transgender woman from Comayagüela, said that from the age of 12, her family beat her because of her perceived gender difference. “They punished me daily,” she said, adding that her mother kept her three brothers away from her, as if they would “catch” what she had if they were near her.\footnote{Human Rights Watch interview with Carla T. (pseudonym), Los Angeles, December 13, 2019.}

Anabel H., a trans woman from Tegucigalpa, said that after her father saw her wearing makeup and women’s clothing, he kicked her out of the home at age 17, with nothing but the clothes she was wearing. She walked for four hours to find friends who she thought might be able to help her. They introduced her to sex work, the only way they knew to survive. For children under age 18, sex work is considered under international law as one of the worst forms of child labor, and Anabel experienced it as rape.\footnote{International Labour Organization, Worst Forms of Child Labour Convention, 1999 (No. 182), https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXUB:12100:0::0::P12100_ILCOODE:Cs182 (accessed September 11, 2020), art. 3(b); Human Rights Watch interview with Anabel H., Comayagüela, May 16, 2019.}
Gabriela P., a 21-year-old trans woman who grew up in Cortés department, experienced severe domestic violence as a child, leading to a life on the move. Gabriela’s mother left home when she was one month old, and she was raised by her father. She told Human Rights Watch how the abuse began:

At age eight, I told my dad not to buy me boys’ toys, but to buy me dolls and dresses. I said, ‘I feel like a girl.’ He grabbed me by the hair and hit me with a broomstick. He locked me in a room. I spent days without eating. He said, ‘If you don’t want to be a boy, you’re going to die.’

When my father beat me, I tried to go to the police, and they called me a faggot and said they wouldn’t help me. I went to the police twice in Honduras. The second time I went dressed as a girl and they pulled my hair, pushed me with a gun and told me to leave.359

Gabriela P. fled her abusive family, and her country, for the first time at age eight-and-a-half, trying to make it to Mexico or the United States. She traveled through Guatemala to Belize, “by myself, asking for directions, asking for money,” before Belizean authorities turned her back at the border and she returned to Honduras. Back at home, she said, she would go for days without being given food. At one point her father submerged her in a *pila*, a clothes-washing trough, because of her gender expression, only stopping when a neighbor intervened.360 She fled again at age 12, “begging food and money, barefoot,” and made it as far as Mexico. There, in Chiapas, Gabriela P. said, several men gang-raped her. She did not report the rape to the police, afraid they would deport her. She was caught by Mexican immigration authorities and deported anyway, shortly after the rape. Gabriela P. fled Honduras five times altogether before she eventually made it to the United States with a caravan in 2018. Her asylum case was ongoing when Human Rights Watch interviewed her.

Lucía P., a trans woman from Comayagüela, experienced violence in the form of repeated sexual assault by an uncle, from age 7 through age 11. As an adult, she also suffered violence. In 2017 an intimate partner sent people to attack her following an argument:

My partner in Honduras said that he sent for me to be attacked by others. I don’t know if he was the one who sent them, but two people assaulted me. I fell unconscious, six to eight minutes. I had a black eye, a bleeding nose. I thought it was a robbery, but I was not robbed.  

In around 2014, her partner put a gun in her mouth. “Then I decided to leave,” Lucía P. said. She told Human Rights Watch she never considered filing a police report: “We [trans women] don’t get any support from the government.”

Scarlett, a 35-year-old bisexual woman, left Honduras after she was beaten by her male former partner, who discovered Scarlett was in a relationship with a woman.

He realized I was with a woman and started to say bad words, lesbian, dyke. He pushed me on the bed and hit me on the back. My son was 10 years old and realized what he was doing and prevented him from doing more.

I never went to the police because the police don’t do anything about women who are with men [and are beaten], let alone those of us who are with women. My ex-partner’s sister was beaten seriously and she filed a report and the police never did anything.

**Violence and Harassment by State Security Forces**

Of the 25 interviews with LGBT people in or from Honduras, eight recounted violations by state security agents. These security agents included the National Police as well as the Military Police, a special command of the Armed Forces that was created by former president Porfirio Lobo Sosa in 2013 to fight organized crime, but that works with the National Police to combat common crime. Four reported being sexually or physically assaulted, while others said the National or Military police had humiliated, sexually

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362 Ibid.
harassed, or discriminated against them. Only one person, William S., whose case is
documented below, reported filing a complaint about violence by members of the security
forces, and in his case it led to reprisals, ultimately leading him to seek asylum.

**National Police**

Humberto M., a gay man from Tegucigalpa, was imprisoned at the National Penitentiary in
Támara for two years, from 2013 to 2015, on murder charges, before he was ultimately
acquitted. He said officers from the investigations wing of the National Police tortured him
to get him to sign an incriminating document. Reports of torture and mistreatment in
Honduran prisons were disturbingly common during this period, with the Center for
Prevention, Treatment and Rehabilitation of Victims of Torture (CPTRT) reporting that 6 out
of 10 people in detention were allegedly subjected to torture or cruel, inhuman, or
degrading treatment during their arrest in certain cities between December 2013 and July
2014.\(^{365}\) Some forms of torture that Humberto M. experienced may have been unrelated to
his sexual orientation: he said police beat him, left him naked with his hands and feet
tied, threw water and sprayed tear gas into his cell. But other forms of torture and
mistreatment, including rape by an instrument, were clearly homophobic in nature.

The harassment was pretty constant. One put his penis in my face. One
held me, raised my head and the other put his penis in my face. They told
me: ‘But aren’t you a faggot? Isn’t that how you like it?’ When they inserted
the police baton into my rectum, they said to me: 'Isn't it what you like?' I
was silent to bear the pain. Again they left me, with a blow to the face.\(^{366}\)

Cattrachas Lesbian Network closely followed his case, and after six months a lawyer with
Cattrachas managed to secure his transfer to another prison.\(^{367}\)

Sexual assault by police may also be opportunistic. Perla M., a 29-year-old trans woman
from San Pedro Sula, told Human Rights Watch that police harassed her on the street when

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\(^{365}\) Centro de Prevención, Tratamiento y Rehabilitación de Víctimas de la Tortura y sus Familiares (Center for Prevention,
Treatment and Rehabilitation of Torture Victims and their Families), Report for the Universal Periodic Review of Honduras
(“Informe para el Examen Periódico Universal Honduras”), August 24, 2013,
2020).

\(^{366}\) Human Rights Watch interview with Humberto M. (pseudonym), Tegucigalpa, August 26, 2019.

\(^{367}\) Ibid.
she was engaging in sex work. According to Perla, the police informed her and her fellow sex workers that if they wanted to work, they had to sell drugs that the police confiscated from others and to provide sexual services to police officers. Extorting sexual services is a form of sexual assault.368

Perla also said that when she was 20 years old, police arrested her and five other transgender friends on charges related to sex work and detained them overnight. They took the 100 lempiras (US$4) that Perla had on her person and, when she said she was thirsty, an officer threw water on her face.369

Miguel R., a 26-year-old bisexual man from Tegucigalpa, described several incidents involving abusive police conduct. When Miguel was 17 years old, around 2010, three police officers stopped Miguel in the street, took Miguel to a place outside his neighborhood and ordered him to take all his clothes off. They asked if he was “a faggot,” and one officer ripped off his earring. When he started bleeding, the officers let him leave.370 Miguel said he remembered being harassed by police as early as age 13, when police mocked him in the street for his manner of walking.371

In 2012, Miguel, then 19, attended a meeting of the Association of Youth in Motion (AJEM), an LGBT and indigenous rights organization. When he left the meeting with friends, three police officers approached and asked them for their identification. The officers began to mock them, calling them names like “fucking faggot.” When one of Miguel’s friends told the officers to leave them alone, the officers threw water and pointed their weapons at them. After one of the young men began to cry, the officers left, telling Miguel and his friends, “Stop making a scene.”372

Alberto G., a 34-year-old gay man from the Department of Colón, said that in 2018 he was biking back home after curfew when he was stopped by police in a patrol car, who asked for his identification. He said that the police likely assumed he was gay because he was wearing tight fitting clothes. They took him to a police post, where they asked if he was out

371 Ibid.
cruising for men, taunted him with terms like “little butterfly,” an offensive term used for gay people, and asked him to provide sexual favors. They detained him for the night, only allowing him to leave the next day after he cleaned the patrol car. Alberto G. told Human Rights Watch he didn’t consider filing a complaint: “The police don’t take gay people seriously,” he said. 373

Military Police

The establishment of Honduras’s Military Police for Public Order, part of a government initiative to fight organized crime in 2013, has led to an increased militarization on the streets of Honduras. The military police, like the National Police, set up checkpoints in the streets, stop civilians arbitrarily, and have been implicated in a number of human rights abuses, including during national elections in 2017.374 The UN High Commissioner of Human Rights has recommended that the military police’s role in law enforcement be reined in.375 The National Human Rights Commission opposed its creation, and an official with the commission described military police officers as acting in violation of the law.376

In May 2019, William Alejandro Martínez, a 36-year-old transgender man, was on his way home from work at an LGBT rights organization in Comayagüela when three military police officers stopped him and asked for his identification, then sexually assaulted and threatened to arrest him because his gender expression did not match the female sex marker on his ID card.

They looked at my ID and said, ‘She’s a woman,’ and threw [the ID] back at me. I said, ‘Biologically I’m a woman, I’m part of the community of sexual diversity.’ One of them grabbed my hand and said they were going to take

me with them. ‘What the fuck are you?’ He touched my breasts and stuck his hand inside my genitals. I said, ‘Don’t touch me, I’m a human rights defender.’ The other one pointed his rifle at me and said, ‘I don’t give a damn what you are.’

There, I froze. I was paralyzed. I thought they were going to kill me. My life passed before my eyes. A white pickup truck was passing by and I shouted ‘Help, they’re going to kill me!’ The driver stuck his head out the window, ‘What’s going on?’ The police officer who was holding me took my phone from my pocket and said, ‘We’re going to find you.’ The other one, with the rifle, said ‘Get out of here fucking dyke, when we find you, we’re going to put this in you,’ and pointed to his rifle.

I don’t remember how I got home, I was trembling so much.

Martínez filed a complaint at the Prosecutor’s Office, although he said staff there refused to qualify the crime as sexual assault because there was “no penetration” by a penis, annotating the complaint simply as robbery, discrimination, and abuse of authority. A year after filing the complaint, Martínez had not heard back from the Prosecutor’s Office. Martínez also filed a complaint at the Protection Mechanism for Human Rights Defenders, a government agency, but he said officials there simply suggested he should change his schedule and hours to avoid problems. Martínez explains how the incident impacted him:

It killed me, having a rifle in my face.... When I got home I cried like I have never cried before. The most painful thing is that if they had killed me, I would just be one more number, and one less homosexual. One less embarrassment for my family, ‘When the dog dies the rabies is gone.’

Psychologically, that has destroyed me. It was the straw that broke the camel’s back. It’s always been about living, enduring everything, having a

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377 Article 173 of Guatemala’s penal code defines rape in a manner that is inclusive of digital penetration, and the 2008 law on femicide and other violence against women includes the crime of sexual violence, which is defined broadly and does not require penetration. It is not clear why prosecutors did not qualify the assault on Martínez as sexual violence.

smile, but I can’t take it anymore…. There’s no one to protect my security, my rights. No one can guarantee me a safe space.  

In June 2019, Martínez said, the same three military police officers showed up near his workplace again, this time in civilian clothes. They threw him to the ground, kicked him, told him they knew that he had been to the prosecutor's office, and threatened to kill him. Fearing for his life, Martínez fled to a Spain 48 hours later with the help of LGBT organizations in Honduras with only his plane ticket and €60. At time of writing, he was awaiting the adjudication of his asylum claim there.

Perla M., a 29-year-old trans woman from San Pedro Sula, told Human Rights Watch that in 2017, three military police officers came to her home and told her that someone had filed a complaint against her, and that she needed to come with them. “But they didn’t take me to a court, or a jail,” she said. “They told me I was about to live my worst nightmare, and they took me to an abandoned house and raped me.” Perla said she attempted to file a complaint with the National Civil Police, but that an officer called her a “faggot” and told her to come back another day.

Lucía P., a 25-year-old trans woman, said that when she was 20 years old, a group of market vendors cursed at Lucía and her friends, threw fruit and water at them, and said “people like them” should not exist. Four military police officers were nearby and Lucía and her friends asked for help, but instead of helping of them, one of the officers said, “God made woman for man, man for woman.”

JLo Córdova., a 30-year-old trans human rights defender, experienced severe and repeated violence. Córdova said she had been shot three times by men whom she believed to be members of the military police in Comayagüela, where military police have an active presence. She believed she was targeted because as a well-known human rights activist,

382 Ibid.
she often publicly denounced harassment and violence against other trans people. Córdova said she was first shot in 2012 in a park adjacent to the headquarters of the Joint Chiefs of Staff of the Armed Forces in Tegucigalpa. She saw two men in military uniforms and could hear them saying they intended to “clean the park so there are no more faggots.” Córdova said that when they left, she dragged herself to the street, unable to walk. A police patrol took her to the Hospital Escuela and she underwent surgery.

Córdova was shot at again at again, this time without being hit, in October 2016. After the October 2016 attack, she filed a complaint and authorities showed her a photo lineup, but Córdova did not recognize anyone. In October 2017, as she was leaving work, a man got out of a car, shot her in the knee, and left without saying anything. After she recovered, she again filed a complaint. None of the complaints have resulted in investigations or arrests, to Córdova's knowledge.

Violence by Gangs

Gang violence is pervasive in Honduras, and LGBT people report physical assault, extortion, and intimidation at the hands of gang members. LGBT people who felt compelled to leave their homes and communities frequently cited gang violence as a factor. Gang violence is both general and specific. LGBT people are caught up in the general morass of gang related violence, but in some instances are specifically targeted for being LGBT, or the form of harassment they experience is related to their sexual orientation or gender identity. Miguel R., for instance, said he was threatened by gangs after witnessing a murder, and there was no indication they were aware that he was gay. In other cases, gang members appeared to target LGBT people motivated by anti-LGBT animus, to exert power, or due to their perceived vulnerability to extortion.

389 Human Rights Watch interview with Miguel R. (pseudonym), Los Angeles, December 12, 2019.
Victims rarely file complaints when they are victimized by gangs, with reason: as an official from the National Human Rights Commission explained, “If people complain, it gets worse. Some do file complaints, but then they don’t want you to investigate.”

Marina T., a trans woman from San Pedro Sula, said that in 2017, nine men from MS-13 gang-raped her, breaking her clavicle. Her brother, whom she described as transphobic, was also an MS-13 member and Marina T. told Human Rights Watch that she believed he may have been complicit in her rape.

I was raped by nine gang members from MS-13 in 2017. I was coming from work, I was a hairstylist in houses, I had many clients, that night they intercepted me with pistols, they tore off my clothes, and did whatever they could with my body. They left me full of bruises on my arms. I didn’t file a complaint because they said if I talked, they were going to kill my mother and my sister.

I just asked for strength from God and I went to a health center, did an HIV test. Thank God, I was negative.

Marina T. fled Honduras after the attack. She told Human Rights Watch, “I had nowhere to flee in my country.”

Noé E., a trans man from Comayagua, described the attack to which three gay friends were subjected by gang members, and the subsequent police inaction.

One day I was walking with my friends. There were gang members where I lived, and they couldn’t stand to see a travesti or a person who was visibly gay, and they attacked and beat up my friends. The police arrived, and they didn’t do anything. The police said: ‘That’s what happens when you go

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392 Ibid.
393 Ibid.
around tempting men.’ My friends made a complaint, but the police who were present said nothing was going to happen with that complaint.\(^{394}\)

Alberto G., a 34-year-old gay man from Colón department, began to have problems with gang members in November 2011.

I was sitting in a park in Tocoa, Colón. Four or five guys approached, around 23 to 25 years old. I knew they were gang members because of their tattoos and because they made gang signs with their fingers. They said, ‘What are you doing here, you faggot piece of shit. Get out of here!’ I said, ‘But it’s a public park.’ They said, ‘Move on before we kill you, or rape you.’

A few days later, Alberto began to get scared that he was at risk for talking back to the gang members. He briefly fled to Mexico but was deported the same month.

In February 2012, Alberto ran into the same gang members on a dark street.

I was walking home, on a dark street. There, they surrounded me, the same ones who had threatened me. They said, ‘Today you’re going to die, faggot.’ I told them to leave me alone. One of them pulled me, and then I was shot in the back. I screamed like crazy.

I don’t know who took me to the hospital, but I found myself there, bleeding. The police arrived and asked what had happened to me. I didn’t tell them about my sexual orientation, out of fear, and because my family and friends were there…. And I didn’t file a complaint against the people who shot me, because they had threatened to harm my family if I snitched.\(^{395}\)

Alberto G.’s large intestine had been perforated by the bullet, and he spent nearly three weeks in the hospital. Alberto never reported the incident to the police because the gang

\(^{394}\) Human Rights Watch interview with Noé E., Los Angeles, December 11, 2019.

\(^{395}\) Human Rights Watch interview with Alberto G. (pseudonym), Los Angeles, December 13, 2019.
members had warned him not to. When he was discharged, he said, people on the street gossiped that he was shot for being gay.396

In February 2018, Alberto G. was walking in Tocoa when he ran into three or four young men he believed to be gang members and who were “drinking, smoking, and acting crazy.” He recounted:

> They stepped into my path. One of them wanted sex. They grabbed me by force. One of them hit me with something in the neck. I said that they disgusted me, and they got angry.... I fainted, [after feeling] that they had cut my face, with something like a knife... When I came to, they had gone. They didn’t rape me. I had blood pouring from my face. A motorcycle driver passed by and drove me to the hospital, where I got stitches.397

Fearing further attacks, he went to live with his sister in another town, where he was severely depressed, including about the permanent scar on his face. He said he did not report the incident out of fear of retribution. In September 2018, he went back to Tocoa and ran into the same men again, who asked him if he liked the “souvenir” on his face. Alberto G. ran away. These incidents of violence ultimately drove him to seek asylum in the United States.398

Lucía P., a 25-year-old transgender woman from Comayagüela, told Human Rights Watch that she left Honduras for the United States because of threats from MS-13:

> They started around January 2018. At the mall I was threatened.... They told me, ‘We don’t want people like you. You know what will happen to you, that’s why you’re found in buckets, in plastic bags, with things in your parts.’ The second time I was at work and went out. I was pushed against a truck. They told me, ‘You know it will happen the third time. I’m going to hit you with lead.’399

396 Ibid.
397 Ibid.
398 Human Rights Watch interview with Alberto G., Los Angeles, December 13, 2019. Alberto showed a Human Rights Watch researcher the scar on his face.
Carla T., a 24-year-old transgender woman from Comayagüela, said eight gang members visited the home where she lived with her grandmother in December 2017 and told her, “We don’t want people like you here. You have to leave. You will infect children.” In January 2018, the same gang members came to her house to attempt to extort her for 100 lempiras (US$4). Carla tried to file a complaint at the police station in San Isidro, but she said police officers did not take her seriously and called her “faggot.” While she was at the police station, the gang members showed up and claimed that Carla had been harassing them. “So then the police locked me up for the night, for giving the gang members problems,” she told Human Rights Watch.400

The Honduran victims of gang violence Human Rights Watch interviewed were all gay or transgender, but lesbians are also reportedly victimized. Francia Maradiaga of the National Human Rights Commission reported one case in which gang members suspected a local restaurant owner was a lesbian. They painted “Get out of here, lesbian” on her restaurant, forcing her to close her business and leave the area.401

Violence by Members of the Public

Interviews conducted by Human Rights Watch revealed that everyday violence, not necessarily linked to gangs, plagues many LGBT people in Honduras. As with other forms of violence against LGBT people, several factors prevent access to justice: fear of repercussions or skepticism about the likelihood of a positive outcome that discourages victims from filing complaints; actual and perceived anti-LGBT attitudes on the part of police; and a broken, corrupt judicial system.

Juan Y., a 35-year-old trans man who grew up in the Francisco Morazán department, told Human Rights Watch that in 2013, the man he considered his best friend, together with other men, caught him when he was walking alone in the street and gang-raped him.

I went to the police, and they asked me: ‘What were you doing? Why did you expose yourself by going out alone?’ A female police officer told me, ‘A woman can’t go out alone.’ I don’t think they took down the complaint. They didn’t give me any copy. They didn’t send me to the Forensic Medicine

400 Human Rights Watch interview with Carla T., Los Angeles, December 13, 2019.
office, like they usually do in cases of rape. One police officer said, ‘But raping you is like raping a man.’ They took it as a joke.402

Anabel H., a 29-year-old trans woman from Tegucigalpa, said three men ambushed her when she arrived in her apartment in June 2011. They robbed and punched her, hit her with a pole, doused her with alcohol, and lit her on fire. Anabel managed to escape as they debated how to kill her. She spent nine months in hospital after the attack.403

Discrimination in Honduras: A Pathway to Life on the Margins

Several interviewees described being targeted and stigmatized from a young age because of their non-normative gender expression. Their perceived difference rendered them vulnerable to bullying and abuse. The cumulative effect of being rejected at home, bullied at school and ostracized from the community is to reinforce a cycle of marginalization and poverty. Such was the case for Gabriela P., who endured severe abuse by her father, before fleeing to Belize, Guatemala, Mexico, and finally the United States, as described above. As a direct consequence of the violent abuse, Gabriela never went back to school after fleeing home for the first time, in second grade.404

Seven interviewees told Human Rights Watch that they had experienced bullying and discrimination in educational settings. They described being targeted by peers, teachers, and administrators. Some said that they felt compelled to leave school as a result, reducing their life chances and placing them on a path to heightened economic insecurity.

Education Discrimination and Bullying

Interviewees described school as an unsafe space, especially for those who are visibly gender non-conforming. For two trans people interviewed by Human Rights Watch, pervasive bullying led them to drop out of school.

Carla T., a 24-year-old transgender woman from Comayagüela, dropped out at age 13 because of bullying and direct discrimination from teachers who forced her to sit

separately from other students. Anabel H., a trans woman from Tegucigalpa, said that from the age of 10, she stopped attending school halfway through every year because of bullying. In high school, she said, her classmates threatened to rape her and threw water bottles at her. When she complained to the school director, she was told she should act like a boy if she did not want to be bothered. Anabel dropped out of school.

Noé E., a non-binary person from Comayagua, dropped out at age 12. Their teachers knew they were being bullied and did not address it, they said. “They didn’t do anything. They knew how I was and to them it was always my fault.” Noé E. was also suspended from school multiple times for refusing to wear the girls’ uniform.

Sometimes the teacher expelled me for two weeks, for not wearing the uniform. Because I was required to put on a skirt and blouse. Sometimes I put on a male uniform, but then I always had problems with my family, and with the school, because the teachers told me, ‘Why are you wearing that? Why are you putting on boys’ clothes when you’re a girl?’ I always said, ‘Because I like it, what is the problem?’ and they would send me home.

Noé E. was not alone in suffering suspension or expulsion because of their gender expression. Juan Y., a 35-year-old trans man who grew up in Francisco Morazán department, told Human Rights Watch that he was expelled from his middle school: “They said it was because I was a lesbian. They said I couldn’t stay there because I was ruining the school’s environment.” In high school, Juan said, the principal sent him to a psychologist after finding out he had a girlfriend, and a pastor was brought in to lecture students about homosexuality:

He said God created man and woman... that homosexuality was condemned by God, and that those acts are not tolerable. That the classroom could not be contaminated with such persons.

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408 Ibid.
Lucía P., a 25-year-old transgender woman originally from Comayagüela, faced discrimination and sexual assault as a student:

“When I was in school, I was abused by both students and teachers. Teachers incited students against me. In colegio, the bullying and mistreatment started again, also harassment, sometimes they beat me, sometimes they put their parts, one put his part in my mouth, one of them tried to force me to do oral sex.”

Miguel R., a 26-year-old bisexual man from Tegucigalpa, said that throughout his education, classmates bullied him, on one occasion hitting him with a rock, because he was effeminate. He informed teachers of the bullying, but they disciplined him instead.

Kendra Jordany, a 31-year-old transgender woman and activist from San Pedro Sula, said that her high school sent her to a psychologist who tried to “change” her. Later, between 2011-12, during her studies at the National Autonomous University of Honduras in the Sula Valley, she complained against a professor who discriminated against her.

The professor stopped me at the end of the first class and said, ‘You can’t come dressed like this [...] you are a man and you are dressed as a woman.’ And I said that it was my right and that he had to respect my gender identity. He said to me, ‘But if I enter that door with a skirt, are you going to respect me?’ So I said I did not care how he was dressed, but I told him that I was going to report him and that I was going to leave the class, and that I was disgusted that a person like him would be teaching me. I went out, I started to cry. I was smoking and he came up to me with a cigarette and started talking about God. I complained about him to the university commissioner, and they gave him a verbal sanction.

Kendra Jordany was the only LGBT person interviewed by Human Rights Watch who obtained any form of recourse for discrimination in an educational setting.

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411 Human Rights Watch interview with Miguel R. (pseudonym), Los Angeles, December 12, 2019.
**Employment Discrimination**

LGBT people in Honduras experience discrimination both during job searches and in the workplace. Of the twenty-five LGBT Hondurans interviewed by Human Rights Watch, eight, including seven trans people and one gay man, described experiences of employment discrimination.

Noé E., the non-binary person from Comayagua who dropped out of school at age 12 because of bullying and discrimination, as described above, also faced rejection at home and moved out at age 15. They found work selling clothes and shoes, but faced employment discrimination: “In some cases [employers] said ‘I can’t give you work because people are going to look at you strangely and they’re not going to want this here.’”

Juan Y., a 35-year-old trans man, told Human Rights Watch that he faced discrimination on the job market, compounded by the fact that his identification documents did not match his gender identity:

> There are many factories. They ask for a queue for women and one for men. When they look at the CV they say, ‘This is not the queue for women. You have to come another day.’ When I went on a day for women, I was rejected. They asked, ‘Where will we put you?’ When I said, ‘Anywhere, it doesn’t matter,’ they responded ‘What bathroom will you use?’

> [...] I could work at the market because there they don’t ask for papers. However, if people there find out [about one’s gender identity], you can suffer violence [...] In order to set up a business, you need a license from the municipality and to get that you need to have an ID. The ID that I have is not acceptable to them.

JLo Córdova, a 30-year-old trans activist, told Human Rights Watch that sex work can be the only viable employment for transgender women:

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413 Human Rights Watch interview with Noé E., Los Angeles, December 11, 2019.

“EVERY DAY I LIVE IN FEAR”
Nobody accepts us. We are mocked when we submit our papers. We’re not even considered for domestic work. So trans women resort to selling our bodies in order to survive. We have no other choice.\textsuperscript{415}

Anabel H., a 29-year-old trans woman from Tegucigalpa, also sells sex due to employment discrimination:

I went to a clothing store first. I arrived and they told me that the position was filled. It was because of my gender expression because I looked very effeminate, that is what I felt. [...] Then to a restaurant to wash dishes and clean. They told me no. There was nothing to do. My friends told me that they could no longer help me. ‘We prostitute ourselves from Monday to Friday to pay apartment, food, clothes, shoes.’ So I said, ‘Okay, I don’t know what to do.’\textsuperscript{416}

Carla T., a 24-year-old trans woman from Comayagüela, said she applied for a job at a clothing store but was turned away on grounds that she would “ruin the clientele.” She also tried to get a job washing dishes and cleaning homes, but was unsuccessful.\textsuperscript{417}

William Alejandro Martínez, a 36-year-old transgender man from Comayagüela, told Human Rights Watch that when he tried to get a job at a beauty salon, they did not want him because he looked like a man. When he tried to get a job in a carpentry shop, he was told they only wanted men.\textsuperscript{418}

As discussed above, Honduras’s penal code criminalizes discrimination, including employment discrimination. Yet none of the Hondurans interviewed by Human Rights Watch had attempted to file a complaint. Cattrachas said it had not received any employment discrimination complaints.\textsuperscript{419} A representative of the Ministry of Human Rights in Honduras told Human Rights Watch, “People don’t file complaints. Sometimes they

\textsuperscript{415} Human Rights Watch interview with JLo Córdova, Comayagüela, August 21, 2019.
\textsuperscript{416} Human Rights Watch interview with Anabel H. (pseudonym), Tegucigalpa, May 16, 2019.
\textsuperscript{417} Human Rights Watch interview with Carla T. (pseudonym), Los Angeles, December 13, 2019.
\textsuperscript{418} Human Rights Watch interview with William Alejandro Martínez, Tegucigalpa, May 16, 2019.
\textsuperscript{419} Voice messaging communication to Human Rights Watch from Astrid Ramos, Cattrachas, June 29, 2020.
don’t even know that it’s discrimination.” Authorities should ensure that victims will not be subjected to further discrimination if they decide to report a case of employment discrimination.

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TAB 16
Country of Origin Report: Sexual Orientation and Gender Identity and Expression in Honduras

ORAM - Organization for Refuge, Asylum and Migration

The University of Minnesata
About This Report

Country of Origin (COI) reports are an essential tool in asylum adjudication. Reports are used for assessing a variety of elements in asylum claims: individual risk of persecution, the applicant’s credibility, and the availability of state protection.

Building on its extensive research and training experience within the refugee field, ORAM identified that more nuanced and culturally sensitive conceptualizations of sexual orientation and gender identity in COI reports could lead to a more accurate adjudication of asylum claims of this nature.

This Honduras COI Report is intended to help adjudicators and protection officers assess asylum claims by contextualizing personal stories of persecution.

About ORAM

Founded in 2008, ORAM is a pioneer in advocating for the safety and well-being of extremely vulnerable asylum seekers and refugees. ORAM provides innovative tools and delivers educational programs for refugee and migration professionals. Drawing upon our leadership experience and trailblazing work on sexual and gender minority refugees, we assist those facing extreme persecution and are in desperate need of help.

ORAM works closely with governments, international and local organizations, respected academic institutions and communities to promote system-wide change through the sharing of information, capacity building and establishing sustainable futures for asylum seekers and refugees globally.

About The Immigration and Human Rights Clinic, University of Minnesota Law School

The Immigration and Human Rights Clinic is part of the James H. Binger Center for New Americans at the University of Minnesota Law School. Students in the Clinic represent asylum seekers and human trafficking survivors who are seeking protection in the United States. The Clinic also works on public policy issues affecting refugees, asylum seekers and other non-citizens.

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1. INTRODUCTION

Violence and discrimination against the LGBT population in Honduras has been widespread for generations.¹ The nation suffers from tremendous political instability. Decades of military rule and outside state influence, a government coup in 2009, and possible fraud surrounding the 2017 presidential election all contributed to this instability.² This environment has allowed violence and corruption to permeate nearly every part of the country.

Murder rates within the LGBT population have skyrocketed in the past decade. Between 1994 and 2008, there were fewer than two reported murders of LGBT people on average in Honduras annually.³ The murder rate of LGBT individuals increased to an annual average of 31 people after the coup (between 2009 and 2018).⁴ In 2019, the number of LGBT people murdered in the country increased to 40.⁵ This trend indicates that the situation for LGBT people in Honduras continues to deteriorate.

Although Honduras decriminalized homosexuality in 1899, it was not until 2013 that Honduras criminalized “discrimination due to sexual orientation and gender identity.”⁶ LGBT advocates have faced fierce resistance to these recently granted protections and are likely to confront similar opposition if they propose further expansion of LGBT rights in the future.

Certain Honduran religious and cultural beliefs both reflect and encourage the population’s widespread condemnation of LGBT persons. For example, Honduran adherence to

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⁴ Id.
⁵ Id at 21.
⁷ Penal Code of Honduras. S. 321 (text amended by Decree No. 23-2013) see Section 2.4.1 of this Report.
the concept of machismo fuels controlling masculine behavior and violence against the general population. The religious beliefs of the Christian majority bolster the violent actions of individuals by confirming and demanding adherence to traditional gender and heterosexual standards. The mixture of these traditional values and homophobic beliefs has created extremely dangerous conditions for the LGBT community in Honduras.

The purpose of this Report is to review the history and impact of laws regarding the LGBT population in Honduras. This Report analyzes the treatment of the LGBT community by state actors, including military officials, government officials, and the national police. This Report also examines treatment of the Honduran LGBT population by non-state actors, including criminal organizations, families, and the greater public.

2. LEGAL FRAMEWORK

Currently, there is no comprehensive legal framework regarding LGBT issues in Honduras. Given such an absence, this section of the Report discusses legal protections relating to LGBT people that derive from, or are present in, the Honduran Constitution, domestic legislation, and international obligations.

2.1. Laws specifically concerning same-sex acts and “homosexual” behavior

Same-sex sexual activity and behavior are not criminalized in Honduras. Same-sex sexual activity between individuals able to consent has been legal under the Penal Code of Honduras since 1899. The age of consent in Honduras does not differ depending on the gender or sexual orientation of an individual. However, legality of same-sex sexual acts is not necessarily

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9 Id.
evidence of a safer environment for sexual and gender minorities. In fact, more than 120 years after the decriminalization of homosexuality in Honduras, there has been limited advancement in establishing a legal framework that adopts necessary measures to prevent and penalize violence, segregation, exploitation, and discrimination committed against the LGBT population.

2.2. Laws granting rights/specifically denying rights to same-sex couples

In 2005, Honduras amended its Constitution to prohibit same-sex marriages, de facto unions, and adoption by same-sex couples. After the amendment, Article 112 of the Honduran Constitution went further, clarifying that recognized marriages and de facto unions are between “a man and a woman, who have those qualities naturally.” Furthermore, Honduras does not recognize same-sex marriages or unions that are legally enforceable in other countries. Moreover, Article 116 of the Honduran Constitution specifically prohibits the giving of children through adoption to persons of the same sex who form marriages or de facto unions.

These constitutional provisions sit in marked contrast with the global trend of legalizing same-sex marriages in unions. Since 2001, an ever-increasing number of countries – including seven in Latin America - have legalized same-sex marriages and unions. In most countries, marriage is the most comprehensive legal vehicle for the official recognition of a relationship. This official recognition attaches many benefits, rights, and duties to the union. LGBT couples in Honduras do not have access to any of these legal benefits nor to the societal status that comes

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15 Id.
16 Id.
17 Id.
19 Id. at p. 277.
20 Id.
from being in a state-recognized relationship. This lack of access and recognition further marginalizing the LGBT community.

2.3. Laws relating to the legal recognition of the gender identity of transgender persons

There is currently no right in Honduras to legally change one’s assigned gender at birth or to rectify registration documents.\textsuperscript{21} LGBT activists are currently working to pass legislation that would allow individuals to legally change their gender.\textsuperscript{22} The Latin American and Caribbean network of transgender people (REDLACTRANS) claims that the lack of legal recognition for transgender individuals advances exclusion, marginalization, and discrimination of the transgender population.\textsuperscript{23}

This lack of legal recognition also makes transgender individuals more invisible in official records and systems. Because identity cards match the individual’s sex on their birth certificate, a person often appears more gender-conforming than they may be in reality.\textsuperscript{24} This can cause crimes against transgender individuals to be disguised in reports, because the crime will be recorded according to the individual’s identity card.\textsuperscript{25} The lack of specific information about the transgender population in Honduras creates difficulty in defining the precise scope of human rights violations in this particular area.\textsuperscript{26}

Additionally, the current process for obtaining an identity card creates barriers for LGBT individuals. Identity cards are issued to Honduran citizens when they reach 18 years of age.\textsuperscript{27}

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{21}] Id at p. 530.
\item[\textsuperscript{25}] Id.
\item[\textsuperscript{26}] The night is another country: Impunity and violence against transgender women human rights defenders in Latin America, REDLACTRANS 12, (2012).
\end{itemize}
\end{footnotesize}
The application process includes a photograph, which can be changed over time, and fingerprinting. While the ability to be photographed at the age of 18 and change that photograph in the future may appear to benefit the transgender community, a gender-conforming photograph without the ability to change one’s legal gender on identity documents to match that photograph can lead to discrimination and harassment when officials note the discrepancy.

2.4. Laws protecting LGBT people

While the Honduran Constitution does not protect LGBT people, the Penal Code was amended to purportedly protect them from discrimination. However, this protection has not been effective in reducing violence and discrimination directed against the LGBT population. In 2013, the National Congress passed legislation that added sexual orientation and gender identity to the classes of persons protected from discrimination. Title XI of the Honduran Penal Code addresses crimes against the existence and the security of the state, and Chapter III of that Title deals with crimes against the right of peoples. Article 321 of Chapter III criminalizes:

“arbitrary and illegal obstruction, restriction, reduction, impediment, or annulment of the exercise of individual and collective rights, or the denying of a professional service motivated by sex, gender, age, sexual orientation, gender identity, party affiliation or political opinion, marital status, belonging to indigenous or Afro-descendant communities, language, tongue, nationality, religion, familial affiliation, social or economic status, disability, health condition, physical appearance or anything else that infringes upon the human dignity of the victim.”

Additionally, Article 321 enhances the penalty if the act is committed: (1) with violence; (2) by a public servant while exercising their position; or (3) by a repeat offender.

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28 Id.
32 Id. at 100.
33 Id. at 101.
34 Id. at 101.
This amendment is significant because it expressly incorporates gender identity and sexual orientation into the protected classes of discrimination, which previously was not included. However, there is still no legal framework that specifically addresses the LGBT population’s unique needs.\textsuperscript{35} In the same 2013 Penal Code Reform, Honduras adopted Article 321-A in Chapter III of Title XI, making it an offense to:

“... Publicly or through public means of communication incite discrimination, hatred, contempt, persecution, or any form of violence or attacks against any person, group, association, foundation, society, corporation, nongovernmental organization for any of the reasons enumerated in the previous article.”\textsuperscript{36}

“Previous article” refers to Article 321, discussed in the above section, which specifically includes sexual orientation and gender identity as enumerated reasons.

Because Article 321 bans sexual orientation discrimination in broad terms, it therefore theoretically applies in the employment context as well.\textsuperscript{37} However, the Honduran Labor Code does not specifically include sexual orientation or gender identity as one of the prohibited grounds of discrimination.\textsuperscript{38}

The 2013 Penal Code amendments also addressed violence motivated by sexual orientation or gender identity of the victim (among other grounds) popularly known as “hate crimes.”\textsuperscript{39} The amendments enhance the criminal punishment that an offender receives upon commission of a hate crime. Title IV of the Honduran Penal Code addresses circumstances that modify criminal liability.\textsuperscript{40} Chapter II, Article 27 of this Title lists aggravating circumstances and states that it is an aggravating circumstance: “to commit a crime with hate or contempt due to the

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\textsuperscript{35} For an example of such a framework, see, e.g., Law on Equal Opportunities for Women, 2000. https://pdba.georgetown.edu/Parties/Honduras/Leyes/LeyMujer.pdf


\textsuperscript{38} Código del Trabajo [Labor Code], Art. 12, available at: https://www.ilo.org/dyn/natlex/docs/WEBTEXT/29076/64849/S59HND01.htm#1


sex, gender, religion, national origin, belonging to indigenous or Afro-descendant populations, sexual orientation or gender identity, age, marital status or disability, ideology or political opinion of the victim.” 41 These amendments are important steps forward in the codification of LGBT protections in Honduras, but have not effectuated change. However, despite the passing of these protective measures in 201, LGBT organizations in Honduras report that there is no practical application of these laws on the ground. 42 One example of this is the discrepancy between reports of violence against the LGBT community and formal investigations of those crimes by Honduran authorities., In August of 2018, the Inter-American Commission on Human Rights (IACHR) reported that, according to information provided by civil society organizations, there were 177 murders of LGBT people in the previous five years, which resulted in only 65 investigations and no convictions. 43

These high rates of impunity for sexual and gender-based crimes in Honduras are due to a variety of factors. 44 First, few victims of sexual and gender-based crimes report them. 45 This is often the result of fear, given the absence of protection mechanisms for victims who do report their attackers. 46 It also results from a sense of futility, given that authorities rarely effectively investigate and prosecute cases. 47 This ineffective official response is not only due to lack of training or resources, but also due to the discriminatory and intentional mishandling of cases by police, prosecutors, and judges 48—the very authorities who are supposed to help victims.

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41 Id at 12.
45 Id.
47 Id at 7–8.
48 Id.
Additionally, LGBT victims fear they will suffer harassment from police officials if they report crimes.\(^49\) There is also growing concern regarding police collusion and other forms of involvement with gang activities, which further erodes the LGBT community’s and general public’s trust in government authorities.\(^50\)

In order for the Penal Code amendments to have an impact, organizations like REDLACTRANS highlight the need for regulatory processes to be accompanied by policies that train public officials in human rights generally.\(^51\) The organization also highlights the rights of transgender persons in particular, how to implement this anti-discrimination legislation, and how to otherwise prevent violence and discrimination against transgender persons.\(^52\) Additionally, judges, advocates, and prosecutors should be trained in the regulations, apply them consistently and rigorously, and understand how to identify prejudice or hate against transgender persons.\(^53\) REDLACTRANS also contends that criminal punishments for discrimination should be accompanied by non-penal regulations (like civil penalties) that prevent discrimination and advance inclusion of transgender persons in other areas such as education, work, or public health.\(^54\)

### 2.5. Laws concerning LGBT organizations

Article 78 of the Honduran Constitution guarantees the right to freedom of association and assembly, provided it is not contrary to the public order or to public morals.\(^55\) However, this is not always the reality for LGBT organizations. In order to receive legal recognition, an organization must submit a request for official registration to the Ministry of Interior and

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\(^{49}\) Id.  
\(^{50}\) Id.  
\(^{51}\) Id.  
\(^{52}\) Id. See Also [Human Rights Violations of Trans Women in Costa Rica, El Salvador, Guatemala, Honduras and Panama, REDLACTRANS, 46,](http://redlactrans.org.ar/site/wp-content/uploads/2013/05/ReportREDLACTRANS.pdf)  
\(^{53}\) Id.  
\(^{54}\) Id.  
In August of 2000, the Ministry of Interior and Justice denied LGBT organization Grupo Prisma’s application because group’s statutes and articles of association “... breach morality, public order, and proper behavior.”

Furthermore, Article 75 of the Honduran Constitution states that: “the law that regulates the expression of thought may establish prior censorship to protect the ethical and cultural values of society, as well as the rights of persons, especially those of childhood, adolescence and youth.” This means that the government can effectively censor LGBT organizations’ dissemination of information by claiming it is contrary to the “ethical and cultural values” of Honduran society. Moreover, the focus on content that reaches children can be distorted to “protect morality.”

In 2004, the Ministry of the Interior granted legal recognition to three LGBT organizations that had been waiting 15 years since submitting their petitions. There was significant backlash from various sectors of Honduran society, including organized protests by the Catholic Church, evangelical groups, and conservative legislators. This backlash is credited for spurring the push for and approval of the 2005 constitutional amendments banning same-sex marriage and adoption of children by same-sex couples.

Another law related to assembly and organization was the Police and Social Co-Existence Law, passed in 2002. This law allowed police to restrict movement or presence of individuals considered to be dangerous in public areas. The goal of the law is to prevent organized crime and...
protect public safety. Local LGBT rights groups believe that this law is used to limit their right to free assembly.  

2.6. Discussion on criminalization/decriminalization of LGBT rights

In January 2018, the Inter-American Commission on Human Rights (IAHCR) issued an advisory opinion regarding LGBT rights. The Court held that the extension of all existing legal mechanisms, including marriage of same-sex couples and the right to change one’s name and identity documents to conform to one’s gender, are human rights protected by the American Convention on Human Rights. The decision set binding precedent for Honduras and other countries in Latin America and the Caribbean. Following this ruling, LGBT activists began filing suits in Honduras, some of which are discussed below.

Indyra Mendoza, the coordinator of Lesbian Network CATTRACHAS, filed a petition in March of 2018 with the Supreme Court of Honduras to challenge the State’s failure to create a process for transgender individuals to change their names and genders on official documents. Mendoza also challenged Articles 112 and 116 of the Constitution, prohibiting marriage and adoption by same-sex couples. Donny Reyes, the coordinator of LGBT Association Arcoiris (Rainbow), and Alex Sorto, the Executive Director of Somos CDC, also filed a constitutional challenge on Honduras’s bans on gay marriage and adoption. A previous petition they had filed challenging the same bans was dismissed in November 2018 due to “technical errors.”

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63 Id.
65 Id.
66 Id.
67 Id.
68 Id.
69 Id.
70 Id.
71 Sala de lo Constitucional admite nuevo recurso que permita matrimonio gay, PROCESO DIGITAL (Feb. 6, 2019, 19:56), https://proceso.hn/mas-noticias/32-m%CA%1s-noticias/sala-de-lo-constitucional-admite-nuevo-recurso-que-permita-matrimonio-gay.html.
President of the Evangelical Brotherhood of Honduras, Alberto Solorzano, personally presented to the Court opposing the claim.\textsuperscript{71}

Other activist groups are working to enact change through congressional means.\textsuperscript{72} Two LGBT civil society organizations, Cozumel Trans and Colectivo Unidad Color Rosa, submitted a proposal to Congress for a gender identity law that would allow name and gender marker changes.\textsuperscript{73} CATTRACHAS is also litigating three cases in the Inter-American System for the protection of human rights to enact changes in Honduras.\textsuperscript{74} Two of these cases allege State responsibility for endemic violence that transgender women experience in Honduras.\textsuperscript{75}

\textbf{2.7. Implementation of International Human Rights Obligations}

\textbf{2.7.1. \textit{International Covenant on Civil and Political Rights (ICCPR)}}

Honduras ratified the ICCPR on August 25, 1997.\textsuperscript{76} Articles 2(1) and 26 set out non-discrimination standards which prohibit discrimination based on sexual orientation.\textsuperscript{77} However, the Honduran government continues to engage in widespread discrimination against the LGBT community both directly and indirectly.\textsuperscript{78} Honduras is also in violation of Article 3, Gender Equality.\textsuperscript{79}

Extrajudicial killings by both state and non-state actors that are based on the victim’s sexual orientation violate Article 6 of the ICCPR, Right to Life.\textsuperscript{80} The Honduran government also regularly fails to properly register and investigate these crimes.\textsuperscript{81} Police brutality toward the

\textsuperscript{71} Id.
\textsuperscript{73} Id.
\textsuperscript{74} Id.
\textsuperscript{75} Id.
\textsuperscript{77} Id. at 3, (In \textit{Toonen v. Australia}, Human Rights Committee made clear that sexual orientation is included in the reference to sex in the ICCPR).
\textsuperscript{78} Id. at 4.
\textsuperscript{79} Id. at 5.
\textsuperscript{81} Id. at 6.
LGBT community has been documented since the 1980s, and instances of cruel, unusual, or degrading punishment by state actors continue, in violation of Article 7 of the ICCPR. Additionally, these arbitrary arrests and many of the human rights abuses discussed in this section violate Article 9 of the ICCPR, Right to Liberty and Security of Person. While detained, whether justified or arbitrarily, LGBT prisoners are routinely victimized. This is in violation of Article 10 of the ICCPR, Treatment of Individuals Deprived of Their Liberty.

In summary, Honduras’ public commitments to prohibiting violence on the basis of gender identity and expression must translate into concrete actions that reduce violence against the LGBT community.

3. APPLICATION OF THE LAW

This section of the Report addresses the application of laws concerning LGBT people discussed in Section 2, the discriminatory application of The Law of Police and Social Affairs, the social impact laws have on LGBT people, and the lack of adequate State protection from widespread violence and discrimination plaguing the LGBT community.

3.1. Discriminatory application of laws against LGBT people

The 2001 Law on Police and Social Affairs (Spanish: Ley de Policía de Convivencia Social) is vaguely worded and arbitrarily enforced by the Honduran police so as to discriminate against the LGBT community. Article 5 of this law states that police should “prevent and
eliminate disturbances to tranquility, public morality, and proper conduct.”

