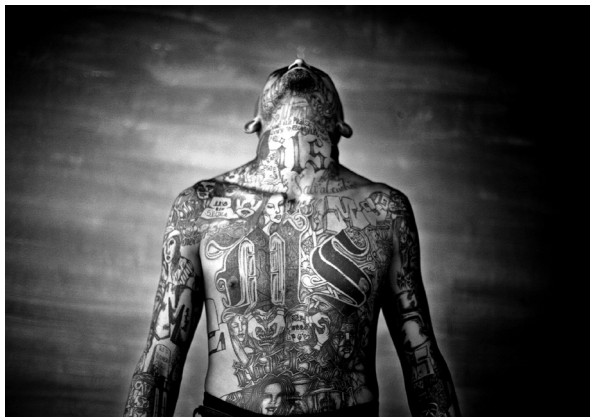


# HONDURAS: A GOVERNMENT FAILING TO PROTECT ITS PEOPLE



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## INTRODUCTION

*Honduras has become one of the most violent countries in the world. The country is still suffering from the impact of a 2009 coup which weakened institutions and human rights protections. Violence and crime has only continued to spiral as drugs move through the country and gangs battle for control of neighborhoods. Its citizens have fled in droves to escape the rising threat of gangs and rampant poverty. The White House just announced it would be asking Congress to triple assistance to Central America, proposing \$1 billion with the intended aim of addressing the core issues that drove a wave of migration in 2014.*

*In December 2014 the Latin America Working Group Education Fund (LAWGEF) and Center for International Policy (CIP) traveled to Honduras to investigate how the country is responding to the needs of its citizens. What we found was a security apparatus and criminal justice system in desperate need of reform and a population with little faith in its government. Issues of violence, impunity, and corruption that have plagued the country for years are intensifying.*

## DEPORTED BACK TO LIMBO: THE FORCED EXODUS FROM MEXICO

What awaits Honduran children, men and women as they are deported from the United States and Mexico? Deported migrants from the United States step off the plane in San Pedro Sula and are bused to the nearby Center for Returned Migrants, run by the Scalabrini Sisters and a group of volunteers. Men and women, mostly young, clutch a red string bag provided by U.S. authorities, with their few belongings. Many are wearing shoes with the laces removed or prison shoes that they were issued in U.S. detention centers.

In the small center, they are quickly processed. They meet with a volunteer to fill out a questionnaire about why they migrated and their immediate needs; are given a printed copy of their birth certificate, as many have lost all documentation; receive a quick health screening; and are given bus fare if needed to return home. The returning migrants are treated with respect, but the services offered to them are minimal.

“What we need is basic government services,” says Sister Valdetta Willeman, the awe-inspiring, no-nonsense nun who directs the airport center. People leave due to poverty and violence, and both need to be addressed. “Local governments need to understand what is happening and help their communities. We need small-scale businesses, we need training for women so they don’t just subsist on remittances. We need group therapy for migrants who are deported. We need children to be able to stay

What we need is basic government services. We need small-scale businesses, we need training for women so they don’t just subsist on remittances.



in school and there should be after-school programs” to empower and protect children and teens from the violence surrounding them. “That’s my dream.”

As we were visiting the center, the staff was scrambling to deal with a tough situation. A migrant deported from the United States was due to arrive with a supply of oxygen that would quickly run out. Without oxygen, he would die. But the center had no oxygen, and the volunteers were having a difficult time figuring out where to purchase it and how to keep him supplied. He lived in a remote rural area.

Several flights with adults deported from the United States continue to arrive each week. Only four flights of children arrived from the United States between June and November 2014, according to the International Organization on Migration. Many of the nearly **52,000** Central American unaccompanied children who made their way from Central America to the United States in FY2014 have not been deported and have been placed with a sponsor, frequently a parent, relative or family friend, as their cases move through the immigration courts, a process that moves slowly due to long-standing backlogs. But many more children could be deported from the United States in 2015.