Additionally, Article 142 gives police the power to arrest anyone who “exhibits total nudity or goes against modesty, proper conduct and public morals . . . and disturbs the neighbors’ tranquility with their immoral conduct.” Article 99 of the law includes sanctions against “people who have no honest means of living” including “beggars, street prostitutes, drug addicts, drunkards, and gamblers.” There are no definitions of these subjective terms nor is there jurisprudence to clarify the law’s meaning. According to Human Rights Watch (HRW), this ambiguity gives the police the power and discretion to arbitrarily arrest LGBT people. HRW reports that the police justify their actions using the vague language in provisions of the statute such as “public morality” and “public scandal.” For example, an outreach worker told HRW that police officers accused her of stealing, and then proceeded to smash her head against a glass door while accusing her of “public scandal.” Furthermore, the National Police use this law to justify raiding and closing places they know LGBT people socialize. These actions related to public morality are vague, not shown to be necessary, and applied disproportionately to the LGBT community.

3.2. Social impact of laws against LGBT

The mere existence of legal provisions against LGBT individuals reinforces and justifies the discrimination that gender and sexual minorities in Honduras face due to sociocultural norms.

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89 Id.
90 Id. (It is estimated that 90% of cases of police abuse are not investigated).
93 Id. (It is estimated that 90% of cases of police abuse are not investigated).
95 Id.
The lack of recognition of the right of gender identity and the impossibility of rectifying one’s documents to reflect their gender identity creates impediments in accessing basic rights such as education, work, health, and housing, among others.98

Due to these barriers, transgender women often have to resort to sex work in order to survive.99 This further increases their vulnerability and social exclusion.100 Transgender women who do sex work are exponentially more likely to be victims of crimes and abuses by the police.101 Furthermore, sex workers often work during the night in dark and insecure areas, which exposes them to greater risk.

The lack of legal protections and recognition afforded to Honduras’s LGBT population, coupled with the lack of state protection, has led to the increased displacement of LGBT people both within Honduras and abroad.102 For example, The United Nations High Commissioner for Refugees (UNCHR) reported a substantial increase in the percentage of LGBT asylum cases attended by its office in Tapachula, Mexico. While in 2014, LGBT cases accounted for 1.6% of the total cases attended that figure had increased to 10% by 2016.103

3.3. Inadequacy of State Protection

The Honduran state seems unwilling or unable to protect its LGBT population. According to Sin Fronteras observatory, from 2014 to June 2019, there were more than six times more LGBT homicides in Honduras than in Guatemala and more than three times than in El Salvador, countries with similar sociocultural beliefs surrounding LGBT issues.104

99 Id. at 49.
100 Id.
101 Id.
103 LGBTI Asylum Seekers and Refugees from a Legal and Political Perspective, p. 96
recent years the number of overall murders in Honduras has decreased, the number of LGBT murders has increased.\textsuperscript{105} Between 2010 and 2017, the annual number of homicides in Honduras declined from 6,239 to 3,866.\textsuperscript{106} In contrast, murders of LGBT people increased from 18 to 35 during the same period.\textsuperscript{107}

Widespread impunity for crimes against the LGBT community in Honduras continues to undermine trust in authorities and the justice system.\textsuperscript{108} Authorities continue to lack sufficient capacity and resources to investigate, prosecute and punish those responsible.\textsuperscript{109} Furthermore, sometimes this failure is due to the intentional mishandling of cases by police, prosecutors, and judges.\textsuperscript{110}

Additionally, the actual number of crimes against vulnerable populations is likely far higher than reported. The lack of protection mechanisms for victims who report crimes further discourages women, girls, and LGBT people from speaking out.\textsuperscript{111} For example, in 2016, authorities only investigated fifteen of the more than 400 cases of femicide, and just two of those cases resulted in guilty verdicts.\textsuperscript{112} Inadequate judicial response to such violence fuels impunity, corruption, and high levels of poverty and inequality.\textsuperscript{113}

The National Police, Military Police, and the army contribute to the insecurity through their illegitimate use of force, and in some cases their complicity with organized crime.\textsuperscript{114} The
IACHR has received a number of reports of human rights violations by security forces that include torture, demeaning or inhumane treatment, excessive use of force, and illegal detentions.\textsuperscript{115} There have also been reports of authorities extorting people in exchange for “protection,” as well as subjecting arbitrary detainees to blackmail and sexual violence.\textsuperscript{116}

The government has a police investigative unit dedicated to investigating violent crimes against LGBT and other vulnerable communities.\textsuperscript{117} The unit is comprised of Public Ministry prosecutors, members of the prosecutor’s investigative agency, and the National Police.\textsuperscript{118} While the existence of a unit is a step forward, the limited resources and small geographic scope of operation undermine its utility\textsuperscript{119}

The Honduras government’s failure to investigate and prosecute human rights violations against LGBT persons is well documented and long standing. As far back as 2001, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions reported that the killings of over 200 members of the LGBT community in San Pedro Sula between 1991 and 2001 were never investigated.\textsuperscript{120} Honduran officials never responded to this report nor did the situation improve. Between 2008 and 2018, there were at least 295 LGBT individuals murdered, including 11 human rights defenders.\textsuperscript{121} CATTRACHAS reports that between 1994 and 2019 there were 347 murders of LGBT people in Honduras, resulting in 68 adjudicated cases (just under 20 percent).\textsuperscript{122} These numbers are not improving. In 2018, there were 29 reported LGBT murders

\textsuperscript{115} Violence and Protection in the North of Central America, The impact of violence on LGBTI people in the North of Central America, REDLAC (SNAPSHOT # 6, September 2019), 8, available at https://reliefweb.int/sites/reliefweb.int/files/resources/Protection%20Snapshot%20of%20LGBTI%20people%20and%20their%20Protection%20in%20the%20North%20of%20Central%20America%20%20September%202019.pdf.

\textsuperscript{116} Id.

\textsuperscript{117} Honduras 2019 Crime and Safety Report, United States Department of State Overseas Security Advisory Council (2019), available at: https://www.osac.gov/Country/Honduras/Content/Detail/Report/ff459385-017d-4ff2-8a02-15f4aee15a69

\textsuperscript{118} Id.

\textsuperscript{119} Id.


\textsuperscript{121} Michel Forst, UN Special Rapporteur on the Situation of Human Rights Defenders on His Visit to Honduras UN OFFICE OF THE HIGH COMMISSIONER (May 12, 2018), available at https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23063&LangID=E.

and three adjudicated cases (10 percent). In 2019, there were 40 reported LGBT murders and just three adjudicated cases (8 percent).  

In addition to the failure to prosecute LGBT crimes, Honduran police have also actively arrested, prosecuted and detained LGBT activists and protestors. For example, in 2013 police arrested and charged German Mendoza, gay rights activist and friend of Trochez, with Trochez’s murder. Nearly two years later, Mendoza was found innocent and released from prison. He reported being repeatedly tortured by officials in an attempt to coerce him into pleading guilty. Mendoza believes that the government charged him with murder to “wash its hands of the responsibility.” More recently, in March of 2019, local human rights organizations in Honduras reported over 48 arbitrary detentions by the police during a protest over the restructuring of health and educations systems in the country.

Transgender individuals, in particular male to female, are especially vulnerable to police abuse and violence. Nearly every transgender person who was interviewed by Human Rights Watch interviewed in 2008 and 2009 reported harassment, beatings, and maltreatment by the police. Eight years later, this had not changed. Between October and December of 2017, Expediente Abierto surveyed fifty transgender women. 60% of those surveyed reported having suffered physical violence, and 39% identified members of public government security forces as their principal aggressors.

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124 Id.
125 Id.
126 Id.
129 Id.
130 Id.
3.4. Political climate toward LGBT

The Honduran president, Juan Orlando Hernandez, stated that, as a Christian, he is against gay marriage. The two major political parties in Honduras have not expressed any support for expanding LGBT rights—in fact, they have mostly ignored the topic.\(^\text{131}\) Considering the vast majority of Honduran society is opposed to recognizing LGBT rights,\(^\text{132}\) it does not seem likely the topic will gain much political traction without external pressure. A study carried out by CID Gallup Latinoamerica indicated that only 17% of Hondurans support the idea of legally recognizing gay marriage.\(^\text{133}\)

The Honduran coup in 2009 served as the fulcrum for a political shift in LGBT violence and anti-LGBT sentiment. Activists reported that homophobic violence increased drastically after the 2009 overthrow of President Manual Zelaya in a military coup d’état. The following year, Hondurans elected right-wing candidate Porfirio Lobo Sosa, which was followed by a noticeable suppression of human rights.\(^\text{134}\) Records from LGBT organizations indicate that on average fewer than two LGBT people were murdered in Honduras each year from 1994 to 2008.\(^\text{135}\) After the coup in 2009, the number increased to an average of thirty-one murders of LGBT individuals annually between 2009 and 2018.\(^\text{136}\) This number increased in 2019, with a total of 40 reported murders of LGBT individuals.\(^\text{137}\)


\(^{133}\) Id.


\(^{137}\) Id.
Since the 2009 coup, leaders in the LGBT community have advocated for political action. Movement of Diversity in Resistance (MDR), an organization founded in the wake of the coup, decided to create a political arm to participate in the Honduran general elections. MDR established a political party with the Liberty and Refoundation (LIBRE) party, an umbrella organization for different groups. While LIBRE risked votes by supporting the LGBT movement, they have now built a relationship of trust and cooperation with the LGBT community. One of the first LGBT individuals nominated as a candidate by MDR and LIBRE, Erick Alex Martinez Avila was a leader within the LGBT community and a radio journalist. Two weeks after his nomination, he was found strangled to death in his home. His death sent international shockwaves.

Avila’s violent murder did not deter MDR and LIBRE. In 2012, four LGBT candidates ran in the party’s primary elections, and 12 LGBT candidates ran in 2017. Candidates, such as Erick Martinez, a Gay man, and Claudia Spellman, a transgender woman, experienced insults and taunts throughout their campaign. While no LGBT candidate has won a position in Congress, both Martinez and Spellman’s campaigns succeeded in expanding LGBT visibility and rose public awareness of the LGBT movement.

141 Id.
142 Id.
143 Id.
144 Id.
145 Id.
146 Id.
4. TREATMENT BY NON-STATE ACTORS

4.1. General societal attitudes

4.1.1. Economic Development and Public Approval of LGBT

Honduras remains a deeply homophobic and transphobic country. This widespread public sentiment may be tied to the country’s economic development and poverty levels. Research has shown that a state’s poverty and development levels can predict LGBT acceptance and protection in the state. Worldwide, countries on the poorer end of the scale tend to be less aggressive in protecting the LGBT community. In Latin America specifically, studies have shown that countries with higher levels of economic development coincide with higher levels of education, industrialization, and support for same-sex marriage. A 2018 poll conducted by CID Gallup revealed 75% of Hondurans reject the idea of legalizing same-sex marriage, with only 17% approving of extending marriage rights.

Although many Latin American nations are making strides to update LGBT protections, there has been limited movement from Central American countries to extend LGBT rights. LGBT activists in Honduras worry that the region-wide push for legislative protections will create a backlash of attacks against the LGBT resulting from these state actions.

148 Id.
150 Id.
151 Id.
152 Anna-Catherine Brigida, Latin America has Become an Unlikely Leader in LGBT Rights, Quartz (June 6, 2018), https://qz.com/1288320/despite-its-catholic-roots-latin-america-has-become-an-unlikely-lgbt-rights/.
may be well-founded: the Mexican Supreme Court announcement that the 2015 ban on same sex marriage was unconstitutional coincided with a noticeable increase in LGBT deaths in Honduras.\textsuperscript{155} Although the motives for these killings remain unclear, Honduran LGBT activists are concerned that they may have been retaliation by the public for the legislative advancement of LGBT rights, and that it could be repeated in Honduras.\textsuperscript{156}

4.1.2. Machismo and the Patriarchal Structure of Society

In aggressively male-dominated societies, masculinity and sexual control are often seen as signs of virility and power. This paradigm is often coupled with the view that homosexuality, queerness or other sexual identities are an affront to manhood.\textsuperscript{157} One of the pillars of Honduran culture is machismo, a term used to describe the strong and aggressive assertion of manliness over others.\textsuperscript{158} This concept builds on the deeply rooted patriarchal structure of the country, with public support for men to hold all positions of authority in society.\textsuperscript{159} In both the private and public spheres of individuals’ lives, machismo is an ever-present force.\textsuperscript{160} Its influence in Honduran culture contributes greatly to the cycle of violence within society.\textsuperscript{161} It is this concept that leads to the widely held belief in Honduras that men can do anything they want to those beneath them, including women and LGBT individuals.\textsuperscript{162} Machismo is a self-perpetuating culture of violence and fear, leaving victims with no options or relief.\textsuperscript{163} As a result, femicide is one of the highest causes of death in Honduras and responsible for the death of a woman every

\textsuperscript{155} Id.
\textsuperscript{156} Id.
\textsuperscript{161} Id.
\textsuperscript{162} Juju Chang, Jackie Jesko, Ignacio Torres, & Jenna Millman, ‘Men Can Do Anything They Want to Women in Honduras’: Inside One of the Most Dangerous Places on Earth to be a Woman, ABC NEWS (May 3, 2017).
\textsuperscript{163} Id.
eighteen hours.\textsuperscript{164} According to global organizations, these gender-based killings have risen past epidemic levels.\textsuperscript{165}

Male entitlement through \textit{machismo} is not only tolerated by the public, but also even celebrated.\textsuperscript{166} These long held beliefs and rhetoric of male superiority in society are reinforced by the institutional inequalities of genders seen in the form of a widespread pay gap, access to education, and workplace behavior.\textsuperscript{167} In recent years, the social and economic issues plaguing Honduras have magnified the presence of \textit{machismo} in society.\textsuperscript{168} Women in Honduras, more likely to be living in poverty, rely heavily on their relationships with men.\textsuperscript{169} In certain cases, this leaves women at the mercy of the men in their lives.\textsuperscript{170}

\section*{4.2. The role of religion and the position of organized religions and religious leaders}

Pushback from religious institutions and conservative values play a large role in Latin American countries’ discrimination against the LGBT community.\textsuperscript{171} In Honduras, Christianity has been the majority religion since the country’s colonial era, and currently almost 80\% of the population identifies as Christian.\textsuperscript{172} Until the 1980s, the Catholic Church held a monopoly over the practice of Christianity and its members in the country.\textsuperscript{173} In more recent decades, Evangelical Churches in Honduras have spread rapidly with a significant rise in membership.\textsuperscript{174} Unlike the Catholic Church, which engaged in more passive disapproval, Evangelical leaders

\begin{footnotes}
\item[165] Id.
\item[166] Id.
\item[168] Id.
\item[170] Id.
\item[174] Id.
\end{footnotes}
tend to take an active opposition to LGBT rights.\175 The religious shift in Honduras towards Evangelicalism has led to a harsh pushback against the LGBT movement.\176

Despite the competition for followers between the Catholic and Evangelical institutions in Honduras, these Christian institutions essentially joined forces on commonly held beliefs to shape societal and political opinions in the region.\177 Both religious institutions view the LGBT movement as a manifestation of secularism and the region’s lack of religious belief.\178 Although research found Catholic-majority Latin American states are more likely to be accepting of LGBT, Honduras remained an outlier of the study with additional surveys suggesting that disapproval of LGBT matters is nearly equal within Catholic and Evangelical churches.\179

These religious institutions actively resist any legislative action that increases the rights of the LGBT community.\180 In 2004, the Honduran government granted non-profit status to LGBT organizations. In response, pastors in cities across Honduras took 1,500 followers to the streets to chant religious hymns in protest.\181 In 2013, both the Catholic and Evangelical churches pressured government officials to dismantle the recent amendment to Penal Code 312, which criminalized discrimination on the basis of sexual orientation and gender.\182 Pastor Evelio Reyes, who was sued under this penal code for urging his congregation to oppose LGBT political candidates, swears he will continue to do everything possible to roll back this amendment.\183

\175 Id.
\177 Id.
\178 Id.
Pastor Reyes explained that his commitment stems from his belief that sexual orientation is not a right.  

According to human rights defender Indryna Mendoza, religious fundamentalists closed doors for the LGBT community in Honduras and continue to actively preach against them. Evangelical Churches argue that their anti-LGBT messages are in defense of traditional family beliefs, which they believe the LGBT movement threatens. While the influence of religious institutions over the public’s opinion is difficult to quantify, 74% of Hondurans who are not religious oppose same-sex marriage, showing that anti-LGBT sentiment is not strictly associated with religion. Religious institutions build upon a foundation of negative sentiment surrounding the LGBT community, bringing it to the forefront of the nation’s attention with vocal opposition to any progress in the LGBT movement.

In summary, the entrenchment of both machismo culture and conservative religious values combined create high levels of public discrimination against LGBT individuals. Societal tolerance and approval of this discrimination against the LGBT community leads to targeted violence motivated by prejudice.

4.3. Depiction of homosexuality and LGBT in the media

Honduras’s mainstream media often portrays the LGBT community negatively and in many instances commercialize the LGBT hatred of their viewers. News stations make money

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184 Id.
188 Id.
by carrying out surveys on “whether same sex marriage would destroy the values of society.”

The Honduran media’s use of hate speech against the LGBT community drew the concern of the UN Human Rights Special Rapporteur Michel Forst in 2018, who learned of TV programs broadcasting moral debates in which religion is used to discriminate and generate hatred against these communities. Forst admonished the Honduran government’s inaction to reduce this hate speech which directly targets human rights defenders and LGBT individuals.

Not only does the mainstream media shine a negative light on the LGBT community, but reporters attempting to cover issues regarding the LGBT community are physically assaulted, expelled from events, and targeted by government smear campaigns. A transgender woman returning home after a TV interview was attacked by a group and stripped of her female identifying clothing and shoes as an “act of humiliation”. Dina Meza, an investigative reporter focused on violence against the LGBT community and nominated for an Index on Censorship Freedom of Expression Award in 2014, has received numerous threats because of her work. When reporters speak out at an international level regarding the treatment of the LGBT community in Honduras, they are called out for undermining the nation on the global stage. As a result, the mob-like violence against LGBT individuals in Honduras is normally unreported at the international level.

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192 Id.
193 Id.
194 Id.
195 Id.
196 Id.
197 Id.
198 Id.
199 Id.

192 Id.
193 Michel Forst, UN Special Rapporteur on the Situation of Human Rights Defenders on His Visit to Honduras.
194 Id.
195 Id.
196 Id.
197 Id.
198 Id.
199 Id.

198 Id.
199 Id.
4.4. Treatment of LGBT by fellow citizens

4.4.1. The Public

The LGBT community experiences limited to non-existent tolerance by the Honduran public. Only 17% of the Honduran population approves of homosexuality. With over 75% of reported attacks on transgender individuals taking place in public settings, the Honduran public has implicitly signaled its approval of harassment and discrimination towards the LGBT community.

LGBT individuals are targeted differently depending on their sexual orientation or gender identity. Transgender women and gay men are disproportionately at risk. Of the LGBT individuals killed in Honduras over the past decade, almost a third were transgender and half were gay men. Transgender women are usually killed in the streets with firearms, and gay men are murdered at home or workplaces. Determining how many lesbians are targeted and killed in Honduras because of their sexuality is difficult because high levels of femicide in the country complicate potential motives behind murders of women.

Nahomy Otero, an LGBT Human Rights Defender, describes life as a transwoman in San Pedro Sula as one of restriction. Transwomen are “not allowed to walk openly on the streets of [the] city, to go into shops, to visit a mall.” Otero states that the LGBT community is despised and discriminated against everywhere they go. Another LGBT woman describes walking in

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201 Id.

202 Id.

203 Id.

204 Id.

205 Id.

206 Id.

207 Id.

208 Id.

209 Id.
public with a friend when a passerby approached her and insulted her because of her gender expression, and shot her in the chest, puncturing her right lung.\textsuperscript{210} In a different case, a transwoman was assaulted at the door of her house after several instances of harassment from neighbors.\textsuperscript{211} Four confronted her when she arrived home and threatened her with a gun to “become a man” or they would kill her.\textsuperscript{212}

\textbf{4.4.2. Family, School, and Work}

Those within the LGBT community face discrimination not only from the public, but also within their daily lives through family, work and school.\textsuperscript{213} For many LGBT Hondurans, the violence began in the home.\textsuperscript{214} In these familial settings, abuse from fathers and brothers is regarded as a typical part of life.\textsuperscript{215} As described by Karen Paz, a domestic abuse survivor from Honduras, hitting a woman is as normal to a man as eating a tortilla from a food stand on the way to work.\textsuperscript{216} Paz explains her abuse from her husband that substantially impacted her and her children’s lives.\textsuperscript{217} Women and children in Honduras are especially vulnerable to sexual and gender based violence at home and in their neighborhoods. According to a March 2015 UN report, domestic violence was the leading reported crime in Honduras.\textsuperscript{218}

\begin{footnotesize}
\begin{itemize}
\item REDLACTRANS, \textit{TIMES HUMAN RIGHTS VIOLATIONS OF TRANS WOMEN IN COSTA RICA, EL SALVADOR, GUATEMALA, HONDURAS, AND PANAMA} (2015).
\item Id.
\item Id.
\item Id.
\item Id.
\item \textit{Mafia of the Poor: Gang Violence and Extortion in Central America}, \textsc{International Crisis Group} (Apr. 6, 2016), https://www.refworld.org/pdfid/58e74ed64.pdf.
\item \textit{Mafia of the Poor: Gang Violence and Extortion in Central America}, \textsc{International Crisis Group} (Apr. 6, 2016), https://www.refworld.org/pdfid/58e74ed64.pdf.
\item Id.
\end{itemize}
\end{footnotesize}
For those in the LGBT community, when relatives learn of a family member’s sexual orientation or gender identity, they may shun them and force this individual onto the streets.\textsuperscript{219} Those who have gone through this say they flee their homes at a young age because their families punish them in cruel ways, and this has severe psychological impacts on their lives.\textsuperscript{220} Carlos, a 25 year old gay man from Honduras, explains that it is difficult to endure your family members being ashamed of you, beating you, and eventually chasing you out of your home.\textsuperscript{221} Alexandra, a transgender woman from Santa Barbara in Honduras, was harassed by her father when she came out as gay and transitioned to identifying as transgender.\textsuperscript{222} If Alexandra passed him on the street, her father would verbally abuse and even publicly beat her.\textsuperscript{223}

The Honduran LGBT population has found that educational and employment opportunities grow worse every day.\textsuperscript{224} While individuals can attempt to remain closeted and find a job, they remain at risk of being fired if their sexual orientation is discovered.\textsuperscript{225} A gay man from Honduras reported being fired after fifteen days on a job. He attempted to hide the fact that he was gay, but eventually his boss discovered his sexuality and told him that gays could not work there because it damaged the reputation of the business.\textsuperscript{226}

While Honduras enacted legislation penalizing discrimination on the basis of sexual orientation or gender identity, this discrimination still persists in the spheres of work, education, and healthcare.\textsuperscript{227} Activist LGBT groups claim that government agencies and private employers


\textsuperscript{220}Id.

\textsuperscript{221}No Safe Place: Salvadorans, Guatemalans, and Hondurans Seeking Asylum in Mexico Based on their Sexual Orientation and/or Gender Identity, AMNESTY INTERNATIONAL (Nov. 2017), https://www.amnestyusa.org/wp-content/uploads/2017/11/No-Safe-Place-Briefing-ENG-1.pdf.


\textsuperscript{223}Id.


\textsuperscript{225}Id.

\textsuperscript{226}Alisa Winton, ‘I've Got to Go Somewhere’: Queer Displacement in Northern Central America and Southern Mexico, in LGBTI ASYLUM SEEKERS AND REFUGEES FROM A LEGAL AND POLITICAL PERSPECTIVE 95, 102 (2019).

engage in discriminatory hiring practices.\textsuperscript{228} Individuals identifying as transgender are vulnerable to this type of discrimination.\textsuperscript{229} Many are unable to find suitable and safe employment.\textsuperscript{230} Without alternative employment, transgender women often turn to sex work, which increases their risk in being attacked.\textsuperscript{231} In addition to discrimination in employment, transgender individuals are prevented by the government from updating identity documents to reflect their gender identity which can lead to being “outed” when applying for employment.\textsuperscript{232}

\textbf{4.4.3. Organized Crime and the LGBT Community}

In Honduras, extensive poverty and few educational or work opportunities led to the rise of criminal organizations.\textsuperscript{233} Although gangs have been present in the region since the 1970s, groups mainly took root following mass deportations of criminals from the United States early in the 21st century.\textsuperscript{234} The two most prominent gangs in Honduras are \textit{Marra Salvatrucha} (MS-13) and \textit{Barrio 18}.\textsuperscript{235} Engaging primarily in drug sales and extortion, gang related violence is responsible for much of Honduras’ homicides and crimes that affect the daily lives of citizens.\textsuperscript{236} These organizations thrived in the country’s political turmoil. They retain control over a large portion of the population and in these communities, there is little government or law enforcement presence and individuals are subject to the will of the gangs.\textsuperscript{237}

As visible members of a socially vilified minority, the LGBT community runs extra risk of gang related violence.\textsuperscript{238} LGBT individuals who live in gang controlled areas are likely to

\begin{flushleft}
\textsuperscript{228} Id.  \\
\textsuperscript{229} Id.  \\
\textsuperscript{230} Id.  \\
\textsuperscript{231} Id.  \\
\textsuperscript{232} Id.  \\
\textsuperscript{233} CONGRESSIONAL RESEARCH SERVICE, HONDURAS: BACKGROUND AND U.S. RELATIONS (July 22, 2019).  \\
\textsuperscript{235} Id.  \\
\textsuperscript{236} Id.  \\
\textsuperscript{237} INSIGHT CRIME, HONDURAS PROFILE (Aug. 27, 2018).  \\
\end{flushleft}
experience brutal forms of gender based violence.\textsuperscript{239} The gang’s threats towards the community to “Join Us or Die” can result in the attempted recruitment and harassment of gay men.\textsuperscript{240} This can result in abuse for not being a “real man,” or gangs may exile the individual from the gang controlled area because of their noncompliance with societal norms.\textsuperscript{241}

Jose Cortes, a gay man from Honduras, was forced to flee the country after being targeted by gangs when they discovered his sexual orientation.\textsuperscript{242} While Cortes attempted to relocate to a new neighborhood, the gangs found him and continued the harassment.\textsuperscript{243} After the murder of four transgender people and three gay men, Cortes knew he had to get out of the country to survive.\textsuperscript{244} Carlos, the 25 year old gay man from Honduras, received continuous death threats from gangs in his neighborhood.\textsuperscript{245} However in March of 2016, gang members beat him, and told him that if he didn’t leave town immediately, he would end up dead.\textsuperscript{246} Although he fled his town for San Pedro Sula, the gangs found him several weeks later and attacked him.\textsuperscript{247} Carlos, no longer safe in the country, fled Honduras.\textsuperscript{248} These experiences are common to LGBT individuals who have fled Honduras after being targeted by gang violence.

4.5. Access to healthcare

The government of Honduras has expressed a need to prevent discrimination towards LGBT individuals within the medical field because of health professionals’ religious beliefs.\textsuperscript{249} Many health professionals in Honduras have generated a great number of complaints due to their

\textsuperscript{239} Id.
\textsuperscript{241} Id.
\textsuperscript{242} Id.
\textsuperscript{243} Id.
\textsuperscript{244} No Safe Place: Salvadorans, Guatemalans, and Hondurans Seeking Asylum in Mexico Based on their Sexual Orientation and/or Gender Identity, AMNESTY INTERNATIONAL (Nov. 2017), https://www.amnestyusa.org/wp-content/uploads/2017/11/No-Safe-Place-Briefing-ENG-1.pdf.
\textsuperscript{245} Id.
\textsuperscript{246} Id.
\textsuperscript{247} Id.
\textsuperscript{248} REDLACTRANS, TIMES HUMAN RIGHTS VIOLATIONS OF TRANS WOMEN IN COSTA RICA, EL SALVADOR, GUATEMALA, HONDURAS, AND PANAMA (2015).
mistreatment of transgender patients, who the health professionals deem a “sin in the eyes of god.” 250 For example, three transgender women who suffered an accident in public transport, were taken to the hospital and refused access to healthcare. 251 In another incident a transgender sex worker had been shot and was taken to Hospital Mario Catarino Rivas. 252 When medical staff noticed she was a transgender woman, they refused to give her healthcare, and she died from her wounds. 253

Members of the LGBTI community with HIV face additional prejudice and discrimination in accessing healthcare. An NGO reported an incident where “a physician asserted victims’ sexual orientation caused him to contract the human papillomavirus and colon cancer.” 254 Despite additional legislative protections for individuals with HIV, LGBT people with the disease find access to health services a major challenge. 255 Transgender women have filed a complaint against a public health center after it refused to given them medication for HIV, claiming the drugs had expired. 256 It was later determined they purposely let the drugs expire to prevent the transgender women from continuing their treatment. 257

5. SOCIAL LIFE
5.1. General climate and openness around LGBT

As a result of the community’s invisibility and extensive Honduran homophobia, interaction and movement for the LGBT community was limited. 258 Many in the community were unable to safely express their sexual orientation or gender identity in public. 259 Instead, the

250 ld.
251 ld.
252 ld.
253 ld.
254 ld.
255 ld.
256 ld.
257 ld.
LGBT community, lesbians in particular, reserved this type of socialization for private house parties. Gay men, able to pass in Honduran society, were tolerated at a few heterosexual clubs and restaurants. The same anonymity was virtually unattainable for transgender women in Honduras. Due to their outward expressions of their gender identity, transgender women were more likely to be targeted with violence. In 2009, the more progressive Zeyla government was overthrown and replaced with the Micheletti regime. LGBT activists protested the new militarized government and the resulting spike of targeted LGBT violence. Many activists tied the dramatic increase in violence to the post-coup conservative government. In the wake of the 2009 political upheaval, the LGBT movement was forged. While previously, LGBT organizations struggled to work together, due to transphobia and lesbophobia, thirteen organizations came together after the coup to work towards a common agenda. Not only did the LGBT organizations cooperate internally, they created relationships with other organizations who opposed the coup, including feminists, unions, and others. LGBT activist José Rodolfo Palacois called the 2009 coup the Honduran “Stonewall,” and predicted that the LGBT community would not return to their previous societal invisibility.

With the new visibility of the LGBT community, the risk of violence increased. Many who identified as LGBT became internally displaced in Honduras or fled the country because of

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261 Id.
262 Id.
263 Id.
265 Id.
267 Id.
269 Id.
the increasing violence after 2009. Funez, an LGBT activist, says that 8 out of 10 LGBT people in San Pedro Sula want to migrate to the United States, a country viewed as respecting human rights. While many in the LGBT movement continue to advocate for their rights, one activist acknowledges that nothing has changed in the city despite the years of work, because individuals could still be killed at any moment. The only identifiable difference to activists is the increase in LGBT individuals migrating out of Honduras.

5.2. LGBT Activists and Organizations

In response to the growing violence over the past decade towards LGBT individuals, members of the LGBT community banded together to protect one other. Many of the individuals working to protect the rights of the LGBT community in Honduras are human rights defenders. These activists are critical because they investigate, report on, publicize, and demand justice for violations against the LGBT community, in attempts to prevent impunity for the perpetrators. These LGBT activists face high risks of threats against their lives and violent attacks, because of their defense of human rights. The Asociacion Para una vida Mejor (APUMIVEH) supported LGBT minorities and those with HIV. However, the organization was forced to close its doors in December 2013 because of continuous death threats. Arcoiris (Rainbow) is another organization that works with LGBT persons and lobbies the Honduran government to further expand LGBT rights. The organization reported over a dozen security

271 Id.
272 Id.
273 Id.
276 Id.
277 Id.
incidents in the second half of 2015 alone. Over the course of one year, five LGBT defenders who were members of Arcoiris were killed because of their work.\textsuperscript{278}

At another organization, Colectivo Unidad Color Rosa, men entered their office with guns, took documents, and threatened to kill everyone.\textsuperscript{279} On multiple occasions, the organization’s colleagues have experienced kidnapping attempts outside their office.\textsuperscript{280} These attacks are evidence of growing numbers of targeted attacks and killings of LGBT defenders in Honduras. The intended effect of these attacks is to intimidate the LGBT activist community.\textsuperscript{281} While these threats and deaths seriously affect the work of LGBT defenders and organizations and reduce their availability to continue advocating, many activists remain unmoved in their commitment to their cause.\textsuperscript{282} Josué Hernandez, an LGBT activist, refuses to leave Honduras until transgender women no longer face human rights violations.\textsuperscript{283} José Rodolfo Palacios echoes this sentiment: “in every revolution there are casualties, but we know we can’t stop.”\textsuperscript{284}

\textsuperscript{280} Id.
\textsuperscript{282} Id.
\textsuperscript{284} Ramiro Sebastián Fúnez, Honduras: Human Rights Five Years after the Coup, AMERICAS QUARTERLY, https://www.americasquarterly.org/content/honduras-human-rights-five-years-after-coup.
6. CONCLUSION

Honduras faces numerous critical issues it must address before its human rights record for the LGBT population can be considered adequate. Systemic problems like political corruption, poverty, entrenched heteronormative family values, a culture of *machismo* and institutionalized LGBT-phobia within the dominant religious organizations must be openly discussed and acknowledged by officials and leaders within the country. Religious, political and academic institutions must provide education surrounding LGBT discrimination, violence and abuse.

The legal frameworks are inadequate and openly discriminatory to the LGBT population and must also be addressed. The constitutional amendments prohibiting same-sex marriage should be overturned, and the penal code provisions need to be more explicit in stating the illegality of discrimination of the LGBT population. Currently, the laws that do offer minimal protection to the LGBT population are not enforced. All legal frameworks within the country need to improve their enforcement mechanisms that follow from the laws that currently offer some protection to minorities (of which LGBT may be included).

The international and regional human rights communities in Latin America have pursued litigation, direct participation, and other forms of advocacy to help safeguard the rights of the LGBT population in Honduras. Time will tell whether these efforts result in a more supportive response from the Honduran government, and thus offer sufficient protection to the Honduran LGBT community.
7. LIST OF SOURCES

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While many of the Trump-Pence administration's most harmful immigration-related actions have grabbed headlines, one that has flown mostly under the radar has been the so-called “Third Country Agreements.”
While many of the Trump-Pence administration's most harmful immigration-related actions have grabbed headlines, one that has flown mostly under the radar has been the so-called “Third Country Agreements” it has signed with some of the world's most dangerous countries.

These agreements essentially allow the U.S. to deport some asylum seekers to countries that the administration deems to be “safe” - no matter how much evidence suggests otherwise. The administration recently signed such agreements with three countries from which people - including many LGBTQ people - have long been fleeing violence and persecution: Guatemala, Honduras and El Salvador. There is extensive research and documentation in these three countries, known as the “Northern Triangle,” that attests to extreme levels of violence, including by gangs, and an unfortunate inability or unwillingness to protect residents.

- **Guatemala**: Gang-related violence and extortion are on-going and serious problems in Guatemala and have prompted many people, including unaccompanied children, to flee the country. A United Nations report in 2017 showed that there is also “persistent discrimination of and violence against people based on the basis of their sexual orientation and gender identity” and noted cases of office-holders and members of the public being singed out for violence. That same year, the Inter-American Commission on Human Rights (IACHR) reported that, despite high prevalence, very few cases of anti-LGBTQ violence are investigated there.

- **El Salvador**: According to Human Rights Watch, El Salvador has one of the world’s highest homicide rates, with gangs exercising control over large swaths of the country, forcibly recruiting children into their ranks and subjecting women and girls and LGBTQ people into sexual slavery. Security forces have been largely unable to protect the population from gang violence and have committed abuses of their own. HRW also recently reported that at least 138 Salvadorans had been killed in the last seven years after being deported by the U.S. Media sources have also described epidemic levels of
violence against LGBTQ people specifically, and civil society organizations have documented and spoken out on instances of state-sponsored violence, hate crimes and other violations of fundamental rights.

• **Honduras**: Honduras is frequently referred to as the murder capital of the world, and many LGBTQ people in Honduras experience discrimination, harassment and violence. Numerous sources indicate that discrimination and violence directed at members of the LGBTQ community have been escalating in recent years, with 264 LGBTQ people reportedly having been murdered in the country between 2009 and 2017.

It is unconscionable and immoral that the Trump-Pence administration would put LGBTQ people and others in harm's way by sending them to countries with such ongoing violence. Learn more about the Trump-Pence administration’s attack on the LGBTQ community [here](#).

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Violent crime is rampant in Honduras. Despite a recent downward trend, the murder rate remains among the highest in the world. Poverty, violence, and insecurity cause significant outflows of migrants and asylum-seekers. Human rights groups reported unjustified lethal force and other excessive use of force by security forces during a police and military crackdown on public protests between March and July. The crackdown left several people dead and many more injured. It was not clear how many of those killed or injured were victims of excessive force by authorities.

Journalists, environmental activists, and lesbian, gay, bisexual, and transgender (LGBT) individuals are vulnerable to violence. Efforts to reform public-security institutions have stalled. Marred by corruption and abuse, the judiciary and police remain largely ineffective. Impunity for crimes and human rights abuses is the norm.

The Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), established in 2016 through an agreement between the government and the Organization of American States (OAS), has investigated a small number of cases involving corruption of senior
Secretary General of the Organization of American States (OAS), installed an evaluation board to review the performance of MACCIH, prior to examining whether or not to extend its mandate.

Police Abuse and Corruption

In December 2018, the legislature approved a resolution to extend the mandate of a Special Commission for Police Reform Restructuring, charged with removing active members of the National Police who do not comply with their duties, through January 2022. As of June 2019, almost half of more than 13,500 police officers evaluated by the commission had been removed for acts committed during their tenure as officers. However, the commission has been criticized for its opacity and several of the almost 6,000 dismissed officers have been arrested by police for alleged criminal acts committed after their dismissal. This prompted the government in July to establish an elite police force tasked with monitoring the activities of dismissed police officers after they are purged from the institution.

In February, the National Anti-Corruption Council, an independent civil-society group, accused, before the Special Prosecution Unit Against Impunity for Corruption, former president Porfirio Lobo of misappropriating government funds during his presidency. In May, MACCIH announced that it was investigating Lobo for allegedly laundering drug money for his electoral campaign. Lobo denies the allegations.

In August, media reported that a court sentenced former First Lady Rosa Elena Bonilla, wife of ex-President Lobo, to 58 years in prison on corruption charges. It was the first conviction achieved by MACCIH.

In August, media reported that United States federal prosecutors had released documents implicating Honduran President Juan Orlando Hernández in a drug trafficking and money laundering conspiracy with his brother Juan Antonio Hernández. After a two-week trial in the US, in October, Hernández was convicted of drug conspiracy. He is set to be sentenced in January 2020. President Hernández, who has not been charged, has “categorically denied” the accusations.

Judicial Independence

Judges face interference from the executive branch and others, including private actors with connections to government. In August, the United Nations special rapporteur on the independence of judges and lawyers reported that four justices of the Constitutional Chamber
Crackdown on Protests

Nationwide protests and strikes erupted in April over the approval of regulations to restructure the health and education systems. The regulations were repealed in April, but protests continued. More demonstrations followed over corruption allegations implicating President Hernández.

Local human rights organizations reported that the crackdown between March and July killed at least six people, wounded 80, and included 48 arbitrary detentions. The Office of the High Commissioner for Human Rights in Honduras (OACNUDH) and the Inter-American Commission on Human Rights (IACHR) expressed concern over reports that security forces fired live ammunition into demonstrations.

Freedom of Expression, Association, and Assembly

International press freedom organizations report that journalists continue to be targets of threats and violence, both by individuals and state agents.

The Honduran human rights ombudsman, CONADEH, reported that as of September 2019, 79 journalists had been killed since October 2001, and that 91 percent of those killings remained unpunished.

In March, gunmen in Nacaome killed Valle TV reporter Leonardo Gabriel Hernández in retaliation, police said, for Hernández’s work exposing organized criminal groups. Three other journalists had been killed in 2019 as of November.

In May, a new penal code was adopted that maintained the crimes of defamation, libel, and slander, all of which have been used to prosecute journalists for “crimes against honor.” In August, Congress announced that it would decriminalize those offenses, allowing only civil suits. As of November, Radio Globo director David Romero remained in prison, serving a 10-year sentence for defamation, according to the Honduran press freedom organization C-Libre. He was originally convicted in 2016, and the Supreme Court upheld the conviction in January.

Because of their vague and broad wording, other provisions of the new penal code could criminalize the lawful exercise of the rights to protest and assembly. This includes the crime of “public disturbances,” vaguely defined to include “violence or serious intimidation [that]
OHCHR expressed concern over these provisions and called for their review. In November, the legislature postponed the entry into force of the penal code, which was planned for November 2019, to May 2020.

**Attacks on Lawyers, Human Rights Defenders, and Environmental Activists**

The UN special rapporteur on the situation of human rights defenders calls Honduras one of the most dangerous countries in Latin America for human rights defenders.

In February, Salomón Matute and his son Juan Samael Matute, both Tolupan indigenous persons who belonged to the San Francisco Locomapa tribe and the Broad Movement for Dignity and Justice (MADJ), died of gunshot wounds despite “precautionary measures” granted by the IACHR in 2013 to ensure the government protected them.

In October, María Digna Montero, a member of the Honduran Black Fraternal Organization (OFRANEH) and a defender of the indigenous Garifuna land and culture, was shot and killed in her home in Colón by unknown individuals.

In November 2018, a court found seven men guilty of the 2016 murder of environmental and indigenous-rights activist Berta Cáceres. Those convicted included a former chief of security for Desarrollos Energéticos SA (DESA), the company building the Agua Zarca dam, against which Cáceres had been campaigning at the time of her assassination.

Local activists have criticized the official Mechanism for the Protection of Journalists, Human Rights Defenders and Operators of Justice, created in 2015, for lacking uniform criteria in awarding protection measures and for being ineffective.

**Sexual Orientation and Gender Identity**

Violence based on gender identity or sexual orientation is widespread in Honduras. Several United Nations agencies working in Honduras have noted that violence against LGBT individuals forces them into “internal displacement” or to flee in search of international protection. The Honduras government keeps no data on killings based on sexual orientation or gender identity, but the Lesbian Network Cattrachas reported that between January and August 2019, at least 26 LGBT people had been killed. In one case documented by Human Rights Watch in June 2019, a transgender woman was killed and mutilated near San Pedro Sula in an apparent hate crime.
In March, a new adoption law that prohibits same-sex couples from adopting children went into effect.

**Women’s Sexual and Reproductive Rights**

Abortion is illegal in Honduras in all circumstances, including rape and incest, when a woman’s life is in danger, and when the fetus will not survive outside the womb. Under the new criminal code, women and girls who terminate pregnancies can face prison sentences of up to six years. The law also sanctions abortion providers.

The government also bans emergency contraception, or the “morning after pill,” which can prevent pregnancy after rape, unprotected sex, or a conception failure.

**Children’s Rights**

In 2017, the Honduran Congress unanimously passed a bill making all child marriage of those below the age of 18 illegal. The new bill replaces legislation that previously allowed girls to marry at 16 with permission from family. UNICEF reports that a third of all Honduran girls marry before 18.

CONADEH’s Internal Displacement Unit reports that the forced recruitment of children by gangs or criminal groups is the fifth most frequent reason that Hondurans became internally displaced in the first semester of 2019. UNICEF has reported that no reliable statistics exist concerning how many children have been recruited into these groups.

**Prison Conditions**

Inhumane conditions, including overcrowding, inadequate nutrition, and poor sanitation are endemic in Honduran prisons. A December 2018 study by the National Committee on the Prevention of Torture, Cruel, Inhuman or Degrading Treatment, an official body, reported that the country’s prisons held 21,004 inmates, a figure double that of a decade earlier.

**Migrants and Refugees**

In January, a new migrant caravan started forming in San Pedro Sula, heading toward Mexico and the United States. Media reported that Honduran authorities obstructed and in some cases barred Hondurans from leaving the country by demanding identity documents, establishing checkpoints and blockades, and even teargassing the caravan. The IACHR expressed concern over the use of violence and other measures to prevent people from leaving the country, and
In September, Honduras and the US signed an “asylum cooperation agreement” that requires Honduras to receive asylum-seekers who are referred by the US. Under the agreement, Honduras cannot return or remove the migrants until their asylum cases are resolved by the US federal authorities.

**Key International Actors**

In March, the US State Department confirmed that it was halting aid to Guatemala, Honduras, and El Salvador, after President Donald Trump criticized Northern Triangle countries for their alleged lack of action in stopping the northbound caravans. In June, the US announced it was restoring some aid, but would halt new funding if countries failed to reduce migration to the United States. In October, the US announced the partial restoration of previously frozen foreign aid to Honduras, as well as to El Salvador and Guatemala, after all three countries entered into asylum cooperation agreements with the US.

In April, the IACHR brought a case against Honduras before the Inter-American Court of Human Rights concerning the extrajudicial execution of a transsexual woman and human rights defender in 2009, while a curfew was in force. The IACHR determined that the killing was prompted by prejudice toward her gender identity and expression. The court took into consideration the context of violence and discrimination against LGBT people in Honduras.

In May, the IACHR visited Honduras, as a follow up to its 2018 visit.

The UN special rapporteur on the independence of judges and lawyers visited Honduras in August 2019 and reported that “Honduras needs urgent Government action to strengthen national capacities to fight corruption and reinforce the independence of its judicial system.”

In August, the UN Working Group on Business and Human Rights visited Honduras to assess how the government and the business sector discharge their responsibility to prevent, mitigate, and remedy human rights abuses and negative impacts linked to business activity. The preliminary report documents that access to, use, and control over land by businesses is a recurring issue at the roots of many social conflicts.

In October, the IACHR published its report on the human rights situation in Honduras following a visit to the country in 2018. The report identifies institutional and human rights deficiencies, and highlights how lack of access to justice “has led to a structural impunity that perpetuates serious human rights violations.”
TAB 19
2019 NEWS PBI HONDURAS
DECEMBER 2019

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It is difficult to sum up everything that happened in Honduras and in Peace Brigades International (PBI) in 2019. However, the selection of articles published online, and now gathered in this document, gives an accurate idea of the priorities of our work and the philosophy of the PBI Honduras project throughout the year.

Throughout this selection, we remember that in 2019 we celebrated 6 years of permanent presence in the country. During this time we have tried to bring visibility to the work of human rights defenders and dissuade possible attacks through accompaniments, observations and office visits. Similarly, we commemorate the 38th anniversary of PBI, founded in 1981 with the mission to mobilise and provide trained volunteers in locations with great social tension in order to avoid outbreaks of violence.

We have highlighted the important work of defenders of freedom of expression. We echo the United Nations’ Seventh International Forum on Business and Human Rights, an opportunity for civil society, community groups and organisations to put their difficulties in the context in which they work on the agenda, especially cases of individuals with arrest warrants, in prison, or under threat. According to the National Centre for Field Workers (CNTC), 6,000 of their members have been criminalised for their work in defence of land and territory.

Another example of the defence of the natural world is Kevin Ramírez, founder of the Association to Defend the Common Goods of Quimistán (ASODEBICOQ). Quimistán, with its rich hydroelectric potential, has seen various extractive projects in its mountains and valleys, which according to local communities, have led to the contamination and privatisation of rivers.

This selection of news also has a space dedicated to women land and territory defenders. PBI Honduras has developed a report for the third Universal Periodic Review (UPR), which Honduras will undergo in May 2020, in order to bring greater attention to the specific violence and risks facing these women, and the need for a differentiated response from the Honduran state to protect them. PBI Honduras is particularly concerned by the situation of vulnerability that these women experience, and the existing inequality between men and women due to the patriarchal system that generates gender-based discrimination, violence, and oppression.

Another priority focus for the work of PBI Ireland is the accompaniment of LGBTQI+ rights defenders. On the 6th of December, we premiered the documentary “We Are. Voices of Diversity”, which brought to light the situation of vulnerability that transects the entire LGBTQI+ collective and especially affects trans women. “We are not asking for new or special rights for LGBTB people. We only want the rights that all people have to be respected”, says Esdra Sosa, the sub-coordinator of Arcoiris LGTB Association, to summarise the fight for LGBTQI+ recognition.
“They want to take the forest away from us, and they want to ask us the best way to do it. What they don’t understand is that we simply don’t want them to take the forest away from us”. This phrase, from a member of the Honduran Centre for the Promotion of Community Development (Centro Hondureño para la Promoción de un Desarrollo Comunitario - CEHPRODEC), an organisation accompanied by PBI Honduras, is symbolic of what is usually expressed by one part of Honduran civil society with respect to extractive projects in the territories of indigenous and tribal peoples: non-compliance with free, prior and informed consultation.

In 1995, Honduras ratified Convention 169 of the International Labour Organisation (ILO) according to which indigenous and tribal peoples have the right to free, prior and informed consultation before any project that may have an impact on them. This right, like all internationally-recognised human rights, must be included as a point of reference for the due diligence that corresponds to companies according to the Guiding Principles on Business and Human Rights. Human Rights due diligence “concerns the responsibility and activities by which business enterprises should identify, prevent, mitigate and account for the harms they cause, contribute to, or to which they are linked”.

Due diligence was also the main focus of the seventh United Nations (UN) international forum on Business and Human Rights, which took place from November 26 to 28, 2018 and in which CEHPRODEC participated. Participating in this forum are bodies such as the United Nations Working Group on Business and Human Rights, which was created in 2011 by the UN Human Rights Council. The Forum usually receives more than 2,000 participants, including representatives from governments, businesses, community groups and civil society, and it provides participants with a space for debate on the Guiding Principles, conventions, treaties and laws.

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1 https://honduras.oxfam.org/blog/deber-consulta-previa-en-Honduras
When we talk about human rights, we are dealing with the lives of men and women, girls and boys. We are talking about their human dignity. This event is also an opportunity for civil society, organisations and community groups to talk about the difficulties they encounter as a result of their work, as highlighted by the Office of the High Commissioner for Human Rights (OHCHR) in its 2018 report on the situation of human rights in Honduras, which states that “conflict over land and the frequent undue use of the criminal justice system against individuals advocating against large-scale projects affecting land remain a concern.”

For civil society, this event is also an opportunity to represent those people who organise and mobilise to raise their voices, as in the case of El Triunfo, in early December, where “some 8,606 people [...] voted in 60 polling stations that were located in the 11 sectors that make up the second most important municipality in the department of Choluteca”.

The event is also an opportunity to remember that people who organise do so at personal cost. For example, in the citizens’ consultation in El Triunfo, Choluteca, held on December 2, 2018, where PBI Honduras was present, several people opposed to the consultation threw stones at one of the 60 polling stations. Moreover, people who participate in this type of initiative often receive arrest warrants, are arrested and/or receive threats. According to the National Trade Union of Rural Workers (Central Nacional de los Trabajadores del Campo - CNTC), 6,000 people from this organisation were criminalised in 2018 for their work in defence of the right to land and territory.

If Honduran civil society had to share each attack suffered by those who defend their rights to land and territory, as reported by the organisations accompanied by PBI Honduras, they would have to mention every person who has been prosecuted, detained, wounded with machetes, murdered, women beaten even while pregnant, families evicted by state security forces, by the State, torn from their lands where they live and from which they receive sustenance. When civil society and indigenous communities organise, it is these women and men, girls and boys who raise their voices demanding a dignified life.

“In a world of great wealth and technological advances, no person anywhere should be left behind. No person should go hungry, lack shelter or clean water and sanitation, face social and economic exclusion or live without access to basic health services and education. These are human rights, and form the foundations for a decent life”.

(Ban Ki-moon, Secretary-General of the United Nations from January 2007 to December 2016)

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4 https://drive.google.com/file/d/1k.VKjWDTpgmIQzGEfLeVTcxQYPK3bxG/view
“IT IS SAFER TO BE A WAR JOURNALIST THAN WRITING ABOUT SOCIAL ISSUES IN HONDURAS”

“Today, as we celebrate World Press Freedom Day, it is important to consider what is happening in Honduras. A country where there is no war but it seems as though there is. It is safer to be a war journalist than a journalist writing about social issues in Honduras, where around every corner we sense danger waiting for us”. With these words, Dina Meza, executive director of the Association for Democracy and Human Rights (Asociación por la Democracia y los Derechos Humanos- ASOPODEHU), began her speech in the event on 3 May entitled ‘Celebrating the World Press Freedom Day with journalists in Honduras’.

PBI Honduras and the British Embassy for Honduras and Guatemala invited the diplomatic corps, journalists and social communicators to this event, with the aim of contributing to a joint reflection on freedom of expression and working together to build a positive narrative for this journalistic work, to mitigate the effects of criminalisation. With this in mind the Office of the United Nations High Commissioner for Human Rights (OHCHR) spoke about the need to develop participative public policies and to include a differential focus in any measures adopted.

British Ambassador Thomas Carter also spoke about this, referring to the tendency to criminalise the work of professionals, who in the majority of cases are fulfilling a social role. He also reminded the room that “press freedom is an essential part of democracy” and emphasised that, from the perspective of an international observer, there are many barriers for the free exercise of journalism in the country.

To be more precise, it is the reforms of the Criminal Code, together with the Official Secrets Act and the Cyber Security Bill, that have raised alarm bells. Journalists consider that these norms lead to wide-ranging violations of freedom of press and expression, for example by including crimes such as libel and slander. “Crimes against honour are included but some different forms of libel are added, such as libel against the financial system” explains Edy Tábora, executive director of the Committee for Freedom of Expression (Comité para la Libre Expresión- C-Libre).
90% impunity rate

As well as criminalisation, Dina Meza also expressed concern in her speech about the figures related to violence against journalists. Between 2001 and April 2019, 77 people working in the communications media were killed by violent means, according to data from the Honduran National Human Rights Commission (Comisionado Nacional de los Derechos Humanos en Honduras- CONADEH). Moreover, almost 45% of these people were killed since 2014, which means that there has been a rise in the dangers of exercising this profession. Added to the increase in attacks and criminalisation are high impunity rates. Indeed, since January 2017, CONADEH has received around one hundred complaints of actions against freedom of expression, more than 90% of which remain unpunished.

To improve this situation, in 2015 the Honduran Congress approved the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators, which led to the implementation of the National Protection Mechanism. Nevertheless, those people who participated in the event noted that there is still much to be done. Included among the concrete measures proposed, were several points containing a message for the international community about the lack of financial support for emergencies and the relocation of professionals who are forced to leave their homes due to risk. The diplomatic corps also received a request to facilitate cases of political asylum.


“Let’s act now, because otherwise tomorrow there will be many more gravestones containing the names of journalists in our cemeteries, journalists will continue to leave the country in exile, and those of us who stay to work on this situation will be waiting to die”.

(Dina Meza)
2018, SIXT YEAR OF ACCOMPANIMENT IN HONDURAS

“We feel safer since we started being accompanied by PBI”. “Whenever I travel to certain places in the country I always ask for PBI accompaniment”. “The presence of PBI during hearings helps a lot. Our people feel supported and can identify as human rights defenders”.

This is what members of different organisations have said about PBI’s holistic accompaniment in Honduras, which has been offered to more than 10 at-risk organisations and individuals since 2013, when the first PBI field team was established in Honduras.

2018 marks the sixth year of the Peace Brigades International (PBI) project in Honduras, and we have accompanied human rights defenders (HRDs) on at least 335 occasions during activities related to the defence of the rights of women, sexual diversity, land and territory, and freedom of expression, as well as activities related to criminalisation and impunity. Through our accompaniments, observations and visits to the offices of HRDs, we have made visible defenders’ work and dissuaded possible attacks.

As part of our political accompaniment and advocacy work, throughout 2018 we have held a total of 58 meetings with national authorities and 53 with international authorities and the diplomatic corps, in which we have promoted the protection of defenders’ work and expressed our concerns about human rights violations. With the aim of contributing to capacity-building for national organisations, we have held 18 workshops and activities, including developing the Community for Psychological Learning (Comunidad de Aprendizaje Psicosocial - CAP) together with other organisations.

Honduras abroad

As well as working within Honduras, we have raised awareness at the international level. With PBI’s support, 7 defenders have travelled to Europe and the United States to talk about the situation in their country and their organisation.

This work has been possible thanks to the commitment of our 14 volunteers from 8 different countries, who were part of the field team in 2018. It is also important to highlight the support of our donors who have funded our work both in Tegucigalpa and in 12 of the 18 departments where we have maintained a presence during these past 12 months.
However, without a doubt, the protagonists of our story continue to be those people who day by day work to defend human rights and land rights. It is these people who inspire us to continue opening up space for peace.
Kevin Ramírez’s community is located between the clear waters of rock pools where families bathe and the jungle-covered mountains that mark the border between Honduras and Guatemala. It was in this remote corner of the country that Kevin founded the Association for the Defence of Common Property in Quimistán (Asociación para la defensa de los bienes comunes de Quimistán- ASODEBICOQ), in the Honduran department of Santa Bárbara, to train the members of local communities in the area in human rights and the defence of land, territory and the environment. With this work, Kevin hopes that people can make informed decisions about the exploitation of natural resources and reclaim their individual and collective rights in public consultations and other forums, giving a voice to the population in the municipality of Quimistán.

Although the Association has only existed for two years, Kevin Ramírez has been dedicated to the defence of the environment since 2012, when he took part in a training workshop very similar to the ones he now delivers to communities from the municipality of Quimistán. The last two years have been complex, with much progress at the community organisational level, but also much opposition to the organisation’s work. Quimistán is home to many streams and rivers with huge hydro-electric potential, which has led to the installation of several extractive projects in its mountains and valleys. Although representatives from the hydro-electric companies arrive with promises that they will provide employment and electricity, build schools and medical centres and pave the roads, the members of ASODEBICOQ report serious effects and damage brought by these projects, as in the case of Santa Lucía.

Santa Lucía is the name of the community where the Cuyagual hydro-electric project was built, named after the river where it is located. Today, the members of ASODEBICOQ explain, this river is polluted with the explosives that were used to build the project. They also explain that there are no longer any animals or plants in the river and that in some places the river bed is totally dry. According to the local population, what is left of the river has been privatised and the community has to ask for permission to gather stones and sand. Kevin reports that the project was not adequately consulted with the community before it was built.
Using this example, ASODEBICOQ has raised awareness and organised dozens of villages in the northern part of Quimistán. However, both the organisation and the natural resources it protects are at serious risk, which is why PBI Honduras has been accompanying them since 2016. Since then, Kevin has reported numerous security incidents (including defamation, threats and criminalisation) against himself and other members of ASODEBICOQ. He says that accompaniment is a demonstration of international solidarity, which protects him and the community members of the association: “When we visit the communities, people feel more protected. They always say ‘ASODEBICOQ is not only present here in the communities, but also in Tegucigalpa, and in other countries’. When PBI comes here it is because other people are interested in our struggle and in our process”.

Alongside the threats, attacks and defamation against the work of ASODEBICOQ, Kevin also describes attitudes aiming to discredit the defence of land and human rights as a significant obstacle to his work. Indeed, ASODEBICOQ believes that accompaniment from PBI Honduras increases their work’s visibility and impact: “When we used to go to the authorities to reclaim our rights, they ignored us; they laughed and made fun of us. But when we have PBI’s accompaniment they have to be more careful, they know that [ASODEBICOQ] is not alone. It is clear that it is not just us, the communities, but also the eyes of the world observing them. Also, the work of ASODEBICOQ is talked about as a good thing, not a bad thing. This has a big impact which really helps us”.

Quimistán is home to many streams and rivers with huge hydro-electric potential, which has led to the installation of several extractive projects in its mountains and valleys.
38 years ago, on September 4, 1981, the international human rights organization Peace Brigades International was founded. During the three-week meeting on Grindstone Island, Canada, the participants Raymond Magee, Lee Stern, Henry Wiseman, Murray Thomson, Narayan Desai, Gene Keyes, Charles Walker, Dan Clark, Mark Shepard and Jaime Diaz discussed among other things the experiences with non-violent actions, the role of international peace brigades in armed conflicts as well as non-partisanship and thus created the foundation for the organization. The fact that no women took part in this meeting was deeply regretted by all participants.

The protocol, published later, states: “We are forming an organization with the capacity to mobilize and provide trained volunteers in areas of high tension, to avert violent outbreaks. Peace brigades, fashioned to respond to specific needs and appeals, will undertake nonpartisan missions, which may include peacemaking initiatives, peacekeeping under a discipline of nonviolence, and humanitarian service. We are building on a rich and extensive heritage of nonviolent action. We are convinced that this commitment of mind, heart, and dedicated will can make a significant difference in human affairs”.

Today Peace Brigades International is a global organization with an international office in Brussels, seven field projects working directly with vulnerable human rights defenders and 13 country groups around the world.
October 2 marks the International Day of Non-Violence and the birthday of Mahatma Ghandi. The UN General Assembly began commemorating this day in 2007 to raise awareness and educate the public on the principle of non-violence. The goal of the resolution is to ensure a “culture of peace, tolerance, understanding and non-violence.”

Mahatma Ghandi is an icon for leading India to independence from the British Rule by protesting through non-violent means. Ghandi inspired a culture of civil rights practices such as peaceful marches and hunger strikes in contemporary history. Martin Luther King Jr. is a notable figure who took inspiration from Ghandi’s philosophy of non-violence during the Civil Rights Movement in the United States during the 1950s and 1960s.

In PBI the philosophy of non-violence provides the foundation for our work. We are convinced that enduring peace and lasting conflict resolution can only be achieved through peaceful means. In this respect we reject violence of any kind and from any source. We encourage dialogue and transparency to create conditions of trust required to build peace. PBI’s endeavor is to overcome injustice and violence in order to build peaceful societies where human rights are protected, respected and fulfilled, by ensuring that those who defend human rights are protected.

In practice, PBI rejects any armed accompaniment and only supports organisations and individuals who live by the same principle. In addition, PBI works through consensus, applying a horizontal structure across the whole organization. We understand this as non-violence in practice, as we encourage participation, dialogue and transparency to prevent conflicts and encourage collaboration. This allows us to be coherent with our internal decision-making processes and our principles and convictions. Everyone who passes through PBI receives training in order to fully participate in the organization’s structure, so they understand the importance of non-violence in decisions in their daily lives, how to treat each other and live in community.

PBI has provided support to human rights defenders in protecting their spaces of work through non-violent means. As Ghandi once said, “In the midst of death, life persists. In the midst of untruth, truth persists. In the midst of darkness, light persists”. Non-violence offers optimism, solidarity and fraternidad, even in times of violence.
Despite being one of the richest countries in the world in terms of natural resources, Honduras has high levels of inequality in land ownership and there has been a considerable increase in extractive projects in the country. The exploitation of natural resources and the concentration of land in the hands of few have forced communities to defend their territories. In 2016, Honduras was considered to be the deadliest country in the world for defenders of land, territory and the environment. Between 2015 and 2018 at least 31 defenders of land, territory and the environment were killed. Moreover, the attacks, forced evictions, harassment and criminalisation against this group of defenders.

In this context the particularly vulnerable situation of women defenders of land, territory and the environment is worrisome. Existing inequalities between men and women due to the patriarchal system enable discrimination, oppression and violence against these women. In the last two years at least six women defenders were killed. Moreover, between 2016 and 2017, 1,232 attacks against women defenders, their families and organisations were reported, with at least a third directed against women defenders of land and territory. In more than half of these cases, the perpetrators were state actors.

Women defenders face specific kinds of violence, many of which are related to their gender. Attacks against women are based on sexist attitudes which are deeply-rooted in the Honduran society. The attacks often refer to women’s sexuality or the traditional gender roles assigned to women: “they discredit us, because they say that we are prostitutes, that we are looking for a husband, that we are irresponsible, that we leave our kids alone, we are stigmatised”, explained a woman defender. The defence of human rights also implies an extra burden on top of the multiple responsibilities already assigned to women within, including almost all of the responsibility for the household.

In light of this situation, and in preparation of Honduras’ Universal Periodic Review (UPR) which will take place in May 2020, PBI Honduras has written a report which aims to highlight the specific risks and violence faced by women defenders of land, territory and the environment and demonstrate the need for a differentiated response by the Honduran State to protect them.

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1 Global Witness, Honduras: the deadliest place to defend the planet, January 2017
Impunity, militarisation and the excessive use of force

During the 2015 UPR, Honduras accepted important recommendations related to impunity, militarisation and the excessive use of force. Furthermore, since then we have seen an increase in the misuse of criminal prosecution against defenders. These structural problems have a severe and differential impact on women defenders of land, territory and the environment. For example, one woman defender told us about the different patterns and effects of criminalisation: “I was stigmatised but my husband wasn’t. He came out of this clean, he goes to court to sign, but he wasn’t stigmatised. The women from my community, including my family, make fun of my struggle”.

Moreover, the militarisation of public security has also created enabling conditions for aggression and sexual harassment against women: “a lot of women were beaten, one woman answered back and they swore at her and touched her, they grabbed her and that’s harassment”. According to women defenders, it is almost impossible to access justice for these kinds of violations, because of the structural impunity in Honduras.

During the 2015 UPR recommendations focused on improving this situation, related to the protection of human rights defenders and the active participation of civil society in the creation of public policies were made. However, these recommendations are not being implemented in a way which responds to the differential situation of women defenders. For example, protection mechanisms need to move beyond physical protection to include a preventative and differential focus. Equally, current measures often involve the police and do not respond to the local reality of women defenders: “here they give you a bodyguard, and the machismo in this country is so deeply rooted, and with the mentality of these policemen, they sometimes might insinuate other things”.

Faced with all these issues, women defenders report a lack of opportunities to participate in creating solutions. Indeed, because they are women, they face additional structural obstacles which limit or prevent their participation: “the role women play in society or within the family isn’t easy, because they always try to belittle the role of women, it is the men who speak and who decide, and women have to listen”. All this demonstrates the need for specific measures to promote the participation of women defenders and ensure that state policies include a differential and comprehensive focus to tackle the structural problems the country is facing.
At the end of 2018, small-scale farmers became protagonists at the United Nations. On 17 December last year, the UN General Assembly adopted the Declaration on the Rights of Peasants and Other People Working in Rural Areas1. This represents the culmination of a historic process lasting almost two decades, which according to Franklin Almendares, coordinator of the Board of Directors of the National Union of Rural Workers (Central Nacional de Trabajadores del Campo- CNTC) “contributes to raising awareness in different sectors of society and launching campaigns such as Cultivating without Risk2” which was recently launched by several organisations, including the CNTC.

The United Nations Declaration groups together rights that the international small-scale farming movement Vía Campesina has been demanding for more than 17 years, with the support of numerous social movement members and allied organisations. The Declaration also recognises the role of small-scale farmers in guaranteeing food and legitimises the work of the small-scale farming movement to defend collective property, in the face of attacks and criminalisation.

“As small-scale farmers we need our values and role in society to be respected, to achieve food sovereignty”. (Via Campesina)

“The declaration is an important tool which must guarantee and support the rights of small-scale farmers. We urge all States to implement the declaration scrupulously and transparently, guaranteeing small-scale farmers and rural communities access and control over land, traditional seeds, water and other natural resources. As small-scale farmers we need our values and role in society to be respected, to achieve food sovereignty”, explains the Vía Campesina General Coordination Office.

Vía Campesina also point out that the Declaration on the Rights of Peasants is a political tool to empower the global struggle for dignified conditions in rural work. They are also demanding that it should be a springboard for an urgent agrarian reform at the global level as a necessary policy to be applied by States in rural areas3. This is especially important in a country like Honduras, where almost 45% of the population live in rural areas (according to data from the Honduran National Statistics Office) and where, according to data from Vía Campesina, more than 300,000 families do not have access to

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2 This campaign seeks to promote compliance with the Declaration on the Rights of Peasants by the State to protect small-scale farmers in the country. This initiative also aims to inform and raise awareness among the general public about the vulnerable situation for people who defend the rights to land, territory and natural resources in Honduras.
land. However, Almendares also recognises the limits of the declaration: “it is not a binding instrument. In this State, as it functions currently, it does not work as a tool”. It is nevertheless believed that the Declaration could have a significant impact at the global level.

The Honduras situation

In the case of Honduras, he explains that since the law on agricultural modernisation in the 1990s, which led to land privatisation, there are no institutional plans or support for small-scale farmers: “this means that we only have our own tools to help us stay in our lands sowing seeds and growing crops”.

That is why, according to Almendares, one of the challenges that lies ahead for the Honduran Government is the creation of a land fund and the approval of the Law on comprehensive agrarian reform with gender equality and rural development, a bill which aims to solve the agrarian problems in the country but which has been frozen for a long time. “The government also needs to create a land register, by physically going to the regions to carry out a true mapping process, because they are currently carrying out aerial mapping which prevents them from gathering an exact image of the situation on the ground. They should also create an agricultural prosecutor responsible for investigating the whole situation”.

The law also seeks to improve the security situation for land rights defenders like Franklin Almendares. When we ask where he gets his energy in the face of all the daily obstacles, attacks and defamation he has been suffering for years, at the hands of landowners and companies, as a consequence of his human rights defence work, he tells us that it is the land itself that gives him hope and strength to continue the struggle to protect the very same land: “We see ourselves as cultivators of hope”.

Almendares believes that this work is not only the Government’s responsibility, because it affects everyone. “Society should get informed and learn about how to support small-scale farmers, by consuming our products”. On this point, the CNTC spokesperson gives the example of beans from Yoro: “It is very rare that the consumer goes directly to the producer, which is what needs to happen to support them. A new relationship must be established between consumers and producers”. 

![Image of mural: three faces, one of a woman with a child]
HUMAN RIGHTS DEFENDERS AT THE CENTRE

This December, and continuously, PBI puts human rights defenders at the centre, in the position they deserve given the fundamental role they play in the protection of human rights and the construction of fair and peaceful societies. Human rights defenders continue to provide voices for the voiceless, pushing for social justice. They often risk their lives to stand up for what they believe in, holding states to account and pushing for human rights to be respected, protected and fulfilled.

PBI believes that a world without human rights defenders is a world without human rights. We will continue to ensure that, despite the huge challenges that defenders face in the current political and economic contexts the world finds itself in, they receive the recognition and support they deserve so they are able to continue their fundamental work in secure conditions.

PBI recognises human rights defenders and the value of the work they do. PBI provides accompaniment support and is present in situations where human rights defenders are threatened and attacked. International solidarity can often provide these human rights defenders with the life-saving protection they need to continue their work.

From PBI we accompany several human rights defenders in different parts of the world. We want to share their stories and let others know that they are not alone. Putting #HRDsAtTheCentre we hope to continue to support their important work.
I have been a defender since I was 15 years old. I started in my community, when I saw my ather had been taken prisoner because of a piece of land that we were fighting for.”
- Lilian Borjas from Honduras, dedicates her life to fighting for her land

“We shouldn’t be afraid, we need to continue to seek justice that so many of us need in Guatemala for the wellbeing of the children that come after us” - Bernardo Caal Xol, human rights defender from Guatemala

“There are human beings, not things, inhabiting these lands.” - Javier Avila, human rights defender from Mexico works to ensure indigenous people are treated with the dignity and respect they deserve in their struggles to defend their land.

“I have fought hard for values I believe in and this has helped me bring important discussions back home.” - Rahma Wako is a community organizer and passionate advocate for women’s rights and children’s rights in Kenya.

“We felt very important, when we began to arrive at meetings with authorities alongside PBI, with their green vests, the authorities started to look at us differently.” - Yaneth Bautista from Colombia, on PBI volunteers who feel immense pride being able to accompany these brave people.
WE JUST WANT OUR HUMAN RIGHTS THAT HAVE ALREADY BEEN RECOGNISED TO BE RESPECTED

“We are not demanding new or special rights for people who identify as LGBT. We are just asking for the rights of all people to be respected”. Those were the words of Esdra Sosa, director of the Asociación LGBT Arcoiris on 6 December during the launch of the documentary ‘We are. Voices of Diversity (Somos. Voces de la diversidad)’, an activity organised with the support of the Canada Fund for Local Initiatives. In the same way, Sosa insisted that “these rights are already recognised internationally, but Honduran governments have not respected them”.

This concern is shared by United Nations Special Rapporteur Michael Forst, who stated in his visit to Honduras in 2018 that he was very worried about “the high number of violent killings and attacks against LGBT people, the prevailing lack of accountability and almost total impunity”. In the same way, María Soledad Pazo, current Representative of the Office in Honduras of the United Nations High Commissioner for Human Rights (OHCHR), explains in the video that “LGBTI people in Honduras are particularly vulnerable because of certain highly intolerant religious trends and ideas that equate morality and gender expression with heteronormativity and binary identity”.

The figures back up these statements. From 2008 until the beginning of 2018, at least 295 LGBTIQ+ people were killed in Honduras; and at least 11 of them were recognised as human rights defenders. Nevertheless, the exact number is impossible to determine as at times, families and public institutions do not recognise or report that these killings are related to sexual orientation or gender identity, reporting them as common crimes. Moreover, LGBTIQ+ organisations frequently report that the perpetrators are members of the state security forces. This situation does not seem to have improved during 2019. So far this year, the Complaints Service in the Asociación Arcoiris has registered at least 21 murders of its sexually diverse membership, including 13 trans women.

Trans women represent a high percentage of victims of these attacks, although they are a minority within the LGBTIQ+ community. “We are more vulnerable and we are more exposed to attacks, because we are more visible and, on many occasions, as a group
we are often forced to engage in street sex work”, said JL Córdova, coordinator of the Grupo Muñecas in the Asociación Arcoiris. “We are being killed, and we are victims of hate crimes and terrible cruelty”, added Córdova, who also mentioned the lack of progress in investigating these murders. In Honduras, impunity rates are higher than 90%, and in the case of attacks against the LGBTIQ + community, this percentage exceeds 95%.

In spite of everything, Esdra Sosa said: “LGBTIQ + defenders do not get bogged down in thinking about who is going to be next; instead we continue with the struggle”. And José Figueroa, head of communication in the Asociación Arcoiris recalled that they have been working for months on an Equality Law that will not only benefit people of different sexual orientations and gender identities but also other vulnerable groups in the country such as the elderly, people with disabilities, women, children, and indigenous people. Just last October, the Ministry of Human Rights, the Ministry of Development and Social Inclusion, Somos CDC and the Asociación Arcoiris signed a cooperation agreement to continue moving forwards in this direction.

The international community

To achieve this, Grecia O'Hara, head of communication at Somos CDC, recognises the importance of support from the international community. “Knowing that we have international support is a relief, because we know that we are not alone. We know that pressure from international organisations can have a huge impact. If we go alone to seek support, they ignore us. If we go with an international organisation, the doors open for us”. The international community was present at the event on 6 December. The Canadian Embassy, the delegation of the European Union and the Spanish Cooperation Agency, among others, showed their sensitivity and commitment to the situation of the LGBTIQ + community in the country.

Although LGBTIQ+ defenders are aware of all the obstacles, they also believe that they will achieve their goals. JL Córdova summed it up this way: “We are a strong movement. And even if they kill us, or silence us with threats, we can still achieve what we want”. María Soledad Pazo from the OHCHR spoke of these defenders as an example: “In my experience as a representative, I have had the honour of meeting absolutely committed, dedicated, courageous, constant, studious, strategic people... who have given me a lesson in what it means to defend human rights”.

TAB 20
Marginalized Hondurans Find Supportive Care – and Friendships – at a Local Clinic

For HIV positive patients, sex workers, LGBTQ community members, and other vulnerable Hondurans, the organization Siempre Unidos provides health services, education, and a safe place to be.

Ronny Araque’s HIV test result was bad enough. He wasn’t expecting to be humiliated in the process.

But when Araque, who works the night shift at a meat processing plant, went to a public hospital in Honduras to get his lab results, he said, a nurse shouted at him that he was a sinner and his disease was a punishment.

In conservative Honduras, being HIV positive – or a sex worker, prisoner, or member of the LGBTQ community – is “horribly stigmatized,” said Denise Main, a doctor and activist. “Commercial sex workers, gay men, and then transsexual women are… the lowest that you can be.” These groups experience widespread violence, discrimination, and stigma.

They also – along with poor people, members of the Garifuna community (an indigenous group), and soldiers – have particularly high incidences of HIV, in a country that’s long been battling an epidemic. Although rates have improved since the 1990s, the medical nonprofit Siempre Unidos estimates that one in 50 Hondurans is HIV positive.
As far back as 2000, Dr. Main and a colleague, Pascual Torres, a lawyer, reverend, and now chancellor of the Episcopal Diocese of Honduras, saw that there was a tremendous need for medical treatment and other support for vulnerable Hondurans living with HIV.

They started by creating a support space staffed by a nurse, where HIV positive people could be treated with IV fluids or medications for secondary infections. In 2003, they began importing antiretroviral medications. They named the program “Siempre Unidos” – Spanish for “always united.”

But the need for primary medical care – not just for HIV positive patients – was strong. More than two-thirds of the population lives at or below the poverty line, and Dr. Main explained that prescription medication is difficult to obtain in Honduras, since it is often either expensive or unavailable.

And for already marginalized populations, like sex workers and trans people, help was badly needed. “There’s a real sense of desperation that has just occurred over the last 10 or 11 years,” Dr. Main said.

Today, Siempre Unidos provides clinical care, including mental health services, to patients of all ages in clinics located in Siguatepeque and San Pedro Sula, an industrial center with extraordinarily high murder rates – violence that’s too often directed against already marginalized groups.

“We work with the most vulnerable people in Honduran society,” said Torres. Their patients are “those who cannot afford any kind of medical services.”

Direct Relief supplies a range of medicines and supplies to Siempre Unidos.

MORE THAN MEDICINE

But Siempre Unidos doesn’t stop at clinical services. The organization offers free meals, support groups, in-house visits, and even educational stipends, which they see as essential to improving the lives of their patients.

A large part of the organization’s work is reaching out to new patients, who may be hesitant to seek out care. Staff members spend six nights a week walking the streets, educating the people they encounter about sexual health, distributing condoms, and simply providing coffee and snacks.

They also work with juvenile prisoners, soldiers, and the Garifuna people to educate them about HIV transmission, prevention, and treatment, and provide antiretrovirals and other medical care.

The clinic itself, which offers coffee and breakfast to patients in the mornings, has become a kind of sanctuary. “People come to the clinic to hang out as a place that’s safe during the day,” Dr. Main said. “Everybody’s kind of in this together, and there’s a sense of camaraderie and respect.”
Araque said that Siempre Unidos isn’t just a place where he gets the healthcare he needs. He’s also gained friendships and been able to take better care of himself. After he told his parents about the organization, his father told him, “Wow, they treat you better than I do!”

For Nehun Ricarte, Araque’s friend and roommate, the clinic has been a revelation. Also HIV positive, he’d been suffering from gastroenteritis, fever, and headaches. After starting antiretroviral treatment at Siempre Unidos, he said through a translator, his symptoms have largely disappeared.

Everyone’s kind and patient, he said. The pharmacist regularly checks in to make sure he’s taking his pills.

Not everyone who walks through the door at Siempre Unidos feels comfortable seeking care. “Some patients are a bit rebellious or uncooperative,” he said. “The staff are patient and helpful with them.”

Dr. Main worries that it’s hard to effect vital change. “You try to help people as much as possible in the setting they’re in, but you can’t change the setting,” she said.
But Siempre Unidos is working to do just that. Staff members also see advocacy – whether it’s marching in solidarity during demonstration, or arranging legal representation for people experiencing violence or discrimination – as a vital part of their work. “Human rights are not respected,” Torres said.

With Siempre Unidos’s support, Araque recently went back to the public clinic where he got his first results, and filed a formal complaint against the nurse, which gave him a sense of closure. “There’s a lot of discrimination, so it’s really nice to be around people who support me,” he said.

Filed Under: Central America and the Caribbean, Community Health, Disease Prevention, Health, HIV AIDS, Siempre Unidos, Social Vulnerability

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Direct Relief and The Pfizer Foundation Support 11 New Programs to Improve Infectious Disease Care in the U.S.
TAB 21
Honduras
Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status

for the 36th Session of the Working Group on the Universal Periodic Review
May 2020

Submitted 3 October 2019

Founded in 1983, The Advocates for Human Rights (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. Recently, a growing number of women and LGBTI individuals from Honduras who have fled gender-based violence have requested legal assistance from The Advocates in seeking asylum in the United States.
I. EXECUTIVE SUMMARY

1. Honduras has made improvements since its second Universal Periodic Review, but widespread and systematic violence against women persists. In 2015, the Special Rapporteur on violence against women reported a “climate of fear, in both the public and private spheres, and a lack of accountability for violations of human rights of women are the norm, despite legislative and institutional developments” in Honduras. The Special Rapporteur observed that 27% of women between the ages of 15 and 49 had reported experiencing domestic violence within their households. Honduras has a high femicide rate; the Violence Observatory of the National Autonomous University of Honduras reported that in 2017, 338 women were murdered. These human rights violations largely occur with impunity; according to the Centro de Derechos de la Mujer (CDM), in 95% of the femicides committed between 2017 and the first weeks of 2018, no person has been held accountable.

2. LGBTI individuals and human rights defenders are at particular risk for human rights violations in Honduras. The Special Rapporteur on the situation of human rights defenders observed that between 2008 and 2018, at least 295 LGBTI individuals—including 11 LGBTI human rights defenders—have been murdered in Honduras. LGBTI human rights defenders also report that the media promotes discrimination and the state fails to constrain such actions. Gang violence compounds safety concerns of an already vulnerable LGBTI community.

3. This report, while not comprehensive, includes firsthand information gathered from former and current clients of The Advocates along with secondary source research.

II. BACKGROUND AND FRAMEWORK

A. 2015 Universal Periodic Review of Honduras

1. Violence against women and gender-based violence

   Status of Implementation: Partially Accepted, Partially Implemented

4. Honduras either supported or claimed to have already implemented 23 of the 24 recommendations related to reducing gender-based violence and violence against women. Recommendations included protecting victims, investigating such cases and holding perpetrators accountable, and taking pre-emptive prevention measures.

5. While Honduras has taken steps toward protecting women and preventing gender-based violence since its last UPR, more measures must be implemented to achieve parity and security for women.

6. Honduras noted without comment recommendations from France and Germany to “Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, establishing a communication mechanism in order to strengthen the tools in the fight against violence and discrimination against women (France); take additional steps to guarantee equal access for women to appropriate health services, especially sexual and reproductive health services, and ratify the Optional
Protocol to the Convention on the Elimination of All Forms of Discrimination against
Women (Germany).”10 Honduras has not ratified the Optional Protocol.

2. LGBTI Rights

Status of Implementation: Accepted, Not Implemented

7. Honduras accepted six recommendations it received related specifically to LGBTI rights. Honduras supported Uruguay’s recommendation to “[i]mplement policies and programs that promote tolerance and non-discrimination against lesbian, gay, bisexual, transgender, and intersex persons, and to guarantee the compliance with the current norms in order to punish offences and violence motivated by prejudices.”11 Slovenia made a similar recommendation that Honduras “[u]ndertake awareness-raising campaigns and programmes to promote tolerance and to address violence against lesbian, gay, bisexual, transgender and intersex persons.”12 Brazil recommended Honduras “[s]trengthen its national institutions in charge of the promotion and protection of human rights, with a view to fostering access to justice, particularly for the most vulnerable groups, such as...the lesbian, gay, bisexual, transgender and intersex community,”13 and Austria made a recommendation to “strengthen protection for lesbian, gay, bisexual, transgender and intersex persons.”14 Similarly, Norway recommended that Honduras make further efforts to investigate, prosecute and punish “hate crimes against lesbian, gay, bisexual, transgender and intersex persons,”15 while Australia recommended that Honduras “[e]nsure freedom of expression and take steps to end threats and attacks against journalists and human rights defenders, including lesbian, gay, bisexual, transgender and intersex defenders.”16 Honduras supported Colombia’s recommendation to “[c]ontinue with the effective implementation of measures to combat discrimination and violence based on sexual orientation and gender identity, particularly, through the implementation of differentiated approaches to guarantee the enjoyment of rights of lesbian, gay, bisexual, transgender and intersex persons.”17 Honduras has not implemented these recommendations.

B. Domestic Legal Framework

1. LGBTI Rights

8. Discrimination against LGBTI individuals is illegal under Article 321 of the Honduran Penal Code.18 Honduras currently has no process allowing transgender individuals to change their name and gender on official documents.

2. Violence Against Women

9. The 2006 Reformed Law on Violence Against Women, amended in 2013, is the only law that directly addresses violence against women. This law includes both physical and economic violence, and while perpetrators are penalized with two to four years of imprisonment, “the only legal sanctions for the first offense of domestic abuse is community service and 24-hour preventive detention if the violator is caught in the act.” Article 118-A of the Criminal Code makes femicide an offense carrying a sentence of 30-40 years’ imprisonment.19

10. Honduras developed a National Plan to Combat Violence against Women 2014–2022, which aims to prevent and prosecute gender-based crimes.20 In addition, in 2015 the
Honduran Government implemented Ciudad Mujer, a project intending to assist female victims of violence by providing integrated public services to women, focusing on economic independence, protection, and social development.\(^{21}\)

### III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

#### A. LGBTI Rights

**Right or area 8. Non-discrimination; Right or area 32. Members of minorities**

11. As noted above, discrimination against LGBTI individuals is illegal under the Honduran Penal Code, yet LGBTI individuals in Honduras continue to report discrimination from both State and non-State actors.

12. Marcela Laitano, Head of Public Policy at the Honduran Human Rights Ministry, cited a widespread and entrenched “machismo culture” and “conservative religious values” as nationwide conditions that fuel discrimination and prejudice against LGBTI individuals.\(^{22}\)

13. Honduras currently has no process allowing transgender individuals to change their name and gender on official documents. In March 2018, however, Indyra Mendoza, coordinator of LGBTI advocacy collective CATTRACHAS, filed a Supreme Court petition challenging this procedural barrier to transgender communities.\(^{23}\) Mendoza’s petition also confronted the constitutional articles prohibiting same-sex marriage and adoption. The Court is expected to rule on this petition later in 2019.\(^{24}\)

**Right or area 12.5. Prohibition of torture and cruel, inhuman or degrading treatment; Right or area 13. Right to liberty and security;**

14. The Inter-American Commission on Human Rights has noted that the Police and Social Coexistence Act of Honduras facilitates police abuse and arbitrary detention of transgender individuals by granting security forces the authority to arrest anyone who “violates modesty, decency or public morals” or who “by their immoral behavior disturbs the tranquility of the neighbors.”\(^{25}\) In effect, this law leaves transgender individuals at a higher risk of police abuse.

15. According to the coordinator of the LGTB Rainbow Association, a Tegucigalpa-based LGBTI advocacy organization, LBTI individuals have been “victims of discrimination” and violence by Honduran state agents such as the national police, municipal police, and armed forces. The National Human Rights Commission (CONADEH) found that police officers and security guards constitute a large portion of the “attackers” and “violators” of LGBTI rights.\(^{26}\)

16. LGBTI individuals fear reporting abuse or harassment to the police due to a culture of impunity and fear of reprisal. Karen Spring, coordinator for the Honduran Solidarity Network, described Honduras as a “mafia state” where the institution of policing is systematically intertwined with organized crime.\(^{27}\) Individuals who report to the police often find themselves extorted or threatened by gangs, if not harmed by the police themselves.\(^{28}\)

17. Ms. R, a transgender Honduran woman, reported that she had been persecuted by police officers based on her gender-identity. In October 2018, police officers detained her as she was leaving work and took her to a desolate area, where officers severely beat and
tortured her. They initially planned to murder her, but ultimately gave her 15 minutes to flee, and threatened to kill her and her mother if she was ever found again. The attack was motivated by the police officers’ ties to the MS-13 gang, which Ms. R refused to join.

18. Ms. R reported that she had faced persecution from gang members. Police officers did not offer her protection from these gang members. The MS-13 gang pressured her into selling and moving drugs for them while she was in prison for a crime of which she was wrongly accused and later acquitted. The gang targeted her because, as a transgender woman, she was more vulnerable to their recruitment because of her need for greater protection in prison. When she refused to work with MS-13, gang members outside the prison murdered two of her brothers and gang members inside the prison showed her pictures of their bodies.

Right or area 19. Rights related to marriage & family

19. Although same-sex marriage has been banned in Honduras since 2005, Honduras is party to the January 2018 ruling of the Inter-American Court of Human Rights which recognizes protection of same-sex marriage as a human right.29 As noted in paragraph 13, a case currently before the Supreme Court challenges the constitutionality of prohibitions on same-sex marriage and adoption by LGBT persons.

Right or area 24. Right to health

20. Ms. R explained that LGBTI individuals experience difficulty accessing proper healthcare in Honduras. She said that “if [doctors] see me [as a transgender woman] they will not provide me service.”30

B. Gender-based Violence against Women

21. The UN Working Group on the Issue of Discrimination Against Women in Law and Practice reported that the government had created gender units in police forces, the Inter-Institutional Commission on Femicide, and the Cuidad Mujer services project to address gender-based violence against women.31 Despite these efforts, domestic violence and femicide remain widespread and impunity continues due to fear of reporting and lack of responsiveness to reports.

Right or area 12.1. Right to life; Right or area 12.5. Prohibition of torture and cruel, inhuman or degrading treatment

22. Honduras has experienced a significant reduction in homicide rates, from 85.5 killings per 100,000 people in 2011 to 42.8 in 2017,32 and a drop in overall femicide rates, but violence and impunity persist. An average of 32 women died each month in Honduras in 2017.33 After conducting a 2018 state visit to Honduras, the Inter-American Commission reported that 90% of femicides go unpunished,34 writing that “these acts of violence are not isolated, but are instead symptomatic of a pattern of structural discrimination against women. The machismo and gender stereotypes that are deep-rooted in Honduran society increase the risks that women are exposed to and prevent them from fully exercising their right to live a life free of violence.”35
23. According to the Violence Observatory at the National Autonomous University of Honduras, 41% of women and girls killed in Honduras in 2017 showed signs of “mutilation, disfigurement, and cruelty beyond what was needed to kill them.”

Right or area 29.2. Gender-based violence

24. The Latin America Working Group Education Fund found “no significant reduction of domestic violence” since the Reformed Law on Violence Against Women was implemented in 2006. Data from the Honduran Courts of Peace and Letters show that between 2008 and 2015, Honduras experienced a 390% increase in cases of domestic violence.

25. Ms. D is a 49-year-old Honduran woman whose case demonstrates the failure of Honduran state agencies to respond to complaints and adequately protect women. Ms. D and her children experienced physical and sexual abuse from her partner between 2004 and 2017. Her partner regularly beat and raped her and on a number of occasions threatened her with his gun. After Ms. D ended the relationship, he continued to come to her house and attack her, refusing to accept that the relationship had ended. In 2017, Ms. D filed a human rights complaint with the National Directorate of Criminal Investigation (DGIC). She had resisted filing earlier due to threats from her partner that he would kill her if she tried to bring charges against him. In filing her complaint, Ms. D wanted her partner to be arrested. The DGIC, a state actor, did nothing in response to her complaint.

26. Ms. P is a Honduran woman whose case demonstrates the barriers women face in reporting abuse to state agencies. Ms. P met her boyfriend in 2016 when she was 16 and he was 18. After dating for two months, they moved in together. Her boyfriend became violent toward her and began to abuse her frequently. Her boyfriend was the head of the local gang. When the abuse began, he told her that it was because he “owned” her. The first time he abused her, he told her, “I am going to kill you.” He also hit their son. She went to the hospital two times after he had hit her head severely. He rarely let Ms. P leave the house and he prohibited her from seeing her family. She never sought police help because she was aware that gangs pay the police off.

IV. RECOMMENDATIONS

27. This stakeholder report suggests the following recommendations for the Government of Honduras:

- Fully implement:
  - the Human Rights Committee’s 2017 recommendations regarding: discrimination against women and discrimination on the grounds of sexual orientation and gender identity; violence against women; the right to life and security of person; and freedom of expression, freedom of association and violence against human rights defenders.
  - the 2016 recommendations of the Committee on the Elimination of Discrimination against Women regarding: access to justice in cases of gender-based violence against women; gender-based violence against women; and women human rights defenders.
the 2016 recommendations of the Committee against Torture regarding gender-based violence and violence committed on grounds of sexual orientation or gender identity.

- Train federal, state, and municipal law enforcement on international human rights standards relating to violence and discrimination based on sexual orientation and gender identity and provide effective protection for LGBTI persons and the defenders of LGBTI rights.
- Adopt policies and campaigns to promote awareness, education, and respect for the LGBTI community.
- Legalize same-sex marriage throughout the country.
- Remove sexual orientation and gender identity as barriers to adoption.
- Adopt legislation ensuring the full recognition of the identity of transgender individuals as well as recognizing gender identity through the reissuance of birth notices, without a doctor’s involvement.
- Combat impunity by ensuring that law enforcement conducts a thorough investigation of every allegation of violence or discrimination based on sexual orientation or gender identity to assist prosecutors in prosecuting individuals suspected of committing crimes against LGBTI persons.
- Take measures to reduce the influence of gang violence and gun violence on the broader Honduran population and, in particular, on women and LGBTI communities, to prevent vulnerable populations from experiencing gang violence or joining gangs due to threats or promises of protection.
- Adopt reforms to ensure the independence of the police force from organized crime and to end deep-rooted associations between gangs and police officers in order to adequately protect at-risk women and LGBTI individuals.
- Require all health care providers to undergo sensitivity training regarding the provision of services to LGBTI patients.
- End impunity for femicide, domestic violence, rape, and sexual assault by ensuring accountability and punishing perpetrators of those crimes.
- Strengthen the criminal justice sector’s response to gender-related killings of women and girls, in particular measures to support the sector’s capacity to investigate, prosecute, and punish all forms of such crimes and provide reparations and/or compensation to victims and their families.
- Establish a comprehensive program to protect women from violence, including public education, aggressive prosecutions, and training for law enforcement, investigators, prosecutors, judges, and educators on effective implementation of the Reformed Law on Violence Against Women.
- Ensure that laws, policies, procedures, and practices pertaining to decisions on the arrest, detention, and terms of any form of release of the perpetrator take into account the need for the safety of the victim and others, and that such procedures also reduce the risk of further acts of violence.
- Establish crisis centers throughout the country for victims of sexual abuse and domestic violence.
- Ensure gender-equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels.
Establish, fund, and coordinate services such as toll-free help lines, professional multidisciplinary counseling, crisis intervention services, and support groups in order to benefit women who are victims of violence and their children.