### The Forced Exodus from Mexico

The real exodus right now, however, is coming from Mexico. In the past year, Mexico’s President Peña Nieto has ramped up immigration interdiction efforts, particularly in the southern border region. Mexico’s National Immigration Institute revealed that **117,491 migrants were detained** in Mexico in 2014, more than any year since 2007. Ninety-four percent of those apprehended are Central American, most from Honduras, El Salvador and Guatemala. More than **33,000 Hondurans were deported from Mexico** as of September 2014, according to Honduras’s National Human Rights Commissioner. Few, if any, migrants detained in Mexico are screened or provided opportunities to apply for international protection. Many of these migrants are being deported by bus and plane to their home countries.

Countless busloads of Honduran deportees—men, women and children—are arriving from Mexico each week. According to the International Organization on Migration, in one day alone in August 2014, 13 buses full of deported migrants crossed the border. As they cross the border into Honduras at Corinto, there is just one Red Cross station which provides water, a cleaning kit and allows the returning migrants to make one phone call. There are not even toilet facilities. Buses arrive at all hours of the day or night.



Returned migrants board a bus back to their homes in Honduras.<sup>1</sup>

<sup>1</sup>Source: Human Rights Watch

From Corinto, children are taken to San Pedro Sula, where they can stay up to 48 hours in the euphemistically-named Eden Center. This center, run by the government's newly formed child protection agency, DINAF, with assistance from nongovernmental organizations, gives them a place to stay while their families are contacted. They receive printed copies of their birth certificates, meals, a medical checkup and some psycho-social attention. But then they are out the door within two days. If children or youth are at risk of becoming victims of violence if they return to their families or communities, which many of them are, organizations like Casa Alianza can provide a refuge for a few, but there are no services or protection for most.

The U.S. government has **encouraged** the Mexican government to increase immigration enforcement so that migrants will be stopped before they arrive at the U.S.-Mexico border. The United States is also encouraging the Salvadoran, Honduran and Guatemalan governments to take steps to secure their borders and not permit unaccompanied minors to cross. To make sure this happens, the U.S. government is providing additional funding for border enforcement in Central America and Mexico. As interdiction and deportation by Mexican authorities increases, Mexican migrant advocates are warning that they are seeing increased abuses against migrants by migration, state and federal police authorities. "2014 has been a complicated, terrible year," **noted Alberto Xicotecatl**, director of the Casa del Migrante in Saltillo.

### **The Honduran Government's Response to the Crisis of Unaccompanied Children**

"The Honduran government has just discovered migration" since the media attention on children, says one journalist sarcastically. As immigrants' remittances are a key prop for the economy, immigration has not really been seen as a problem. More positively, humanitarian agencies note that at least the Honduran government is willing to admit the fact of high levels of migration, refugees and internal displacement.

The First Lady of Honduras has **welcomed returning children** at the airport, but it does not appear that services for reintegrating children and adults are being substantially increased. According to one children's advocate, "The government of Honduras has responded to this crisis with publicity, not with programs."

The Honduran government recently shuttered its child protection agency, the Honduran Institute of Childhood and Family (IHNFA), laying off hundreds of workers. Its replacement, the National Office for Children and Families (DINAF), has been charged with attending to deported children as a major focus. While the old agency was seen as corrupt and ineffective, and DINAF's strategy of working more via nongovernmental

The government of Honduras has responded to this crisis with publicity, not with programs.

organizations seems to be a positive shift, the reorganization has at least temporarily left a big gap in already scarce services. DINAF has not yet scaled up its staff, and programs like daycare centers run by IHNFA for poor mothers were suspended. While in theory DINAF is supposed to cover all the services IHNFA provided, we watched as a family seeking child services was turned away from the Eden Center. “We only have services for migrants,” said the guard.

Advertisements for a government-private sector jobs program—**Con Chamba Vivís Mejor**— are plastered across the main cities, but the program only provides jobs, which are often just part-time or short-term, to a lucky few. The program provides two months of wages to businesses to hire new workers but, according to the AFL-CIO, does not monitor whether companies receiving these wage subsidies are respecting labor laws and does not track whether these hirings translate into permanent jobs.

According to the **report** from an Inter-American Commission on Human Rights December 2014 visit to Honduras, “The Commission was informed about the worryingly weak government response in terms of making children a public policy priority and preventing the factors that push them to leave the country.”

### And the U.S. Response?

In 2014, in the face of the crisis of unaccompanied children from Central America, the U.S. government increased pressure on Mexican and Central American governments to prevent migration to the United States, but did not ramp up its own programs to help those governments and societies reintegrate returning migrants or address the root causes of migration. A supplemental FY2014 bill that would have contained such funding never won congressional approval.

The U.S. Congress did include in the Consolidated Appropriations Act for FY2015 an additional \$130 million in assistance for Central American countries “to address the key factors in the countries in Central America contributing to the migration of unaccompanied, undocumented minors to the United States.” It contains a stick as well as a carrot, however, with conditions that require the State Department to report on steps that the Guatemalan, Salvadoran and Honduran governments are taking to secure borders and reduce the flow of migrants to the United States, including by warning their citizens about the risks of the journey and the nature of U.S. immigration laws.

There is a real concern that U.S. pressure on the Mexican and Central American governments to toughen border enforcement can lead to increased abuses against migrants. And let’s hope that this additional U.S.



President Juan Orlando Hernández promotes his jobs program.<sup>2</sup>

<sup>2</sup>Source: Ultimahora.hn

funding for Central America is not spent on militarized solutions but rather answers Sister Valdetto's call for the basic human services and protection that Honduran, Guatemalan and Salvadoran communities, and especially children, urgently need.

## HONDURAS' MILITARY: ON THE STREETS AND IN THE GOVERNMENT

Since Honduran President Juan Orlando Hernández took office in January 2014, gun-toting soldiers have become a fixture in the daily lives of Hondurans.

The military is now in charge of most aspects of public security in the country, and it does not go unnoticed. On the television, advertisements for the military featuring President Juan Orlando Hernández are frequent. Soldiers with rifles draped across their chests are present in most public spaces. Each Saturday 25,000 kids receive training from troops at military installations and militarized parks and plazas as part of the “Guardians of the Homeland” program.

The government says the program is designed to keep youths ages 5-23 from joining the ranks of warring street gangs that control entire sections of the country's most violent cities. In towns like Cofradía on San Pedro Sula's outskirts, the military will set up bouncy houses and other family-style entertainment.

The most prominent example of militarization is the Military Police of Public Order (PMOP or Policía Militar del Orden Público), whose members have been on the streets since October 2013. The body seems to be the “favored child of this government,” as one local crime reporter put it. There are currently some 3,000 PMOP soldiers deployed throughout the country, but this number is expected to grow to 5,000 this year.

The national police feel the government is not investing in them and is trying to replace them with PMOP, according to civil society experts and journalists. The military squad has better equipment, higher salaries and more benefits than the civilian police. A special law is in place preventing the Attorney General's regular prosecutors from investigating and prosecuting PMOP soldiers. The National Council of Defense and Security, controlled by the armed forces, appoints the prosecutors and judges that accompany the military police.

Instead of crediting the national police with its successes in capturing high-profile gang members and drug traffickers, the government and media attribute these wins to FUSINA, a task force made up of representatives from the country's various security units, led by the military. FUSINA

The military squad has better equipment, higher salaries and more benefits than the civilian police.



manages bodies such as an anti-extortion unit that controls phone intercepts, but as a stand-alone law enforcement agency, it does not exist.

There have also been increasing cases of the military police engaging in murder, torture and extortion. In one incident, soldiers opened fire on a public bus in Tegucigalpa. In another soldiers in San Pedro Sula killed a man, shot his pregnant wife and tried to cover it up. Local press freedom groups relayed several accounts of the military police intimidating journalists and judges. See [here](#) for a compiled list of alleged human rights abuses.

“This militarization is the biggest threat to democracy that we have lived,” said Víctor Meza, a former minister of the interior and an expert on security. It was the top concern of nearly every civil society organization, journalist and citizen we interviewed.

President Hernández does not have an exit strategy for using Honduras’ military as police – or seem to want one. Instead, he has campaigned non-stop to lock the military police into place by adding them to the country’s constitution. Despite Honduras’ Congress voting in January 2015 against enshrining the PMOP into the country’s constitution, the president [has resolved](#) to put it to a public referendum in 2017. Until then, the government will continue to channel resources to the PMOP through a classified budget funded by a security tax categorized as “Ultra Secret.” This prevents citizens from knowing how much money the PMOP receives and for what purpose it is being used.