3 Ibid.
5 Ibid.
7 Report of the Working Group on the Universal Periodic Review: Honduras (July 15, 2015), U.N. Doc. A/HRC/30/11, ¶ 124.30 Guarantee protection and access to justice for women who are victims of violence (Belgium); ¶ 124.35 Take specific measures to protect women from being victim of discrimination and violence, including the appropriate investigation of such cases as well as the prosecution and punishment of perpetrators (Turkey); ¶ 124.46 Exhaustively investigate the killings of women on gender grounds (Spain); ¶ 125.33 Continue efforts towards due protection of women who are part of the victim and witness protection programmes (Ecuador).
8 Id. ¶ 124.26 Take all necessary measures to ensure the effective implementation of the Criminal Code offence of gender-related killings of women and to guarantee effective access to justice for women who are victims of violence, as well as their protection (Ireland); ¶ 124.27 Guarantee protection and effective access to justice to women victims of violence, including by ensuring that perpetrators are brought to justice and by providing sufficient resources and targeted training to law enforcement, the judiciary and health-service personnel (Italy); ¶ 124.28 Prevent and punish all forms of violence against women and girls; and consolidate a higher representation of women in management and decision making positions (Peru); ¶ 125.38 Continue to strengthen the response of its criminal justice system to violent crimes against women and girls; in particular measures to support capacity to investigate, prosecute and punish such crimes (Australia); ¶ 125.45 Strengthen the security apparatus through a civilian police in order to combat impunity, especially in cases of crimes against journalists and femicides, without involving the military apparatus (Costa Rica).
9 Id. ¶ 124.19 Strengthen actions that aim at eliminating cultural patterns that discriminate against women, promoting adequate access to judicial protection in order to prevent cases of violence affecting their life, health and integrity remaining unpunished (Chile); ¶ 124.24 Consider widening the criminal legislation, not only criminalizing cases of femicide, but also all cases of violence against women (Guatemala); ¶ 124.25 Create specialized courts responsible exclusively for cases of domestic violence which are particularly problematic (Guatemala); ¶ 124.29 Ensure adequate budget allocation to the prevention of sexual and gender-based violence (Sweden); ¶ 124.31 Step up efforts aimed at effectively preventing violence against women, including rape, domestic violence and sexual harassment (Panama); ¶ 124.32 Take adequate and necessary measures to address violence against women (Portugal); ¶ 124.33 Respond effectively to all forms of violence against women including by providing law enforcement official with gender training (Sweden); ¶ 124.34 Reduce violence against women and increase the number of shelters for battered women (Trinidad and Tobago); ¶ 125.12 Continue efforts to address gender-related killing of women and girls (Rwanda); ¶ 125.13 Strengthen normative standards and measures aimed at eliminating domestic violence perpetrated against women (Sierra Leone); ¶ 125.14 Continue to strengthen legislative and policy measures to counter violence against women (Singapore); ¶ 125.37 Take all necessary measures to ensure the effective implementation of the Criminal Code, which sanctions the crime of femicide (Slovenia); ¶ 125.62 Make every effort to respect the dignity of human life, especially of women and children who are most vulnerable to gross abuses (Holy See).
women to appropriate health services, especially sexual and reproductive health services, and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Germany).

11 Id. ¶ 124.10 Implement policies and programs that promote tolerance and non-discrimination against lesbian, gay, bisexual, transgender, and intersex persons, and to guarantee the compliance with the current norms in order to punish offenses and violence motivated by prejudice (Uruguay).

12 Id. ¶ 124.18 Undertake awareness-raising campaigns and programmes to promote tolerance and to address violence against lesbian, gay, bisexual, transgender and intersex persons (Slovenia).

13 Id. ¶ 124.11 Strengthen its national institutions in charge of the promotion and protection of human rights, with a view to fostering access to justice, particularly for the most vulnerable groups, such as...the lesbian, gay, bisexual, transgender and intersex community (Brazil).

14 Id. ¶ 124.20 End discrimination in law and practice against indigenous and Afro-Honduran people and strengthen protection for lesbian, gay, bisexual, transgender and intersex persons (Australia).

15 Id. ¶ 124.45 Take further measures for the effective investigation, prosecution and punishment of hate crimes against lesbian, gay, bisexual, transgender and intersex persons and women, including femicides, as well as crimes against human rights defenders, journalists, justice workers and campesino community members in Bajo Aguán (Norway).

16 Id. ¶ 124.50 Ensure freedom of expression and take steps to end threats and attacks against journalists and human rights defenders, including lesbian, gay, bisexual, transgender and intersex defenders (Australia).

17 Id. ¶ 125.11 Continue with the effective implementation of measures to combat discrimination and violence based on sexual orientation and gender identity, particularly, through the implementation of differentiated approaches to guarantee the enjoyment of rights of lesbian, gay, bisexual, transgender and intersex persons (Colombia).


24 Ibid.


27 Interview with Karen Spring, coordinator for the Honduran Solidarity Network, Minneapolis, Jul. 15, 2019.

28 Ibid.


30 Interview with asylum-seeker, Minneapolis, Jul. 12, 2019.


35 Ibíd.
38 Ibid.
39 U.N. Human Rights Committee, Concluding observations on the second periodic report of Honduras, UN Doc. No. CCPR/C/HND/CO/2, 22 Aug. 2017, ¶ 11 (“The State party should ensure comprehensive protection against discrimination, including discrimination against women, the Afro-Honduran community and indigenous peoples and discrimination on grounds of sexual orientation and gender identity. The State party should strengthen the National Institute for Women, in particular through an increase in its budget and the effective implementation of the Second Gender Equality and Equity Plan, 2010-2022. It should also ensure that the equality of same-sex couples and the identity of transgender persons are fully recognized and that lesbian, gay, bisexual, transgender and intersex persons are fully protected against hate crimes. The State party should adopt measures to increase the number of indigenous persons and Afro-Hondurans in public and political life.”).
40 Id. ¶ 15 (“The State party should redouble its efforts to prevent and combat all acts of violence against women, to punish those responsible and to provide assistance and protection to victims, including through the adoption of a comprehensive law on violence against women. In addition, the State party should make it easier for victims to report cases; ensure that all cases of violence are investigated in a prompt, thorough and impartial manner, that perpetrators are tried and punished and that victims are able to receive assistance, protection and full reparation.”).
41 Id. ¶ 19 (“The State party should step up its efforts to investigate all violent crimes and other serious offences in a prompt, thorough and impartial manner, to prosecute and punish those responsible and to ensure that victims receive full reparation. Furthermore, the State party should enhance programmes for the protection of children and youth who refuse to join criminal gangs, including by ensuring the effective implementation of the System for the Promotion and Comprehensive Protection of the Rights of the Child, with sufficient funding for the fulfilment of its objectives.”).
42 Id. ¶ 41 (“The State party should, as a matter of urgency, take practical steps to: (a) Provide effective protection to, inter alios, human rights defenders, journalists, trade unionists, environmental activists, indigenous persons and lesbian, gay, bisexual, transgender and intersex persons who are subjected to acts of violence and intimidation; (b) Increase training and education programmes on the importance of freedom of expression, freedom of association and freedom of assembly for law enforcement officers, military personnel, staff of private security companies, judges and prosecutors; (c) Ensure that all allegations concerning intimidation, threats and assault are investigated promptly, thoroughly, independently and impartially, that the perpetrators are brought to justice and duly punished in accordance with the gravity of the offence and that victims receive full reparation; (d) Set up a mechanism to ensure that acts of violence and threats against human rights defenders are properly investigated and are not treated as ordinary offences; consider introducing a protocol for the Attorney General’s Office on the investigation of such offences; and extend the jurisdiction of the Unit for the Protection of Human Rights Defenders to include offences committed by private individuals; (e) Consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious cases, and imprisonment is never an appropriate penalty; (f) Collect disaggregated data on assaults and murders among human rights defenders, journalists, trade unionists, environmental activists, indigenous persons and lesbian, gay, bisexual, transgender and intersex persons.”).
43 U.N. Committee on the Elimination of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of Honduras, UN Doc. No. CEDAW/C/HND/CO/7-8, 25 Nov. 2016, ¶ 13(c) (“Ensure that all cases of gender-based violence against women are promptly and effectively investigated, that perpetrators are prosecuted and adequately punished and that impunity is combated by investigating reported cases of corruption”).
44 Id. ¶ 23 (“The Committee, recalling its previous recommendations (CEDAW/C/HON/CO/6, para. 19) and its general recommendation No. 19 (1992) on violence against women, recommends that the State party ensure that any reform to the Criminal Code upholds international human rights standards, including the Convention. It also recommends that the State party: (a) Implement existing laws to criminalize all forms of violence against women and ensure that cases are investigated and perpetrators prosecuted and adequately punished and to ensure adequate
accountability and monitoring mechanisms for the implementation of the national plan against violence against women covering the period 2014-2022; (b) Ensure that women and girls have access to effective redress and protection, including a sufficient number of shelters, especially in rural areas, that provide specialized care to victims of sexual violence, and legal and psychosocial rehabilitation and reintegration programmes, in cooperation with civil society organizations; (c) Strengthen its legislative framework regarding possession of firearms and expedite the adoption of the bill on access to a life free of violence introduced in the National Congress; (d) Provide mandatory training to law enforcement personnel and judicial officials and professionals in areas such as health and social work on the strict application of criminal law provisions to prosecute and adequately punish acts of gender-based violence, regularly monitor such application and ensure that those officials who fail to apply such legislation are appropriately sanctioned; (e) Ensure that the definition of femicide in the new Criminal Code is aligned with international standards, in particular the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, and develop and adopt standard protocols to investigate cases of disappearance of women and femicide nationwide; (f) Adopt specific protocols to unify procedures for reporting cases of violence against women and centralize the regular collection of data on violence against women, disaggregated by the type of violence and the relationship between the perpetrator and the victim.”).

45 Id. ¶ 29 (“The Committee recommends that the State party: (a) Adopt and apply, without delay, effective measures for the protection of women human rights defenders to enable them to freely undertake their important work without fear or threat of violence or harassment; (b) Apply the Act on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers and develop a protocol with a gender perspective for investigating, prosecuting and punishing attacks and other forms of abuse committed against women human rights defenders; (c) Effectively investigate, prosecute and adequately punish all cases of violence against women human rights defenders, including cases of violence against women defending the right to land or other natural resources; (d) Decriminalize social protest and peaceful assembly and put an end to the prosecution of women human rights defenders for their activities in exercise of their human rights.”).

46 U.N. Committee against Torture, Concluding observations on the second periodic report of Honduras, UN Doc. No. CAT/C/HND/CO/2, 26 Aug. 2016, ¶ 46 (“The Committee urges the State party to redouble its efforts to combat all forms of gender-based violence and to ensure that all complaints are thoroughly investigated and that suspected offenders are prosecuted and, if convicted, punished appropriately. The State party should also ensure that victims receive full redress for the harm suffered, including fair and adequate compensation and the fullest rehabilitation possible. Public awareness-raising campaigns concerning violence against women should also be expanded.”).

47 Id. ¶ 50 (“The State party should ensure the personal safety of lesbian, gay, bisexual and transgender persons in all spheres, including in places of detention. It should also ensure that murders and assaults motivated by a person’s sexual orientation or gender identity are investigated and that the persons responsible are brought to justice.”).
TAB 22
Amidst Violence, Hondurans March for Pride
Reported Killings of LGBT Hondurans Increased in 2019


The LGBT Pride March in Honduras’s San Pedro Sula, which drew 450 people, was the uplifting culmination of a week of Pride activities that also included more sober reflections, such as a candlelight vigil for lesbian, gay, bisexual, and transgender people killed in Honduras.

LGBT activists led the August 24 march with a banner that read, “Honduras inhabitable LGBTI,” meaning “Honduras unlivable [for] LGBTI.” Despite the activists’ courage and pride, which I also observed at
Tegucigalpa’s march on the International Day against Homophobia, Biphobia, and Transphobia in May, violence against LGBT people does make Honduras unlivable for many.

In a country where many cannot safely express their sexual orientation or gender identity publicly, it is hard to measure how much violence LGBT people in Honduras suffer. The Honduran government told Human Rights Watch it has no data on how many victims of violence are LGBT.

Absent official statistics, Lesbian Network Cattrachas maintains an observatory tallying cases of violence against LGBT people based on media monitoring and direct reports. According to Cattrachas, in 2018, 25 LGBT people were killed: 16 gay men, 5 trans people, and 4 lesbian women. And the situation appears to be worsening: the number of killings tallied between January and August of 2019 – 13 gay men, 7 trans people, and 6 lesbian women – already outpaces the entire year of 2018. San Pedro Sula is located in the region where Cattrachas has documented the highest rates of violence against LGBT people.

Hondurans endure extraordinary levels of violence regardless of sexual orientation or gender identity. Gang violence abounds – in some cases Human Rights Watch investigated, LGBT victims may have simply been in the wrong place at the wrong time. But in other instances, violence appears targeted. Shakira, a trans woman also known by her nickname La Loba (the Wolf), was killed on June 9 in Choloma, 10 miles north of San Pedro Sula. A person who saw Shakira’s body told me her face was mutilated with a rock, her penis was cut off, and a note was left by her body that said, “[this] is the first one, two more to go.”

In the face of such violence, a pride march is an act of defiance.
TAB 23
The impact of violence on LGBTI people in the North of Central America

Lesbian, gay, bisexual, trans and intersex (LGBTI) people face discrimination, human rights violations and persecution across the world, particularly in societies where their sexual orientations, gender expressions, identities, or bodies do not fit the established cultural norms. This discrimination is particularly severe in the North of Central America (NCA), where LGBTI people are disproportionately impacted by the high levels of generalised violence. A comprehensive overview of the ongoing violations is difficult to obtain, due to the lack of disaggregated data collection and various barriers impeding people from making official reports. However, the available existing evidence shows that LGBTI people face rejection from their families, communities and wider society, and additional barriers in accessing basic services such as health and education, as well as employment. As reported by LGBTI rights organisations, this is exacerbated by the absence of a protective legal framework, the guarantee of basic rights, and persecution from criminal groups and state actors.

For many affected people, the only available coping mechanism is internal or cross-border displacement, and seeking asylum in the United States or Mexico (although not all those who are forcibly displaced seek asylum and many are unaware of their right to do so). International protection mechanisms exist for LGBTI persons, under the 1951 Convention Relating to the Status of Refugees (with most qualifying as 'a determined social group') and the principles of Yogyakarta which establish the right to seek and qualify for asylum for people escaping persecution related to sexual orientation or gender identity.

The governments of the three NCA states have been reluctant to design and implement measures guaranteeing protection, assistance and access to justice for LGBTI people. The progress that has been made towards guaranteeing rights has been obtained largely through the advocacy efforts of LGBTI organisations. In contrast, the humanitarian sector has little capacity to provide a differentiated response to the specific needs of LGBTI people, especially those displaced.

This snapshot analyses the main risks for LGBTI people in the NCA, particularly in the context of criminal violence. It highlights: an overview on access to basic rights; the main agents of persecution; the latest available data on human rights violations; the situation of displaced LGBTI people; and the main actions that states and the humanitarian sector must focus on in order to meet the needs.

Key Messages:
- LGBTI people in the NCA face structural, family, community, criminal and state violence, and a lack of legal protection.
- Human rights abuses are underreported in official registries. At least 243 homicides were registered by civil society organisations in the last 5 years.
- These different forms of violence impede access to education, employment and basic services. In El Salvador, only 50% of displaced LGBTI people studied beyond primary school.
- Displacement is a protection coping mechanism. 88% of LGBTI asylum seekers from the NCA suffered sexual and gender-based violence in their countries of origin.
A general update on the protection crisis in the NCA
January to August 2019

Honduras

- 2,564 homicides were registered between January and August this year, an average of 11 per day. This represents a 5% increase compared to the same period in 2018.
- 39 massacres (the assassination of three or more persons in the same context and place) were registered between January and June.
- 3 minors were reported to have been killed during political protests in April and June.

In July, the crops of a community opposing a hydroelectric project in Rio Blanco (between Santa Barbara and Intibuca) were destroyed, affecting 25 families.

According to a recent study by IOM and the Secretary of Security, 16% of girls and 10% of boys experienced sexual violence before turning 18 years old. Near 30% of all minors surveyed experienced physical violence; this rate was higher (40%) for children living in urban areas.

According to Casa Alianza, each year approximately 25,000 boys and girls leave Honduras for the United States.

The National Commission for Human Rights has received 7,446 reports of people displaced by violence between 2016 and June 2019, out of which more than half report having fled from violent threats, 12% due to the murder of a relative, 12% due to extortion, 7% due to threat of murder and 4% due to the recruitment of children.

Between January and June, 70,149 people were deported to Honduras, a 63.3% increase compared to the same period in 2018.

El Salvador

- 1,860 people were murdered between January and August, an average of 8 homicides per day. According to the government, August was the least violent month of the XXI century. However, the Transparency Portal of the National Civilian Police (which publishes disaggregated data of homicides and rapes) stopped functioning at the beginning of 2019.

Out of the 154 homicides registered in July, 22 were committed by security forces, and 16 were remains of bodies found in clandestine graves.

Out of the 42,000 families affected by the drought in 2018, half are still vulnerable to food insecurity.

Between January and July, 22,693 people were deported to El Salvador, a 59% increase compared to the same period in 2018.

- 736 cases of violence against women were registered between 2018 until June of this year, out of which 242 were sanctioned.

The alert for missing children has been activated 23 times this year.
A general update on the protection crisis in the NCA
January to August 2019

Guatemala

A total of 3,186 necropsies linked to violent events were registered between January and August, an average of 13 people per day²¹.

From January to August the alert for missing children was activated 5,078 times, an average of 21 children per day²².

Due to the extended drought, a lagoon and two rivers have dried up in northern Guatemala. Last year drought affected 354,000 families across the country²³.

During the first 6 months of the year, 327 aggressions and 12 assassinations of human rights advocates have been registered²⁴.

This year 296 deaths of migrants were registered close to the United States-Mexico border and 82 were registered in Central America²⁸ (in comparison to another high-risk journey, 307 migrants died in the Mediterranean this year²⁹).

Mexican authorities rescued 19 victims of human trafficking in Mexico City³⁰.

Human rights defenders report that the government is less receptive to their work, especially after the ending of the mandate of the International Commission against Impunity in Guatemala (due to pressure from the government)³⁰, and budget cuts for the Human Rights Office³⁰.

Between January and July, 64,622 people were deported to Guatemala, an 18% increase compared to the same period in 2018²⁷.

Outside the region:

This year 296 deaths of migrants were registered close to the United States-Mexico border and 82 were registered in Central America²⁸ (in comparison to another high-risk journey, 307 migrants died in the Mediterranean this year²⁹).

The latest data from the US fiscal year (October 1, 2018 to August 31, 2019) show that 72,873 unaccompanied Honduran minors were intercepted at the US border³¹. In 2014, when 68,541 children were registered, the US government declared the unaccompanied minors crisis³².

657,404 people have been arrested at the US border from January to August 2019³³.

The Mexican government announced that 30,000 migrants, who had requested asylum in the US and were sent to Mexico under the ‘Migrant Protection Protocol’, were to be relocated to Chiapas, in the south of Mexico near Guatemala³⁴.
The lack of protection for the LGBTI community in the NCA

A. Social context and dominant narratives

Hetero-normativity
Prejudice, discrimination and its associated violence, are rooted in social contexts and conventions that impose heterosexuality as the norm⁴³ (known as ‘heteronormativity’). This discourse is the underlying current of homophobic narratives that are propagated – particularly by media outlets – throughout societies and reinforce prejudice, the normalisation of stigma and violence⁴⁶. Although there are variations in each country, heteronormativity is dominant in the NCA. In Guatemala, 80% of the general population, and 90% of the LGBTI population, consider that LGBTI persons are discriminated against in their country⁴⁷. In the three countries, approximately 88% of the general public opposes equal marriage⁴⁸, and in Honduras, the same proportion of the public considers homosexuality as immoral⁴⁹.

Political trends
This dominant discourse has important political repercussions. In recent years, hate speech, promoted by anti-LGBTI rights, conservative and/or religious groups, have increasingly played a more prominent role, finding support in right-wing parties, and rolling back existing rights of LGBTI people⁵⁰. In Guatemala, for example, the president, who is evangelical, declared that, “our government and Guatemala believe in the family based on the marriage of a man and a woman”⁵¹. His government has supported a draft law – the Law for the Protection of Life and Family - (currently in third debate and yet to be approved⁵²) to prohibit same-sex marriage and abortion, moreover establishing that “no one is obliged to accept non-heterosexual conducts and practices as normal”⁵³. The dissemination of information about LGBTI people in schools and the discussion of other forms of sexuality that do not correspond to heterosexuality would be prohibited. According to OHCHR, this law could lead to increased hate crimes against LGBTI people⁵⁴, and according to the LGBTI organisation Visibles, could lead to the criminalisation of girls, women and LGBTI people⁵⁵. According to an organisation interviewed for this snapshot, during the recent electoral campaign, neither of the candidates referenced the LGBTI population in their campaigns. In fact, both candidates signed a commitment to halt any advancements in LGBTI rights⁵⁶. In El Salvador, expressing support for LGBTI people in political campaigns is considered to be “political suicide”⁵⁷. Before this year, the Sexual Diversity Directorate existed under the Presidency’s Social Inclusion Secretariat, operating since 2010 to implement policies addressing discrimination based on sexual orientation and gender identity⁵⁸. This directorate also offered employment opportunities for the LGBTI population⁵⁹ and provided psychological and legal services to victims of violence. However, since the arrival of the new government this year, the Social Inclusion Secretariat has been eliminated and the Sexual Diversity Directorate has been reassigned to the Ministry of Culture. No information has been provided as to how this directorate will operate, and currently services are being directly provided by civil society organisations. In 2017 in Honduras, four trans women ran for public office, but were subject to threats and hate crimes and none were elected⁶⁰.
### Anti-discrimination legislation

None of the NCA states criminalise homosexuality, and all three national legislations include some form of protection against discrimination\(^1\). However, according to the organisations interviewed, this does not translate into concrete protection, especially in the face of exclusion, discrimination and impunity. In **Guatemala**, the state has publically acknowledged that there is no official recognition or codification of the rights of LGBTI people, and that the Penal Code does not specify causes of discrimination, nor protect people against discrimination due to sexual orientation or gender identity in areas such as employment, education, housing, healthcare or treatment in public establishments\(^2\). In 2012, the Guatemalan state committed to elaborating a public policy for LGBTI people, but is yet to fulfil its commitment\(^3\). In **El Salvador**, although the Constitution protects everyone equally, there is no specific legislation on antidiscrimination for protecting LGBTI people or other vulnerable groups\(^4\). The Sexual Diversity Directorate used to promote non-discrimination and certain protection measures within the government. In 2018, LGBTI organisations in **Honduras** publicly called for an Antidiscrimination Law.

**Gender Identity Legislation**

LGBTI organisations in **Honduras** have been pushing for a Gender Identity Law for the legal recognition of the names of trans persons since 2003. This law would allow for trans women and men to have a legal document with the gender indicator and name with which they self-identify\(^5\). It is expected that the draft law will be presented to the National Congress before the end of 2019\(^6\). In **El Salvador**, a similar draft law is under construction\(^7\). In **Guatemala**, since 2016, the National Registry of Persons, supported by the United Nations Development Program, has implemented a new protocol for LGBTI persons, through which it is possible to change the person’s name and photo in their identity documents according to their gender identity\(^8\). However, trans people are still unable to change their gender markers in their documents\(^9\), and the costs of the process are often prohibitive. A draft law on gender identity (initiative 5395) was presented in 2017 by trans organisations, and received an unfavourable opinion in August 2018\(^10\). According to a Guatemalan organisation interviewed for this snapshot report, legislators from the Congress organised a technical workgroup to discuss the initiative but only invited people from the evangelical and Catholic churches to participate. Correct documentation is fundamental for access to basic rights. Without this modification in identity documents, trans people are subject to harassment in their daily interactions, in banks, health centres and when accessing State services. 42% of trans women in El Salvador claim having experienced problems using their identification document (for example whilst paying bills, claiming inheritance, using their passport)\(^11\).

### Hate crime legislation

In **Honduras**, thanks to advocacy from LGBTI organisations and communities, the Penal Code was reformed in 2012 to sanction discrimination and hate crimes due to sexual orientation and gender identity\(^12\). However, despite the legislation, organisations interviewed highlight that there is no practical application\(^13\). Likewise, in **El Salvador**, in 2015 the Penal Code was reformed to include convictions for hate crimes and threats, but in practice it still lacks application\(^14\). According to the LGBTI rights advocate and founder of COMCAVIS TRANS, Karla Avelar, "the Prosecutor does not have the resources, nor the criminal system the necessary experience and training to investigate and appropriately prosecute hate crimes\(^15\). This year in June, for the first time since 2015, a case of a trans woman murdered by police officers was registered as a hate crime and went before the Peace Tribunals\(^16\).

### Equal marriage legislation

None of the NCA countries has legislation permitting equal marriage or civil union. In **El Salvador**, the definition of the family in the Family Code excludes the possibility\(^17\). In **Honduras**, in 2004 political and religious groups managed to push for the reform of articles 112 and 116 of the Constitution to prohibit same-sex marriage and the adoption of minors by homosexual couples, and invalidated the recognition of marriages of same-sex couples celebrated under foreign jurisdictions\(^18\).

### Access to healthcare

In terms of access to healthcare services, **El Salvador** has an attention protocol in place in hospitals for survivors of sexual violence (prophylaxis, HIV therapies, and in some cases mental health therapy). They also have specialised clinics for the LGBTI community and sex workers. In **Guatemala**, according to an organisation interviewed, the Ministry of Health provides treatment for people in transit with HIV for a period of two months. However, access is easier if these people have their medical history and documentation with them, which is not always the case. Furthermore, since February 2019, the HIV Attention Units of the Guatemalan hospital network have declared a shortage of antiretroviral drugs\(^19\). In general, there is no holistic approach to healthcare provision for LGBTI people in the NCA, and is limited to the response to AIDS/HIV and other severe STDs.
2 Violence and its impacts on the LGBTI population

A. A snapshot of recent violence

Violence and its impacts on the LGBTI population

A rise in the use of firearms in homicides against LGBTI people in the NCA has been observed over the last two years.

More crimes are observed during the month of July, the same month as the celebration of Pride. In Honduras, for example, July was the most violent month of 2019, with 8 violent deaths registered (4 gay people, 1 lesbian person, 3 trans people).

According to a poll of 50 trans women in Honduras, 60% responded having suffered physical violence.

“In April 2019, two lesbians were murdered in Jalapa, Guatemala, with an homophobic message left on their bodies.”

Assassinations of trans people in the NCA in the last year

Honduras

- Bessy Michelle Ferrera, Age: 40, 8 July 2019, Comayagua, Central District, Shot
- Santiago Carvajal (“Santi”), 6 July 2019, Puerto Cortes, Shot
- Antonia Lainez Larios, 3 July 2019, El Negrito, Yoro, Shot
- Shakira (“La Moy”), Age: 20, 8 June 2019, Choloma, Cortes, Stoned
- Fabiola, Age: 28-30, 2 June 2019, Quimistan, Santa Barbara, Stabbed
- Wilmer Adali Hernandez Rapalo, Age: 24, 24 March 2019, Dos Caminos, Villanueva, Cortes, Beaten and burnt
- Laura Gentie Argueta, Age: 31, 2 March 2019 Roatan, Islas de la Bahia, Stabbed

Guatemala

- R. Adelso Rodriguez Alonzo, Age: 24, 28 May 2019, Usutamian, Zacapa, Shot
- Angela Paola Fajardo, 18 May 2019, Guatemala City, Stabbed
- Unknown name, Age: 25, 7 December 2018, Villa Nueva, Guatemala, Unknown cause
- Jessica Areli Ruedas Gomez, Age: 29, 28 August 2018, Jalapa, Stabbed
- A. Sis, 16 July 2018, Salama, Baja Verapaz, Shot

El Salvador

- Lolita, Age: 20, 8 February 2019, Sonsonate, Stabbed
- Camila Diaz Cordova (“Aurora”), Age: 29, 3 February 2019, Soyapango, San Salvador, Unknown cause
- Unknown name, Age: 20, 25 August 2018, Soyapango, San Salvador, Beaten and strangled

Information from the ‘Remembering our Dead’ portal from Trans Lives Matter, from July 2018 to July 2019
B. The lack of data and invisibility of violations

The previous page is a small sample of the latest available numbers of abuses against the LGBTI population, but do not provide a full picture. Although there are important initiatives led by civil society organisations to visualise the situation, there is a lack of reliable official data managed by states on violent acts committed against LGBTI population based on their sexual orientation or gender identity. This is due to various reasons: first, a lack of disaggregated data in the homicide and abuses registries. Authorities register the sex appearing on the victim's identity document, but do not gather data regarding sexual orientation or gender identity. Second, due to fear or distrust of authorities, few victims in the NCA dare to file complaints. This is even more common for LGBTI people, who may suffer abuse and discrimination from authorities. High levels of impunity also discourage people from seeking help, and as consequence, it is estimated that in Honduras, for example, 90% of police abuse cases are not investigated. This lack of information regarding violence rates against LGBTI population makes it impossible to establish the real dimension of the problem and the creation of public policies destined to prevent, protect and care for the LGBTI community.

“people are revictimised over and over again, there is no healing process”
Humanitarian organisation in Honduras

C. Differents agents of persecution

In general, organisations working in the NCA speak of a structural violence, where discrimination against LGBTI people affects their access to basic services, including, education, healthcare, justice and employment, exposing them to greater risks and increasing their vulnerability. Moreover, in the context of generalised and criminal violence, discrimination and homophobia exacerbates and aggravates their protection risks.

Three overlapping categories of agents of persecution can be identified:

- **Family and community surroundings:**

In many cases, violence begins at an early age, in the family and community. According to interviews for this snapshot, in some communities with low educational levels, the lack of knowledge regarding different sexualities and gender identities, as well as the influence of conservative religions, reinforce the rejection toward LGBTI people in their homes and communities. In these cases, people (particularly girls and trans youth) are expelled from their homes at an early age at 12 or 13 years old. In other cases, rejection can lead to abuse and psychological violence, also known as 'corrective violence'. An organisation interviewed working with LGBTI population in Guatemala, reported several cases of people accused of being 'sinner's by their families. In the same country, some trans women are not expelled from their homes, but are subject to double work shifts to comply with both traditional gender roles.

According to several organisations interviewed, churches (Catholic and evangelical) in some communities act as the agents of persecution, particularly in Honduras and Guatemala. In other cases, community groups implement cleansing politics and patrols and provoke the displacement of people they do not consider part of the community. Some schools expel or deny entrance to students who manifest their sexual orientation or gender identity. In Guatemala, conversion therapies persist and there is strong social pressure to participate in these activities. In El Salvador, according to information collected by five civil society organisations on cases of displaced LGBTI persons, 50% of the cases dropped out of school after completing their primary education and only 18% finished high school. The main reasons for dropping out were violence received by students or teachers (34%), sexual harassment of teachers and principals (24%), harassment of teachers (16%) and gang violence (4%).

What with rejection from their families, schools and churches, there are few places left for LGBTI people to find safety and protection. This marginalisation and lack of opportunities results in a high proportion of LGBTI people forced to take on sex work. Many have to survive in the streets, exposed to organised crime, human trafficking for sexual exploitation, as well as physical safety risks and health problems. According to REDLACTRANS, 58% of trans women in Guatemala do not finish elementary school, and 76% work in informal employment, including sex work, in order to survive.

- **Organised crime and gangs**

Gangs controlling territories of a great number of urban communities in the NCA are visibly machistas (macho), and as a result, LGBTI people are at higher risk of attack and persecution. Attacks and homicides of LGBTI people (or those perceived as being part of the population) often have signs of torture, mutilation of genitalia or homophobic messages written on the victims' bodies.

Different criminal groups have different ways of abusing LGBTI rights. Some consider that they do not have “total control if LGBTI people are present in territories”, and therefore they threaten, displace or murder LGBTI persons. In other cases, gangs extort LGBTI people, particularly sex workers. In other cases, criminal groups manipulate and exploit LGBTI people, recruiting them for drug trafficking. According to some of the organisations interviewed, there is the perception that trans women can go unnoticed before authorities or will not be searched by male police officers. Organisations have attended several cases of trans women that have been recruited into criminal gangs and have trafficked drugs across borders, based on the promise of surgeries (breast augmentation or sex reassignment surgery) upon reaching the other country. In some cases, gangs or narcotraffickers finance breast augmentations, but implants are filled with drugs in order to cross borders. An organisation interviewed recently provided a response to a trans woman left alone in the street bleeding, after gang members cut her breast open to recover their merchandise.
• **State agents:**

Homophobic discourses and social attitudes have harmful effects on state institutions. For example, a study in **El Salvador** from 2014 of the National Police found that 67% of officers interviewed said that LGBTI people did not have the same rights as other people under national law. According to another study, 57% of interviewed officers thought that LGBTI people had mental illnesses and only 26% would accept working with them as colleagues. According to the organisations interviewed, LGBTI people in El Salvador do not have confidence in the state institutions, due to the lack of investigation and impunity reported in institutions such as the Office of Human Rights, the National Police, the National Prosecutor’s Office, and the Attorney General’s Office.

These attitudes can lead to violence acts: attacks, abuse of authority and arbitrary detentions. The IACHR has received an important number of reports of human rights violations by security forces including torture, demeaning or inhumane treatment, excessive use of force, and illegal detentions. According to some organisations, these attacks affect people working on the streets the most. Reports have been made of authorities extorting people in exchange for “protection”. In other cases, during arbitrary detentions, people are subject to blackmail and sexual violence. In **Honduras**, certain legal dispositions, particularly the Law for Police and Social Coexistence, result in discrimination against trans people. Article 99 allows for the detention of “street prostitutes”, and article 142 grants the police the authority to arrest “attempts against modesty, good customs and public morals” allowing the abuse and arbitrary detentions of sex workers, and particularly affecting trans women. According to a poll conducted with 50 Honduran trans women, 39% identified members of the police or armed forces as their main aggressors.

In the same country, the LGBTI rights organization, **Cattrachas**, is litigating a case before the Inter-American Court of Human Rights on the extrajudicial killing of a trans woman, Vicky Hernández, during the 2009 coup. According to the Inter-American Commission on Human Rights, “this case presents the Inter-American Court with the opportunity to develop jurisprudence regarding violence against LGBT persons, with special emphasis on the situation of trans women.”

**Most vulnerable profiles**

According to most of the organisations interviewed, the population group within the LGBTI community facing the highest risks are trans women, followed by gay men. The most common explanation is that because of their high visibility, these profiles are more vulnerable to attacks. However, it is also possible that it is easier to identify attacks on trans women, than for example, lesbian women or bisexual people. Attacks on the latter may be underreported in official records and media outlets. There is no data and there is little information regarding the situation of trans men, and homicides are often registered as femicides. It is reported that in general trans men suffer from invisibility in society, but also sometimes within LGBTI and feminist organisations. LGBTI rights defenders are another high risk profile.

“we are reaching the tip of the iceberg of the needs”

Humanitarian organisation in El Salvador
According to the organisations interviewed, in general, LGBTI people in North of Central America are not subject to a single type of violence, isolated event or agent of persecution, but to a combination of several types of violence. This is in addition to structural violence, which hinders access to education, employment and basic services. The few survival mechanisms available, such as sex work or displacement, are dangerous options and often place people at greater risk of abuse, trafficking, disease and human rights violations.
3 Displacement as consequence of violence against LGBTI people

A protection mechanism
Facing expulsion from their homes, discrimination from their communities and social circles, threats and attacks from gangs, in addition to abuses from authorities and general lack of access to basic rights, in many cases, displacement is a coping and protection mechanism for the LGBTI community. According to the UNHCR, 88% of LGBTI asylum seekers from the NCA suffered sexual and gender violence in their country of origin¹¹. According to a study in El Salvador on the causes of displacement, one third of the LGBTI population were displaced due to gang threats, 27% due to homicide attempts based on sexual orientation and/or gender identity, 11% due to physical violence, 9% due to sexual violence, 8% due to extortion and authority abuse, and 2% due to domestic violence¹¹.

Displacement statistics
In terms of persecuting agents, according to information gathered by 5 civil society organisations in El Salvador¹¹, 102 cases of displaced LGBTI people were identified in 2018. In 79% of cases, gangs were perpetrators of the acts of persecution; 17%, the National Civil Police; 2% people from the community; and, 2% their partners. According to the Honduran organisation, Asociación de Derechos Humanos Cozumel Trans, at least 250 people of the LGBTI community in Honduras have obtained asylum in the last eight years, and hundreds more have sought it unsuccessfully¹¹. An organisation from Guatemala interviewed for this snapshot stated that in the course of the year they have served 132 LGBTI displaced people in transit through Guatemala.

“Kataleya lived in a dangerous slum in Guatemala City, known as El Gallito. Kataleya says that when a group of men found out she is a transgender woman, they beat her and sexually assaulted her. She woke up in a ditch. “I got up and went to see my mom...all beaten up,” she says. Kataleya and her mom left the city and headed to a northern region of Guatemala, close to the border with México. “I escaped to another part of Guatemala, and they did the same things to me. I escaped to Mexico, and they did the same things to me.”

Maria Inés Taracena, Arizona Public Media, 2017¹¹

Rejection from host communities
Displacement is not a guarantee of safety or a durable solution for many people, particularly due to discrimination from host communities or authorities, or rejection when searching for employment or housing. According to several organisations, this rejection worsens the displacement cycle, and LGBTI people are often forcibly displaced several times without finding safety. The migratory route is long and there is a high risk of attacks, human trafficking and smuggling, labour exploitation and sexual abuse.

Shelter as a priority need
Organisations interviewed highlighted shelters as one of the LGBTI community’s most pressing need. The governments of the NCA offer scarce physical protection for displaced people; most of the available shelters are maintained by civil society, and few provide specialised or differentiated care to respond to the LGBTI people’s protection needs. In El Salvador, the organisation CONCAVIS TRANS shelters destitute and homeless trans women, but there is no specialised shelter for displaced LGBTI people¹². The Salvadoran Institute for Childhood and Adolescence Development manages a shelter for children and adolescents, but there is no specialised attention protocol or services for LGBTI youth. In Guatemala, the National Protection Network is made up of seven civil society organisations working with UNHCR, develops safe spaces for people in the LGBTI community, and trains the authorities on specific protection needs. However, according to an organisation working in Guatemala, greater efforts can still be made to disseminate information to LGBTI people on the services provided by the network. During the mixed migrations of the 2018 caravans, the LAMBDA Association turned its office in a temporary shelter for 125 LGBTI people, providing lodging and food for people in transit. A shelter just after the Guatemalan border in Tenosique, Mexico, has a separate space for hosting LGBTI people at night. However, according to an organisation working in the region, during the day and in the common areas of the shelter, the other migrants
often discriminate against LGBTI people. Some organisations also mention that there are higher levels of discrimination in shelters run by certain religious groups. A best practice used by several humanitarian organisations is the distribution of cash to enable people to stay in hotels rather than in shelters.

“[They are] lucky if they stay at a shelter or receive services from an organisation, many don’t know that they can seek help”

LGBTI Organisation in Guatemala

Separate or common shelters?

There is no consensus in the literature or among civil society organisations on the best way to offer safe shelter for displaced LGBTI people in transit. For several organisations, providing a space exclusively for LGBTI people is problematic: as the LGBTI population is “a heterogeneous collective that does not necessarily have more affinity to share space among themselves than with heterosexual cisgender people”¹²³, and creating separate spaces can be considered discriminatory. Other organisations perceive that the existing barriers and risks in current shelters (discrimination, micro aggressions and violence) remain high and are unlikely to change in the future, and a temporary and pragmatic solution is to provide separate spaces.

For both solutions, the following considerations are essential¹²³:

- The shelter must guarantee freedom from violence and discrimination, both from employees and volunteers working in the space, as well as from other migrants in transit.
- Protocols that preserve LGBTI peoples’ dignity and rights must be employed for admittance and registration. For example: respecting the use of social names and gender self-perceptions. Special attention must be paid to ensuring ‘do no harm’ and not revictimising people during the needs identification process and initial interview.
- Access to health services must be ensured, by training personnel, providing information about services and guaranteeing that sexual and gender violence response programmes are also available to the LGBTI population (and not only heterosexual women).
- The respect for the principle of ‘do no harm’ must ensure that people are not being rejected or forced to take on greater risks by the shelter (for example by securing that opening and access hours are not harmful for sex workers, or any other restrictions that might cause them to abandon the shelter).

LGBTI networks in the migration route

An important self-protection mechanism are networks run by trans women and LGBTI organisations. Through these networks, LGBTI individuals and families open their doors to displaced people, and enable them to avoid having to spend time in shelters where they can be subject to greater risk¹²⁴. There have been reports of trans people and gay men traveling in groups or caravans as a safety measure for many years now, such as the ‘Caravana Arcoiris 17”¹²⁵.

Asylum applications

According to organisations interviewed, LGBTI people usually seek the United States as their final destination, due to perceiving that they will find protection and greater opportunities. According to a study by the Spanish Agency for International Development Cooperation (AECID), LGBTI people seek asylum in Guatemala only because they lack the economic resources to continue on north, and not because they consider Guatemala as a safe space¹²⁶. The same often applies to Mexico. Despite having sought protection, asylum seekers face a number of risks. An organisation interviewed received reports of asylum seekers in Mexico and the US who were stripped from their documents, requested ‘proof’ of their sexual orientation, and ‘advised’ by authorities to hide their identities and ‘be discreet’ to order to request asylum. Many LGBTI people do not know their rights and do not know that persecution and violence due to sexual orientation and/or gender identity is a valid reason for requesting for asylum. Furthermore, since equal marriage is not legal in the NCA, LGBTI families do not have the necessary documentation to apply for family reunification¹²⁷.

Migration detention

Whilst requesting asylum and waiting for a response, LGBTI people maintained in detention are subject to multiple violations, particularly trans women detained in men spaces and vice-versa. In the United States, the number of LGBTI people in detention is not public, but civil society organisations are aware of at least 300 trans people who have currently been in detention for months or even years. In the US, trans women represent one out of every five trans people who have currently been in detention for months or even years. In the US, trans women represent one out of every five survivors of sexual violence in detention¹²⁸. Reports point to an inadequate access to HIV and hormonal treatment. In the last year, two trans women have died in and after falling ill in detention in the US¹²⁹.

Deportations and returns

For those who abandon the asylum process because of these detention conditions, or have their requests rejected, returning to the NCA can be a death sentence. There is no adequate response or identification of protection needs for those deported¹³⁰, and even less so for LGBTI people. According to an organisation in Honduras, people avoid returning to same area or home that they fled from, and that most of the time, in less than two months they become displaced north again. The severity of this situation was demonstrated recently with the case of Camila Diaz Cordova, a 29-year-old Salvadoran trans woman who travelled in 2018 with the caravan and requested asylum in the United States. After being held in a detention centre for men, she was deported to El Salvador. Finding no employment or safety in her country, she engaged in sex work. A few months later, she was murdered by three police officers, beaten and abandoned on the side of the road¹³¹.
The response of the humanitarian sector

According to interviews with different grassroots organisations, civil society, international cooperation and the United Nations, the humanitarian sector is still learning how to provide specialised attention to LGBTI people, and more practical elements are still needed to improve the "diversity approach" in the response. However, several humanitarian organisations implement protocols to care for LGBTI people, particularly in Guatemala, where UNHCR and LAMBDA have developed minimum standards for differentiated care and have worked in the training of the partners of the National Protection Network, composed of seven civil society organisations and authorities. Several organisations work in training and capacity-building authorities. IOM, for example, has worked for several years with the governments of Central America to elaborate non-binding national work-plans on the protection of the LGBTI community, and has trained Foreign Relations Ministries and migration police staff.

There are very few humanitarian organisations implementing programmes specially targeting the LGBTI population, and resources for specialised services are scarce. According to several organisations, the current needs surpass the response capacity. As a result, most organisations do not openly advertise that they offer services to the LGBTI community, due to lacking the capacity to respond to all of the needs.

The following actions must be prioritised:

1. Strengthening grassroots and local LGBTI organisations, with sustainable financial resources and support for advocacy and strategic litigation.
2. Securing that LGBTI people are consulted and involved in the design, implementation, monitoring and evaluation of the programmes affecting them.
3. Improving the communication of the services offered across the migration routes.
4. Developing/implementing practical tools for a differentiated response.
5. Improving interview processes and training for response teams in the NCA countries and on the migratory route.
6. Promoting more joint advocacy actions amongst civil society organisations.
7. Improving and supporting data gathering processes on needs and protection risks in coordination with civil society organisations.
8. Conducting joint periodical civil society reports on the humanitarian needs of the LGBTI population.
4 Main recommendations

In the three NCA countries, the following immediate actions are required:

**In protection:**
- Recognition from states of the impact of violence on LGBTI people.
- Drafting of legislation on anti-discrimination, on civil documentation allowing family reunification and on gender identity documentation.
- Follow up and legal assistance for human rights abuses of LGBTI people, in particular for sexual violence.
- Strengthening of homicide and hate crime registry systems to include subcategories for LGBTI persons, and public documentation of the extent of the problem.
- Disaggregated information that includes sex, gender and sexual orientation, to ensure that LGBTI populations are documented as victims of forced displacement.
- Recognition of forced displacement, as a consequence of discrimination and violence due to sexual orientation and gender identity, in the three countries, and the ratification and implementation of the necessary legal frameworks to respond to the situation.
- Drafting of protection mechanisms and protocols for deported people with protection needs.
- Awareness raising for state personnel on diversity and the development of processes that prevent re-victimization.

**In education and employment:**
- Access for diverse sex and gender identities in the education system, the elimination of barriers at schools and graduation.
- Employment for LGBTI persons that does not undermine safety and dignity.

**In healthcare:**
- Integral healthcare for LGBTI people that goes beyond HIV treatment, including ensuring access hormonal treatment for trans people, mental health programmes and responses to sexual and gender-based violence, amongst other treatments.

**In shelter:**
- Specialised shelters and safe spaces, free from discrimination, with trained personnel and adequate supplies.

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**Methodology**

This report is based on a systematic monitoring of press reports, operational reports of national organisations and international agencies, and academic documents, as well as semi-structured interviews conducted between July and August with 11 humanitarian organisations.

**Acknowledgements**

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PARTLY FREE

<table>
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<tr>
<th></th>
<th>Score</th>
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<tbody>
<tr>
<td>Political Rights</td>
<td>19/40</td>
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<tr>
<td>Civil Liberties</td>
<td>26/60</td>
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LAST YEAR’S SCORE & STATUS

46/100  Partly Free

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

Institutional weakness, corruption, violence, and impunity undermine the overall stability of Honduras. Journalists, political activists, and women are often the victims of violence, and perpetrators are rarely brought to justice. While Honduras holds regular elections, irregularities surrounding the 2017 presidential poll prompted election monitors to call the result into question.

Key Developments in 2019

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

Political Rights

A. Electoral Process

A1 0-4 pts

| Was the current head of government or other chief national authority | 2 | 4 |
The president is both chief of state and head of government, and is elected by popular vote to four-year terms. The leading candidate is only required to win a plurality; there is no runoff system.

In a controversial 2015 decision, the Honduran Supreme Court voided Article 239 of the constitution, which had limited presidents to one term. President Juan Orlando Hernández of the National Party (PN) was subsequently reelected in 2017, with the Supreme Electoral Council (TSE) announcing in December—three weeks after the actual poll—that he had taken 42.95 percent of the vote. Opposition candidate Salvador Nasralla won 41.42 percent. The OAS noted numerous issues with the electoral process, which it said “was characterized by irregularities and deficiencies, with very low technical quality and lacking integrity,” and appealed for new elections to be held. The government dismissed the OAS petition, and by year’s end the United States, the European Union (EU), and Canada had recognized Hernández as the winner of the election.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

Members of the 128-seat, unicameral National Congress are elected for four-year terms using proportional representation by department. In the 2017 polls, the governing PN acquired an additional 13 seats, but still fell short of holding a legislative majority. The opposition Liberty and Refoundation (LIBRE) party and Liberal Party (PL) lost seven seats, and one seat, respectively. While the 2017 presidential and parliamentary votes were held concurrently, stakeholders accepted the results of the legislative elections; only the presidential poll was disputed.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?
The TSE came under heavy criticism for its administration of the 2017 presidential poll. A preliminary vote count had showed Nasralla with a significant lead, but subsequent updates and the final result—which was released three weeks after the elections—showed a victory by Hernández. The delay prompted protests and widespread allegations of TSE incompetence and bias toward the ruling party. As the vote-counting process continued, OAS and EU election monitors expressed concerns regarding the lack of transparency and irregularities surrounding the presidential vote, and voiced support for Nasralla’s demand for a recount. The OAS eventually called for the poll to be rerun, but authorities dismissed the recommendation.

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

**B. Political Pluralism and Participation**

**B1 0-4 pts**

<table>
<thead>
<tr>
<th>Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?</th>
</tr>
</thead>
</table>

Political parties are largely free to operate, though power has mostly been concentrated in the hands of the PL and the PN since the early 1980s. In 2013, LIBRE and the Anti-Corruption Party (PAC) participated in elections for the first time, winning a significant share of the vote and disrupting the dominance of the PL and
the PN. PAC lost all but one of its seats in 2017, but LIBRE maintained its position as the second-largest party in the parliament.

**B2 0-4 pts**

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?  