While the PMOP is the most visible example, added to the mix is the U.S.-backed TIGRES (Tropa de Inteligencia y Grupos de Respuesta Especial de Seguridad), a SWAT-style militarized police force. Most recently members were [found guilty](#) of stealing some \$1.3 million of \$12.5 million confiscated in an operation targeting the powerful Valle Valle cartel.

But this militarization is more than soldiers on the streets and militarized policing; it is top-down and becoming institutionalized.

For the first time in the country’s history, an active military officer, General Julian Pacheco, was appointed head of the security ministry, which as of 2013 oversees both the armed forces and the police. Prior to his new post, Pacheco headed up the Directorate for Intelligence and Investigation (DNII), and his [appointed successor](#) is an active military lieutenant. Pacheco has since retired from the military, perhaps with some encouragement from the U.S. Embassy.

More and more powers once reserved for police are migrating to the [DNII](#), which is controlled by the military-led National Council of Defense



Military Police during a presidential rally.<sup>3</sup>

<sup>3</sup>Source: Juan Orlando Hernández Flickr

and Security. One top security expert expressed concern that the agency is increasingly functioning as a Big Brother-like figure while no one is looking. DNII's functions now include hosting units focusing on anti-extortion, telecommunications regulation and so-called "confidence tests," in addition to the U.S.-funded Major Crimes Unit. At the moment, around 200 people work for the DNII, but the government hopes to expand this to around 1200.

Military officials **have been placed** in several civilian posts under President Hernández, including the head of the penitentiary system, director of civilian aviation, and the chief of customs, among others. President Hernández himself **attended military school** and is an Army reservist. **His brother**, Amilcar, is an active colonel in the Army. The Honduran human rights group **Centro de Investigación y Promoción de los Derechos Humanos** (CIPRODEH) has an excellent rundown of recent militarization in **this** September 2014 report.

Civil society groups, activists and scholars all expressed concern that the country was slipping back to the 1980s, when the military enjoyed almost unchecked power. It was not until the mid 1990s that civilians assumed control of most state agencies.

Former Supreme Court Judge Guillermo López says that while militarization of public security is a grave concern, the militarization of the justice system is even more troubling. Not only are soldiers policing prisons, but high-profile organized crime cases are now being prosecuted in military barracks, where prisoners are sometimes also held.

The government **touts a decline** in the murder rate in the last few months. However, this is difficult to evaluate, as the government has restricted information flows to the independent Violence Observatory of the National Autonomous University of Honduras, which has served as the main source for these statistics. Corpses in plastic bags, tied up and strangled, continue to be found throughout the country, according to a source in a city morgue. Some analysts reported that the presence of the Military Police may temporarily scare criminals away from patrolled neighborhoods. But, they cautioned, criminals return when the patrols move on.

And the Military Police is no answer to proper police investigation. Crime reporters and security analysts told us that the Military Police have little or no training in chain-of-custody and investigative techniques. The head of the Violence Observatory in SPS told us, "It doesn't matter how many soldiers are on the streets if there aren't investigations and impunity continues."

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Security specialists say that the emphasis should be on getting a reformed, fully purged, civilian police force back on the streets and ensuring an effective and independent judiciary.

As crime remains at crisis-levels in cities like **San Pedro Sula**, surveys show public support for the armed forces is relatively high compared to other government institutions. But as list of abuses grows, the central problem with this tactic becomes clearer: these soldiers are educated for war, not peace, and putting them on the streets turns each citizen into a potential enemy.

## UNRELENTING: CONSTANT PERIL FOR HUMAN RIGHTS DEFENDERS, MEMBERS OF THE LGBTI COMMUNITY AND JOURNALISTS IN HONDURAS

Human rights defenders, members of the LGBTI community, and journalists in Honduras continue to face an astounding level of violence. Threats and attacks sharply curtail freedom of expression and association. All of these groups face the same underlying problems:

- The lack of serious investigations and prosecutions of the threats and attacks against them;
- The allegations of participation of local and national governmental officials and/or members of official security forces in some of these threats, intimidations and attacks; and
- The lack of governmental policies to protect them.