Opposition parties are competitive, and in 2017, opposition candidates took a significant portion of the vote in both the legislative and presidential elections. However, the many serious irregularities surrounding the TSE's administration of the 2017 presidential election prompted EU and OAS election monitors to question the validity of the vote count, and the opposition insisted that a PN-aligned TSE had denied the opposition candidate victory in the presidential race.

**B3 0-4 pts**

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

Political and economic elites have traditionally exerted significant influence over political parties, limiting people’s political choices. The military, after decades of ruling Honduras, remains politically powerful. President Hernández’s appointments of military officials to civilian posts, many related to security, have underscored that influence. There were numerous reports of vote buying during the 2017 polling period.

**B4 0-4 pts**

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?  

2/4
All adult citizens may vote, and voting is compulsory. Ethnic minorities remain underrepresented in Honduras’s political system and in the political sphere generally, though there have been modest efforts by the government to encourage their participation and representation. Nongovernmental organizations (NGOs) have also worked to improve minority representation in government. After being criticized for failing to do so in past elections, the TSE in 2017 printed voter information materials in indigenous and Afro-Honduran languages. However, no representatives of the Afro-Honduran (Garifuna) population were elected to Congress in 2017.

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

C. Functioning of Government

C1 0-4 pts

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

In 2014, the Hernández administration eliminated five cabinet-level ministries and created seven umbrella ministries in an effort to cut costs. Critics have argued that the restructuring concentrated power in too few hands. Two new executive decrees passed in 2018 further consolidated power in the executive branch.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 

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

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

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

*Score Change: the score declined from 2 to 1 because evidence of President Hernández’s involvement in the illegal drug trade and the government’s reluctance to extend an OAS-supported anticorruption mission have added to concerns that Honduran officials act with impunity.*

**C3 0-4 pts**

**Does the government operate with openness and transparency?**

Government operations are generally opaque. Journalists and interest groups have difficulty obtaining information from the government. Secrecy laws passed in 2014
allow authorities to withhold information on security and national defense for up to 25 years. The laws cover information regarding the military police budget, which is funded by a security tax, as well as information related to the Supreme Court and the Foreign Affairs and International Cooperation Directorate.

## Civil Liberties

### D. Freedom of Expression and Belief

D1 0-4 pts

| Are there free and independent media? | 1/4 |

Authorities systematically violate the constitution’s press freedom guarantees. Reporters and outlets covering sensitive topics or who are perceived as critical of authorities risk assaults, threats, blocked transmissions, and harassment. A 2017 reform to antiterrorism provisions in the Penal Code justified the jailing of journalists for inciting terrorism or hate, but the law was annulled in 2018.

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

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

**D2 0-4 pts**

**Are individuals free to practice and express their religious faith or nonbelief in public and private?**

4/4

Religious freedom is generally respected in Honduras.

**D3 0-4 pts**

**Is there academic freedom, and is the educational system free from extensive political indoctrination?**

2/4

Academic freedom is undermined by criminal groups, who control all or parts of schools in some areas and subject staff to extortion schemes. Authorities sometimes move to suppress student demonstrations by arresting participants and dispersing the events, and violent clashes between police and student protesters sometimes occur. Students at the National Autonomous University of Honduras (UNAH) clashed with military police when they arrived to disperse a protest against President Hernández. At least five people were injured when police fired live ammunition into the crowd.

**D4 0-4 pts**

**Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?**

2/4

Under the Special Law on Interception of Private Communications, passed in 2011, the government can intercept online and telephone messages. Violence, threats, and intimidation by state and nonstate actors curtails open and free private discussion among the general population.
E. Associational and Organizational Rights

E1  0-4 pts

| Is there freedom of assembly? | 1/4 |

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

Despite the suspension of Hernández’s reforms, hundreds of protests were held throughout Honduras in the following months, with demonstrators calling for the president’s resignation. Tegucigalpa became the site of major protests in August, after Hernández was implicated in his brother’s drug-smuggling operation, on September 15, when Honduras celebrated its independence from Spain, and in October, when the president’s brother was convicted in the United States. Amnesty International reported that authorities regularly used tear gas and live ammunition against demonstrators and bystanders as the year continued, and that six people were killed during protests or government reprisals by year’s end.

E2  0-4 pts

| Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? | 1/4 |

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

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

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<tr>
<th>E3</th>
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<tr>
<td><strong>Is there freedom for trade unions and similar professional or labor organizations?</strong></td>
<td>2/4</td>
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Labor unions are well organized and can strike, though labor actions have resulted in clashes with security forces. The government does not always honor formal agreements entered with public-sector unions. Union leaders and labor activists in both the public and private sector face harassment, dismissal, and violence for their activities. The Solidarity Center reported that a member of the Workers’ Union of Gildan Villanueva SA (SITRAGAVSA) was killed by police in July 2019 when he participated in an antigovernment protest.

**F. Rule of Law**

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<th>F1</th>
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<tr>
<td><strong>Is there an independent judiciary?</strong></td>
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</table>

Political and business elites exert excessive influence over the judiciary, including the Supreme Court. Judicial appointments are made with little transparency, with the
IACHR reporting that the Supreme Court exerts excessive control over appointments. Judges have been removed from their posts for political reasons, and a number of legal professionals have been killed in recent years. Prosecutors and whistleblowers handling corruption cases are often subject to threats of violence.

In 2012, Congress voted to remove four of the five justices in the Supreme Court’s constitutional chamber after they ruled a police reform law unconstitutional. In 2013, the legislature granted itself the power to remove from office the president, Supreme Court justices, legislators, and other officials. It also curtailed the power of the Supreme Court’s constitutional chamber and revoked the right of citizens to challenge the constitutionality of laws. These moves laid the groundwork for the controversial 2015 constitutional change that allowed for President Hernández’s 2017 reelection.

F2 0-4 pts

Does due process prevail in civil and criminal matters?

Due process is limited due to a compromised judiciary and a corrupt and often inept police force, in which many officers have engaged in criminal activities including drug trafficking and extortion. The government has increasingly utilized the armed forces to combat crime and violence. Arbitrary arrests and detentions are common, as is lengthy pretrial detention. In 2017, authorities established several new courts in an attempt to address lengthy trial delays. Authorities in the armed forces have dishonorably discharged members accused of rights violations before their trials have taken place.

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

F3 0-4 pts
The number of homicides rose to 3,996 in 2019, from 3,864 in 2018. Violent crime and gang violence remain serious problems, and have prompted large-scale migration out of Honduras. Many parents opt to send their children towards the United States to avoid gang recruitment, and those who return to their neighborhoods are often targeted by gangs, and in some cases, killed for fleeing the community. In response to widespread violence, the government has empowered the Military Police of Public Order (PMOP) and other security forces to combat security threats, and these units often employ excessive force when conducting operations.

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

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

Honduras has among the highest femicide rates in the world, and these murders are rarely investigated. According to the UNAH, 380 women were murdered in 2018.
Asylum seekers from Honduras and other countries can find themselves held in Honduran territory due to a bilateral agreement signed with the United States in September 2019. As part of the agreement, Honduras agreed to house asylum seekers whose claims were either rejected by or unprocessed by the United States, even if they did not originate in Honduras.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

While authorities generally do not restrict free movement, ongoing violence and impunity have reduced personal autonomy for the country’s residents. Those living in gang-controlled territories face extortion, and dangerous conditions limit free movement and options for education and employment. The Office of the UN High Commissioner for Refugees (UNHCR) estimated that over 247,000 people were internally displaced in Honduras at the end of 2019.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

Corruption, crime, and gang activity inhibits the ability to conduct business activities freely and dissuades entrepreneurs from establishing new businesses. Those who work in the transportation sector (taxi and bus drivers) are notable targets of gangs, but many are unable to flee for fear of retaliatory violence against themselves and their families.
Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

Same-sex marriage remains illegal in Honduras. In 2018, Congress approved legislation that banned same-sex couples from adopting children, over the objection of activists who called the bill superfluous and discriminatory. Despite their opposition, the law came into force in March 2019. Abortion is illegal in Honduras, including in cases of rape or incest, and women accused of terminating their pregnancies face prison terms of up to six years. Emergency contraception is also prohibited. Domestic violence remains widespread, and most such attacks go unpunished.

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

Lack of socioeconomic opportunities combined with high levels of crime and violence limit social mobility for most Hondurans, and exacerbate income inequality. High youth unemployment and low levels of education help to perpetuate the cycle of crime and violence.

Human trafficking is a significant issue in Honduras, which serves as a source country for women and children forced into prostitution; adults and children are also vulnerable to forced labor in the agriculture, mining, and other sectors, and as domestic servants.
TAB 25
Baseline Assessment - Honduras

Scaling up Programs to Reduce Human Rights-Related Barriers to HIV Services

November 2018
Geneva, Switzerland
provided/people to be reached/trained will be multiplied by the intervention-level cost to provide an annual cost for each activity. Annual costs are required because some activities only take place every few years, such as the PLHIV Stigma Index, and others require capacity building or other activities in the first year that are not needed in later years. Comment boxes to the right of each activity in these calculation tables show where the data came from to construct the calculation. These calculation tables were used to provide overall Program Area and Activity sub-activity budgets (see Annex 3), for each of five years as well as a five-year total. To account for the underestimation of the costing of activities by program area due to underreporting of some program-related costs, we have added a percentage share of program management (15%) costs to the total prospective costing calculation for each of the seven program areas (applying the assumptions GF uses for the reporting on the share of its investments in key populations services and programs to address human rights-related barriers, as mandated by KPI 9b), as well as specific activities of monitoring and evaluating and investigating to measure stigma and discrimination in HIV and key populations. These budgets were used to construct the five-year totals provided at the end of the HIV section of this report.

Furthermore, the rate of inflation was utilized and other elements were considered, such as previous costing estimates and average unit costs for necessary supplies for activities, all with the objective of unifying and standardizing unit costs.

**Limitations**

With regards to the retrospective costing, it should be noted that the tool for data collection was sent to a wide range of organizations, including key population networks, UN agencies (notably WHO, UNFPA UNAIDS), and INGOs involved in the response to HIV. This often involved visiting these organizations repeatedly for orientations on the tool and follow-up, as well as telephone conversations. Many organizations were not comfortable providing financial information, so the cost estimate of existing programs is likely an underestimate. Though unit costs for many outputs have been calculated, it was not possible for a number of activities, as it was extremely difficult to separate out the expenditures incurred for each of these activities because many headings including salary, utilities, transportations, and communications were shared by other interventions also. Moreover, many interventions also have multiple outputs at the same time. Further costing considerations are described in detail in Annex 4.

3. Findings: HIV

3.1 Overview of epidemiological context and key populations and populations in vulnerable situations

According to estimates and epidemiological projections by the Secretary of Health and UNAIDS in 2015, the adult prevalence of HIV for Hondurans ages 15-49 is 0.4%. While the registration system in Honduras has a breadth of challenges that make it difficult to know the actual numbers of all people living with HIV in Honduras, Honduras registered an accumulated 34,258 cases of people living with HIV between 1984 and 2016. In 2016, 755 new infections were reported, 65% male and 35% female, with the most advanced infections occurring in the regions of Cortes, Francisco Morazan, and Atlantida. Sexual transmission is the

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most common path by which transmission takes place in Honduras. In recent years, according to one study of Honduras in 2015, over 90% of new HIV infections are transmitted through heterosexual intercourse, with women accounting for a majority of these new infections. At the end of 2016, there were 10,848 people taking antiretroviral therapy, which is estimated to be about half of those living with HIV.

Honduras has a concentrated HIV epidemic among the following key populations: men who have sex with men, transgender people/transvestites/transsexuals, and female sex workers. Populations in vulnerable situations also report higher prevalence. These groups include incarcerated populations, as well as in the afro-Hondur population, an ethnic minority in Honduras. The Inter-American Commission on Human Rights notes in a 2015 report that the dramatic increases in the prison population in the past decade have contributed to “serious structural deficiencies...in which the fundamental rights of prisoners are systematically violated.” The majority of prison facilities rely on a “self-governance” system authorities have limited control over many day-to-day functions within prisons. As a consequence, Lesbian, Gay, Bisexual, Transgender/Transsexual and Intersexed people are often particularly discriminated against. This is exacerbated by the failure of some prison facilities fail to effectively segregate male and female inmates or effectively classify the prison population, increasing the chances of sexual assault discrimination on the basis of sexual identity.

The provision of health services, especially for populations in vulnerable situations, is extremely poor in the prison system – a 2013 report found that the average number of inmates per physician was 1,446, with one large prison having a medical doctor visit only for three hours a day. In this context, where even basic health care needs are not met, inmates with HIV-specific health concerns are especially unlikely to have their needs met, despite the presence of Integrated Attention Centers (CAI) in some prisons. The PENSIDA IV report notes that there continue to be difficulties in providing condoms to inmates in some prisons due to concerns that these be used for violence or suicide attempts.

In 2012, the HIV prevalence among sex workers was 3.3% in Tegucigalpa, 6.7% in San Pedro Sula, and 15.3% in La Ceiba. For men who have sex with men, the prevalence was 6.9% in Tegucigalpa, 10.7% in San Pedro Sula, and 11.7% in La Ceiba. In the urban Garifuna population, men had an HIV prevalence of 4.4%, and women had a prevalence of 4.6%. As for rural Garifuna, men’s prevalence was 1.6%, and women’s was 4.9%. In terms of geographic distribution, reported prevalence is highest in the departments on the

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15 CONASIDA, Gobierno de la República Honduras, ONUSIDA. (2015). Resultados del Informe Nacional de Progreso de la Respuesta contra el VIH y el Sida.
16 Gandhi AD; Pettifor A; Barrington C; Marshall SW; Behets F; Guardado ME; Farach N; Ardon E; Paz-Bailey G. (2015). Migration, Multiple Sexual Partners, and Sexual Concurrency in the Garifuna population in Honduras. AIDS Behavior 19(9), 1559-1570.
22 CONASIDA, Gobierno de la República Honduras, ONUSIDA. (2015). Resultados del Informe Nacional de Progreso de la Respuesta contra el VIH y el Sida.
Atlantic coast and in the Sula Valley, though the highest numbers of people living with HIV are in the urban areas of Tegucigalpa, San Pedro Sula and La Ceiba. The PENSIDA IV report noted an alarming increase in HIV incidence between 2006 and 2012 in HIV prevalence among key populations, though the reasons for these increases are not entirely clear.

3.2 Overview of the policy, political and social context relevant to human rights-related barriers to HIV services

3.2.1 Protective laws (with challenges of enforcement)

Honduras has a relatively progressive legal framework with regards to the rights of people living with HIV, though overall protections of human rights are less developed.

The Optional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights (Protocol of San Salvador) was ratified by Honduras on November 10th, 2011. The State presented the National Reports corresponding to the First and Second Groups of Rights in June 2017, in accordance with its international commitments, a process that was carried out in coordination with the relevant institutions from the Special Response Group on Human Rights. These reports were evaluated by the Protocol of San Salvador Working Group, who commended the State for having included the majority of the indicators in their reports and urged for compliance on the missing indicators in time for the next State report.

In 1999, a “Special Law about HIV/AIDS” (Ley Especial sobre VIH/Sida (Decree No. 147-99)) was approved, with the main objectives of establishing mechanisms for inter-institutional coordination of efforts, assigning duties to government entities and roles for civil society in the context of HIV, and to solidify the rights and duties of people living with HIV. The law explicitly acknowledged the right of people living with HIV, including those who are incarcerated, to access timely and appropriate health care, and established anti-discrimination regulations for health care professionals, employers, and within educational settings. The law also formally led to the formation of the National Council on HIV/AIDS, known as CONASIDA (La Comisión Nacional de Sida), which is responsible for coordinating the national response to HIV and integrating it into the government institutions in which it is relevant. This was followed by the development of the Plan Estratégico Nacional de Sida (PENSIDA), with the goal of developing a coordinated, national-level governmental response to the epidemic. At this time, PENSIDA IV is the most current version of this plan. The response advocates not only for prevention, but also treatment and support for people living with HIV. The enforcement of the human rights components of these laws is enforced through the National Commission of Human Rights (CONADEH – Comisionado Nacional de los Derechos Humanos).

As of 2013, the reform of the Penal Code, Article 321, prohibits discrimination based on sex, gender, age, sexual orientation, gender identity, party membership or political views, marital status, being a member of an indigenous or Afro-descendant group, language, nationality, religion, family status, economic or social status, different abilities or disability, health conditions, physical appearance or any other factor that

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violates the human dignity of the victim and establishes such discrimination as a potentially aggravating factor in a range of crimes.\textsuperscript{25} In reality, however, it does not seem to afford much protection.

At the sub-national level, individual cities and municipalities have considered legislation to protect the rights of people living with HIV and other key populations. In 2014, San Pedro Sula was the first city in Honduras to put in place a policy that would increase the rights and dignity of people living with HIV with relation to workplace policy. The act recognizes the response to the epidemic as a corporate social responsibility, meaning that the dismissal of employees living with HIV, hiring discrimination, and mandatory HIV testing are violations that are prohibited in the workplace. Further, status confidentiality between employer and employee was stressed. However, since 2014, no other cities have moved forward significantly on employees’ rights in the context of HIV.\textsuperscript{26}

In 2017, the Government of Honduras Secretary of Health set out a proposal plan for an integrated and sustainable health system plan, known as the Plan de Sostenibilidad. This plan focuses on TB, Malaria, and HIV, and the integration of a national system that encompasses health and social problems associated with them. This includes implementing an integrated information system of health (SIIS) for HIV, malaria, and TB, and to develop an advocacy resource to assure sustainable reporting of the diseases and contribute to an analysis in risk reduction. Specifically for HIV, the focus is in lowering cases and transmission rates, and making an emphasis on key populations, human rights, and gender equity. This plan has yet to be finalized.\textsuperscript{27} How the punitive legal environment acts as a barrier to HIV services in Honduras will be examined in section 2.5.

\textit{Challenges of enforcement and other gaps:}

While this legal framework provides a robust system for the protection of the human rights of people living with HIV, enforcement and implementation of these legal protections remain poor. The failure to operationalize legislative protection in part reflects broader challenges within the Honduran legal system, including more broadly around human rights, though there are a number of particular features related to HIV. Generally, research participants reported that these laws provided little in the way of direct protection, with a general culture of impunity regarding violations of the rights of key populations (KII1, KII3, KII12, FGD1,3). This is supported by evidence of prosecutions or resolutions of reported cases of human rights abuses. In 2016, CONADEH reported 58 complaints related to HIV and AIDS received nationally which corresponded to the following issues: 10 on the right to personal integrity, 11 regarding the right to work, 1 regarding the right to life, 3 regarding the right to due process, twenty-seven regarding the right to health, and 5 regarding the right to personal security and privacy.

Although CONADEH has attended a considerable number of cases, the focus group informants have mentioned that the actual incidence of discrimination would be much higher if there were more effective


\textsuperscript{27}Secretaría de Salud, Gobierno de la República de Honduras. (2016). Plan de Sostenibilidad de las Subvenciones de Malaria, Tuberculosis y VIH/SIDA, Propuesta.
implementation mechanisms in place. The relative impunity that arises due to the ineffective mechanisms enabled was broadly acknowledged by virtually all research participants as a point of frustration (e.g. KII1, KII3, KII12, KII16), though many also viewed this as part of a general challenge with the implementation of laws regarding human rights and law enforcement generally. Finally, the Special Law itself includes no specific protections for Lesbian, Gay, Bisexual, transgender people/transvestites/transsexuals and Intersexed people, including their broader right to treatment or health care– the exception being for HIV (KII6, KII18). The age of consent to HIV testing and other health services is 18, limiting the ability of adolescents and children to access services without parental consent.

3.3 Human rights-related barriers to access, uptake and retention in HIV services

The major barriers to the full realization of human rights identified through the Desk Review and confirmed by the key informants and focus groups were:

- Stigma and discrimination against key populations and populations in vulnerable situations, including people living with HIV, is pervasive and includes continued stigma and discrimination in relation to HIV generally, specific stigma related to belonging to certain populations, and significant self-stigma.
- The lack of effective implementation of legal protections and punitive regulations for people living with HIV represents a persistent barrier to access for key populations, particularly female sex workers, men who have sex with men, transgender people/transvestites/transsexuals, and people who use drugs.
- Gender inequalities and power dynamics create vulnerabilities for women and adolescent girls, particularly in the context of intimate relationships.
- Sociocultural, physical and economic barriers – including the inability to pay for health insurance, transportation and physical travel to ART centers and laboratory tests for monitoring treatment – is a salient barrier for people living with HIV to access, enroll, and remain in services.
- Inconsistent quality of service in the health care settings, including stigmatizing and discriminatory treatment and a lack of empathetic and holistic approaches to care represents a significant barrier to effective use of available services.

It is important to also note that many other barriers to services were identified - including a lack of facilities for assessing viral load, leaving people uncertain about effective treatment options; and limited HIV and/or ART centers, which mean people living with HIV may have to travel on difficult roads and/or long distances for treatment (especially in rural areas). While these barriers do not fit squarely under any of the headings below, they all affect standards of availability, accessibility, acceptability, and quality of services, and thus the realization of the right to health. Furthermore, there are a number of broader contextual factors related to human rights that impede access to services that are beyond the scope of this assessment but merit discussion. These include the extremely high rates of violence in Honduras; high rates of poverty, especially in rural areas; unequal gender norms and practices, which in turn influence the very high rates of gender-based violence in the country; corruption; and the impunity that results from a legal system that is unable to cope with the level of criminal behavior.
3.4 Stigma and discrimination

Despite the right to live free from discrimination being an immediate legal obligation in all human rights instruments to which Honduras is a party, participants in interviews and focus groups described stigma and discrimination against key populations and populations in vulnerable situations, including people with HIV generally, as pervasive, confirming findings from the desk review. Low level of knowledge, attitudes, and social norms negatively contribute to the formation and resiliency of stigma in all levels of society. In the country’s Global AIDS Monitoring progress report\textsuperscript{28,29}, it was reported that only half of respondents in a survey would buy fresh fruits from a vendor with HIV. One recent report stated that the level of stigma experienced is higher among the following groups: older people, transgender people/transvestites/transsexuals, those with lower levels of education; people who have migrated to another country, bisexuals, and those whose self-perception of their health is particularly low.\textsuperscript{30} High levels of discriminatory attitudes were also found in a public opinion survey conducted by USAID in 2016, with 35.5% of Hondurans believing that God punishes sex workers and gay men with HIV for their way of life; 33.3% agreeing that employers should have the right to test prospective employees for HIV; only 41% agreeing that women living with HIV have the right to become pregnant; almost 70% agreeing that children living with HIV should have to receive a separate education from the general population of children; and only 85.6% of respondents agreeing that people living with HIV should have access to public spaces.\textsuperscript{31}

Overall, 40.3% of people living with HIV said they had encountered forms of stigma and discrimination, and only 15% of people living with HIV felt they could comfortably disclose their HIV status beyond their close friends and families. Even within the healthcare settings, issues with confidentiality, stigma and discrimination are relatively commonplace for people living with HIV in Honduras.\textsuperscript{32}

The high level of stigma experienced by people living HIV has a number of negative impacts on the utilization of services, rapid diagnosis and treatment, adherence to treatment, and the realization of the rights to quality care that Hondurans are entitled to.\textsuperscript{33} Because of actual and feared stigmatization by the community as well as service providers and the fear associated with being diagnosed as HIV-positive, individuals are often reluctant to get tested. As a result, many people living with HIV are not aware of their HIV status and less than half of people living with HIV in Honduras are receiving antiretroviral treatment.\textsuperscript{34}

In one report, 11.8% of those interviewed reported mistreatment in health services, and 20.5% considered it necessary to hide their diagnosis of HIV from health providers.\textsuperscript{35} Not only do stigma and discrimination violate the human rights of those who suffer, they also obstruct the efforts of public health in the prevention

\textsuperscript{28} UNAIDS. Global AIDS Monitoring. \url{http://www.unaids.org/en/dataanalysis/knowyourresponse/globalaidsprogressreporting}


\textsuperscript{31}PEPFAR, USAID, PASCA. (2016). \textit{Estigma y discriminación en relación al VIH y sida en Honduras: Encuesta de opinión pública 2013-2016}.

\textsuperscript{32}Elías CDV, Ortega YG. (2014). \textit{Cuidado de Enfermería en Pacientes con VIH: Estigma y Discriminación}. Revista Científica de Enfermería, 16(11), 24-36.

\textsuperscript{33}Ciudad, JM, González RA, LLAVES. (2014). Informe Ejecutivo: Índice de Estigma en Personas que Viven con VIH.


of new HIV infections and the reduction of impact of the epidemic on individuals, families, and communities.\textsuperscript{36} This is true within the health-care system itself, where experience with stigmatizing attitudes and behaviors can have strong effects on a person’s likelihood to search out testing, participate in treatment, and become adherent to treatment\textsuperscript{37}, a pattern confirmed by respondents in both the KIIs and FGDs (e.g. KII1, KII2, KII3, KII8, KII11, KII15, FGD1, FGD4).

There was strong consensus among research participants regarding the importance of HIV-related stigma and discrimination as a barrier to the realization of the rights of individuals. For example, fear of a positive diagnosis and the resulting stigmatization was listed by multiple respondents as resulting in avoidance of testing (KII1; KII3); others mentioned the risk of being recognized while attending specialized services and then being labelled as being HIV-positive as a barrier to seeking care (KII2, KII11; FGD1); and others reported that employers commonly require individuals to undergo HIV-testing (often disguised as part of a general health check) prior to being considered for employment (KII10, KII11, FGD1, FGD2).

**Stigma related to key populations and populations in vulnerable situations**

Key populations and populations in vulnerable situations often encounter multi-layered forms of stigma and discrimination that are based both on their identification as members of these populations and because of the assumed relationship this identity has with HIV, as exemplified by a focus group participant who said:

“if they [health system personnel] see a trans girl who was stabbed, they don’t even want to touch her because of the stigmatization, that all the homosexual people and trans have HIV...so what do they do? They wait to have her tested to see if she has HIV or not...they won’t attend to her because there might be contact and the medical staff might get infected” (FGD1)

Research participants reported high levels of stigmatization and discrimination based on sexual orientation, with both **men who have sex with men** and **transgender people/transvestites/transsexuals** being particularly vulnerable in this regard (KII18, FGD1). As in other settings, non-hetero-normative sexual orientations are considered by many in Honduras to be immoral and sinful, creating psychosocial pressures that are particularly acute when paired with a positive HIV diagnosis (KII18, FGD3). The consequences of this can be severe - in some cases, participants reported cases where individuals were denied the right to basic health care due to suspicion of their HIV status (KII18), as recounted by an FGD participant in San Pedro Sula:

A similar dynamic is true for **female sex workers**, who occupy an uncertain legal position in Honduras. They simultaneously experience the stigma and discrimination associated with being women in a society where women are very disadvantaged and being a sex worker. Women in their profession are often viewed as promoters of immorality and are assumed to be HIV-positive (KII2). While not mentioned as often by research participants, other populations such as **incarcerated people** and **people who inject drugs**


also faced multiple forms of stigma and discrimination, again often because of the assumed links these groups have to HIV.

**Direct impacts of stigma on accessing services**

**Fear of disclosure of HIV-status**

Research participants reported the fear of disclosure of HIV-status (or the assumption of being HIV-positive) as being a significant barrier to the use of HIV services for all key population groups. In particular, participants reported that being seen using services would effectively ‘label’ them as someone living with HIV (KII, FDG1). This fear was particularly acute when referring to centers dedicated to or specializing in providing HIV care, such as the VICITS (Vigilancia Centinela de las Infecciones de Transmisión Sexual) and SAI (Servicios Atención Integral) centers, where research participants described how being seen resulted in assumptions and gossip about their HIV status (FDG1). This fear was also true in more integrated or mixed health settings, however – several research participants noted that the lack of confidentiality within the medical system allowed access to medical information to a wide range of staff members and increased the chances that others also being attended would assume HIV status based on the types of medication or treatments being prescribed, or the particular doctor who was attending them (KII1, KII2, KII3, KII8, KII11, KII16, FDG1). As one FGD participant described it “that is why they won’t want to go to a VICIT clinic, because of fear of ‘signaling’, the signal that because she goes there, she has an infection” (FGD1).

**Poor quality service in health-care settings**

Research participants reported wide variations in the quality of the service in health care settings, particularly as this relates to stigmatizing behaviors, confirming findings from the desk review. Often, participants discussed individual doctors or groups of staff members who were trusted and viewed as creating safe and comfortable environments, but the system as a whole was not viewed as being empathetic to the needs of patients or respectful of their needs (KII, FDG). Several participants noted that doctors viewed them solely as HIV patients, often largely ignoring other health needs and failing to provide holistic and comprehensive care (KII, FDG). As one FGD participant described her visit to the clinic, “on one occasion I went with stomach pain and problems with hemorrhoids and the first things she [the doctor] did was check if I needed an HIV test...in the end she didn’t do anything, she made me waste my time because she checked my throat and pelvis, but nothing for the stomach” (FGD1). Participants reported feeling labelled solely as HIV patients rather than being treated as an individual with particular health needs – as one female sex worker described it, the health staff only considered her “from the waist down” (KII2), echoing the findings of earlier studies.

These issues with treatment were often compounded by explicit experience with stigma in the health setting itself. Focus group participants discussed experiences with health care providers, including a counsellor, where the providers explicitly blamed clients’ immoral behavior for their infection and suggested religious conversions or treatments (FGD4). In some cases, participants reported medical staff enquiring about

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39 Key Informant Interview with Mirta Leticia Valle at CEPROSAF, Oct 13, 2017.
future plans to have children and suggesting women living with HIV not have children (KII12, KII18, FGD2). Even more common was a disregard for confidentiality and privacy, with health records commonly shared among staff and medical students routinely attending or conducting examinations without the prior consent of the patient (FDG1, FGD4). In more extreme cases, as described above, respondents reported knowing of cases where patients suspected of being HIV-positive were refused prompt treatment (KII18, FGD1).

Overall, there was general consensus among participants that the medical system in its current form was failing to treat people living with HIV with any significant degree of empathy or humanity, creating an environment where patients have little choice in their treatment and are often treated in a judgmental fashion (KII6, KII9, KI11, FGD3). This lack of empathy and the dehumanization of people living with HIV and other key populations was reported as taking multiple forms. In addition to feeling largely viewed from the perspective of their status as members of key populations and their serostatus, respondents reported numerous indignities they experienced within the medical setting. This ranged from the violations of confidentiality and privacy described above to open discrimination from medical personnel. One example of the latter was an insistence of many medical staff on calling transgender people/transvestites/transsexuals by their male or ‘birth’ name rather than their preferred ‘assumed’ name and continuing to refer to them using male pronouns (KII18, FGD1). Multiple respondents reported being asked to be at the clinic early in the morning, only to wait hours for treatment, while others reported punitive practices related to inflexible application of clinical guidelines. One key informant described missing her appointment by a day as the result of a scheduling mistake, which led to her being given only one week of medication and required to consult with a psychologist before returning for another appointment where she was given her medication (KII6). This pattern was confirmed by the accounts other people living HIV in focus groups, who also viewed this process as representing a punishment rather than as a safeguard against discontinuation (FGD3).

The failure of the medical system to provide services in a humane manner was viewed as a major barrier to the effective use of these services, dissuading individuals from continued use of services (KII4, KII8, KII9, KII11, KII18, FGD3). These barriers are especially problematic for those for whom accessing services is already difficult – for example, potentially having to return twice in the space of a week is especially difficult for people from rural areas who have to travel long distances, navigate dangerous and unfamiliar neighborhoods, and for whom cost is a major factor (KII11). Other practices, such as setting up appointments in the early morning, pose problems for key populations, such as sex workers, who often are working at night (KII1,2, FGD1). Unfortunately, respondents reported that in many regards the lack of humane treatment has worsened in recent years, despite efforts to sensitize medical staff. When asked why this is the case, numerous respondents pointed to recent changes to the health system that have increased the rotation of staff, meaning that efforts to sensitize individual doctors or staff members to the needs of specific populations are often wasted when the individual is required to move to another center (KII3, KII5, KII7, KII8, KII12, KII13, FGD1).

3.5 Punitive policies, laws and practices

Criminal laws
The legal environment surrounding HIV in Honduras carries both positive and negative laws and policies that affect people living with HIV, including key populations and populations in vulnerable situations affected by the disease. Throughout the legal framework in Honduras, there is a strong emphasis on wording in the language that describes not only the “rights” of people living with HIV defined and pushed as necessary to be protected, but also their “duties.” With regard to HIV, these ‘duties’ are often linked to punitive laws or policies that potentially represent barriers to the access individuals and groups have to health services and the level to which these services are used.

One prominent example of this is Articles 180, 184 and 186 of the Criminal Code of Honduras (Decree No. 144-83), which require compulsory disclosure of serostatus to intimate partners and criminalize intentional transmission. Article 180 declares that: to anyone who intentionally spreads a dangerous illness or causes an epidemic through the spread of pathogens, there will be imposed an imprisonment for 3 to 6 years. Article 184 states: If the configured crimes from the preceding articles prove the death of a person, they are liable to be punished with a sentence of homicide, depending on the circumstances of the incident. And finally, article 186 declares that anyone who violates the provisioned measures may be punished with imprisonment of six months to two years in order to prevent the introduction or spreading of an epidemic.41

While both key informants and key population groups interviewed as part of FDGs were aware of the broad legal framework, including the more punitive aspects, few mentioned them as very significant barriers to their use of HIV services specifically—rather, as described above, most simply viewed the laws and policies designed to protect their rights as poorly implemented and enforced (KII1, KII3, KII5, KII6, KII10, KII11), or in the context of broader stigmatization or discrimination against particular key populations. A general lack of knowledge about these laws, both in the general population and within key population groups, was also seen as contributing to an acceptance of violations of rights, even when these were linked to lower use of services by key population groups (e.g. KII2, KII3, KII15). Among the key populations research participants mentioned as having particularly fewer legal protections, on paper or in practice, were female or transgender sex workers, transgender people/transvestites/transsexuals and Lesbian, Gay, Bisexual, Transgender/Transvestites/Transsexual and Intersexed people.

The concerns of female sex workers and, to a lesser extent, transgender people/transvestites/transsexuals sex workers, centered primarily on the ambiguity of the legal status of sex work in Honduras. While sex work is not penalized, the law of Citizenship Coexistence prohibits the presence of sex workers in the night-time hours, creating situations where sex workers are particularly vulnerable to police harassment (KII2). This ambiguity also makes it much more difficult to seek protection from police in the event of abuse on the parts of clients, street gangs and others – as both key informants and focus group participants described it, the only applicable rules for much of their work is the ‘law of the streets’ (KII2, FGD1). Furthermore, because sex work is not officially recognized as a legal profession, sex workers cannot take advantage of legal protections in the workplace, contribute to pension plans, or use their employment as justification for bank loans, all of which contribute to the economic vulnerability many commercial sex workers face (KII2, FGD1).

The reforms to the Penal Code (Article 321), enacted in 2013, prohibit discrimination based on sexual orientation and establishes such discrimination as a potentially aggravating factor in a range of

41 Código Penal de Honduras. Decreto 144-83 de 26 septiembre de 1983.
crimes, but in reality it has not seemed to afford much protection for the Lesbian, Gay, Bisexual, Transgender people/Transvestites/Transsexuals and Intersexed population. Numerous observers in the baseline assessment noted high levels of violence and hate crimes against Lesbian, Gay, Bisexual and Lesbian, Gay, Bisexual, Transgender people/Transvestites/Transsexuals and Intersexed people, which has also been documented by the Inter-American Commission on Human Rights, among others. While violence, included gang violence and violence perpetrated by organized crime networks, is generally among the highest in the world per capita in Honduras, Lesbian, Gay, Bisexual, Transgender people/Transvestites/Transsexuals and Intersexed people are particularly targeted because of widespread stereotyping and discriminatory attitudes. Efforts to address the violence (including stronger language in the proposed Law of Gender Identity) have encountered particularly strong opposition from religious and cultural groups – these discriminatory views have even led civil society organizations to avoid using the terms ‘gay’ or ‘LGBTI’ in their names or statutes, as this is viewed as attracting greater opposition (KII18). When asked about specific vulnerabilities faced by different groups, however, a number of focus group discussants spoke of the specific difficulties the transgender population faced, in part because they are unable to ‘hide’ their identity in the way that a gay man, for example, may be able to (FDG4).

Health policies and practices
In addition to specific components of the legal framework that pose human rights-related barriers to the access and use of services by key populations and populations in vulnerable situations, research participants also pointed to specific policies and practices within the health sector as being significant obstacles to their use of health services. As noted above, everyday practices within clinics may contribute significantly to the stigma patients may feel and to the quality of the care they feel they receive. In particular, respondents reported specific practices (some described in more detail above) that they viewed as especially problematic:

- A lack of empathy and understanding of the constraints faced in accessing health care. While this was particularly clearly described in terms of the policies around missed appointments for ART monitoring, as described above, this was a consistent concern for all groups included in the research.
- In some cases, respondents reported feeling that care was at times driven by core indicators that the health system or service provider was being assessed by (such as the number of new cases identified). As one FGD participant described “they are just numbers, what matters to them is numbers...the human being becomes dehumanized to turn them into numbers, and that is where there is a lack of focus on human rights” (FDG4). This was true also for civil society organizations – for example, respondents in two different locations reported that a civil society organization that they worked with had a policy of providing them with only 17 condoms and seven lubricants per year, numbers that were clearly insufficient for many of them. While commercial sex workers were provided with larger quantities (130 condoms per year), this also was much less than required, meaning that a visit to a health center was required in order to

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44 Ibid.
access affordable condoms. Respondents reported suspecting that this was because the organization had committed to a target number of individuals to whom condoms and lubricants would be distributed, rather than a genuine attempt to appropriately provide for their needs (KII9, FGD1, FGD4).

- As noted above, the persistent use of ‘birth names’ for transgender people/transvestites/transsexual individuals in the medical setting, even when it was requested that the social name be used, was of particular concern to this group, particularly as the law does not provide the option of easily changing names or gender on formal identification documentation.

- While medical services for people living with HIV are by law provided free of cost, it is clear that in some cases people living with HIV face pressure to pay for services or medication – this is particularly the case for more specialized treatments (KII14).

- A further policy mentioned by both key informants and focus group participants related to how the needs of youth were catered for within the health system, including by civil society organizations (KII6, KII18, KII13, FGD1). According to these accounts, minors, including those separated from their families, require parental permission to access most services, and civil society organizations are unable to provide them with any form of service. This means that even street children or children victims of sexual exploitation have few options to access critical components of prevention services, such as access to harm reduction, condoms or lubricants, or testing and treatment.

- Finally, there was virtually complete consensus among research participants that recent changes to the health system, particularly in shorter term contracting of health workers and much more frequent rotation of staff, were problematic (KII3, KII5, KII7, KII8, KII12, KII13). From the perspective of individual clients, these policy changes have disrupted established relationships with individual doctors and staff members who are viewed as particularly sensitive to the needs of key populations. From the perspective of civil society and government organizations that focus on capacity building and sensitization of medical personnel, this means that significant investments in building relationships and understanding with staff must effectively start over once individuals are rotated out and new staff is introduced. In the absence of standardized and institutionalized capacity-building programs for health staff, this creates considerable variations in the quality of the service experienced at health centers and may lead to lower utilization of services. This is particularly an issue because doctors and nurses in the SAIs do not have to be HIV specialists or even necessarily receive specialized training in HIV treatment, especially outside of the major urban centers.

- The organization of healthcare facilities can be confusing and frustrating for patients.45 In particular, the fragmentation of services, which requires that patients sometimes have to move between sections of hospitals or attend different facilities for different types of services, such as testing and counselling or laboratory analyses. While respondents did feel that the integrated systems were easier to navigate, this challenge remained for some (FGD1).

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3.6 Gender inequality and gender-based violence

Gender inequalities exacerbate women’s risk of acquiring HIV around the world, making it a key component of commitments to end the epidemic. Gender inequality in the context of HIV shapes the health and well-being of women with HIV through harmful gender norms and violence, stigma and discrimination, lack of decision-making power and control over economic resources, and limitations of sexual and reproductive freedoms. Honduras also has one of the highest murder rates in the world, as well as one of the highest femicide rates. USAID reports that violence and crime, including gender-based violence, is the most destructive social problem in Honduras. Data presented by the National Observatory of Violence in 2017 reported that between 2009 and 2016, 3,962 women were murdered. In 2016 there were 463 cases of femicide and 388 in 2017, with impunity in the resolution of cases as high as 95%.

An estimated average of 3077 reports of sexual crimes against women and girls have been made over the past five years, with only 25% reaching the courts. Prior research found that in 60% of cases where women were murdered, the alleged aggressors were partners, ex-partners, or relatives, suggesting a high level of intimate partner violence.

Recent research in Honduras found a direct relationship between HIV infection and accounts of power inequality, physical abuse, psychological, sexual, and verbal abuse, as well as the inability to decline sexual relations with their partner, or negotiate for safe sex for one-third of women. This reality was noted by research participants as well, who noted both that women in abusive relationships were less likely to be able to take steps to protect themselves from infection or seek effective treatment (often the result of fear of stigma associated with the husband’s status being disclosed) and that women living with HIV were also subject to higher rates of violence as a result of their condition (KII, FGD).

Women living with HIV also face specific violations of their reproductive rights. Women living with HIV in Honduras have experiences of forced or coerced sterilization, often a feature of the HIV experience in Latin America, with the Inter-American Commission on Human Rights (IACHR) expressing concern for the consequences of limitations on sexual and reproductive rights in the country. This was also the experience of some of the research participants – as one FGD participant described, “when they [women living with HIV] have found they are pregnant, they have the right to be mothers, so what has happened is that the doctor that is on duty doesn’t want to attend to her and the clinic closes, and he doesn’t attend to her” (FGD2). Others reported that it was more challenging for women living with HIV to get gynecological services (KII12).

Finally, the role of social norms of masculinity and femininity in shaping broader debates around HIV and sexuality in ways that contributed to other barriers, particularly stigma and discrimination, was raised by a few participants.

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48Boletín Muerte Violenta de Mujeres y Femicidios, del Observatorio de la Violencia del Instituto Universitario de Democracia, Paz y Seguridad (IUDPAS) de la Universidad Nacional Autónoma de Honduras (UNAH) https://iudpas.unah.edu.hn/observatorio-de-la-violencia/boletines-del-observatorio-2/unidad-de-genero/
number of the respondents. These were seen as contributing to bias against the LGTBI population in particular, but also as placing women at particular risk, as these norms disempower women, make it challenging to negotiate safe sex in relationships, and create situations where actions by their male partners, such as having multiple sexual partners, place women at particular vulnerability (KII10). These norms were also seen as contributing to the stigmatization of women living with HIV, who are often assumed to have been infected through immoral sexual behavior and therefore experience what one key informant termed a “double stigma” (KII10). Finally, women bear the burden of caring for family members living with HIV and often make up the majority of volunteers for HIV-related activities, roles that are often overlooked in the national debate on HIV (KII10).

3.7 Sociocultural, economic, and physical barriers to health services

In addition to the barriers described above, many of the participants also made reference to more macro-level factors that are barriers to access or use of services. In particular, economic costs, lack of access to services in rural areas, cultural/religious opposition, migration patterns, and the marginalization of the Garifuna population were raised in multiple conversations.

In economic terms, there was broad consensus among research participants about the importance of poverty and geographical isolation as barriers to accessing services. While HIV services are provided free of charge in most cases, many respondents described in detail the economic challenges associated with having to travel long distances to services, which typically required taking a day away from employment, significant transportation costs, and often costs associated with accommodation (KII1, KII6). As a result, poverty remains a major barrier for many. The economic challenges rural residents face also contribute to high rates of migration, both within Honduras and internationally – contributing to new infections through separating families and exposing migrants to environments where infection may be more likely. As most of these migrants are men, the increased exposure to potential infection via migration is something that places women at higher risk as migrant men return to Honduras (KII10). Further, evidence suggests that people living with HIV in Honduras typically have a low education level and limited job opportunities.

Cultural and religious values, particularly conservative religious values within the Catholic and evangelical churches, were also raised in a number of interviews and discussions. These were seen as underlying many of the broader values that lead to the stigmatization of people living with HIV and Lesbian, Gay, Bisexual, Transgender people/Transvestites/Transsexuals and Intersexed populations, inequitable gender norms, and the lack of the development or implementation of further legal protections of the human rights of key populations (e.g. KII4, KII18, FGD1, FGD4). The political influence of these religious bodies is significant, posing significant challenges to the passage of legislation protecting key population groups or the extension of comprehensive sexuality education to youth.

Finally, as described in the desk review, the Garifuna population is affected by economic, social, and physical barriers to services. The rural locations where the majority of the Garifuna live make access to services particularly challenging, as do the higher rates of poverty in the population. Social norms within the Garifuna, particularly a high acceptance of multiple sexual partnerships and very low levels of condom
use, also were seen as representing unique challenges, particularly in terms of developing effective programmatic interventions (KII11). Multiple respondents also reported discrimination against the Garifuna population, creating a situation of dual discrimination for Garifuna living with HIV (KII6, KII11).

The geography of Garifuna populations can also be a contributor to the experience and risk of HIV. One research study determined that, after adjusting for other variables and confounders, poor Garifuna in urban areas had higher rates of HIV infection than those in rural areas. A key informant at CEPROSAF stated that medical services were not typically available in rural areas, and people living with HIV who live in rural areas are forced to spend money and time to travel for services. Further, violence and sexual abuse continue to be major problems, which limits the ability of Garifuna women to protect themselves against HIV, other STIs, and unwanted pregnancy.

3.8 Description of the main interventions used to address barriers and recommendations for a comprehensive approach

Overview
The importance of human rights in achieving Honduras’ ‘three zero’ goals for HIV (zero new HIV infections, zero discrimination, and zero AIDS-related deaths) is clear in PENSIDA IV, underpinning the first of the four national-level proposed strategies for combatting the epidemic in the country. This strategy (“public policy and social action with a focus on human rights and gender equity”) focuses on the importance of following international guidelines in response to HIV, and carrying out work through all sectors of society, such as nongovernmental organizations, government offices and ministries, and civil society. While the implementation of the recommendations included in PENSIDA IV has been uneven, Honduras does have a relatively robust public health infrastructure and range of services available through both governmental and non-governmental and community-based entities.

As Honduras has increased the services available to key populations and populations in vulnerable situations and those living with HIV, the budget allocated to these has generally increased over time, though recent strains on the health system have also impacted budgets available for HIV. In 2016, USD$32.3 million was spent on HIV programming, representing the equivalent of 5.49% of the national health budget. At that point, over 25% of the overall AIDS resources came from foreign donors. As a part of this, the Global Fund has disbursed $122,777,370 for HIV-related work in Honduras, some of which supported the seven human rights program areas, either directly or as a part of broader programmatic efforts.

Many key informants referred to the important role that NGOs have played in working with key populations, especially in advocacy for the reduction of human rights-related barriers to services. Many of

54 Key Informant Interview with Mirta Leticia Valle at CEPROSAF, Oct 13, 2017.
TAB 26
Left in the Dark: Violence Against Women and LGBTI Persons in Honduras and El Salvador

March 7, 2018

Editor's Note: This is the eighth part of a series by Latin America Working Group Education Fund on the intersection of human rights, migration, corruption, and public security in Honduras and El Salvador. You can find the full series at lawg.org/BetweenDangers.

Violence against women in El Salvador and Honduras ranks amongst the highest in the world. Gangs are part of the problem, but the underlying causes of violence are deeply rooted in the patriarchal attitudes and machista culture that are pervasive in Salvadoran and Honduran societies. And while in 2017 we saw a minor decrease in one of the most extreme forms of violence against women, namely femicides, other forms—like domestic and sexual violence—continue to assail women in these countries. What is more, the majority of crimes against women and girls remain largely in impunity. LGBTI persons, especially trans women, also continue to be targeted and face major obstacles in their search for justice.