**49 journalists have been killed in Honduras since 2006, 46 since the June 2009 coup**, according to the press freedom group C-Libre. In addition, journalists face threats and intimidations, including from public officials, members of the security forces, and organized crime; internal displacement due to threats; and improper use of the legal system to intimidate journalists. Journalists note that they receive pressure from **government officials** and editors to limit their coverage, and report that the dangers they face result in self-censorship.

Reporter Alex Sabillón endured **11 acts of intimidation** and harassment from local officials, police, company officials and unknown sources between 2011 and 2014 as he sought to cover local corruption and use of natural resources, among other topics, in the city of Choloma, Cortés department. “Every day I receive text message on my cellphone in which they say that they are going to kill me,” he told C-Libre. “All I ask is that the government guarantee for me the free exercise of my profession and my physical safety... Carrying out ethical and truthful journalism is



Protestors march to promote freedom of expression.<sup>4</sup>

<sup>4</sup>Source: cpj.org

In Honduras, instead of fighting for marriage equality... we are fighting for the basic right to not be murdered.

what has put me on the wrong side of local politicians.” Journalists say that if they do report on corruption, government officials accuse them of defending the narcotraffickers.

**22 human rights defenders have been killed in Honduras since 2010**, according to the Committee of Relatives of the Detained and Disappeared (COFADEH). **COFADEH also documents** two disappearances, 88 thefts of information, 15 kidnappings and 3,064 improper uses of judicial system to intimidate defenders.

**At least 31 trade unionists have been killed in Honduras from June 2009 until February 2014**, according to the **AFL-CIO Solidarity Center**. Trade union leaders suffered threats and intimidations, and threats directed against their family members.

**174 LGBTI Hondurans, including some leading LGBTI activists, were killed from June 2009 – December 2014**. Members of the LGBTI community also report arbitrary detention by police; discrimination; and attacks and harassment. Transgender women are singled out for abuse. “In Honduras, instead of fighting for marriage equality, as our LGBTI counterparts here in the U.S. are doing, we are fighting for the basic right to not be murdered,” said LGBTI activist **Nelson Arambú**.

**109 environmental and land rights activists have been killed in Honduras from 2002 through 2013, with 100 killed between 2010 and 2013, according to Global Witness—more than any country in the world except Brazil**. Efforts to gain or protect land rights, as in Bajo Aguán, and opposition to mining, forestry, dams, and other large-scale projects are among the risks related to this violence. Forced evictions by members of the police, military and private security are a widespread and serious concern. Criminalization of social protest is an enormous obstacle to efforts by communities to protect their rights. According to one humanitarian aid worker, “Almost all of the activists we work with in Bajo Aguán have charges against them.” An Inter-American Commission on Human Rights **delegation** that visited Honduras in December 2014 “received alarming information concerning killings, acts of violence, and death threats against indigenous leaders, particularly those who defend their territories and natural resources, in the contest of the development of mega-projects without prior and informed consultation.”

**86 legal professionals have been killed from 2010 to December 2014**, according to **information** received by the Inter-American Commission on Human Rights. While the government provides some protection, budgets are not adequate. Moreover, sometimes the kind of protection offered does not meet their needs. As one prosecutor **told** the commission, “Sometimes having personal protection tends to raise your profile and make you a much more sought-after target. Plus they say, ‘Let’s get one of



his children'.... It doesn't do any good to have security for me while my family is at home, by themselves."

### Impunity and Lack of Protection

Protection measures offered by the government are completely inadequate. According to the Inter-American Commission on Human Rights, "the **Commission** has observed serious deficiencies in the State's response and a low, sometimes nonexistent, level of effective implementation" of precautionary measures the Commission has issued.

The key to protection, of course, is actual progress in investigating and prosecuting threats and attacks. And that is sorely lacking. To give just two examples, according to the National Human Rights Commissioner of Honduras (CONADEH), **95%** of cases of killings of legal professionals remain in impunity. Despite efforts by the U.S. government to encourage Honduran authorities to make progress on cases of violence against members of the LGBTI community, of 141 violent deaths of LGBTI Hondurans from January 2010 through October 2014, according to LGBTI organizations, **only 30 cases have been prosecuted**, of which nine have resulted in convictions and four in acquittals.