The high rates of impunity for sexual and gender-based crimes in these countries are the result of multiple factors. Very few victims report these crimes, and when they have the courage to do so, the state institutions often “fail to effectively investigate and prosecute [the] cases, due to lack of training, insufficient resources to carry out an investigation or prosecution, and sometimes the intentional mishandling of cases by police, prosecutors, and judges.” [1] Moreover, lack of protection mechanisms for victims who denounce their abusers further discourages women, girls, and LGBTI victims from speaking out. [2]

In terms of specific policies to address violence against women, both El Salvador and Honduras still have a long way to go. As Igarapé Institute's Renata Avilar Giannini notes, “violence reduction policies tend to leave aside or devalue the specific dynamics that affect women and have had mixed or limited results in terms of prevention and violence reduction against this specific public.” [3]

El Salvador

In 2016, El Salvador reported 524 cases of femicides. [4] And in 2017, while lower, the numbers remained disturbingly high: between January and December, 468 women were murdered, [5] which constitutes a rate of 39 femicides per month. El Salvador ranks as the most dangerous Latin American country for women, according to the Economic Commission for Latin America and the Caribbean’s Gender Equality Observatory. [6]

Most femicide cases are left in the dark. In fact, between 2013 and 2016, the Prosecutor’s Office registered 662 cases of femicides, of which only 5 percent resulted in a guilty verdict. [7]

Gangs affect women both directly and indirectly. Physical and sexual violence against women are deeply embedded, practices within gang culture. [8][9] The maras systematically use sexual violence against women and girls as a means to establish and maintain dominance, leverage their status, and seek revenge. [10] However, these women and girls are merely considered property of the gangs; if they are suspected of treason, the gangs will not hesitate to kill them. [11] “One of the saddest indictments
of a girl’s status in El Salvador is the pitiful value she commands in the gang’s twisted economy,” observes a Financial Times article on the issue. [12]

Yet, the gangs also impact women and girls’ lives in less direct ways. A women’s rights advocate points out that women have less access to justice in areas where there is a strong gang presence, as the state presence often is weak. [13] Fears of being associated with the police keep women from seeking help for non-gang related violence. As a result, there are fewer filed complaints of domestic and sexual violence in these areas. Moreover, because of the lack of state presence, there are also fewer preventive and protective services for women in these territories.

The gangs also have a serious impact on girls’ health. According to the United Nations High Commissioner for Refugees (UNHCR) staff in El Salvador, around 80 percent of girls involved in gangs are pregnant by age 15. [14] In a country that criminalizes abortion in any and all cases, the only options these young women have are to either bear the child or undergo a dangerous clandestine abortion, with the potential to face stigma by family members or society from either choice.

Violence against women is not just a gang problem. In fact, the majority of violent acts against women and girls are perpetrated by community and family members.

Sexual violence, which accounted for 25 percent [15] of all violent acts against women in El Salvador in 2015, is mostly experienced in the home environment. On average, 15 cases of sexual violence are reported in El Salvador every day. [16] According to the Organization of Salvadoran Women for Peace (Organización de Mujeres Salvadoreñas por la Paz - ORMUSA), approximately 70 percent of perpetrators of sexual violence know the victim and 20 percent are family members. [17] Meanwhile sexual violence by unknowns (i.e. gang members) is not growing. [18]

In terms of age, women are most vulnerable to this type of violence when they are younger. Approximately, 7 out of 10 women who faced acts of violence were under 20 years of age. [19]

Similar to femicides, reported cases of sexual violence are often left in impunity. Between 2013 and November 2016, the Prosecutor’s Office registered 8,464 reports of sexual violence, of which only 25 percent of cases were taken to court and just 10 percent resulted in a guilty verdict. [20]

El Salvador’s security policy does not fully take into account women’s safety. An activist we met with suspected some security policies have had a somewhat positive impact on gang violence against women, specifically femicides. [21] That is to say, murders of women have been reduced in areas where the police and military forces are cracking down on gangs.

However, most of the policies that are being devised to combat violence and deal with the prison crisis in El Salvador lack a gender focus. [22]

Sexual violence is not a primary concern of the state in terms of public security. In the words of Vilma Vaquerano of ORMUSA, “There is talk of homicides, with luck, of femicides, but sexual violence is not talked about.” [23]

Some advances in regulations but no tangible results in practice. The Special Comprehensive Law for a Life Free of Violence for Women (Ley Especial Integral para una Vida Libre de Violencia para las Mujeres) [24] was passed seven years ago. On our trip, we learned that while there have been some trainings
offered to prosecutors, police, and hospitals to help them understand and implement it, women still face discrimination in the legal system and by the police. [25]

According to activists we met with, the Salvadoran Institute for the Development of Women (Instituto Salvadoreño para el Desarrollo de la Mujer - ISDEMU), which monitors the Special Comprehensive Law and the Law on Equality, Equity and Eradication of Discrimination against Women (Ley de Igualdad, Equidad y Erradicación de la Discriminación contra las Mujeres) [26], lacks the budget and the ministerial rank to be as effective as it could be. [27]

Penalization of abortion. The laws on abortion are regressing to what they were in the late 1990s. The majority of cases that have been taken to court end up in jail time, even when the abortion was for health reasons or even if it was a miscarriage, not an abortion. [28] The case of Teodora Del Carmen Vásquez, who was sentenced to 30 years in prison after suffering from a stillbirth, [29] is emblematic of the country’s backwards view on women’s reproductive health.

In July 2017, the ARENA party introduced a new bill that aims to increase the maximum prison sentence for abortion from 8 to 50 years. [30] The proposal has not been yet passed, but it exemplifies the draconian views on women’s sexual and reproductive health still present in El Salvador today.

Civil society groups continue calling for abortions to be decriminalized in the cases of trafficking, rape, life-threatening fetus defects, and when the woman’s health is in jeopardy. [31]

Honduras

Violence against women is declining, but not quickly enough. Honduras reported 466 femicides in 2016—a rate of 10.2 per every 100,000 women. [32] And while 2017 saw a decline in femicides, the numbers are still extremely high: according to the Violence Observatory of the National Autonomous University of Honduras, 388 women were murdered. [33] That is, over 32 women were killed on average every month.

In 2016, the Office of the Commissioner for Human Rights in Honduras (CONADEH) received over 4,500 complaints from women who reported being victims of human rights violations. [34] Of these cases, 1,786 (39 percent) corresponded to attacks against the right to life and personal integrity (violence in its different forms). [35] CONADEH says that in the last 15 years, 5,600 women have been murdered in Honduras, and over 90 percent of these cases remain in impunity. [36]

The high levels of violence against women are often attributed to gang violence and organized crime, yet the reality is that women are just as vulnerable in their own homes. According to data from the Honduran Courts of Peace and Letters, between 2008 and 2015 there was a 390 percent increase in cases of domestic violence; 54 percent of the complaints expired before they received any response from officials. [37] Reported cases of domestic violence remained high in 2017: the National Inter-Institutional Security Force (FUSINA) detained 3,781 aggressors of intrafamily and domestic violence. [38]

Impunity. According to the Center for Women’s Rights (Centro de Derechos de la Mujer - CDM), 95 percent of femicides committed in 2017 and the first weeks of 2018 remain in impunity, [39] continuing an alarming trend. In 2016, authorities only investigated 15 of the more than 400 cases of female murder, and just two of those cases received guilty verdicts. [40] Regina Fonseca from CDM believes the
state is responsible for the rampant impunity, noting that it has had access to data and information on femicides for years yet has failed to address the issue. [41]

**Few policies to combat violence against women.** Impunity levels remain sky-high because of a lack of societal and political will. The Honduran government also has not developed the tools to properly address the country’s rampant violence against women. To this day, Honduras does not have specific mechanisms to compile and analyze data related to femicides, which makes it difficult to devise effective policy to combat the problem. [42]

Fonseca notes that, “unfortunately there are no policies aimed at reducing violent deaths [of women], there are no public policies aimed at preventing acts of violence against women.” [43]

The National Institute of Women (Instituto Nacional de la Mujer - INAM) was created in 1998 with the purpose of developing, promoting, and following up on policies that guarantee and protect the rights of women and girls. [44] It is worth noting that in 2016, along with 14 other public agencies, INAM began working on its Ciudad Mujer initiative, which aims to improve the lives of Honduran women in terms of violence prevention—as well as, economic autonomy, sexual and reproductive health, and collective education—through a network of services offered by the relevant agencies. [45] The first Ciudad Mujer was opened in Tegucigalpa last year and several others have been established since then. [46] It is too early to determine the impact of this initiative.

In terms of legislation, the Reformed Law against Domestic Violence (Ley contra la violencia doméstica reformada) [47] is the only law in place that directly addresses violence against women, yet there has been no significant reduction in domestic violence since it came into effect in 2006. A representative of INAM admitted that the law is only “moderately effective.” [48] According to the Law on Equal Opportunities for Women (Ley de igualdad de oportunidades para la mujer) [49], the state is supposed to guarantee the equality of women and men in the design and application of public policies, yet this clause is rarely fully and enthusiastically applied.

**Violence against LGBTI Persons**

LGBTI persons in El Salvador and Honduras face discrimination by society, and are often targets of violence by gangs and organized crime, [50] as well as state forces. [51][52] Due to difficulties identifying and documenting sexuality- and gender-based crimes and high levels of impunity, the majority of cases of violence against LGBTI community members remain in the dark.

In Honduras, the CATTRACHAS Lesbian Network (Red Lésbica CATTRACHAS) has recorded 277 violent deaths of LGBTI persons since 2009, [53] marking an escalation of violence against LGBTI persons since the coup in June of that year. Activists at CATTRACHAS with whom we met during our trip noted that between 2015 and 2017, only one of the multiple cases of violence against an LGBTI person was completely resolved. [54] Meanwhile, El Salvador’s Ministry of Social Inclusion says that approximately 600 LGBTI persons have been killed between 1993 and 2017. [55] However, this is an estimate based on civil society information. Neither the Salvadoran nor Honduran governments have established mechanisms to systematically compile this data.

In Honduras, the security situation for outspoken LGBTI leaders has significantly deteriorated since the 2009 coup. Many LGBTI leaders have been killed and virtually all cases remain in impunity. Rene Martínez, an vocal LGBTI leader and then-president of the Sampedrana Gay Community (Comunidad
Gay Sampedrana) in San Pedro Sula, was found dead in his home on June 3, 2017 after having been reported missing. [56] His body showed clear signs of torture and indications that he was strangled to death.

The Worldwide Movement for Human Rights denounced that between June 2015 and April 2017, at least seven members of the Rainbow Association (Asociación Arcoiris), a Honduran LGBTI advocacy group, were murdered. [57]

Karla Avelar, a trans woman and one of El Salvador’s most prominent LGBTI leaders, was compelled to leave the country because she felt unsafe. On October 20, 2017, she sent a message to her friends and partner organizations informing them of her decision to stay in Geneva, Switzerland after the European country offered her asylum. [58] “The purpose of this message is to inform you about my irrevocable decision not to return to El Salvador, strictly for security reasons, because I am not willing to lose my life for reasons of threats, extortion, HIV status, identity and gender expression,” her WhatsApp message read. [59]

According to the Inter-American Commission for Human Rights, Honduras’ Law of Police and Social Coexistence (Ley de Policía y Convivencia Social), as it is applied, has led to human rights violations, particularly against trans persons. [60] The law facilitates police abuse and arbitrary detentions of trans people, particularly sex workers, without any sort of accountability. [61] Moreover, LGBTI organizations warn that a new push to reform the country’s penal code could be problematic since there is impetus to change articles that deal with the issue of gender [62] and eliminate a section that provides a legal framework for dealing with hate crimes. [63]

There are no laws in El Salvador that prohibit employment discrimination against individuals based on their sexual orientation or gender identity. [64] According to the United Nations High Commissioner for Human Rights, “In January [2017], the Constitutional Chamber of the Supreme Court of Justice in El Salvador dismissed an appeal alleging discrimination on the grounds of sexual orientation, arguing that the Constitution protects against discrimination on the grounds of sex but not sexual orientation.” [65]

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By Andrea Fernández Aponte
End Notes


[18] Ibid.


[28] Ibid.


[35] Ibid.


[40] Ibid.


[59] Ibid.


[61] Ibid.


'NO SAFE PLACE'

SALVADORANS, GUATEMALANS
AND HONDURANS
SEEKING ASYLUM IN MEXICO
BASED ON THEIR sexual
ORIENTATION AND/OR
GENDER IDENTITY

AMNESTY INTERNATIONAL
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RÍO SUCHIATE: NO SAFE PLACE

WIDESPREAD GENDER-BASED VIOLENCE

NO PROTECTION FROM THE AUTHORITIES

RE-VICTIMIZATION AND STIGMA

NO EFFECTIVE ACCESS TO JUSTICE

INVISIBILITY

THE PATH: VIOLENCE INSTEAD OF PROTECTION

MEXICO: A DANGEROUS PATH

DETentions

DEPORTATION: SENT BACK TO HELL

RECOMMENDATIONS
The countries of the Northern Triangle of Central America (El Salvador, Guatemala and Honduras) are among the most violent in the world. In addition to alarming levels of general insecurity, their respective murder rates are well above what the World Health Organization considers to be epidemic levels, and more than 75 percent of these are classified as deaths by firearm.

This situation of violence, added to the institutional weakness in these countries, has resulted in increasing numbers of people fleeing their countries of origin in fear of their life. The investigation entitled “Home Sweet Home?” conducted by Amnesty International in 2016 concluded that violence has become a key push factor for migration, particularly in El Salvador and Honduras where high levels of violence and increasing territorial control on the part of gangs or “maras” is seriously affecting people’s ability to exercise their human rights.

Despite the difficulty in obtaining accurate figures from the countries’ governments, there is evidence that Lesbian, Gay, Bisexual, Transgender and Intersex people (LGBTI) are particularly exposed to violence in the Northern Triangle countries, and that this is related intrinsically to the multiple forms of discrimination that LGBTI people face in the different spheres of their family and working life, as part of society more widely and institutionally, on the basis of their gender identity and/or sexual orientation.

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2 The World Health Organization (WHO) considers a murder rate of more than 10 per 100,000 inhabitants to be an epidemic level. However, in 2016, the murder rate in El Salvador was recorded as 81.2 per 100,000 inhabitants (National Civil Police), in Honduras 58.9 per 100,000 (SEPOL) and in Guatemala 27.3 per 100,000 (National Civil Police).

3 Instituto Igarapé. Homicide Monitor, 2016, available at homicide.igarape.br

4 Terms used to indicate certain groups characterized by certain violent criminal activities and generally associated with territorial control throughout the Northern Triangle of Central America, particularly El Salvador and Honduras.


6 The capacity of each person to feel a deep emotional, affective and sexual attraction to people of the same gender and the capacity to maintain intimate and sexual relations with these people. The term lesbian is generally used to refer to female homosexuality and gay to male homosexuality.
Transgender is a term used to describe different variants of gender identity, the common denominator being a lack of conformity between a person’s biological sex and the gender identity traditionally assigned thereto. A trans person may construct their gender identity regardless of surgical interventions or medical treatment.

Gender identity is the deep, internal and individual way in which gender is experienced by a person, and it may or may not correspond to the sex ascribed to them at the time of their birth.

Sexual orientation refers to the capacity each person has to feel a deep emotion, affective and sexual attraction to people of a different gender, to people of the same gender or to more than one gender; as well as the capacity to maintain intimate and sexual relations with those people.

Amnesty International has documented how, given the lack of options for protecting their lives and physical integrity in their own countries, gay men and trans women choose to flee and seek protection in other countries such as Mexico or the United States. For many of them, however, this path is paved with new acts of violence and discrimination at the hands of criminal gangs and the authorities in the transit and/or destination countries. When detained, they also find themselves in a highly vulnerable situation and may even be deported back to their countries of origin; i.e. to the hell from which they have escaped, and where they will again be attacked. In other words, gay men and trans women are exposed to gender-based violence at every point on their journey in search of protection.

The stories of Carlos, Camila, Marbella and Cristel, whose names have been changed to protect their safety, are representative of the primary human rights abuses and violations that gay men and trans women suffer due to their sexual orientation and/or gender identity, both in their countries of origin and when they seek international protection in other countries such as Mexico. When using pseudonyms to ensure the anonymity and safety of these people, some details of their personal life and geographical or temporal references have also purposely been omitted from their stories. These measures demonstrate the fear they live in for their lives.

Amnesty International conducted in-depth interviews with people in the given cases and, as far as possible, cross-referenced this information with other available sources, including official documentation; however, it was sometimes impossible to obtain such documentation given the transitory nature of the lives of those seeking asylum, and the lack of complaints made to the authorities for fear of reprisals.

This document is the result of a series of interviews conducted between 2016 and 2017 with 20 asylum seekers and refugees primarily from El Salvador and Honduras, aged between 16 and 34 years old, identifying as gay men or trans women, and with human rights organizations and international organizations. Amnesty International conducted in-depth interviews with people in the given cases and, as far as possible, cross-referenced this information with other available sources, including official documentation; however, it was sometimes impossible to obtain such documentation given the transitory nature of the lives of those seeking asylum, and the lack of complaints made to the authorities for fear of reprisals.

Amnesty International would like to thank those who shared their stories, as well as the activists and human rights defenders who provided the information with which to produce this document.

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1 Transgender is a term used to describe different variants of gender identity, the common denominator being a lack of conformity between a person’s biological sex and the gender identity traditionally assigned thereto. A trans person may construct their gender identity regardless of surgical interventions or medical treatment.

2 Gender identity is the deep, internal and individual way in which gender is experienced by a person, and it may or may not correspond to the sex ascribed to them at the time of their birth.

3 Sexual orientation refers to the capacity each person has to feel a deep emotion, affective and sexual attraction to people of a different gender, to people of the same gender or to more than one gender; as well as the capacity to maintain intimate and sexual relations with those people.
Carlos, Marbella, Cristel and Camila suffered acts of discrimination, exclusion and physical violence from an early age in their respective countries of the Northern Triangle due to the simple fact that their sexual orientation and/or gender identity was different from the traditionally accepted heterosexual and patriarchal social norms.

Carlos, a young Honduran of 25 years of age recalls that, on various occasions during his childhood and adolescence, he experienced humiliation, rejection as well as beatings from family members “for being gay”. Members of the gang that controlled his neighbourhood also attacked and threatened him for the same reason, and so he was forced to flee his country. For her part, Cristel, a 25-year-old Salvadoran trans woman, also saw leaving her country as a way of avoiding the threats and attacks she received from gang members in her neighbourhood “for not being a biological woman”.

In the case of Camila, another trans woman from El Salvador aged 34, it was the police from her neighbourhood who persecuted her and issued death threats “for being trans” on numerous occasions, until she had no other option but to leave the country. Marbella, a 20-year-old Guatemalan trans woman, was the victim of a trafficking ring that recruited LGBTI people, and was subjected to further threats and intimidation following her rescue.
According to the UN High Commissioner for Refugees (UNHCR), LGBTI people are one of the “risk profiles” for asylum seekers from El Salvador and Honduras, and it is therefore acknowledged that these people may need international protection in accordance with the 1951 Refugee Convention and its 1967 Protocol.

Although it is difficult to obtain official and accurate figures on attacks against LGBTI people in El Salvador, Guatemala and Honduras, different non-governmental organizations (NGOs) and international organizations have documented that they are particularly affected by the widespread climate of violence and insecurity in the Northern Triangle of Central America. LGBTI people are frequently the target of different forms of violence due to their real or perceived sexual orientation and/or gender identity, such as, for example, intimidation, threats, physical aggression, sexual violence and even murder.

Amnesty International received a number of statements from gay men and trans women testifying to having been raped in their countries. According to UNHCR, 88 percent of LGBTI asylum seekers and refugees from the Northern Triangle interviewed in the context of a study reported having suffered sexual and gender-based violence in their countries of origin.

"They hit me, they tried to kill me, they were looking for me, for the same reason, just because I was gay, and there was nowhere to hide"

Carlos (Honduran) interviewed in 2017.
In terms of murders of LGBTI people, NGOs that are gathering and systematizing information on the situation have reported high numbers of murders in recent years (see table).

A study conducted in 2016 indicates that the Northern Triangle region is one of the most dangerous regions for transgender women. These same NGOs warn that the real figures could be higher given that not all cases are systematically denounced or adequately reported.

“...I was forced to leave my country, I didn’t ask to, just because I was transsexual, just because I was not a biological woman”

Cristel (Salvadoran) interviewed in 2016.

Violence towards LGBTI people is rooted in the environment of discrimination and stigma that is prevalent in society generally towards these people, who differ from the traditionally established patriarchal social norms and gender roles. This situation is reflected in the testimonies received by Amnesty International, which bear witness to multiple acts of verbal and physical violence and exclusion in different arenas of daily life, from within their own family, community and society more generally, including at school and, later, in the workplace. Nor are the “maras” or gangs in the Northern Triangle of Central America, characterized by their violent criminal behaviour and generally associated with territorial control, excluded from this reality. It has been documented that they are governed by highly sexist codes of conduct, and they often attack LGBTI people for real or perceived gender identity or sexual orientation, subjecting them to acts of physical and sexual violence, as well as blackmail.


ATTACKS ON LGBTI PEOPLE IN THE NORTHERN TRiangle OF CENTRAL AMERICA

HONDURAS

According to the NGO Cattrachas Lesbian Network—which monitors violent deaths of LGBTI people on the basis of information appearing in the media—264 murders of LGBTI people were reported in Honduras between 2009 and July 2017, of which 152 (or 58 percent) were gay men and 86 (or 32.5 percent) were trans people. Among these were a number of activists and defenders of LGBTI rights, such as René Martínez Izaguirre, President of the Sampedrana Gay Community, who was disappeared and killed in June 2016.

EL SALVADOR

The Association for Communicating and Training Trans Women in El Salvador (COMCAVIS TRANS) reported a total of 28 serious attacks, most of them murders, perpetrated against LGBTI people between January and September 2017. During February 2017, three trans women were brutally murdered within a 72-hour period. A fourth was brutally attacked just days later.

GUATEMALA

The serious violence and discrimination suffered by LGBTI people has been highlighted on a number of occasions by international human rights bodies. For example, at the end of 2016, five trans women were reported murdered within a six-week period. For its part, the NGO Transgender Europe indicated that 40 trans people were murdered in Guatemala during 2016.


In 2016, when she was 19 years old, Marbella, a Guatemalan trans woman, replied to an invitation to participate in a beauty contest in Guatemala City, which turned out to be a recruitment front for a trafficking ring. Marbella states that she was held in a house for several months during which time she was subjected to sexual exploitation along with other trans women from Central America, until she was rescued by a police operation. A number of those responsible were subsequently arrested and a criminal investigation opened.

On her release, Marbella wanted to return home and resume her life and studies. She relates, however, that shortly after her return, she began to receive warnings that those responsible for her previous ordeal were looking for her and she was even threatened. Terrified, Marbella stopped going to school, no longer went out and shut herself in the house for fear that the threats would be carried out.

The threats did not stop, and she felt unprotected in her own country and so, at the end of 2016, she decided to leave for Mexico to protect her life and integrity.

When Amnesty International interviewed her in a border town in southern Mexico at the end of March 2016, she did not know what stage the legal proceedings in Guatemala had reached. She stated that she was, however, afraid of being so close to the situation from which she was escaping. Some weeks later, the Mexican state granted her international protection.
Carlos decided not to report the attacks and threats he received in Honduras, having seen how many of his friends, also gay, were attacked and persecuted specifically for having made complaints.

Like Carlos, most of the trans women and gay men commented in their interviews with Amnesty International that to go to the Police or Prosecution Service would mean or has meant an additional and direct risk to their safety, their life or their integrity; rarely was such an act perceived as synonymous with obtaining protection from the violence they faced.

For fear of suffering reprisals at the hands of their attackers, and given the lack of trust in the authorities responsible for law enforcement, who are regarded as being involved in corruption, complicity and cover-ups with organized criminal gangs, many people prefer not to report the attacks they suffer.

“I never tried to make a complaint because of what happened previously to some friends. My friend (...) went to report a crime and he hadn't even finished making the complaint when they were already at his front door, which is why he went to Mexico; another friend went to make a complaint and was killed on the way home, after doing so.”

Carlos (Honduran) interviewed in 2017.
More serious still, in Camila’s case, from El Salvador, the insults, death threats and persecution she experienced came from a police officer, who even turned up at her house with a firearm. Camila’s story is unfortunately not a one-off but part of a backdrop of reported attacks on LGBTI people, perpetrated directly by members of the security forces and fostered by the context of discrimination and stigma prevalent in society.

For her part, Cristel related how she was subjected to unjustified controls in the street and searches of her belongings by members of the Salvadoran police, apparently due to her gender identity and expression. Local activists indicated in this regard that trans women are particularly exposed to harassment, unjustified searches and arbitrary detentions from the police because of the stigma they bear.

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When Camila went to the police in El Salvador to report the attacks she had suffered, rather than taking her complaint seriously and offering her protection, the officers mocked her gender identity.

Camila insisted on exercising her rights like any other person but, but the officers threatened to lock her up so, in the end, she gave up and went away.

“I told them I knew my rights and that I could make a complaint. The response was that they were going to lock me and my partner up.”

Camila (Salvadoran) interviewed in 2017.
A study conducted in 2014 in this regard revealed the extent of prejudice due to sexual orientation and/or gender identity within the Salvadoran National Police. It concluded that 66.8 percent of the 413 police officers interviewed believed that, in accordance with national law, LGBTI people did not have the same rights as others. Despite some progress within certain institutions responsible for law enforcement, the testimonies gathered bear witness to the fact that a lack of sensitivity continues to form a barrier to protecting the rights of LGBTI people.

The few people who dare go to the authorities to report a crime are frequently re-victimized or treated with disdain, indifference and discrimination due to their gender identity and/or expression, and so they rarely follow their case up and even, sometimes, withdraw it. The above is in violation of the right of all people to enjoy equal protection before the law without discrimination.

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22 ESMULES and CIPAC, Actitudes hacia las personas LGBTI por parte de las fuerzas policiales. (Police Attitudes Towards LGBTI People). El Salvador, September 2014. Available at: www.cipacdh.org/pdf/Informe_El_Salvador_FINAL.pdf (in Spanish only)
Camila is a 34-year-old Salvadoran trans woman. She recounts that, at the start of 2016, a police officer who lived in the same neighbourhood as her began to harass her for being trans; he hounded her and insulted her whenever their paths crossed, even in front of her partner or family.

To begin with, Camila ignored her neighbour’s violent and transphobic behaviour but his aggressive attitude increased as the months went by. The officer even threatened Camila and her partner with death on a number of occasions while carrying a firearm, and even in her own home. For fear that these threats would come to pass, Camila left her home and went to live with relatives. She also went to the Civil National Police (PNC) with the aim of reporting the matter.

As a trans woman, however, she was mocked and insulted by some of the officers present. When she insisted on making a complaint, knowing that she had every right to do so, the police officers threatened to lock her up, following which she gave up and left.

Camila recounts that she continued receiving telephone death threats over the ensuing weeks, even in her new home, from the same individual, who told her he knew she had gone to the police. Fearing for her life, and faced with this level of persecution and surveillance, Camila saw no other option but to flee to Mexico with her partner.

After crossing the Mexican border, Camila and her partner caught a minibus for their journey onward but were forced to get off shortly before entering Tapachula due to an impending migration control. Camila says that a short distance after having got off the minibus, she and her partner were stopped by uniformed individuals who she says insulted their gender identity, threatened them and took their money.

Camila made a complaint to the Special Prosecution Service for Crimes against Immigrants. When she was interviewed two months later, she was unaware of what stage the investigation was at.

Camila was recognized as a refugee at the end of April 2017. She subsequently went to live in another town in Mexico.

23 Tapachula is a town in Chiapas State, on the south-eastern border with Mexico, adjoining Guatemala.
**NO EFFECTIVE ACCESS TO JUSTICE**

In the countries of the Northern Triangle, where high levels of impunity are common, LGBTI people very rarely obtain justice when they report the serious attacks they have suffered.

In a study conducted into impunity for such attacks, the NGO Cattrachas noted that, of the 225 violent deaths of LGBTI people recorded during the period 2008 to 2015, only 13 had resulted in a conviction.

In these countries, discriminatory prejudice, as well as a lack of awareness and training among justice operators as regards these kinds of attack, have been cited by local activists as factors that contribute to the lack of investigation of cases of violence. This lack of effective access to justice only perpetuates the circle of violence to which LGBTI people are subjected and increases their lack of protection. Silence and escape are therefore often the only alternatives they have to protect their lives and physical integrity.

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In accordance with international human rights law, any discrimination based on the sexual orientation and/or gender identity of a person is prohibited:

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (Article 26 of the International Covenant on Civil and Political Rights)

It follows from the above that although the political constitutions of countries of the Northern Triangle do not expressly include this prohibition nor make explicit reference to LGBTI people, these countries do have a duty to ensure that all people enjoy equal protection before the law without discrimination.

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INVISIBILITY

We do not know the exact number of trans women and gay men who, like Camila, Carlos, Marbella and Cristel, flee the violence of the Northern Triangle of Central America each year. This is because the attacks that LGBTI people suffer in their countries of origin are rarely reported to the national authorities or classified as such, for the reasons described above, and because many of the destination countries do not compile statistical information by sexual orientation and/or gender identity for the asylum seekers and refugees they take in.

For example, it was only in 2015 that US Immigration and Customs Enforcement, known as the ICE, stated that it would gather information on the gender identity of those detained. This lack of accurate data not only contributes to the dissimulation of a real phenomenon but hinders the design and implementation of adequate measures to guarantee the rights of LGBTI people.

Most of the information available in this regard comes from monitoring conducted by a number of NGOs and from information gathered by UNHCR and its partners in the context of their activities with LGBTI people.

For example, the NGO Immigration Equality which provides guidance to LGBTI asylum seekers in the United States indicated that of all the requests they have received over the last years, Guatemala, Honduras, and El Salvador are among the 10 countries with the highest numbers of requests. In March 2017, the Salvadoran NGO COMCAVIS Trans indicated that at least 136 LGBTI people had left the country since 2012. In practice, however, the figures are likely to be higher.

27 Immigration and Customs Enforcement(ICE), Transgender Care Memorandum, June 2015. Available at: www.ice.gov/news/releases/ice-issues-new-guidance-care-transgender-individuals-custody

UNHCR informed us that, during 2016 in Mexico, 139 LGBTI people were provided with humanitarian assistance by UNHCR and its partners. Again, however, it is possible that the figures are higher given that not all people register with UNHCR or its partners.

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LGBTI people who are forced to flee are particularly vulnerable to violations of their human rights. In addition to the serious situation they experience in their own countries, they suffer further acts of violence on the journey and/or in their destination countries.

In Mexico, high levels of crime and human rights violations are reported against migrants generally, including attacks, robberies and kidnappings perpetrated by organized criminal gangs, sometimes in collusion with different government authorities, as well as different kinds of abuse of authority by the security forces and other Mexican migration services, which go unpunished in 99 percent of the cases reported. Faced not only with these kinds of attack, LGBTI people also find themselves exposed to acts of violence due to their real or perceived gender identity and/or sexual orientation.

According to UNHCR, two-thirds of LGBTI asylum seekers and refugees coming from the Northern Triangle and interviewed in 2016 as part of a study reported suffering sexual and gender-based violence in Mexico after crossing the border at blind spots.
In addition, the testimonies received by Amnesty International highlight the fact that, the whole way along their escape route, they are subjected to stigma and discrimination from the authorities, and also sometimes in the shelters that receive them, due to the injurious prejudice surrounding their sexual orientation and/or gender identity that is also prevalent in this country.

It is important to note, in this regard, the high numbers of Mexican LGBTI victims of violence each year and the fact that many of them, including transgender people, in turn seek protection in other countries.

LGBTI people also suffer violence, both verbal and physical, from other migrants. This can be seen, for example, in insults or contemptuous words that refer to their sexual orientation and/or gender identity, or in more serious aggression.

When we interviewed Carlos for the first time in the shelter where he was staying in the South of Mexico, he told us that he was afraid to go outside, and tried to avoid doing so.

Despite this, Carlos commented that, a short while ago, while walking along a path, he was brutally attacked by other migrants. His aggressors knew he was gay and so they insulted him for his sexual orientation. He states that he was also raped.

Finally, the information gathered by Amnesty International—in its interviews with asylum seekers in various border towns in southern Mexico, and with workers from shelters and other organizations—bears witness to the presence of gang or “mara” members in these areas. For asylum seekers, the presence of individuals linked to the same gangs that were persecuting them, threatening them and/or attacking them in their home countries increases their perception of insecurity and can even form a real and imminent risk. Cristel recounted, for example, that on returning from sorting out some paperwork with the Mexican migration office one day, she recognized an individual in the street linked to the same gang that had blackmailed and threatened her in El Salvador. Because of this she stopped going out of the house unless absolutely necessary, for fear of being attacked or located.

“They took my money, my clothes (...), they gave me nothing to eat, no water, they mistreated me, they told me, ‘Ignorant asshole, why were you born this way? Fucking asshole.’

Cristel (Salvadoran) interviewed in 2016.

**DETENTIONS**

Migration detention is another situation in which LGBTI asylum seekers are particularly exposed to abuses and violations of their human rights, including lack of effective access to their right to seek asylum and acts of gender-based violence and discrimination on the part of other detainees and the guards.

UNHCR has acknowledged that LGBTI people are often at risk during the time they spend in migration detention centres. This risk is greater for transgender women when they are held in cells reserved for men because there are no adequate policies or measures that take their individual and gender identity needs into account.

To this must be added the impact of the detention itself on asylum seekers, which only exacerbates their symptoms of depression, anxiety and the effects of post-traumatic stress. These symptoms are present in LGBTI asylum seekers due to the serious acts of violence they have suffered.

In Mexico, there are documented migrant detention centres that fail to meet the specific protection needs of LGBTI people; trans women in particular are mixed with others, or crowded into provisional cells that are temporarily allocated to them. In a report published in July 2017, the Citizens’ Council of the National Migration Institute (INM) of Mexico highlighted the fact that the different LGBTI people met and interviewed in the different centres “stated that they had suffered discrimination, sexual harassment and even aggression from other detainees or the centre staff.”

**“Did you know you could claim asylum?”**

_No,_ I said. _What’s that?_

Carlos (hondureño), entrevistado en 2017.

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34 UNHCR. Protecting Persons with Diverse Sexual Orientations and Gender Identities, 2015, p. 28.


This report indicates that detainees are generally subjected to pressure and intimidation to accept so-called “voluntary return”, which denies them effective access to the right to seek asylum.\(^{38}\)

Amnesty International finds this situation concerning in that it may contribute to the increased vulnerability of LGBTI people detained for migration reasons, who are often unaware of their right to seek asylum. By subjecting them to pressure during their detention, in a context in which their rights as LGBTI people are not systematically guaranteed, they are exposed to deportation to their countries without the possibility of receiving the international protection they deserve.\(^{39}\) and despite the fact that gender persecution is one of the causes established in Mexican legislation for recognizing refugee status.\(^{40}\)

Carlos indicates that he only found out about his right to seek asylum after being detained and taken to a holding centre in the south of Mexico. Once he became aware of this possibility, he said he wanted to begin the process as soon as possible, as it would enable him to escape the violence he had experienced in Honduras; however, in an attempt to demotivate him, the person dealing with his case warned him that it would mean remaining in detention for around three months. Two days later, Carlos was finally able to begin the process.

After several weeks, however, he became severely depressed and felt he would be unable to bear such difficult detention conditions. He was released after around a month’s detention due to being offered alternative methods to migration detention and so he was moved to a shelter.

\(^{38}\) Ibid. See also Animal Político, Hoy no comes, así amenazan a migrantes en México para que acepten la deportación voluntaria (No food today: how migrants in Mexico are threatened to accept voluntary deportation), 3 August 2017. Available at: www.animalpolitico.com/2017/08/amenazas-migrantes-mexico/?utm_source=Hoy+en+Animal&utm_campaign=cdf495dd10-g&utm_medium=email&utm_term=0_ae638a5d34-cdf495dd10-392971985 (in Spanish only).

\(^{39}\) Observatorio de Migración, Derribando Muros (Breaking down Walls), Boletín no. 7 April 2017, pg. 2. (in Spanish only).

\(^{40}\) Article 13 of the Law on Refugees, Additional Protection and Political Asylum.
Carlos is a 25-year-old gay man. Until March 2016 he was working in the patterns and prints department of a clothing manufacturer in his home country. Carlos had by this time already experienced humiliation, insults and rejection by his family for being gay from an early age.

He sometimes also received death threats from the gangs in the area in which he lived. But in March 2016 it was different. He was beaten by a group of gang members who insulted him and repeated their threats: if you don’t leave town immediately, you’ll end up dead. For fear of reprisals, Carlos decided not to report this attack but left his community and fled to San Pedro Sula—the second largest city in Honduras and one of the most dangerous places in the world.41

Nonetheless, within a few weeks, the gangs had located him through their networks of informants. Carlos says they attacked him as he was leaving the job he had found in this new city. His fear was such that he initially decided simply not to leave the house; he even gave up work. But the gangs found out where he lived and went there to threaten him further.

Without a safe place to stay, Carlos had no option but to flee once more. This time he decided to leave the country. On 13 September 2016, without really knowing the route, he took several buses through Guatemala to the Mexican border.

Carlos recounts how he was detained by the INM in Mexico a few hours after crossing the border. He was taken to a holding centre where he was locked up day and night with others in a very small cell. He was only let out to collect his food, and then immediately returned to the cell to eat it. This same space included toilets and washing space, clothes had to be washed and hung out there, and they had to sleep on mats on the floor. In his words, “It was a truly horrible place.”

Carlos found out about his right to seek asylum for the first time while in detention, when he stated his reasons for not wanting to be deported back to Honduras. He wanted to begin asylum proceedings immediately but the person dealing with his case told him, in an attempt to put him off, that he would be held in these detention conditions for at least three months if he requested asylum. Determined, Carlos repeated his desire to start the process as soon as possible but says he was only allowed to do so two days later.

He states that after two weeks he felt desperate at the conditions in which he was being held, spending almost the whole day locked up and sleeping on a mat. However, he was informed that he could benefit from alternative measures to detention, implemented by the Mexican government with the support of UNHCR, and so he was finally able to leave and was moved to a migrant shelter.

Carlos says he tried to avoid leaving the shelter for fear of meeting gang members and other groups in the border town in which he was living. However, one day as he was walking along a path he was attacked by migrants who were aware of his sexual orientation. On this occasion, Carlos was also raped.

Carlos is still waiting for his asylum claim to be considered. The process has taken several months because the first decision he received - which refused him asylum - was declared null and void due to a number of irregularities.

“If there were more information about what an LGBTI community is, what it is to be gay, lesbian, what we suffer, if there were campaigns, more information for people, I believe there would be less ignorance towards us”

Carlos (Honduran), interviewed in 2017.
For her part, Cristel recounts her painful experience in a US migration detention centre. Feeling unsafe in Mexico after the abuse she had suffered, Cristel decided to travel to the United States, where she hoped to live according to her gender identity and without fear. She says that, on arriving at the US border, she was detained and subsequently taken to a detention centre where she was held for around three months.

She was detained all this time alongside men given that, in her words, the authorities did not take her gender identity into account, nor the vulnerability that this situation created for her. Cristel says she could not bear these terrible conditions and ended up accepting so-called “voluntary return” to El Salvador.

The situation described by Cristel concurs with the results of a report published in March 2016 by Human Rights Watch, which documents the multiple abuses and violations of human rights, including sexual aggression and harassment, suffered by trans women when detained in male units of US detention centres. Although the US ICE had issued guidelines intended to improve the detention conditions of trans women some months previously, these are reportedly suffering from implementation problems.

Trans women’s vulnerability is now being intensified by the prolonged periods asylum seekers are forced to spend in detention following the drastic reduction in alternative methods, exacerbated by the migration policies implemented by President Donald Trump.

“I was held in a US cell and it was horrible, so tense; you are discriminated against as well, they discriminate against you, they marginalize you (...) they put me in with all men, three and a half months, they never took account of my sexuality or that I was trans.”

Cristel (Salvadoran) interviewed in 2017.

All people, including asylum seekers and migrants, have the right to freedom, to move freely and to be protected from arbitrary detention regardless of their legal status. Amnesty International is therefore opposed to the routine use of detention as an instrument for exercising migration control, given the negative impact it has on the rights of those detained and the fact that states often use detention as a way of dissuading or punishing illegal migration instead of tackling its real causes.

According to current international standards, migration detention is an exceptional measure to be used as a last resort when it is not possible to use other less restrictive means. States must therefore ensure that alternative measures to detention are effectively available for all migrants, without discrimination. When envisaging the use of these alternative measures, states must conduct individual assessments that take into account the specific circumstances and vulnerability of each case, such as for example, pregnant women, trafficking victims, LGBTI people, the elderly or those with a serious medical or psychological condition.
For those unaware of their right to request asylum, or who are deprived of effective access to it, detention by the migration authorities is the start of a deportation process that will culminate in their return to their country of origin, directly back to the serious risks they were trying to escape.\textsuperscript{49}

The evidence gathered by Amnesty International in this regard shows that Mexico and the United States are returning people who are fleeing violence to their countries of origin without being able to request asylum,\textsuperscript{50} which is in violation of the principle of non-refoulement (non-return)\textsuperscript{51} and places people in serious danger.

Amnesty International has furthermore documented that, despite the above, thousands of people are being deported to the countries of the Northern Triangle each year,\textsuperscript{52} where there are no comprehensive mechanisms that would enable those at risk to be identified or provided with the protection and care they need, and nor from an adequate gender perspective in the case of LGBTI people.\textsuperscript{53}

Given the multiple dangers facing them on their return to their country, many people have no option but to flee for their life yet again, seeking safety either elsewhere within the country or going abroad once more. Some of the people interviewed by Amnesty International who had been deported to their country or had accepted so-called voluntary return indicated that their fear was so great on arriving back in their country of origin that, the very same day of their deportation, they had again taken a bus to cross the border.

Other people stayed several weeks or months in a different area or city of the country, seeking their own ways of surviving, until they were faced with further danger and fled once again, as was the case of Cristel. Because of the networks of informants gang members have around the country, they quickly found out that Cristel had returned and so she once more became the target of blackmail and threats, until she was forced to flee El Salvador again in search of protection.
Cristel is 25 years old. This Salvadoran trans woman describes how her life changed in just a few hours one day in August 2014 when she received death threats from a gang in the area where she lived with her mother in El Salvador. She had been identified as trans, and they gave her 24 hours to get out, or they would kill her.

Cristel had suffered stigma and discrimination in her country for her gender identity in the past. She had also been blackmailed by gangs, but at no time had there been actual attacks on her life. Faced with this new threat, Cristel feared for her life and so grabbed two changes of clothing and took “the road North”, knowing nothing about the journey that awaited her. Cristel travelled by bus to the Mexican border and, like so many other undocumented migrants, crossed the Suchiate River in a raft.

Once across the border, Cristel recounts that she got a taxi to take her into Tapachula where she could rest before continuing her journey on to Mexico City. However, instead of taking her there, the supposed taxi driver took her to an unknown house where her belongings were taken from her and she was raped on several occasions by different people, and sexually exploited. Cristel recalls that she remained in captivity for several days in this house, along with K, another trans woman from El Salvador, until one night they managed to escape while their abductors were distracted.

The two women walked and walked until a car driver offered to help them and took them to the Specialist Prosecution Service for Crimes against Immigrants in Tapachula, where they were able to make a complaint. They were taken to a shelter for migrants, where Cristel was able to commence her recovery. Some weeks later, the INM granted her a humanitarian visa because she had been the victim of a serious crime in Mexico. Cristel indicated that she had not been informed of the progress made in the investigation that was opened after she reported the crime in Mexico.

The humanitarian visa she received allowed her to remain in Mexico for one year. She says she felt very unsafe in the country, however, and so she travelled to the United States with K. At the border, the two women handed themselves over to the US authorities and were taken to a migration detention centre. Cristel recounts that she was detained in the US for more than three months, in the men’s unit. She says that at no time did the authorities take her gender identity into account. This prolonged detention was extremely difficult for Cristel, who had been greatly affected by the abuse suffered in Mexico, and so she finally withdrew her asylum request and agreed to her “voluntary return” to El Salvador. Her friend K now lives in the United States.

On her return to El Salvador, Cristel set up home in a different area of the country. However, she had no option but to live in a neighbourhood that was also controlled by gangs. Through their information networks, the gang member that had threatened her previously became aware of her presence and began to blackmail her: she had to pay a tax plus so-called “rent” or they would kill her. Cristel says she was only able to pay the sums demanded for a few weeks, after which her family tried to obtain a loan to help her and avoid the threats being carried out.
Cristel's hand
© Amnesty International/Sergio Ortiz

But she again received death threats by phone and, at the start of 2017, was assaulted in the street by the same gang member. Cristel went to the Civil National Police to report the incident. Shortly afterwards, however, she says she saw police officers chatting with the gang member. More threats came over the following days: Cristel was given two weeks to quit the neighbourhood and not return to any area controlled by this gang. She says her boyfriend also received death threats and was murdered several weeks later as he was going to visit his family in an area controlled by a rival gang.

Cristel had no option but to flee to Mexico once more. Around the same time that Cristel travelled to Mexico, three trans women were murdered in El Salvador within a one-week period.54

Cristel requested international protection in a border town in southern Mexico, living in constant fear of being attacked or abused once more, and restricting her movements to the strictly essential. Cristel recounts that, one day, on returning home, she recognized someone in the street linked to the gang that had blackmailed and threatened her in El Salvador, and this only resulted in yet further terror and anxiety on her part.

54 IACHR, “IACHR Condemns Alarming Numbers of LGBT Killings in the Region So Far this Year. Press release 37/17 of 23 March 2017.”
The stories of Camila, Carlos, Marbella and Cristel, along with other testimonies gathered by Amnesty International, bear witness to the multiple and repeated abuses and violations of human rights experienced by trans women and gay men both in their countries of origin and in their transit and/or destination countries, often motivated by their real or perceived sexual orientation and/or gender identity. When forced to flee to another country to escape the violence, instead of obtaining the immediate protection they require, LGBTI people often again experience abuses and violations of their rights similar to those suffered in their home countries. In other words, their vulnerability as migrant persons and asylum seeker is exacerbated by their Sexual orientation and/or gender identity.

This circle of constant violence and lack of protection is the result of the deep discrimination and stigma LGBTI people experience at different levels of society in these countries, linked to a lack of adequate and effective measures to guarantee their rights and a lack of knowledge of their particular protection needs.

States need to act to fully guarantee the rights of LGBTI people from the Northern Triangle of Central America. Amnesty International therefore recommends:

**That the countries of the Northern Triangle of Central America:**

1. Adopt and implement prevention and awareness-raising policies aimed at promoting respect for the rights of LGBTI people and preventing all forms of violence against them, both in the domestic sphere and within public institutions.

2. Conduct exhaustive investigations into all crimes and human rights violations committed against LGBTI people with the aim of identifying, prosecuting and punishing those responsible. The different possible lines of investigation should include those aimed at determining whether the crimes were committed on the basis of the victim’s sexual orientation and/or gender identity.

3. Provide adequate medical and psychological care for LGBTI victims of violence.
4. Ensure that the official records of the different institutions responsible for providing care to LGBTI victims of violence have data collection systems that enable the gender identity and/or sexual orientation of individuals to be taken into consideration in order to quantify and analyse the violence to which they are subjected.

5. Improve coordination between consular services abroad and the reception centres in the countries to identify people with protection needs and guarantee that all reception, reintegration and protection programmes for deported migrants take into account the rights and specific needs of LGBTI people.

6. Assess the risk of deported or returning LGBTI people so that, in the face of high risk, a fast-track system can be activated in third countries to support asylum requests from those LGBTI people involved, as a protection measure.

1. Ensure that people receive information on their right to claim asylum and that they have effective access to this process, and refrain from deporting people at risk back to their country of origin.

2. Collect, systematize and produce data and records on violence against LGBTI asylum seekers or refugees persecuted on the basis of their real or perceived sexual orientation and/or gender identity.

3. Conduct exhaustive investigations with all due diligence for crimes and human rights violations committed against LGBTI people considering, among the possible lines of investigation, those aimed at determining whether the crimes were committed on the basis of the sexual orientation and/or gender identity of the victims.

4. Adopt or, where appropriate, continue to develop good practices related to the use of alternatives to migration detention for LGBTI people, based on an individualized assessment of the specific protection needs of each person that takes into account their sexual orientation and/or gender identity.

5. Put special mechanisms in place for vulnerable asylum seekers who may need to be urgently moved from border areas to other parts of the country while they await the results of their asylum procedure, with special emphasis on LGBTI communities.
Salvadorans, Guatemalans and Hondurans seeking asylum in Mexico based on their sexual orientation and/or gender identity.
A journalist in Honduras who publicly condemned anti-LGBTQ violence has been killed.

CNN en Español reported two men on a motorbike shot Luis Almendares three times in Comayagua, a city that is less than two hours northwest of Tegucigalpa, the Central American country's capital, on Sunday. Almendares died at a Tegucigalpa hospital the following day.

Honduran media reports indicate the two men shot Almendares while he was doing a Facebook Live video.

Criteria, an online Honduran newspaper, reported Almendares “was very known in the municipality of Comayagua for denouncing business owners and the area’s politicians, in
particular on issues of corruption and drug trafficking."

One of Almendares' colleagues told CNN en Español that he had been receiving death threats because of his work. Sources in Honduras with whom the Washington Blade spoke on Tuesday also confirmed Almendares publicly condemned violence against LGBTQ Hondurans.

One source said Almendares condemned an attack against a transgender woman that took place in Comayagua on Sept. 6. Almendares six days later in a Facebook post he titled “To be Gay in a Country of Machos” wrote about a gay man who was attacked inside a Comayagua bar with a machete.

The post notes police officers and a judge refused to help the man after the attack. Almendares urged his Facebook friends to help the man pay the $89.65 (2,200 Honduran lempiras) he owed to the clinic that treated him.

It is not immediately clear if Almendares' public condemnations of violence against LGBTQ Hondurans specifically contributed to his death. Reporters Without Borders and other groups note Honduras remains one of the most dangerous countries in the world for journalists.

CNN en Español reported 86 journalists have been killed in Honduras since 2001, and 90 percent of these murders have not been prosecuted.

Santi Carvajal, a trans woman who hosted a program on a television station in Puerto Cortés, a city on Honduras' Caribbean coast, was shot to death in July 2019. Violence based on sexual orientation and gender identity remains commonplace in Honduras, which has one of the world's highest per capita murder rates. Activists say President Juan Orlando Hernández's government has either done little to address the problem or made it worse.

"We condemn the crime that took the life of journalist Luis Almendares," reads a statement that María Andrea Matamoros Castillo, a government spokesperson, shared on her Twitter page on Monday. "The Honduras National Police's Special Unit immediately launched an investigation."

"Those responsible will feel the full weight of the law," adds the statement that notes authorities have leads in Almendares' murder. "Our solidarity with the family."

Condenamos el crimen que le quitó la vida al periodista Luis Almendares. De inmediato se inició una investigación por la Unidad Especial de la @PoliciaHonduras teniendo importantes avances. A los responsables les caerá todo el peso de la ley. Nuestra solidaridad con su familia. "
Reporters Without Borders is among the groups that condemned Almendares’ murder.

“The Honduran authorities must lose no time in identifying the perpetrators and instigators of this execution-style murder, and should prioritize the hypothesis that it was linked to the victim’s reporting,” said Emmanuel Colombié, the head of Reporters Without Borders’ Latin America bureau, in a statement.

“The endless spiral of violence against the Honduran press has to be brought to an end,” added Colombié. “How many journalists need to be murdered before the authorities react, by reinforcing their mechanism for protecting journalists and by establishing a lasting plan for combating impunity for these crimes?”

HONDURAS  LUÍS ALMENDARES

Michael K. Lavers
Michael K. Lavers is the international news editor of the Washington Blade.
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Comments are closed
Trump proposals threaten LGBTQ asylum-seekers' hopes of refuge in U.S.

Proposed regulations could make it harder for LGBTQ people to seek asylum in the U.S. Exclusive FOIA data show nearly 4,400 people did so from 2007 to 2017.

Marivian Muñoz, a transgender woman, was 14 when she first fell in love. His name was Roniel, and they went out secretly for a year. It was hard to be openly LGBTQ in La Ceiba, a seaside city on the northern coast of Honduras.
A year later, Roniel – just 19 – was murdered by Mara 18, also known as the 18th Street Gang, a violent transnational group. Muñoz suspects Roniel was killed because of his sexuality, but the crime was never solved.

"The gang members went into his house and shot him, leaving him stretched out in the living room," Muñoz wrote in her March 2018 asylum application. "I never had a serious relationship again."

The loss of her first love was harder to take because Muñoz had no security at home. She said she was brought up in an abusive environment where no one – not family, not friends, certainly not the government – could be trusted to provide safety.

In over a dozen pages of her asylum deposition, Muñoz, now 24, recounted how, starting from when she was a teen, she was verbally and physically abused by family and peers, even being raped multiple times. Muñoz left Honduras on Dec. 27, 2017, and traveled overland for 55 days. She won her asylum case in June 2018.

Muñoz is one of at least 4,385 people who have sought asylum in the U.S. since 2007 through a claim of anti-LGBTQ persecution in their home country, according to exclusive data obtained by NBC News through a Freedom of Information Act request to United States Citizenship and Immigration Services.
"Walking on the streets in Honduras is a veritable hell for me, since I have to tolerate sexual harassment, insults, taunts, and violent acts by people who think they have the right to impose their anti-LGBTI ideas on me," Muñoz wrote in her asylum application. "I came to the United States because it is a symbol of freedom. Here, I will be able to be the woman I want to be, without the constant fear of being killed or attacked."

Immigration advocates, however, are warning that the days of America being a beacon of hope for those fleeing homophobia and transphobia abroad could soon be over.
On June 15, the Trump administration unveiled "Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review," a proposed overhaul of the rules that govern the intake of asylum-seekers at U.S. borders and ports of entry.

If approved as proposed, the rules would radically alter the American asylum system by making it harder to both enter the U.S. to seek protection and to win a gender-based claim in its immigration courts. Experts say the rules would empower officials in immigration courts and at the U.S. border to disqualify migrants from ever having their day in court.

In a comment filed against the proposal, Human Rights Watch wrote that the regulations "appear designed" to target three groups in particular: "Central Americans fleeing gang violence; women fleeing domestic abuse; and lesbian, gay, bisexual and transgender (LGBT) people."

Aaron Reichlin-Melnick, policy counsel at the American Immigration Council, a pro-immigrant rights group based in Washington, said "these proposals are accurately described as representing the death of asylum."

"They would drastically raise the standards for people to win protection and raise the screening process for asylum at the border to a heightened level that would make it very hard for people to ever get the chance to formally apply for asylum."

Reichlin-Melnick said what is clear is that if approved, the new rules would "have a dramatic effect on people with strong asylum claims, which covers many LGBTQ asylum-seekers."

In an email, Victoria A. Palmer, a United States Citizenship and Immigration Services spokesperson, wrote "nothing has been finalized."

"DHS and DOJ are now conducting a review and analysis of comments and will then issue a final rule. The date of the final rule has not been determined," Palmer said.

The Department of Justice, which contains the Executive Office for Immigration Review, declined to comment.

LGBTQ immigration advocates like Katie Sgarro, co-founder and president of AsylumConnect, a digital platform where LGBTQ asylum-seekers can find resources to help pursue their claims, said if enacted as proposed, the rules would eliminate many of the legal avenues for textbook gender-based asylum claims.
"If you had an LGBTQ rights advocate who came to the U.S. after courageously advocating for LGBTQ equality or helping LGBTQ community members in their home country where it's extremely dangerous to be openly gay, that person would qualify for immediate deportation," Sgarro said.

Lee Gelernt, deputy director of the ACLU's Immigrant Rights Project, said the proposal to restrict a variety of legal avenues for asylum claims was just one part of the Trump administration's effort to create more roadblocks to all immigration, even as pandemic-related border restrictions and the "remain in Mexico" policy have for the past year stopped many asylum-seekers from ever crossing into the U.S.

"The asylum statute that Congress enacted allows asylum claims based on gender and sexual orientation, and the Trump administration is now trying to overturn years of considered case law by enacting regulations," Gelernt said. "The regulations, if not changed, will be challenged immediately in court because they are inconsistent with the asylum statutes and the case law properly interpreting those statutes."

**America's history with LGBTQ asylum-seekers**

For decades, America was an unwelcoming place for people fleeing anti-LGBTQ persecution. The Immigration and Nationality Act of 1951 barred admission of aliens with "a mental defect," and a 1965 amendment to the act made Congress' intention clearer by adding "sexual deviation" as a medical bar to entry. Plus, homosexuality was considered a mental illness by American psychiatric manuals until 1973.

In 1980, then-President Jimmy Carter signed the Refugee Act, which defined "refugee" as someone who was outside of their home country and was "unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

An asylum-seeker is largely the same as a refugee, but the main difference is when they ask for refuge: Refugees apply before they arrive in their destination country, while asylum-seekers apply after they arrive.

Since the Refugee Act of 1980 did not define what counted as a "particular social group," immigration judges were soon called upon to adjudicate.
By 1985, the Board of Immigration Appeals issued the precedent-setting "Matter of Acosta," a ruling that began to define "a particular social group" as one whose members must all share a characteristic that they cannot or should not be required to change.

"The shared characteristic might be an innate one such as sex, color, or kinship ties, or in some circumstances it might be a shared past experience such as former military leadership or land ownership," the Matter of Acosta read.

The inclusion of that single word – "sex" – and an evolving legal and cultural understanding of what someone "cannot or should not be required to change" led to a series of pro-LGBTQ immigration rulings.

In 1994, Attorney General Janet Reno directed authorities to consider as precedent the Matter of Toboso-Alfonso, a 1990 decision that found that a Cuban gay man targeted for his sexuality qualified for asylum as a member of a "particular social group."
Then in 2000, an awkwardly worded federal appeals court ruling began to extend similar rights to claims based on gender identity – all based on the Matter of Acosta's inclusion of the word "sex".

**Tracking LGBTQ asylum-seekers**

By 1997, three years after Reno's directive made Toboso-Alfonso the standard, OutRight Action International (known then as the International Gay and Lesbian Human Rights Commission) estimated that over 100 people had by then applied for asylum in the U.S. based on a claim that they were persecuted because of their sexuality.

Since then, the U.S. government has released little, if any, data to the public about the number of LGBTQ asylum-seekers in the U.S.

Through a Freedom of Information Act request NBC News has obtained data on LGBTQ people who sought asylum in the United States for a decade spanning the Obama administration and a small portion of the George W. Bush and Trump administrations.

The exclusive U.S. Citizenship and Immigration Services data shows the number and countries of origin of 4,385 LGBTQ asylum-seekers who entered the United States from January 2007 to November 2017. LGBTQ asylum requests peaked in December 2016 and then subsided.
These LGBTQ asylum seekers came from countries around the world — China, India, Russia, Brazil — but from 2007 to 2017 the largest share per capita came from Central America's "Northern Triangle": Honduras, Guatemala and El Salvador, three countries with high homicide rates that have in recent years sent thousands of migrants and dozens of caravans toward the U.S. border.

From a trickle to a river, back to a stream

LGBTQ asylum requests to enter the U.S. peaked in December 2016, then subsided.
By comparing these figures to overall asylum figures contained within the Citizenship and Immigration Services' Asylum Division Quarterly Stakeholder reports, NBC News found that about 1 in 12 U.S. asylum requests from Hondurans came from those who said they had a fear of persecution because of their membership in a "particular social group" — the LGBTQ community.
Of all the asylum-seekers who presented at U.S. ports of entry with a claim of LGBTQ-related persecution, immigration officials rejected just 2 percent, finding that they had "no fear" of persecution. (These credible fear and reasonable fear interviews are typically the first step in the asylum process, but they do not necessarily mark the end of all legal recourse for an asylum-seeker.)

Reichlin-Melnick said this 98 percent approval rate for the credible fear and reasonable fear interviews of LGBTQ asylum-seekers is "significantly higher than everyone else," estimating that the general population passage rate has generally fallen from 75 to 90 percent.
Muñoz said she's grateful that she won her asylum case before Trump's restrictions came into effect. She now lives and studies English in Washington, D.C., and hopes to enroll in college soon.

"I think the USA gives me the assurance that at least I won't get killed for being LGBTQ," Muñoz told NBC News. "Although there are radical groups, they don't damage minorities as much as they do in Honduras."

That doesn't mean the violence she fled still can't touch her. In late July, Muñoz said she felt "destroyed" after receiving the news that her best friend of 14 years, Cristal López, another trans woman, was killed in Honduras alongside her partner.
"She always felt really unsafe in Honduras," Muñoz said of her friend, whom she long ago gave up trying to persuade to emigrate to the U.S. That's because López had a dream – she wanted to open a bar in La Ceiba.

Muñoz said that just a week before López was killed, she had helped her buy the land. "According to our plans, she was set to have everything done and to be in charge of the bar by May of next year," Muñoz said.

Muñoz said she spoke to López every week, including just hours before her death. "Really, it's been a hard blow," Muñoz said.

But sharing her friend's story is important to her. "Maybe this way we can find justice."

She said her best friend's slaying inspired a change of career. Before López's death, Muñoz wanted to be a nurse. Now, she wants to be a prosecutor so she can advocate for victims of violence.

"I think this has given me the strength," said Muñoz, "to fight for people who are killed like this."
TAB 30
This activist group is taking on the state of Honduras in the first trans femicide court case. If the court rules in Cattrachas' favor, this will be the first time Honduras is held responsible for trans femicide. The group hopes it will set a precedent for similar cases across Latin America.

Indyra Mendoza, the founder of Cattrachas, recalls cases of violence against the trans community as they work to gather evidence for their hearing with the Inter-American Court of Human Rights.

On June 28, 2009, the night of the coup in Honduras, Vicky Hernández, a trans rights activist, went to work with her friends — other trans sex workers — without knowing about a military-
imposed curfew.

According to Hernández’s friends, the troops in the town of San Pedro Sula threatened and chased the sex workers. Hernández disappeared. She was later found dead due to gunshot wounds to her head.

In the weeks that had led up to Honduran President Manuel Zelaya’s ouster and exile, violence against Honduras’ lesbian, gay, bisexual, transgender and queer (LGBTQ) community spiked along with a heavy military crackdown and nightly curfews.

In the first week of the coup alone, seven trans women were executed. The number of violent deaths of LGBTQ people went from five in 2008 to 31 in 2009, and only eight of those cases have been prosecuted.

To this day, Hernández's murder has not been brought to justice.

Related: Migrating to the US is already risky. Try being a transgender migrant.

But Cattrachas, a lesbian, feminist coalition of trans and cisgender men and women (whose gender identity matches the one they were assigned at birth), has refused to let her case go without a fight. Together, they are taking the state of Honduras to the Inter-American Court of Human Rights for Hernández's murder.

If the court rules in their favor, this will be the first time Honduras is held responsible for trans femicide and the group hopes it will set a precedent for similar cases across Latin America.

Cattrachas seeks monetary and psychological reparations for Hernandez’s family who relied on her for economic support.

Founded in 2000 by Indyra Mendoza, a fast-talking, former economist with short, salt-and-pepper hair, Cattrachas tracks incidents of violence and discrimination against the LGBTQ community in Honduras and uses that evidence for strategic litigation and advocacy.
Indyra Mendoza is the founder of Cattrachas, an organization that has been documenting instances of violence against the LGBTQ community for over 20 years.

Credit:
Samanta Helou Hernandez/The World

Mendoza decided to take on Hernández’s case because as a trans, HIV-positive sex worker — murdered on the day of the coup — her execution represented an
worker murdered on the day of the coup — her execution represented an opportunity to make an impact on transgender justice.

“The state really did nothing, ... This case will create a structural impact. We’re requesting what constitutes a trans femicide be defined.”

- Indyra Mendoza, founder, Cattrachas, Tegucigalpa, Honduras

“The state really did nothing,” Mendoza said from the Cattrachas offices in Tegucigalpa, the capital. “This case will create a structural impact. We’re requesting what constitutes a trans femicide be defined.”

Cattrachas filed the case with the Inter-American Commission on Human Rights based in Costa Rica, in 2012.

In May 2019, after seven years of seeking justice for Hernández in Honduras, the Inter-American Court of Human Rights finally agreed to hear their case. Cattrachas had two months to gather evidence to send to the court, after which the state of Honduras was also given two months to provide a report. By October 2019, the court had received all necessary documents from both parties.

Cattrachas now awaits their court date anticipated for March or April of this year.

Mendoza and her colleagues at Cattrachas argue that cases like Hernández's represent the first example of trans femicide being tried in the court.

Related: How the US immigration system nearly tore this LGBTQ couple apart

‘Justice is always late’

Lining a wall in the hallway that leads to Mendoza’s office is an altar dotted with photos of trans women murdered in Honduras. They remind everyone to keep fighting.
“I think in the list of all the murders, I knew at least a 100 of them,” Mendoza said. “And if I don’t know them, I know their case. I have to see every photo, every cadaver,” she said. Hernández is one of them.

According to Cattarachas, the state of Honduras carried out an incomplete investigation in the months following Hernández’s murder in 2009, and briefly resumed the investigation two years later, in 2011.

Yet, to this day, police have only gathered a statement from Hernández’s mother and no other witnesses were contacted. A condom was allegedly found at the scene but has yet to be tested for genetic material, according to the Merits Report by the Inter-American Commission on Human Rights.

“That’s the hard part, that justice is always late. We must win. We must win.”

- Indyra Mendoza, founder, Cattrachas, Tegucigalpa, Honduras

“That’s the hard part, that justice is always late,” Mendoza said, sitting in her office. “We must win,” she paused. And then reiterated: “We must win.”

Cattrachas says that Honduras is responsible for Hernández’s murder due to high levels of military personnel in the area at the time, and a clear pattern of murders of trans women by the state during the first week of the coup — all seven women were shot in the head at night during the military-enforced curfew.

They argue that Hernández’s murder was an extrajudicial execution and that the state failed to properly investigate the facts and hold the perpetrators accountable. Cattrachas alleges that the state violated Hernández’s rights to life, humane treatment, fair trial and judicial and equal protection.

Meanwhile, in the joint report, the state contends that the investigation is still active but has been drawn out due to its complex nature.
According to the state, Hernández’s mother said in a statement taken by the police that "her son had mentioned some weeks earlier that another trans person had robbed him and threatened him if they saw him again they would kill him.” The state also said that Hernández was working in an area heavily controlled by gangs.

But Mendoza and her team insist that the state of Honduras should be held accountable. And she also believes that Cattrachas’ focused evidence-finding and litigation could have national and international repercussions.

Their goal is to change the legal system in Honduras that Mendoza says treats the LGBTQ community as second-class citizens.

Through the impending court case, Cattrachas hopes Honduras will enact a law that guarantees nondiscrimination on the basis of sexual orientation or gender identity, along with investigation protocols for violence against the LGBTQ community. They also want to eliminate the coup-era amnesty law in order to reactivate investigations of human rights violations.

“My activism is focused on changing legal norms — the next generation will be focused on changing social norms,” Mendoza said.

Related: ICE deported a transgender asylum-seeker. She was killed in El Salvador

Monitoring media, tracking hate crimes
Every morning at Cattrachas starts the same — members sit around a sun-soaked dining room and eat *baleadas*, a thick flour tortilla folded over and filled with refried beans, cheese and sour cream. The office is filled with colorful art.

The heart of Cattrachas is the media observatory, a room filled with six monitors that constantly cycle through 21 Honduran TV channels. Staff members spend hours staring at computer screens to monitor the news for incidents of violence against LGBTQ people in Honduras.

Staff member Seidy Irias meticulously watches for discriminatory language — used both by reporters and pundits.

On a humid day in June 2019, Irias sat in front of a monitor staring at a photo of a dead trans woman who had been murdered days before. She noticed that the news report identified the woman as part of the “gay” community.

Vii Viera, a fellow staff member, inputs the murder and language used by the news outlet into their in-house database, which allows them to analyze trends and share the information.

“I have yet to see a publication that uses inclusive language ... and the media has a lot of power — it affects us.”

- Vii Viera, media monitor, Cattrachas, Tegucigalpa, Honduras
“I have yet to see a publication that uses inclusive language,” Viera told The World, “and the media has a lot of power — it affects us.”

Roxana Diaz, a forensics doctor with the national police investigations division, has spent years working in collaboration with Cattrachas to accurately track hate crimes that affect the LGBTQ community. The shared goal is to ensure that no act of violence goes unreported.

When a body arrives at the morgue and Diaz suspects the person was a member of the LGBTQ community, she contacts Cattrachas to ensure that the death was correctly tracked and recorded.

"The dead talk, they have a lot to say."
- Roxana Diaz, forensics doctor, Tegucigalpa, Honduras

“We see that with cases involving a member of the [LGBTQ] community, there tend to be a lot more signs of cruelty and hate in the body,” Diaz said. “The dead talk, they have a lot to say.”

Cattrachas also calls Diaz when they learn about an LGBTQ-related murder to ensure the body was accurately documented and autopsied.

By flagging potential LGBTQ murders using indicators typical of hate crimes — such as mutilated genitals — Diaz adds valuable information that improves investigations.

Unfortunately, because Hernández was HIV-positive, she did not receive an autopsy — despite two requests by her prosecutors — a violation of Honduran law.
“We can’t isolate the LGBTQ community,” said Diaz at the Police Investigations Directorate in Tegucigalpa. “We have to be objective in our scientific work, with the goal of seeking the truth and ensuring that cases don’t end in impunity.”

In the decade since the coup, Cattrachas has counted 350 violent deaths of LGBTQ people — of those, 111 were trans women. They credit the uptick in religious fundamentalism as the main reason for the increase of violence. “You could say that enemy No. 1 for us is religious fundamentalists,” Mendoza said.

Through their tracking system, the group has identified a correlation between anti-LGBTQ discourse by religious leaders and an increase in violent deaths of queer people.

“In the last 20 years, we’ve seen a rise in conservative religiosity [and these people
have] decided to fight back, and intensify their homophobic and transphobic discourses,” said Javier Corrales, a political science professor at Amherst College and an expert on LGBTQ rights in Latin America.

Corrales said that with evangelical churches, in particular, members fervently align with the rhetoric of their pastors.

“They have influence both from the top-down and bottom-up, because the hierarchy these churches are involved in public opinion, but also the followers of evangelical churches are willing to go along with these teachings,” he said.

‘I’m one of the few that survived’

Talia, a former Cattrachas activist, says she was brutalized by the police and military as a trans sex worker. These days, she is focused on staying safe and running her business: a small convenience store she operates out of her home.

Credit:
Samanta Helou Hernandez/The World
Talia, a former trans rights activist with Cattrachas, knows firsthand what it feels like to be targeted — and survive. Talia asked to refrain from using her last name to protect her identity.

The last time Talia was beaten by state agents was in 2008. As she stood on a street with fellow sex workers in Tegucigalpa, a group of men in military uniform beat her with batons, she said.

It took her two weeks to recover from the injuries. She suspected her years of activism with Cattrachas as the reasons for being singled out.

**Related:** [This senior center is helping Mexico's 'invisible' LGBTQ seniors](#)

As a trans woman, Talia had come to expect abuse from authorities. She said that in the '90s while working as a sex worker — technically a legal profession in Honduras — she was repeatedly raped, robbed and beaten by police officers. But this was the worst incident of all.

Talia filed a complaint against the military officers, but fellow activists worried about retribution. Yet, Talia refused to leave her family and home country behind. Instead, she went into hiding. She stopped taking hormones, cut her hair and began dressing as a man for the next four years.

“It wasn’t what I wanted, but I had to stay alive,” she said. “It’s horrible that they violate the freedom of expressing yourself as you are.”

These days, Talia, with a cheery disposition, considers herself a strong woman with dreams of a bright future as a businesswoman.

“I’m one of the few that survived. ... I’ve lost most of my friends along the way, and I’ve had to bury them.”

- Talia, trans activist and businessowner, Tegucigalpa, Honduras
“I’m one of the few that survived,” Talia said. “I’ve lost most of my friends along the way, and I’ve had to bury them.”

For Talia, Mendoza and her team, their hope for the future of trans rights is now bound up in Hernández’s case. It will define the legacy of Cattrachas and has the potential to change the impunity of trans murders in Latin America.

*This reporting was supported by the International Women’s Media Foundation as part of its Adelante Latin American Reporting Initiative.*

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*Produced by*
TAB 31

TEGUCIGALPA, Honduras — Roxsana Hernández was a transgender woman with HIV from Comayagua, a city that is roughly 50 miles northwest of the Honduran capital of Tegucigalpa.

Hernández on May 9, 2018, asked for asylum in the U.S. at the San Ysidro Port of Entry in San Diego after she joined a migrant caravan that left Honduras a few months earlier. Hernández died at a New Mexico hospital 16 days later while in U.S. Immigration and Customs Enforcement custody.

The New Mexico Office of the Medical Investigator last April announced an autopsy it performed on Hernández found she died from Castleman disease associated with AIDS. The Transgender Law Center, which represents Hernández’s family in a wrongful death lawsuit, released the findings of a second autopsy that found Hernández suffered “physical abuse.”

The second autopsy also concluded the cause of death was “most probably severe complications of dehydration superimposed upon HIV infection, with the probable presence of one or more opportunistic infections.”

Rihanna Ferrera, director of Asociación de Derechos Humanos Cozumel Trans, a trans Honduran advocacy group, on Jan. 22 told the Washington Blade during an interview in Tegucigalpa that Hernández decided to leave Honduras, in part, because she wanted access to better antiretroviral drugs.
“She left in search of a better life, a better quality of life, better medications,” said Ferrera.

Hernández’s case underscores the precarious situation in which many Hondurans with HIV face because of a combination of factors that include poverty and a lack of access to treatment. It also highlights the plight of LGBTQ Hondurans who have decided to leave their country.

A UNAIDS report notes an estimated 23,000 Hondurans were living with HIV in 2018, and 50 percent of them were receiving antiretroviral drugs. The report notes 42 percent of Hondurans with HIV had suppressed viral loads.

The report identifies trans Hondurans as one of “the key populations most affected by HIV” in the country. It notes 8.2 percent of trans Hondurans lived with HIV in 2018.

The Honduran Congress in 1999 passed the Special Law on HIV/AIDS in response to the epidemic. It also created the National AIDS Commission in order to help protect the rights of Hondurans with HIV/AIDS.

A Honduran government spokesperson on Tuesday provided the Blade a copy of a guide for civil servants on human rights-related issues. The document notes Honduras’ Public Policy and National Action Plan on Human Rights includes an advisory council with members who include representatives of groups that advocate on behalf of “people with or affected by HIV,” migrants, LGBTQ people, Hondurans of indigenous and African descent and other vulnerable groups.

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The U.S. Agency for International Development and the Global Fund to Fight AIDS, Tuberculosis and Malaria are among the international organizations that have also provided financial support to the fight against HIV/AIDS in Honduras.

Ferrera said many Hondurans with HIV/AIDS remain vulnerable, despite the aforementioned efforts.

“People living with HIV are people,” she said.

**Ferrera’s trans sister murdered in 2019**

Ferrera in 2017 ran for the Honduran congress as a candidate for the center-left Innovation and Unity Party (PINU).

Ferrera’s sister, Bessy Ferrera, who was also trans, was murdered in Comayagüela, which borders Tegucigalpa in Honduras’ Central District, on July 8, 2019. Ferrera spoke with the Blade hours after she attended a court hearing for the two men who have been charged with her sister’s death.

Ferrera told the Blade one of the two people who witnessed her sister’s murder “had to leave the country because of fear that something may happen to them,” even though the Honduran government placed them under protection. Ferrera said the other witness “does not” want to testify in court.
Ferrera said none of her relatives attended the hearing because they rejected her and her sister over their gender identity.

Ferrera told the Blade “the first thing” that members of her family told her when she arrived at the cemetery after her sister’s murder is “we don’t want to bury a faggot in front of all of my relatives.” Ferrera said Cattrachas, a Tegucigalpa-based lesbian feminist network that documents the murders of LGBTQ Hondurans, offered to pay for her sister’s funeral.

“There was a change — a dramatic change — in my life on July 8, 2019,” Ferrera told the Blade.

“Now I am alone in this country because I don’t have any family,” she added.

Honduras continues to have one of the world’s highest per capita murder rates because of violence frequently associated with gangs and drug traffickers. Violence based on sexual orientation and gender identity remains one of the main factors that prompts LGBTQ Hondurans to leave the country.

President Juan Orlando Hernández in 2017 was declared the winner of Honduras’ presidential election, despite irregularities and widespread protests across the country that left dozens of people dead.

A New York jury last October found Juan Orlando Hernández’s brother, former Honduran Congressman Juan Antonio Hernández, guilty of trafficking drugs into the U.S. Honduran LGBTQ activists have cited this case in their public comments against Juan Orlando Hernández and his government.

Ferrera told the Blade she was planning to leave Honduras before her sister’s murder.

“What happened happened and I decided that I could not go,” she said.

Ferrera said she would like to come to the U.S. and work with American LGBTQ organizations on immigration-related issues.

Ferrera told the Blade she would like to seek asylum, but “not while in detention.” She added she has a visa that would allow her to enter the U.S. at a legal port of entry without entering custody.

“It is the best option,” said Ferrera.

Michael K. Lavers
Michael K. Lavers is the international news editor of the Washington Blade.
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TAB 32
Two Gay Immigrants Left Everything For Safety In The US. Instead, They Were Sent To Guatemala.

"I was feeling really deceived — all of my sacrifice had been in vain. Now I'm being thrown to Guatemala."

By Hamed Aleaziz
Posted on February 10, 2020, at 9:52 a.m. ET

Sitting in a jet streaming toward Guatemala, watching the landscape shift below, Pablo replayed the scenes that had led to this moment. He recalled the day he fled his home in El Salvador rather than face the...
danger he felt being a gay man. He considered the sacrifices he had made over the yearlong journey to the United States–Mexico border.

Pablo, 23, had hoped to find safety and start a new life in the US. What he did not know when he was arrested after crossing the border into Texas in December was that he had placed himself on the front lines of an unprecedented effort by the Trump administration to dissuade immigrants from El Salvador and Honduras from seeking asylum in the US.

The immigrants were told they could no longer gain protection in the US. They would have to settle in Guatemala, a country also racked by poverty, violence, and instability, whose own citizens made up a sizable portion of those arrested at the southern border last year.

Pablo, who requested to use a pseudonym for fear of threats, was quickly thrust into the Trump administration’s new “safe third country” program. Border officials selected him, gave him a form that said he was eligible for a policy sending asylum-seekers to Guatemala, and afforded him a short phone call with an asylum officer who reviewed his case.
Two Gay Immigrants Left Everything For Safety In The US
He said he tried to explain to the officer that he had not only already traveled through Guatemala on his way to the US but had faced harassment there. He told the officer he didn’t want to go back.

Pablo was still hopeful, he said, as he waited in government custody in mid-December. He had heard of others, including his cousin, who had crossed into the US earlier in the year and were eventually released and given the chance to make their asylum case in front of an immigration judge. But that hope evaporated the moment he was led to a government plane, accompanied by other asylum-seekers from El Salvador and Honduras.

“It’s all a big farce,” he said in an interview. “Why? I was feeling really deceived — all of my sacrifice had been in vain. Now I’m being thrown to Guatemala [where I won’t be protected]. I was feeling broken about the situation.”

Pablo spoke to BuzzFeed News from a home in Jalisco, Mexico, where he is waiting after fleeing Guatemala. Now he hopes to get back to the US through a different route: as the lead plaintiff in a high-stakes lawsuit filed by the American Civil Liberties Union and the National Immigrant Justice Center that seeks to block the implementation of the Guatemala policy and allow those already sent there to return to the US.

The experience of Pablo and others who spoke to BuzzFeed News is a window into one of the most unusual and severe immigration
programs implemented by a president who has said he wants Congress to “get rid of the whole asylum system.”

Confusion and panic surrounding key aspects of the policy — like how asylum-seekers can bypass being sent to Guatemala — has spread to not only those in custody but also attorneys along the border and elsewhere. Asylum officers who spoke with BuzzFeed News said it’s nearly impossible for people to avoid the program by proving they will face danger in Guatemala.

Pablo has spent his entire young adulthood in search of safety, peace, and a place where he can be open about his sexual orientation. He left El Salvador because his life was in danger, and he knew Guatemala and Mexico were similarly dangerous for him as a gay man, said Keren Zwick, litigation director at the NIJC.

“Like so many people who have been shut out from safety by this administration, Pablo believed the United States would provide him safety,” she said.

The Trump administration has so far deported more than 300 people, including families, from El Salvador and Honduras to Guatemala since the safe third country program was launched in late November. The administration has hailed the effort, one of many to restrict asylum, as part of the reason why numbers of those arrested at the border continue to dip.

Senior administration officials have also framed the policy as an opportunity for asylum-seekers to seek protection closer to their home countries.

“We are building protections that will be available to the region’s vulnerable populations closer to home — eliminating the need to make the dangerous journey north and lining the pockets of...
transnational criminal organizations,” acting Department of Homeland Security Secretary Chad Wolf said in December.

DHS officials say the asylum-seekers are fine with going to Guatemala: “All asylum-seekers who are sent to Guatemala have chosen to go,” an agency spokesperson said.

But attorneys representing those sent there say the choice is a false one: Asylum applicants are told they can either be deported to the country they fled or go to Guatemala.

“This is not a true ‘choice.’ The plaintiffs in the case, as well as others we interviewed, made it plain that the option of remaining in the United States to seek asylum was never presented as a viable option,” Zwick said.

And privately, US Citizenship and Immigration Services asylum officers have raised concerns with not only being involved with the program — something several have called a violation of human rights — but whether Guatemala has the infrastructure to adequately screen asylum cases and protect those who arrive. For other officers, the idea that asylum-seekers are being sent to a country where more than 200,000 of its own citizens fled to the US–Mexico border last year is shocking.

“This program generally does not allow applicants to access attorneys, does not provide information on how to access legal support, does not provide extensive information on their rights in the process, it does not provide extra care or consideration to people who speak Spanish as a second language,” said one asylum officer, who spoke on the condition of anonymity because they weren’t authorized to speak publicly on the matter. “The US government needs to seriously consider if perpetrating human rights violations [of asylum seekers] is worth reducing the number of people who are paroled into the US.”
Even the US government's own training materials for officers detail the perils people face in Guatemala, including gangs, violence, and killings with “high levels of impunity.” The guide, which was obtained by BuzzFeed News, relies primarily on public sources: academic publications, news reports, and research from Human Rights Watch and other organizations.

One section of the resource guide links to a 2012 report by the International Gay and Lesbian Human Rights Commission, which states that LGBTQ people in Guatemala suffer “cruel, inhuman and degrading treatment, including a constant threat of violence that amounts to torture, forced disappearances, sexual violence in detention centres and non-consensual medical testing.”

Pablo saw the nascent asylum infrastructure in Guatemala firsthand when he was sent there one morning in mid-December. Local officials provided him and others on his flight an ultimatum: They could either seek asylum in the country or be given transportation to their home countries of Honduras or El Salvador. They had 72 hours to decide.

The last time he had come to Guatemala in 2018 on his way to the southern border, he and his cousin were harassed as they waited for a bus.

“They called us gay and a number of other words. They told us we ruined the ambience just for being there,” Pablo recalled.

After being processed by Guatemalan officials this time, he was taken to a local shelter where he was given food and the opportunity to stay.

Even then, the housing would not be permanent. The organization that ran the shelter, whose members told him to be careful outside their facility, could help him for a month or two — but afterward he would need to find his own housing, Pablo said.
At one point, Pablo asked a local immigration official if he could leave for Mexico to visit his partner.

“You should seek protection there,” he said the immigration official told him. “Guatemala has nothing to offer you.”

Before he left, Pablo connected with NIJC attorneys who asked if he wanted to join others like him in a lawsuit challenging the Trump program.

“The government denied plaintiffs and others like them the opportunity to speak to counsel or even family in the United States before deporting them to a country that is not their own, and most were in the United States for just a period of days,” Zwick said. “This strategy is an intentional, strategic choice that makes challenging these procedures difficult. NIJC was only able to meet [Pablo] and other plaintiffs by sending staff to Guatemala to catch them in the brief period before they were abruptly returned to their home countries.”

On the ground in El Paso, immigration attorneys are looking to help those forced into the program. Asylum-seekers do not have the right to have an attorney during the screening process to determine whether they can avoid being sent to Guatemala due to established fears of torture or persecution there.

Nevertheless, Linda Corchado, an immigration attorney in El Paso, located and represented Josué, a 20-year-old man from Honduras who was initially taken into US custody around Jan. 14.

Josué, who asked to only be identified by his middle name, fled Honduras after receiving death threats for being gay. He vividly remembers one day in summer 2016 when four men surrounded him and his boyfriend and called them “faggots” and told them they would make them into “men.”
“I told my boyfriend to run. I stayed so they wouldn’t run after him. They threw me to the floor. They attacked me — I screamed for help,” he said. “They left me beaten and told me they wanted me to disappear because they didn’t want faggots in their community.”

He spoke to BuzzFeed News while in Customs and Border Protection custody.

He had waited months in Ciudad Juárez to get the opportunity to apply for asylum. In January, he got the chance when he was taken into custody by border officials. Once there, he was told about the reality of the new asylum policies: He would be sent to Guatemala.
Josué

“To be honest, I have no idea what I will do in Guatemala. I think my best option would be to go back to Mexico or hide in secret. I’ll continue to suffer humiliation and persecution,” he said. “I am so afraid of dying.”

When he made his journey to the US, Josué had a clear goal: “I wanted to be in a country that has rights to support me and to protect me. I want to be myself in a relationship without being afraid.”

For several days in January, Corchado attempted to intervene in his case when he was first interviewed and get asylum officers to hear his claims of fear in Guatemala.

Josué had said asylum officers did not give him the opportunity to adequately express his case and, like Pablo, he didn’t understand the process or how to effectively advocate for himself.

“The level of distress and helplessness was incredibly exacerbated by this process,” Corchado said. “It just felt like my agency was very limited — and so was my client’s agency, which was extremely frustrating.”
The asylum officer who spoke with BuzzFeed News about the program said Pablo’s and Josué’s confusion makes sense.

“Considering some applicants are not educated or cannot read, expecting them to navigate the complex legal environment with essentially no support from the US government, it is not surprising many humanitarian status seekers are falling through the cracks,” the officer said.

Avoiding being sent to Guatemala — proving they are “more likely than not” to be tortured there — also requires specific testimony and details that make it “almost impossible” to clear the standard, the officer added.

In the end, Corchado’s efforts to help Josué were for naught, even though he got a screening for his fears of going to Guatemala.

On Jan. 23, Corchado got an email from a US Border Patrol supervisor:

“[Josué] was put on a flight to Guatemala on today’s date.”

CORRECTION
February 10, 2020, at 11:48 a.m.

This story has been updated to remove a photo showing a deportee looking at a jet carrying the acting Homeland Security secretary. A previous version of this post misidentified who was on the plane.
TAB 33
Two years ago, a "rainbow caravan" of gay men and trans women from Central America and Mexico arrived in the US to seek refuge. This is the story of their journey - and what happened next.
Nogales, Mexico: 10 August 2017

"Are you ready?" says the voice behind the smartphone, which pans along a queue.

Six gay men and 11 transgender women stand together in single file, clutching their papers. Just metres ahead are the revolving grilled gates of the US-Mexico border.

Each member of the group looks nervous, and each has dressed for the occasion. One of the trans women, in a lacy white dress and diamanté tiara, exhales deeply and looks up at the ceiling. One of the gay men, wearing a checked shirt and smart black trousers with bleached blond hair gelled firmly into place, takes an anxious glance at a guard standing behind them.

Together they have formed a caravan, an informal group of people, travelling together for safety as is common for people fleeing dangers across Central America. Theirs is the "first Rainbow Caravan", as they branded it.

This side of the gate is in Nogales, Mexico. The other is in Nogales, Arizona. The two Nogales, as they are called, are "united by love", according to the local motto, but the Rainbow Caravan is not expecting a warm welcome.

Among the group is Joselyn, a trans woman from Nicaragua, and Jerson, a gay man in his twenties from Honduras.

The camera cuts as they step into the unknown.

Jerson's story

Jerson grew up in Honduras' industrial second city, San Pedro Sula. In 2015, it was known as the murder capital of the world.

Here, he lived a double life. He had a circle of gay friends, but had to meet them in safe houses. If he saw one of them in public, he would have to pretend he did not know them.

At work - in the distribution department of a pharmaceutical company - he made sure to keep his sexuality a secret.
Then one day, he was called in for a routine medical check. The doctor asked a list of conventional tick-box questions. But then he asked: "Do you like men or women?"

The question surprised Jerson. He was not sure why the doctor needed to know, but he felt he must have had his best interests at heart, so Jerson mustered the courage to answer honestly for one of the first times in his life. "Men."

Ten minutes after leaving the room, he got a call from human resources. They fired him. For Jerson, the connection was clear. "I thought I will never, ever tell anyone I am gay again."

Losing that job was not a deciding factor in leaving the county, but the surrounding fear was.

Jerson’s family had long been targeted by a gang for extortion. His father and his brother had already been killed. If his sexuality was known, he thought he was even more likely to be next.

"Join us or die" is a typical threat heard from gangs in Honduras and neighbouring El Salvador. Many young men are involuntarily recruited, and for gay men this process can be even more terrifying.

"The maras [gangs] codes of conduct are very macho," says Adeline Neau, who has led Amnesty International’s reporting on LGBT issues in the region. "Gay men may be abused for not being 'real men', or the leaders could say they don't want them in their territory because they are not complying with the traditional rules of society."
According to data compiled by Honduran NGO Cattrachas, 264 LGBT people were murdered in the country between 2009 and 2017. In most cases, those responsible were never brought to justice.

It was December 2015 when Jerson decided he had to leave. Going to the US was not the goal at this point; he thought he could build a new life in Mexico.

But first he had to find safe places to stay on the journey, and this was especially tough in other countries where homophobia was also rife. He came into luck just across the Guatemalan border, in southern Mexico, at a shelter called La 72.

- **Step into the shoes of a migrant**

- **Is there a crisis on the US-Mexico border?**

In 2016, La 72 opened two dormitories particularly for LGBT residents, simple rooms of six beds each, next to the general sleeping quarters.

"We noticed a growing number of LGBT migrants," says director Ramón Márquez. It was unclear why, he adds. Perhaps people had simply been identifying themselves more readily, as La 72 was known for offering support and security.

La 72 offers migrants physical health and mental health checks

The shelter is in the riverside town of Tenosique in Tabasco state. These borderlands have long been dangerous for migrants, as they form bottlenecks of people where criminals try to find vulnerable targets.

"What we do is just a first step," Ramón says. "A few other places are opening up now too, but, importantly, minds are also opening."

Some future participants in the Rainbow Caravan, including Jerson, managed to get some funds together to travel onward from La 72 by bus. Others had to
take their chances on La Bestia, or The Beast, the notoriously dangerous train that passes through Tabasco state en route to the US border.

Though the Rainbow Caravan did not fully form at La 72, crucial connections were made. Various members stayed there at different times, forming a network of wider friendships which would ultimately bring them together.

Joselyn's story

Joselyn was eight when a group of elders threatened to throw her into a volcano.

She had been born into an indigenous tribe, on the autonomously ruled Corn Island, 70km (43 miles) off Nicaragua's coast. Life there was even more traditional than on the highly conservative mainland.

She remembers being hounded by other islanders because of the way she dressed and acted.

- Nicaragua country profile

- Why speaking out in Nicaragua is getting tough

Moving to the mainland offered no respite. At school in the western city of León, she was repeatedly bullied. She was sexually abused on the streets. And yet whenever she sought help, from school teachers or the police, she says she was not taken seriously.

She says the final straw came aged 17, when she witnessed the murder of a trans friend. Fearing the perpetrator would come for her next, she fled. "What else could I do?" she says. "The police would not listen. They never filed reports. I felt like nobody."

A decade passed before she eventually became one of the first invitees to the Rainbow Caravan. The idea was mooted in an apartment in Mexico City, where various ex-residents of La 72 were staying.

Joselyn was initially far from keen. "I did not feel I had the spirit to continue," she says. Mexico had been no safe haven either - she had been kidnapped and sex trafficked in Jalisco state.

The others in the group rallied around her. They started contacting other LGBT people - friends and vague contacts - asking if they wanted to join. It was not just about the overland journey at this point, it was about solidarity and support in putting together their asylum cases when they reached the border.

"Que tiembla los machistas!" (Let the chauvinists tremble.) This is what the caravan chanted, with their fists in the air, when they arrived in Nogales in July 2017.

The group had now fully formed. There were 16 members, plus another gay man who joined at the last minute, having seen the group parading through the streets.

The caravan wanted to be seen. They knew that when they crossed the border, they would become a nine-digit number in a detention centre and the
treatment would be tough. They wanted to put themselves on the NGOs’ radars, so people would check in on them.

The Transgender Law Centre, a Californian NGO, was numerous organisations that supported them. They helped prepare a 655-page parole request on the Rainbow Caravan’s behalf, detailing the dangers they faced at home and in detention, and the reasons why they felt they were not a flight risk.

For the trans women, there was some small hope back in 2017 that parole might be granted. For the men, it was unlikely.

- What's the status of illegal immigration to the US?

Jerson says he felt compelled to join the group after his asylum claim in Mexico was rejected.

Just before crossing, he called his mother back home to tell her he might be entering detention for an indeterminable length of time. She, having already lost a husband and a son, and with two other children who had emigrated, said she understood.

It was during this phone call that he came out to her. She cried and told him she loved him.

"It was torture," says Joselyn of what happened as soon as they crossed the border. "First we had take our clothes off in a freezing room. Then we had to stay there for hours without any food of drink."

The group was split in two and sent to two privately run detention facilities.

The six gay men were sent to Otero County Processing Center, about an hour and a half north of El Paso, Texas, while the 11 trans women were sent to
Cibola County Correctional Center, an hour west of Albuquerque in New Mexico.

Joselyn says the guards used male slurs against her and told her to walk like a man. "They said the mistreatment was our fault and when I complained, they put me into solitary confinement for six days."

Immigration Equality, an LGBTQ immigrant rights organisation that also assisted members of the caravan, says they have heard many similar stories about Cibola. They have filed a list of recommendations for improving its conditions, including better health provisions. They say many trans women have been denied medication, such as HIV treatment and hormone supplements.

- **US accused over transgender migrant death**

The US Immigration and Customs Enforcement agency told the BBC that it has worked "closely with the healthcare provider at Cibola to ensure the facility is able to provide appropriate treatment and medications".

More broadly, Immigration Equality has also been concerned about LGBT migrants reporting abuse in detention. According to a report by the liberal research organisation, Center for American Progress, LGBT migrants are also 97 times more likely to experience sexual assault in immigration detention than the general population.

Treatment was also tough for the gay men, who were split up again and sometimes woken in the middle of the night to be moved.

"Being in detention destroys you mentally," says Jerson. To occupy his mind, he says he accepted a job in the centre's kitchen, getting paid a dollar a day. "You had to sign a form to say you were doing it out of choice, but it felt like slave labour."

Of the 17 members of the Rainbow Caravan, four of the gay men and one trans woman self-deported, because they felt the conditions in detention were so miserable and hopeless.

Another gay man from the caravan was just about to start this process when he came into contact with a lawyer who insisted his case was strong. A judge later agreed and he was granted asylum. The 21-year-old remains traumatised by the experiences in his home country and in detention.