"The authorities often throw blame at the victim," noted one journalist. "They say, you were out walking in the street, it was your fault you were attacked. They say, he was a homosexual or drug addict or whatever, even before the body gets cold."

### What Can the Honduran Government Do to Protect Human Rights Defenders and Journalists?

The most important action the Honduran government can take is to improve investigations and prosecutions of both threats and attacks, including those cases in which participation by state agents is suspected.

Second, it is crucial to establish an effective protection program for human rights defenders and journalists. Currently, a bill (the Law to Protect Human Rights Defenders, Journalists, Social Communicators and Justice Operators) is pending in the Honduran Congress, blocked over disagreements about the source of funding to implement it. During the Inter-American Commission on Human Rights' December visit to Honduras, President Juan Orlando Hernández committed to achieve its passage. The Commission **urged** the government to consult with human rights defenders, journalists and others affected to ensure that their **concerns** regarding the existing bill are fully incorporated.



Hondurans gather to protest the censorship of the press.<sup>5</sup>

<sup>5</sup>Source: Christian Science Monitor

Far from being protected, human rights defenders in Honduras face unrelenting attacks.

But passage of the bill is not sufficient. The government must dedicate sufficient resources to such a protection program and ensure that beneficiaries of protection can determine the measures to protect them. There must be differential measures for beneficiaries depending on their profession and circumstances. And, crucially, it must ensure that beneficiaries play a major role in structuring and overseeing the protection program.

Third, high-level government officials—from the President on down—should promote respect for human rights defenders and journalists in their public discourse and denounce threats and attacks against them. The National Human Rights Commissioner as well as other government officials with human rights responsibilities should play a proactive role in encouraging all relevant national and local authorities to take the necessary steps to protect defenders and journalists and investigate and prosecute the threats and attacks against them.

Far from being protected, human rights defenders in Honduras face unrelenting attacks.

## THE KEY TO EVERYTHING: INVESTIGATIONS AND JUSTICE IN HONDURAS

“This country needs to strengthen its capacity and will to carry out criminal investigations. That is the key to everything,” said an expert on violence in Honduras who had spent years working in justice agencies.

To address Honduras’s widespread violence—which clocked the world’s highest per capita homicide rate in 2013—the government faces three challenges: it must reform the corrupt and abusive police force, it must strengthen criminal investigations, and it must ensure an impartial and independent judiciary.

Rather than focusing adequately on the slow and patient work of building these institutions, President Juan Orlando Hernández’s Administration has focused on a dangerous short cut: bringing the military into the streets. And the government has cut off access to information about the rate of violence to the Violence Observatory, which is the key nongovernmental institution monitoring crime statistics.

### Police Reform: Stalled

Police reform appears stalled. Following the 2011 killing of the son of the rector of the Autonomous National University of Honduras and his friend by police agents, a civil society movement galvanized momentum for police reform. The Commission for Reform of Public Security produced a series of proposals to improve citizen security, including recommendations

for improving police training, disciplinary procedures, and public security structure. However, in January 2014, during the lame duck period before President Hernández took office, the Honduran Congress dissolved the commission, and most of its recommendations remain unfulfilled.

“They could have purged and trained the police, during this time. But instead they put 5,000 military police on the street who don’t know what a chain of custody is,” lamented the expert on violence.

The government contends that over **2,000 officers** have been purged since May 2012, a significant percentage of the police force. However, the lack of transparency makes it difficult to evaluate numbers or determine reasons why police have been dismissed. Moreover, human rights groups point to the lack of prosecutions—police are removed but not prosecuted. Some even return to the force. Human rights advocates stress that police reform should be transparent and eliminate corrupt elements from the top to the bottom, not the other way around.

One bright spot may be a new police curriculum, revised with input from civil society organizations.

### **Judicial Reform: Complicated, Politicized, and So Far Ineffective**

The independence of Honduras’ justice system is under assault. Politicization of judicial appointments, an obstacle to impartial justice, starts from the top down. The election of the Attorney General by the Honduran Congress was moved up from March 2014 to August 2013 in order to prevent consideration by the more politically diverse Congress that was elected in November 2013, according to some analysts. Four members of the Supreme Court were dismissed, reportedly over disagreements regarding use of polygraphs for police, in December 2012.

The Judiciary Council since November 2013 has dismissed 29 judges and suspended 28, without an appropriate process, according to a member of the Association of Judges for Democracy. “This means that judges feel intimidated, they feel if they rule against well-connected people, against politicians, they can be dismissed.”

To try to improve investigations and prosecutions, special units have been created to investigate specific types of crimes, such as the Special Victims Task Force created in 2011 to tackle crimes against vulnerable groups, including journalists and members of the LGBTI community, and a new unit for crimes in Bajo Aguán. This strategy, which has been championed and funded by the United States, has potential, but the results are still unclear, as is whether success could translate to broader judicial system improvements.



Honduran military.<sup>6</sup>

<sup>6</sup>Source: Rbveve Flickr

A long-standing concern regarding Public Ministry was its reliance on police investigators rather than having its own investigative staff. This has been especially problematic for investigation of crimes in which police or other state actors were implicated. The Public Ministry in 2014 **opened** the Agency for Criminal Investigation, with its own investigators for major crimes. This could prove to be an advance.

On the negative side of the ledger, human rights organizations are roundly denouncing the fact that special prosecutorial teams which accompany the Military Police on their rounds will be the only officials permitted to investigate cases involving members of the Military Police. The Attorney General's regular prosecutors are now **barred by law** from investigating and prosecuting the Military Police.

Finally, security for justice operators is a daunting and tragic problem. From 2010 to December 2014, 86 legal professionals were killed, according to information received by the **Inter-American Commission on Human Rights**. While some protection is provided by the state, protection budgets are not adequate. "In a country with the highest levels of violence and impunity in the region," noted the Inter-American Commission on Human Rights, "the State necessarily has a special obligation to protect, so that its justice sector operators can carry out their work to fight impunity without becoming victims in the very cases they are investigating or deciding."

### SAN PEDRO SULA, HONDURAS: NEARLY A WAR ZONE

For the **fourth year running** San Pedro Sula, Honduras' second-largest city, has earned the title of most dangerous place on Earth outside of a war zone, with a 2014 **murder rate** of 171 per 100,000 people.



A street altar in memory of a lost loved one.<sup>7</sup>

Entire blocks of the city are abandoned for fear of gangs. Nearly every citizen is forced to pay what has come to be known as a "war tax," or extortion fees to the various street gangs that have overtaken the city.

The morgue **says** staff can barely perform autopsies fast enough to keep up with the number of bodies coming in. There is a tremendous backlog of work and a lack of equipment, staff and training make carrying out the heavy caseload nearly impossible.

Many corpses end up in mass graves, either because they cannot be identified or their loved ones fear gang reprisal if they claim them. The morgue has a room with a wall covered with the faces of those disappeared.

<sup>7</sup>Source: Rbrevé Flickr



While most victims have been shot, more and more bodies are being found tortured and tied up in plastic bags. Those killed tend to be young men, but more female victims are coming in this year than before.

The violence in San Pedro Sula has overwhelmed local institutions, making the city a hub for impunity. Poorly trained police with limited resources cannot keep up with the skyrocketing murder rates. **An estimated 97%** of all homicides in San Pedro Sula go unsolved, not including the crimes that go unreported. A forensic analyst told us that crime scenes are often not preserved and investigations fall short.

The grave situation in San Pedro Sula is largely a result of criminal violence between the Mara Salvatrucha (MS13) and Barrio 18 street gangs. The Honduran newspaper *La Prensa* reports the city is split relatively evenly between the two.

According to the San Pedro Sula Violence Observatory, Mexican cartels from the Sinaloa and Michoacán states complicate matters by contracting some of the city's smaller gangs waging war on the MS13. The problem started around 2000, when the government criminalized gang membership, causing the bigger crime syndicates within Honduras and in Mexico and Colombia to offer protection, absorbing many of the members of smaller gangs.

The toll that this violence takes on the city is profound. Many children are orphaned because their parents were killed or left to the United States to find work or flee the gangs. These children become prey for the gangs, who **patrol schools** to extort teachers, sell sex and recruit children to join their ranks.