Two more gay caravan members were later granted asylum after a long period of detention; the rest of the trans women were eventually released on parole. Three of them, including Joselyn, were later granted asylum, while the rest are still waiting.

**New York City and beyond, 2019**

In a kitchen in an un-gentrified part of Brooklyn, a group of gay men are singing Latin music while cooking lunch together on a humid summer day. Among them is Jerson.

He was one of the three gay caravan members to be granted asylum, somewhat to his own surprise. On the day he faced the judge, he thought: "Everything has been so bad so far. Can anything really ever go right for me?"
Jerson (L) has attended New York Pride twice and this year took part in the parade. It is now two years since the Rainbow Caravan crossed through the border gate in Nogales.

The other members that remain in the US have scattered far and wide. One trans woman has got a job in McDonald's in California's Bay Area. The 21-year-old is in Texas, taking English lessons at a local library. All their stories would have unfolded very differently had they started in 2019.

The Trump administration now insists migrants wait on the Mexican side of the border during the course of their US asylum hearings. In July 2019, it went further, declaring that those travelling from El Salvador and Honduras would not be considered for US asylum if they had passed through Guatemala first. They were told they would have to make their claims there instead.

Jerson, now 31, says he was astounded by New York City when he first arrived. He was amazed he could catch the subway in the early hours of the morning, after work, without being attacked.

The job he has found is in a Mexican restaurant in Manhattan, but what most motivates him is his sideline in activism with an organisation called the Queer Detainee Empowerment Project, where he has built a circle of friends.

Joselyn is similarly committed to helping others and has started a safe house for trans migrants in New Mexico. "I do not want to leave a single sister behind," she says.

Like Jerson, she says life in the US is not easy. It can be very lonely and many businesses still don't want to employ trans people in customer-facing roles.

"But I do feel a bit protected now," she says. "At least I can go to the shop."

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TAB 34
Top Americas rights commission condemns Honduras LGBT+ murders

By Anastasia Moloney

BOGOTA (Thomson Reuters Foundation) - The Americas’ top human rights commission on Thursday called on Honduras to investigate growing violence against trans people in the Central American nation, where three transgender women were killed in the first week of this month alone.

The Washington-based Inter-American Commission on Human Rights (IACHR) said more must be done to protect lesbian, gay, bisexual and transgender (LGBT+) people in Honduras who face ongoing abuse, and to prosecute crimes against them.

Twenty-one LGBT+ people have been murdered since January, according to local watchdog group Cattrachas, up from 18 in the same period last year. More than 300 gay and trans people have been murdered since 2009, the LGBT+ rights group said.

“The IACHR has followed with serious concern the increase in violence against trans women in Honduras,” the human rights arm of the 35-member Organization of American States said in a statement.
Three transgender women, including a TV show host and a LGBT+ rights activist, have been gunned down in three Honduran cities in July. The IACHR said police have arrested two possible suspects in the murder of 40-year-old activist Bessy Ferrera.

“These acts of violence are not isolated,” the IACHR warned, adding that during a 2018 visit it observed that “LGBTI people live in a context characterized by frequent physical, psychological and sexual violence against them, in addition to widespread impunity in those cases.”

Marcela Laitano, head of public policy at the Honduran human rights ministry, said it has asked judicial authorities to conduct a “prompt investigation” into the recent murders.

She said the ministry is working with various government authorities and local rights groups to promote “a culture of respect” and to improve access to health, education, jobs and political participation for LGBT+ people.

Training courses for civil servants on “sexual diversity” have also started.

“It’s work that we’ve just begun, and we hope that this can bear much fruit and that these hate crimes can be also be eradicated,” Laitano told the Thomson Reuters Foundation.
An entrenched machismo culture and conservative religious values in Honduras fuel discrimination against LGBT+ people, stymieing efforts to change attitudes in the Catholic-majority nation, she said.

“It’s much to do with the discourse of hate, of discrimination, prejudice that exists in society,” Laitano said.

The ministry has also worked with LGBT+ activists to advance a bill before congress that would allow trans people to change their gender identity legally, she said.

“Society needs to prepare itself to start this debate,” Laitano said.

Cattrachas head Indyra Mendoza noted LGBT+ people have virtually no legal rights in Honduras, where gay marriage and adoption are banned.

This month’s murders of trans women caused little outcry or condemnation from society at large in Honduras, she said.
“There’s a great indifference among society,” Mendoza said. “In fact our bodies are disposable, and we are also disposable.”

Reporting by Anastasia Moloney @anastasiabogota, Editing by Chris Michaud. Please credit the Thomson Reuters Foundation, the charitable arm of Thomson Reuters, that covers humanitarian news, women’s and LGBT+ rights, human trafficking, property rights, and climate change. Visit news.trust.org

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TAB 35
World

Transgender murders in Honduras stoking fear of backlash against LGBT rights

More than 300 gay, trans people killed since 2009, says watchdog

Thomson Reuters · Posted: Jul 16, 2019 9:11 PM ET | Last Updated: July 16, 2019

A participant holds a framed photograph of a transgender person murdered in a hate crime during a march to mark the International Day Against Homophobia, Transphobia and Biphobia in Tegucigalpa, Honduras, on May 17, 2018. (Jorge Cabrera/Reuters)
The murder of three transgender women in Honduras this month has raised fears that a push for LGBT rights in the country has prompted a backlash.

Bessy Ferrera, a 40-year-old LGBT rights activist, was gunned down by unknown assailants early on July 8 in the capital Tegucigalpa.

Santi Carvajal, a trans TV show host, was shot on July 5 and died a day later in the northern city of Puerto Cortes, and a third trans woman was killed in the city of El Negrito on July 3, local media reported.

Lesbian, gay, bisexual and transgender people encounter persistent abuse and harassment in Honduras, where gay marriage is illegal and gangs rule lawless city neighbourhoods.

Activists last year mounted legal challenges to bans on gay marriage and adoption, and developed a proposal with support from the human rights ministry for a law that would allow trans people to change their gender identity legally.

But the spate of murders has many fearing for their lives.

Trans people are being "kidnapped and killed with gunshots, kicks and punches," said Ferrera's sister, Rihanna Ferrera Sanchez, who ran as the first trans candidate for office in Honduras's 2017 elections.

"There has never been so many attacks of hate."

**Bloody backlash**

Twenty-one LGBT people have been murdered in Honduras since January, according to Cattrachas, a local watchdog group, compared to 18 in the same period last year.

More than 300 gay and trans people have been murdered since 2009, according to the group funded by the Arcus Foundation, which supports social justice for the LGBT community.

Motives in the recent killings, and whether they were connected, remain unclear.
"People live in communities that are basically controlled by gangs, where the state has very little presence," said Mirte Postema, a researcher with Human Rights Watch's LGBT program.

"If then you are also part of a minority that is excluded and discriminated against and socially vilified ... when you are visibly part of that minority, then you run extra risks."

Some fear the attacks signal a backlash against a region-wide push for increased LGBT rights, which saw the Mexican Supreme Court rule in 2015 that bans on same-sex marriage are unconstitutional.

"There is a kind of retaliation," said Carlos Eduardo Calix, a 35-year-old trans man and local activist from Choloma, a municipality in northern Honduras. "If [the gender identity law] is approved, then we'll be waiting to see who's next, who are they going to kill."
Marcela Laitano, director of public policy at the Honduran Human Rights Ministry, said that machismo and conservative religious values in Honduras stymie LGBT rights progress.

"Society in general is not really ready [for these kinds of laws]," she said. "That's why we're aiming to educate, to sensitize."

Adding fuel to the fire, activists say, are anti-LGBT messages from influential evangelical churches, which argue they are defending traditional family beliefs.

"We're not against lesbian groups — they're human beings, they're children of God," Mario Tomas Barahona, an evangelical pastor told local newspaper La Tribuna in February.

"But that doesn't give them the right to come and ask to change laws on what a family is, laws that God established."

**Calls for justice**

Rights groups have called on the government to respond to hate crimes with proper investigations and prosecutions.

But impunity rates in Honduras range between 95 per cent and 98 per cent, according to the Inter-American Commission on Human Rights, the autonomous, member-funded human rights arm of the Organization of American States.

Of 141 known killings of LGBT people between 2010 and 2014, only nine resulted in convictions, it found.

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A spokesperson with the public prosecutor's office did not respond to requests for comment on Tuesday.

Following the recent killings, the human rights ministry began a research project with local rights groups to reduce anti-LGBT attacks.
Fearing for their safety, many LGBT people have fled Honduras and sought asylum in the U.S., with dozens of gay and trans migrants reaching the border in recent months.

That idea has crossed Calix's mind.

"I've thought about going to another country," he said. "But leaving [Honduras] means leaving the fight. If I go ... everything I've done, everything I've suffered would be in vain."

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TAB 36
At least three transgender women have been killed in Honduras during the first week of July, according to local press reports and activists.

Bessy Ferrera, a well-known HIV and transgender activist and the sister of Rihanna Ferrera – the only transgender person to run in the country’s 2017 elections – was gunned down early Monday morning in Comayagüela. Ferrera was with a group of transgender women when some men approached and shot at them. She was 40 years old.
“Today we woke up with the painful news that our companion, friend and sister was murdered,” Asociación Arcoiris, a Honduran LGBTQ advocacy group that Ferrera was a member of, wrote on its Facebook page. “No doubt this news has taken us by surprise, leaving us with a lump in the throat and a feeling of impotence to see how we are being killed cruelly and the authorities of this country do nothing.”

Another transgender woman present was also shot at the scene, after which she was taken to the Hospital Escuela in Tegucigalpa. Police have reportedly arrested two suspects in connection with the attack, but Astrid Ramos, a lawyer for Cattrachas, an LGBTQ human rights organization in Honduras, told NBC News that Ferrera’s case is indicative of the lack of protections for trans women in the country.

“Cattrachas worked with Bessy in 2008 when she issued a complaint after she was attacked by some police officers. She was beaten and almost killed,” Ramos said. “The case is still going on, more than 10 years later. We’ve been pressuring prosecutors, but there’s still impunity and the complaints are not taken seriously.”

“Although violence against trans people in Central America is continuous, we haven’t seen this level of violence in the last year.”

PAUL JANSEN, OUTRIGHT ACTION INTERNATIONAL

A transgender television personality known for her commentary on LGBTQ issues was also killed this past weekend.
Santiago “Santi” Carvajal was shot by strangers Friday, while she was walking with friends toward a television station in the city of Puerto Cortés. Her relatives told La Vanguardia that she died at the Mario Catarino Rivas Hospital in San Pedro Sula on Saturday.

Carvajal, 32, was the host of “La Galaxia de Santi,” a critically acclaimed local magazine show that appeared on a local television channel, and was a social media maven.

Ramos said that similar to Ferrera, Carvajal had received death threats before she was murdered. Her death marks the 78th murder of journalists and others working in media in Honduras since 2001.

“Trans people in Honduras are viewed as the lowest of the low; they’re seen as horrible people, and when they are visible and vocal, people take it as an invitation to kill them…”

Ramos and Paul Jansen, program director at OutRight Action International, a global LGBTQ human rights organization, told NBC News that a third woman was shot in El Negrito, a municipality in Yoro, on July 3. Antonia Laínez, 38, was a stylist.

“This week was particularly tragic,” Jansen said. “Although violence against trans people in Central America is continuous, we haven’t seen this level of violence in the last year.”

Jansen said he doesn’t believe that these recent murders are linked by common perpetrators so much as they are linked by a culture of violence in the region.

Honduras, which along with El Salvador and Guatemala composes Central America’s so-called Northern Triangle, is one of the deadliest countries in the world. Though the country’s homicide rate has vastly decreased, it remains one of the highest, with 40 people per 100,000 killed in 2018.

LGBTQ people are an especially vulnerable population in the country. Cattrachas has recorded 327 violent murders of LGBTQ individuals in the last 10 years, but Ramos said this number could underrepresent the number of people murdered, since the organization’s database is derived from media reports. This year to date, at least 21 LGBTQ people have been murdered in Honduras: nine gay men, seven trans people and five lesbians.
“Honduras is a hostile environment for LGBT people because of several statements by, for example, President Hernández, members of Congress, and influential religious leaders against LGBT people and same-sex marriage," a spokesperson for Human Rights Watch said in a statement. "That makes LGBT people more vulnerable to violence, in a context that is already violent."

Jansen ascribes the violence against trans individuals in Honduras to multiple factors: rampant impunity, government corruption, gang violence and a pervasive culture of heteronormativity and enduring patriarchy.

“It’s the ideal cocktail for people to do what they please,” Jansen said. “Trans people in Honduras are viewed as the lowest of the low; they’re seen as horrible people, and when they are visible and vocal, people take it as an invitation to kill them, which is unacceptable and unjustifiable.”

Violence against transgender individuals in Central America has caused many to leave their home countries in search of asylum. But experts say leaving doesn’t necessarily ensure their lives are any safer.

“Trans women just want to be safe. They want out,” Jansen said. “A lot of people say that anything is better than Honduras, but I question how true that statement is when we see the levels of violence rising during their journey and in these [immigration detention] facilities.”

**Related**

**Transgender ICE detainee died from AIDS**

Last month, Johana Medina Leon, a transgender woman from El Salvador, died in a Texas hospital four days after being released from an Immigration and Customs Enforcement facility. Another transgender woman, Roxsana Hernandez, died in ICE custody from an untreated AIDS-related illness after leaving Honduras for the United States last year.

Three police officers in El Salvador were recently charged with the murder of Camila Díaz Cordova, according to the Washington Blade. Díaz Cordova, a transgender woman who joined a caravan heading from Central America to the U.S. last year to escape threats, was deported and murdered upon returning to her native country.
“Everyone in the LGBT community feels vulnerable and insecure, especially transgender people,” Ramos said. “The Honduran state does not recognize them as people subject to rights. They cannot change their names; there are no opportunities to access education or health, so in many cases they’re obligated to do survival sex work.”

“It’s understandable why many are trying to escape the country,” she added.
TAB 37
Transgender Honduran awaits her asylum case in Twin Cities suburbs

Such refugees face unique threats — but also can make a strong case to stay.

By Maya Rao

The men drove Rachell to a desolate lot by a sugar factory, beat her and yelled, “If you were more of a man this wouldn’t be happening to you!”

Rachell lay in the dirt, bleeding and weak. Her abductors let her escape on her promise never to return. So she fled Honduras and began the long journey to the United States that eventually led her to a sponsor’s home in the Twin Cities’ northwest suburbs to wait for her asylum case to be heard.

Amid a record number of Central American asylum-seekers seeking refuge from gang violence, Rachell’s case features a rarer claim of persecution: She was targeted by the gang MS-13 because she is a transgender woman. Central America, like much of the world, can be a dangerous place for the LGBT community, and Rachell and human rights activists say they face threats from gangs there who want to use them for drug-running and prostitution.

Some immigration advocates see hope for transgender defendants, noting they have strong cases even in a climate where asylum is rarely granted.

“These are not people who are leaving their country because they're just trying to have a better life — they're leaving their country because they're going to get murdered and raped if they stay,” said Allegra Love, attorney and executive director of the nonprofit Santa Fe Dreamers Project. “These are winning cases and these are women who absolutely fall squarely into the group that our refugee [laws] intend to protect.”

The Trump administration has been cracking down on migrants arriving from Central America, arguing that people fleeing widespread conditions of violence and poverty do not meet the specific standards of persecution that must be proven to receive asylum. Trump officials say that Central Americans are exploiting the system to find jobs — often being released with court dates far into the future — but do not meet the definition of refugees.

“I understand [President Donald Trump] because he's trying to protect his country,” Rachell, 24, said of the president’s discouragement of new arrivals at the Mexican border. “But ... I wish he could see the things that we're suffering in our countries and that we don’t have laws to protect us.”

Ira Mehlman said it’s hard to comment on individual cases, but asylum and refugee laws say that someone must demonstrate a well-founded fear of persecution, not just that they live in a dangerous country.

“We need to be distinguishing between people who are being singled out versus people who just live in a generally dysfunctional society,” said Mehlman, a spokesman for the Federation for American Immigration Reform, a Washington, D.C.,-based organization that advocates for restricting immigration.

He added that the U.S. must put pressure on the governments of these countries to ensure that people are not being singled out for persecution.

Getting a sponsor
The Santa Fe Dreamers Project helped connect Rachell with a sponsoring family in Minnesota as part of a strategy of getting transgender women released from detention and relocated in areas that are transgender-friendly and where immigration judges have higher approval rates of asylum claims.

In the immigration court in Bloomington, two of the three judges each approved roughly 26% and 30% of asylum cases in recent years, according to Transactional Records Access Clearinghouse, a Syracuse University-based organization that tracks federal data.

Rachell recounted her story to the Star Tribune on the condition that she be referred to only by her first name, out of safety concerns for her and her family back in Central America. The Star Tribune also reviewed some of her immigration documents, including a transcript of a March interview with U.S. immigration authorities to establish that she had “credible fear” of returning to Honduras.

Rachell said she grew up in a poor family in San Pedro Sula, Honduras, where her hard-drinking father beat her with electrical cords, used homophobic slurs when he saw her playing with dolls and said he wanted to make her a man. The family kicked her out of the house when she was 12. Rachell said she ate in churches and begged for money in the streets.

By the time she was 18, she found a job at a factory making shirts alongside many other gay and transgender workers. She said members of the MS-13 gang would approach her on her way home, teenagers packing 9-millimeter handguns and AK-47s, taunting her to work for them.

Rachell told immigration authorities that the gang would kill her if she did not join. Eventually, they came to her family's home and shot two of her brothers, texting Rachell pictures of their bodies dead on the ground. She kept the photos, which she showed to the Star Tribune.

Then, she said, police — guided by a gang member on a mobile phone — kidnapped her. They beat her and took a photo of her appearing to be dead, presumably for evidence, and left her there. Rachell recounted walking several kilometers in the dark, her body aching, pushing through the November chill to find help. A sister sent her money to go to the United States, where she stayed at several detention centers.

She learned from an immigration official about Cibola County Correctional Center in New Mexico, which has space designated for transgender women, arranged to be transferred there and stayed for two months.

Immigration and Customs Enforcement told the New York Times it was holding 72 migrants who identify as transgender as of last June 30.

Love, of the Santa Fe Dreamers Project, said that without the pod for transgender inmates at Cibola, “women would be forced to choose between being very, very vulnerable to sexual assault and sexual violence in an all-male population, [but] when they say ‘I can't be in an all-male population’ they're often put into solitary confinement.”

At home in Minnesota

Jamie Nabozny had been looking into how to sponsor asylum-seekers when he learned that transgender women faced a particular need. With help from the Santa Fe Dreamers Project, he began talking to Rachell by phone while she was in Cibola.

She came to live with his family in April, taking up residence in Nabozny's seven-bedroom house that he shares with his partner, mother, stepfather and four children ages 10 to 15. They've had to communicate using Google Translate on their phones. Piece by piece, he has come to understand her struggles for acceptance back home.

“I went through some pretty horrific things at the hands of people who were homophobic and didn’t like me because I was gay,” said Nabozny, who came out in the 1980s. “But I always went home to a family who loved and supported me, and if I didn't
have that I can't imagine I would have survived.”

Rachell, for her part, was surprised that the government here had allowed a gay couple to adopt children; she began to imagine what it would be like to have a family of her own one day. She feels accepted in the United States — here they no longer stare at her and don't seem to discriminate.

Rachell acknowledged that winning asylum would be difficult, but “if they send me back, at least I can feel at one point in my life I was able to live the life I want.”

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TAB 38
‘I Knew I Had to Get Out to Survive’—Violence Drives LGBT Central Americans North

Linda Farthing | Monday, May 13, 2019

The desperation of daily life in Honduras is driving thousands of people to join other Central American migrants in their long march northward toward what they hope is asylum and safety in the United States. Yet the situation is especially grave for those who are LGBT, in particular gender non-conforming men and minors. Perhaps that was why the first people to reach the U.S. border in the widely publicized migrant caravan last November were 85 LGBT people.

“LGBT people band together to protect each other,” says Aaron Morris, the executive director of Immigration Equality, which advocates for LGBT immigrants to the United States. A caravan that left Honduras’ second-largest city, San Pedro Sula, in mid-January included LGBT people escaping the rampant homophobia in a country that Amnesty International, in a 2017 report, characterized as a “circle of constant violence.”

At least 300 LGBT people have died violently over the past decade in Honduras, according to Cattrachas, a human rights monitoring network in the country, and the Honduran State Human Rights Commission, Conadeh. Half were gay men and almost a third were transgender people. Honduras, with a population of just over 9 million people, ranks among the world’s seven most dangerous countries to be LGBT.

Zuleyka Flores fled when she was 22 years old, “because of the violence and discrimination that I faced as a trans woman,” she said in a phone interview from her home in New York. “I am completely convinced that making this move was the best thing I could have done given the circumstances I faced,” she added.

“They kill us all differently,” the coordinator of Cattrachas, Indyra Mendoza, told me matter-of-factly in a recent interview. “Transgender people are usually killed in the street with firearms. Gay men are usually murdered brutally in their homes or workplaces. Most lesbians are shot in the street, usually by gangs who kill the woman, her partner, and their children if there are any.”
If this persecution were not bad enough, there is also widespread impunity. Only 30 cases of 141 murders of LGBT people between 2010 and 2014 were brought to trial in Honduras, according to the Inter-American Commission on Human Rights.

Many human rights advocates say that the trouble escalated for LGBT people after democratically elected President Manuel Zelaya was ousted during a constitutional crisis in 2009, destabilizing the government. Honduran LGBT organizations joined public protests to demand a return to democracy. “We were very much in evidence in the streets,” said Mendoza. What followed was relentless scrutiny, persecution, arbitrary arrests, attacks, robberies and sexual assault of LGBT activists. At the same time, the LGBT murder rate spiked from an average of two a year to 31 murders annually.

One of those murdered was Rene Martinez Izaguirre, the president of the Comunidad Gay Sampredrana, or the Gay Community of Sampredrana, a group that advocated for LGBT rights throughout northern Honduras. In June 2016, Martinez was strangled to death after unknown assailants forced him into a car on his way home from work. “Rene was a brilliant LGBT political leader and a promising future political candidate,” Luis Abolafia Anguita, the director of international programs at the Gay and Lesbian Victory Institute, a Washington-based organization that works to elect LGBT people to office, said after his death.

> “There is no state capacity or will to prevent violence against LGBT people. People complain to the authorities, but nothing happens.”

In November 2017, LGBT activists took to the streets again when President Juan Orlando Hernandez violated the Honduran constitution by running for a second term, in an election that the Organization of American States deemed so irregular that it called for re-run. In the protests against Hernandez’s inauguration, at least 22 people were killed by the military. Despite condemnation by four U.S. senators and 28 congressional Democrats, the United States recognized the Hernandez victory as legitimate and has continued U.S. funding of his government, including the police and security forces.

The astounding levels of violence in Honduras, exacerbated by gangs and impunity for abuses by the state, are key in driving migration northward. A 2017 study by the United Nations High Commission on Human Rights found that 88 percent of LGBT asylum-seekers and refugees from Honduras, El Salvador and Nicaragua have been subjected to sexual and gender-based violence in their home country.

> “About three and a half years ago, I was living in a neighborhood I could afford, but it was pretty dangerous,” Jose Cortes, who now lives in San Diego, told me recently. “Then the gangs found out that I am gay and started threatening me, so I moved, but they found me again. I complained to the authorities, but nothing was
ever done. In that neighborhood in a couple of years, four transgender people and three gay men were murdered, so I knew I had to get out to survive.”

It isn’t necessarily better once Honduran LGBT refugees arrive in the United States, though. Roxana Hernandez, a 33-year-old transgender woman, died while in the custody of U.S. Immigration and Customs Enforcement in May 2018 in New Mexico. “We’ve seen a lot of abuse in U.S. detention centers of gender nonconforming, gay men, minors, and people living with HIV,” says Morris of Immigration Equality. “They are the most vulnerable, but sometimes also the most resilient.”

That resilience is evident among the LGBT people in Honduras who have run for public office. None have won to date. But that hasn’t stopped Rihanna Ferrera Sanchez, an activist in the Cozumel Trans Association, who ran for national deputy in the 2017 elections, and is already planning to run again. “I want people to vote for me because of my capacity as a person, not my sexual orientation,” she said in a phone interview.

Despite the determination of LGBT activists in Honduras, most don’t have much hope that the situation will improve any time soon. Honduras is the second-poorest country in the Americas after Haiti, and its long history of military rule, corruption and crime has made its government unstable and ineffective. “There is no state capacity or will to prevent violence against LGBT people,” Indrya Mendoza told me. “People complain to the authorities, but nothing happens, so they see little choice but to flee.”

Linda Farthing is a writer based in Bolivia. She is the co-author of three books about Bolivia, most recently “Evo’s Bolivia: Continuity and Change.” She has also written for The Guardian, Ms. Magazine, Jacobin, Al Jazeera and The Nation.

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TAB 39
Honduran transgender woman freed after a year in US detention

Nicole García Aguilar was granted asylum in October but was held another seven months while Ice appealed
A Honduran transgender woman who was detained in a US immigration facility for seven months despite being granted asylum has been released after a legal challenge.

Nicole García Aguilar was freed from the Cibola County detention facility in New Mexico on Wednesday night, a week after lawyers filed a habeas corpus writ challenging her unjustified and prolonged detention by Immigration and Customs Enforcement (Ice).

García’s ordeal, which included several stints in solitary confinement, highlights the ongoing arbitrary detention of asylum seekers under the Trump administration, which has triggered multiple legal challenges.

“In Ms García Aguilar’s case we forced Ice to review what it was doing to one person, but this is an out-of-control agency that refuses to follow the law unless sued. That’s not how government should operate,” said Kristin Love, a lawyer with the American Civil Liberties Union (ACLU) who filed the petition.

García, 24, fled Choluteca in southern Honduras in early 2018 after surviving a violent attack and receiving death threats which police refused to investigate.

Since a coup in Honduras in 2009, violence against the LGBT community has escalated, prompting many to leave. At least 306 LGBT people, including 97 trans people, have been killed in the past decade, and only 20% of cases have been prosecuted, according to Cattrachas, a Honduran LGBT group.

García travelled overland through Mexico before seeking asylum at a legal port of entry in Nogales, Arizona. She was detained in America’s only specialised unit for transgender
people, in the privately operated Ice facility in Cibola County, and was granted asylum by an immigration judge on 9 October last year.

Ice appealed, and García was transferred to the facility’s male unit. After a couple of weeks there she was sent to solitary confinement where she spent nearly three months.

The prolonged segregation caused mental and emotional distress and she lost significant weight, according to her asylum attorney, Tania Linares Garcia, from the National Immigration Justice Centre (NIJC).

“Nicole’s treatment in Cibola highlights what transgender people are going through all over the country,” said Linares Garcia.

According to research by the Centre for American Progress, LGBT people are 97 times more likely to be sexually victimised in Ice custody than non-LGBT people.

Locking up asylum seekers has become a prominent policy under the Trump administration, and the president recently dismissed as fraudsters the thousands of people fleeing poverty, violence and corruption in Central America and Mexico.

Under the Obama administration, nine out of 10 asylum seekers who applied at a legal port of entry and passed the credible fear test were given parole so they could pursue their claim in the community. Under Trump, parole rates dropped to zero until a successful legal challenge by the ACLU in July 2018.

Since then Ice has been forced to give parole to some asylum seekers, but many continue to languish in detention as there is no statutory right to appeal against their jailer’s decision - a legal loophole Love described as “constitutionally questionable”.

In García’s case, Ice rejected parole applications without any explanation of why or how she was considered to represent a flight risk or threat to the community.

The habeas corpus, filed on 10 April, argued that her prolonged detention without access to a legal challenge violated due process.

Two days later Ice said García would be discharged in light of the petition and following a review of her case, but she was kept locked up for five more days.

Denise Bell, an Amnesty International USA researcher for refugees and migrant rights, said: “In general, the only reason to detain someone after they’ve been granted asylum is as a punishment.”

Ice was contacted for comment and had not responded at the time of publication.
TAB 40
Threat of violence at home spurs LGBT migrants on to the border

A group of LGBT people arrived in Tijuana and said they will seek asylum.

By Kaelyn Forde
November 17, 2018, 2:53 PM • 16 min read

Approximately 100 of an estimated 11,000 migrants, less than 1 percent those U.S. officials are tracking across four groups, may reach the U.S. border south of San Diego on Sunday. Alfredo Estrella/AFP/Getty Images

A group of LGBT migrants was among the first members of the so-called caravan to arrive in Tijuana this week, seeking asylum from some of the most violent countries in the world where gay and trans people are particularly targeted, according to Amnesty International.

"We came with the caravan, and the caravan continues," Cesar Mejia told reporters in Tijuana earlier this week.
Mejia said their group included about 80 people, including children, from Honduras, Nicaragua, El Salvador and Guatemala. As the week continued, hundreds of more migrants arrived in Tijuana, the Associated Press reported, although the majority of the caravan still appears to be more than 1,000 miles away.

A greater threat of violence

From the outside, many don’t understand why people -- including families with small children -- would risk their lives to get to a country that has explicitly said it will not let them in. Secretary of State Mike Pompeo has said that people in the caravan will not be able to enter the U.S. illegally "no matter what," and many members of the Trump administration, including the president himself, have accused members of the caravan of being terrorists or gang members.

+ (MORE: Central American migrants in caravan respond to President Trump calling them criminals: 'This is all propaganda')
Many migrants have said that what spurs them on are the terrible conditions at home: Central America is wracked with violence and poverty, corruption and impunity.

But for LGBT migrants, the threat of violence is, in many cases, even greater, a 2017 Amnesty International report found, and "gay men and trans women are exposed to gender-based violence at every point on their journey in search of protection." Amnesty listed Mexico and Honduras among seven countries it finds as being deadly and discriminatory for LGBT people.

Mejia, 23, told reporters in Tijuana that the LGBT members of the caravan gravitated toward one another in search of support. For his part, Mejia was easy to find in the crowd. When ABC News spoke to him last month in the tiny town of Huixtla, Mexico, he was wearing a rainbow flag around his shoulders.
"At first I was afraid to wear the flag. I didn’t know how people would react," Mejia told ABC News in Spanish. "In Guatemala, people were asking me what country the flag was and I told them it was the flag of the world."

But in his hometown of San Pedro Sula, Honduras, it was not viewed that way, he said.

"I was discriminated and beat up so it was time to go," Mejia explained.

He chose to join the caravan of thousands of other people, the majority of whom were also from Honduras, making their way to the U.S. border in the hopes of a better life.

Mejia said if he is able to make it to the border, he could make the case for political asylum.

"If I had the opportunity to make it to the border, I could show my representation of the community and ask for asylum, because [in the U.S.], there is a lot less discrimination than Honduras," he said.

**Unable to speak out**

Raul Valdivia, a gay man and human rights activist who still lives in Honduras, said he understands that discrimination firsthand.
"I've suffered many instances of discrimination based on my sexual orientation, but I remember the most violent came from state forces," Valdivia told ABC News. "I was abused by police while on one of my very first dates. They took me and the other guy to a dark secluded area in a park and forced us to simulate sex. They also beat us with a belt. These are police who patrol downtown Tegucigalpa and I have seen them after, but I'm unable to speak out for fear of repercussions."

Valdivia said LGBT people in his country face "assassinations, political attacks, legal discrimination and targeted street violence."

+ (MORE: Humanitarian concerns grow over exodus of Central Americans)

The country also has one of the highest homicide rates in the world outside of a war zone, according to the Overseas Security Advisory Council (OSAC). Authorities sometimes use gang violence as a cover for political and gender-based violence.

Nearly two thirds of Hondurans live in poverty, according to the World Bank. Corruption is a major issue, prompting the government to establish the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) in 2016 through an agreement with the Organization of American States, but much remains to be done.

"Marred by corruption and abuse, the judiciary and police remain largely ineffective. Impunity for crime and human rights abuses is the norm," a 2018 Human Rights Watch report found.

Those who choose to speak out face harsh reprisals. In 2016, U.N. experts called it "one of the most hostile and dangerous countries for human rights defenders." Human rights defenders routinely "suffer threats, attacks, and killings," Human Rights Watch found.

+ (MORE: 3 days after election, 2 men declare themselves Honduran president amid rising tensions)

No change at the ballot box

In November 2017, the country held a presidential election with widespread reports of fraud and violence. Thousands took to the streets to protest the re-election of Juan Orlando Hernandez, who changed the constitution to allow himself to run again.
The government’s “response to the post-electoral protests led to serious human rights violations,” according to the U.N., and dozens were killed and more than 1,000 were arrested.

Unable to change their country at the ballot box, many Hondurans chose to flee. And experts say that although the size of this caravan has grabbed headlines, many more Hondurans quietly flee the country every year, leaving conditions that have dramatically worsened since the 2009 military coup, especially for LGBTQ people, journalists and human rights activists.

In 2009, gay human rights activist Walter Trochez, 25, was killed in Tegucigalpa after trying to draw attention to anti-LGBT violence by security forces.

In July 2017, David Valle, project coordinator of the Center for LGBTI Cooperation and Development, was stabbed in his home after receiving threats, Human Rights Watch reported. He survived the attack, but it highlighted the deadly violence LGBT people face in the country.
It is this environment that has prompted Hondurans to risk their lives on the journey north, both in caravans and on their own, experts say.

"As impressive in size as this caravan may be, it still represents a minute proportion of Central Americans -- today primarily Hondurans -- that are fleeing their communities," Alex Main, the director of international policy at the Center for Economic and Policy Research, told ABC News.

**Policies spurring an exodus north**

But LGBT migrants and asylum seekers face dangers along the way, the Amnesty International report found, and often face discrimination and neglect in detention facilities as well. In May, Roxana Hernandez, a 33-year-old trans woman from Honduras, died while in ICE custody in New Mexico, the Associated Press reported.

Activists said she had traveled in a migrant caravan to the U.S. border. Hernandez had been admitted to the hospital after showing symptoms of pneumonia, dehydration and complications associated with HIV, the AP reported.
But even facing extreme dangers along the way and an uncertain future in a country whose president says it does not want them, people have continued to flee Honduras. That will continue until there are real policy changes, Main said.

"This mass exodus will only abate when the rampant violence in Hondurans abates, and when real economic development begins to take hold. This will require a profound revision of current economic models promoted by the U.S. and multilateral financial institutions and the displacement of a corrupt economic elite that retains power through repression and electoral shenanigans," Main added.
Until then, migrants, including those in the LGBT community, will continue to trek to the U.S., as this recent caravan has.

More than 2,600 migrants made it Tijuana Saturday, according to the Associated Press.

Mejia said he hopes his group’s early arrival will give them an advantage with border officials.

"We wanted to avoid what always happens, which is that if we arrive last, the LGBT community is always the last to be taken into account in everything," he said at a press conference Sunday. "So what we wanted to do is change that, and to be among the first, God willing, and request asylum."
TAB 41
Prominent Honduran LGBTI rights advocate was brutally attacked inside his home on Monday

Criterio, a Honduran newspaper, reported a man rang the doorbell of David Valle's home in the Honduran capital of Tegucigalpa at around 10 p.m. local time.

Valle, who is with the Center for LGBTI Development and Cooperation, an advocacy group known by the acronym SOMOS-CDC, opened the door and the man immediately smashed his head against a wall.

Criterio reported Valle tried to use his feet to shut the door.

The man who attacked Valle chased him through his home with a "knife-like weapon." Criterio reported the man beat Valle for more than 10 minutes before he left with his cell phone and the keys to his home and car.

Valle's roommate found him roughly three hours later when he arrived home.
Prominent Honduran activist brutally attacked inside home

Personnel at the Honduran Institute of Social Security — a government agency that provides health care — treated Valle before his transfer to a private hospital on Tuesday.

Honduran advocates with whom the Washington Blade spoke this week said Valle suffered serious injuries to his head and other parts of his body and required dozens of stitches. They said he was brought to a safe house after the hospital discharged him.

"He fought for his life," SOMOS-CDC Executive Director Alex Sorto told the Blade on Thursday during a WhatsApp interview from Tegucigalpa.

Valle was expected to attend a meeting of Honduran LGBTI advocacy groups in the city of San Pedro Sula on Monday that the U.S. Agency for International Development has organized.

Valle, who ran for office in 2011, has participated in Gay and Lesbian Victory Institute-sponsored meetings and conferences in Honduras, the U.S. and the Dominican Republic. SOMOS-CDC has also received funding from a European Union program that seeks to bolster Honduras’ judicial system and improve access to it.

The Blade has reached out to U.S. officials for comment on the attack against Valle.

Honduran LGBTI, human rights advocates frequently targeted

Violence against LGBTI and human rights advocates remains commonplace in Honduras, which has one of the world’s highest per capita murder rates.

René Martínez, a prominent activist from San Pedro Sula who was a member of Honduran President Juan Orlando Hernández’s ruling National Party, was strangled to death in June 2016.

The body of Sherlyn Montoya, a volunteer for Grupo de Mujeres Transexuales (Muñecas Arcoíris), a transgender advocacy group, was found in an alley in a Tegucigalpa neighborhood on April 4.

Paola Barraza, Erick Martínez Ávila and Walter Tróchez are among the other LGBT and intersex rights advocates who have been killed since the 2009 coup that toppled then-President Manuel Zelaya. The 2016 murder of Berta Cácares, a prominent environmental and indigenous rights advocate, sparked outrage across Honduras and around the world.

The motive behind the attack against Valle remains unclear, but he and Sorto on April 27 petitioned Honduran authorities to provide them with protection because their advocacy efforts had prompted threats. Sorto told the Blade on Thursday that he and Valle only received “some response” in order to “keep our mouths shut or to satisfy us.”
The Honduran National Police has yet to respond to the Blade's request for comment.

"Honduran human rights advocates are on the frontlines risking their lives to fight for equality and better the lives of fellow citizens," Gay and Lesbian Victory Institute Director of International Programs Luis Abolafia Anguita told the Blade on Friday in a statement. "Honduras has already lost too many to violence — including Berta Cáceres in her fight for the environment and indigenous rights, and Rene Martínez in his fight for LGBTQ equality."

“This vicious attack on David is a reminder of the courage of these activists, and it is essential the government step-up its efforts to protect human rights activists exercising their democratic rights," he added. "We will continue working with our partners on-the-ground to increase LGBTQ political participation, so that our community has a voice at the table and can work to end the intolerance and violence LGBTQ Hondurans regularly face."

ALEX SORITO BERTA CÁCARES BIOSEXUAL CENTER FOR LGBTI DEVELOPMENT AND COOPERATION
DAVID VALLE ERICK MARTÍNEZ ÁVILA GAY GAY AND LESBIAN VICTORY INSTITUTE HONDURAS
INTERSEX LESBIAN LUIS ABOLAFIA ANGUITA PAOLA BARBAZA RENE MARTÍNEZ TRANSGENDER
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT WALTER TRÓCHEZ

Michael K. Lavers
Michael K. Lavers is the international news editor of the Washington Blade.
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Comments are closed
Prominent Honduran activist brutally attacked inside home

TAB 42
Canadian Among Two Killed in Homophobic Attack in Honduras

According to local reports, the couple was attacked in their home.

By Allison Tierney
PHOTO OF HONDURAN JORGE SARMIENTO VIA FACEBOOK

An attack in Honduras reported to have been motivated by homophobia has left a Canadian man and his partner dead. Gerard Argiud, 80, described as a Canadian national, and his partner, a 42-year-old Honduran named Jorge Sarmiento, were attacked by multiple people on Friday, May 12 in the home they shared in Tela, Atlántida, Honduras, according to local media.

Sarmiento has been referred to as a member of the local LGBT community, reportedly being the previous owner of a gay bar that had shut down recently in the area. According to news reports, Sarmiento died on the scene from being shot, while Canadian Argiud was taken to a nearby hospital after suffering multiple injuries. Argiud died within hours following the attack. Honduran media outlet La Tribuna claims that "strangers" attacked the couple, stabbing and shooting at them.

Tela, the area where Argiud and Sarmiento were killed, is a dominantly Catholic beach town located on the Caribbean coast that has a population of just over 99,000.

The murder of Argiud and his partner has led Atlantis Travel Group to issue the following warning:

"Reports indicate the couple were attacked by several people because of their sexual orientation and position as prominent members of the lesbian, gay, bisexual and transgender (LGBT) community."

VICE reached out to Global Affairs Canada for comment on the attack, which replied saying it had "received no formal reports with regard to the recent death of a Canadian citizen in Honduras."

Follow Allison Tierney on Twitter.

TAGGED: MURDER, HONDURAS, CANADA, HOMOPHOBIA, LGBTQ, COUPLE, TELA, GEI
TAB 43
SAN PEDRO SULA, Honduras — René Martínez was president of Comunidad Gay Sampedrana, an LGBT advocacy group in San Pedro Sula, a city in northwest Honduras, in June 2016. He was also running an outreach center in the city's Chamelecón neighborhood through Youth Alliance Honduras, an organization that is part of an anti-violence program the U.S. Agency for International Development helped to develop.

Martínez was a "well-known" member of President Juan Orlando Hernández's ruling National Party when he disappeared on June 1, 2016. Martínez's relatives identified his body in San Pedro Sula's morgue two days later.

“We worked a lot together,” Alysson Hernández, a transgender rights activist who lives outside of San Pedro Sula, told the Washington Blade on Friday during a telephone interview. “He gave me the space to work on my projects.”

Martínez's murder underscores the very real risks that San Pedro Sula's LGBT activists face in one of the world's most dangerous cities.
San Pedro Sula in 2015 had 171.2 murders per 100,000 people, which made it the most dangerous city in the world that it is not in a war zone. This figure dropped to 111.03 murders per 100,000 people in 2016.

San Pedro Sula is Honduras’ second-largest city with 719,064 people, according to the country’s 2013 Census. The city generates more than 60 percent of the country’s gross domestic product.

Honduras — which borders Guatemala, El Salvador and Nicaragua — is among the most violent countries in the world.

The State Department’s Bureau of Diplomatic Security notes the Central American nation in 2011 had 86.5 murders per 100,000 people in 2011. The Honduran government indicates this figure dropped to 66.4 murders per 100,000 people in 2014, but advocates have questioned these statistics.

Activists: Police are more of a threat than gangs

Mara’s and pandillas (street gangs) and drug traffickers are largely responsible for the violence that is concentrated in Chamelecón and other poor neighborhoods in San Pedro Sula. Cattrachas, an advocacy group based in the Honduran capital of Tegucigalpa, and activists with whom the Blade spoke said members of the country’s military and Policía Militar (Military Police) routinely commit human rights abuses.

LGBT people are the frequent targets.

“Sometimes the worst violations that we have are with the government,” a San Pedro Sula-based activist told the Blade during a Feb. 10 interview.

The activist, who has been the target of two assassination attempts over the last year, asked the Blade not to publish their name.

“Police officers, soldiers are the ones who violate our rights,” said the activist.

The activist said police officers frequently target trans sex workers for extortion and violence. The activist told the Blade that gangs also force them to pay “daily or weekly rent to do their work on the street” and force them to sell drugs.

The activist said those who publicly criticize the gangs and the police and file formal complaints against them receive threats and often go into hiding. Freddy Funez, an LGBT activist who worked closely with Martínez, largely echoed these accounts.

Funez told the Blade on Feb. 10 during an interview at his office in San Pedro Sula that police officers often extort money from LGBT sex workers in order to allow them to work. He said they also extort money from their clients in exchange for not detaining them and telling their families.

“We are much more afraid of the police,” said Funez.

Funez told the Blade that police officers are responsible for “a great number of” murders of LGBT people in San Pedro Sula. He cited a case in which officers cut off a gay man’s penis before they dismembered him.

“The police can carry out more atrocities and violence than the gang members,” said Funez.

The Blade has reached out to the Honduran government for comment.

‘We have a forced migration’

Funez, Hernández and the activist with whom the Blade spoke all said the lack of employment, education and health care and poverty have made San Pedro Sula’s LGBT community particularly vulnerable to violence and discrimination from the police and gangs. Many feel as though they have no choice but to flee the country.

“They kill them; they assault them,” said the activist. “This, therefore, forces them to migrate. We have a forced migration. They don’t do it because they want to. They are doing it because the situation in which we are living in our country is very difficult.”

Many trans women who migrate to Mexico with the hope of entering the U.S. do so with the assistance of coyotes (smugglers) who frequently force them into prostitution or target them for human trafficking. Gangs that operate along the Mexico-U.S. border also force them into sex work and drug smuggling.
Activists forge ahead in violence-plagued Honduras city

“They are a great danger for them,” said the activist.

Funez told the Blade that eight out of 10 LGBT people in San Pedro Sula still want to migrate to the U.S., in spite of the risks.

“I am in this country; I am LGBT; I don’t have employment opportunities; I don’t have a quality education that I am going to migrate,” he said, speaking hypothetically. “For us and for the community in Honduras in general and for the LGBT community, it has always seen the United States as the best, as the safest country, as the country that respects human rights a lot.”

“For someone in the community to say I am going to go to the United States and not return to this country is common,” added Funez.


Funez spoke with the Blade 15 days after President Trump signed an executive order that spurs construction of a wall along the U.S.-Mexico border.

Agents with U.S. Immigration and Customs Enforcement have detained hundreds of undocumented immigrants in raids across the country. The White House on Friday denied an Associated Press report that said it planned to mobilize as many as 100,000 National Guard troops to roundup undocumented immigrants in 11 states.

Mara Salvatrucha other street gangs that are responsible for the majority of the violence in San Pedro Sula and across Honduras and in neighboring El Salvador can trace their roots to Los Angeles.

The U.S. in the 1990s began to deport large numbers of foreign-born criminals. Many of them were gang members who ended up in Honduras, El Salvador and Guatemala.

Funez told the Blade that many people “don’t understand” why Trump wants to build the wall. He also noted remittances from the U.S. account for a fifth of Honduras’ gross national product.

“For the majority of LGTB Hondurans who have gone, they are people who have dignified work in the United States,” said Funez. “They are feeling productive in the United States.”

The activist who asked the Blade to remain anonymous said LGBT migrants “are going to face more risk” because of the wall.

‘My work is here’ in San Pedro Sula

In spite of pervasive violence and discrimination, San Pedro Sula’s LGBT activists insist they have seen progress.
Claudia Spellman, a trans woman who directed an HIV/AIDS service organization in San Pedro Sula, and Josué Hernández, an openly gay man from the Cortés Department in which the city is located, ran for the Honduran Congress in 2012.

Spellman resettled in the D.C. area with her now wife after she received death threats. Erick Martínez, a prominent gay activist in Tegucigalpa, is running for Congress as a candidate from the left-leaning Liberty and Refoundation and Anti-Corruption Parties.

Trans advocacy groups and their supporters organized a march to the Congress on May 17, 2016 — the International Day Against Homophobia an Transphobia — in support of a bill that would allow trans Hondurans to legally change their names on legal documents. The Honduran government a few weeks later condemned the massacre at the Pulse nightclub in Orlando, Fla., that left 49 people dead and more than 50 others injured.

The massacre took place less than two weeks after René Martínez's murder.

“There has been a very big opening in this country in the political arena,” Funez told the Blade, noting San Pedro Sula is Honduras' most LGBT tolerant city.

Hernández was equally as optimistic, if not defiant.

“I am going to continue this fight,” Hernández told the Blade.

The activist with whom the Blade spoke on Feb. 10 said emphatically they have no plans to leave San Pedro Sula.

“My work is here,” said the activist. "When I go to another country, my fight ends."

“I want to keep fighting until it is possible that there is a gender law, until trans women don't face human rights violations,” they added.
Background on support at the William Perry Center for Hemispheric Defense Studies (CHDS) of U.S. Southern Command, located at the National Defense University @ https://www.academia.edu/2585284/Unpunished_U.S._Southern_Command_role_in_09_Honduran_military_coup
In addition to corruption, racism and sexism, LGBT prejudice was rampant, as can be seen here ...
https://uploads.disquscdn.com/images/734e4a1f20412f697849f382f4db4835181d8cda80f3eee5140a0991e72bf6dec.jpg