Last year's child migrant humanitarian crisis at the U.S.-Mexico border is a symptom of this dynamic. **The majority** of the more than 18,000 Honduran children apprehended at the border attempting to enter the United States were from San Pedro Sula. Upon return, the crime they intended to flee is typically waiting for them. For the most part, they are offered no protection, according to the nongovernmental child protection agency Casa Alianza, which is able to offer refuge to only a tiny fraction of those in danger. Two hundred children died from beatings, suffocation, or gun violence between January and September 2014, the city morgue's forensic pathologist told the UN High Commissioner on Refugees.

According to LGBTI activists, transgender sex workers are targeted routinely by the gangs, pressured to sell quotas of drugs. When they don't reach the gangs' quotas they are threatened or harmed, causing many to flee and undergo a dangerous journey made even more treacherous by being transgender.

Two hundred children died from beatings, suffocation, or gun violence between January and September 2014...

A **recent survey** on perceptions of security suggests Hondurans are getting used to the sky-high levels of crime and violence submerging their neighborhoods – about 66.4% of Hondurans responded to feeling safe in their community compared to some 51% of respondents in Costa Rica, a country that registers much lower levels of violence and murder.



Military Police ready to patrol.<sup>8</sup>

Contributing to the migration and devastating violence is a gross distortion in income distribution. A recent report released by the World Bank found Honduras is among the ten countries on earth **with the worst income inequality**. The richest 10% of the Honduran citizens own more than 40% of the country's wealth and continue to get wealthier. **Two-thirds** of the population of Honduras lives on \$2.50 a day.

In San Pedro Sula, there are few economic opportunities outside of the *maquila* industry that once boomed. Although unions' campaigns are gradually achieving small advances in workers' rights, there are often too few or no bathroom or water breaks. Pregnant women are often harassed, and many workers are paid for their output, resulting in wages below the minimum wage.

According to a local crime reporter, the government touted the introduction of the Policía Militar or Military Police (PMOP). As the PMOP patrolled the streets in an area that citizens had abandoned due to fear, families began to filter back in, but then the Military Police were rotated out. The families fled again once violent crime returned. Because the Military Police is not the institution that could investigate or prosecute crime, underlying problems in San Pedro Sula's worst neighborhoods are generally left unsolved.

Local civilian police forces' salaries are low, and their rundown cars cannot keep up with the new, polished vehicles driven by organized crime members. At end of their shifts they are required to leave their weapon at the station. **Last March**, gang members viciously murdered a 34-year-old transit policeman, a father of two. His body was discovered decapitated. Without adequate funding, the muscle of civilian forces continues to dwindle, often leaving them defenseless against marauding cartels. Although police in Honduras have long histories of corruption and abuse, the frustration within civilian forces is palpable.

Both the Military Police and civilian police face allegations of abuses and excessive use of force in San Pedro Sula. Military Police responding to shots fired **allegedly shot and killed** a man, and wounded another man and a pregnant woman. The pregnant woman lost her baby. The survivors asserted that one of them had fired shots in the air to scare away thieves attempting a robbery as they were preparing favors for a baby shower

<sup>8</sup>Source: Hondudiario.com

in their house. Then the Military Police opened fire on them. After the shooting, the Military Police allegedly picked up the shells to clean up the scene of the crime before the regular police arrived.

The problem in San Pedro Sula does not just lie with law enforcement. The Honduran government is not investing in services that help its citizens. Not even primary schooling is available to all citizens. Fees for books and other services keep poor children from completing grade school.

To try and target the problems driving this violence, the Honduran government, along with Guatemala and El Salvador, has released its Alliance for Prosperity plan, designed to increase infrastructure and entice foreign investment. The Obama Administration just **announced** it would ask Congress for \$1 billion for Central America to help fund the initiative, but details about security strategy are scarce.

It remains to be seen exactly how this money will be spent. Looking at San Pedro Sula, a dramatic change in political will would be needed for any initiative of this nature to be successful. Funding could be helpful but only if there is a government willing to reform its police, push for justice and invest in education, jobs programs, violence prevention, health, child protection services, and community development needed to protect its poorer citizens.

## THE LAW OF SECRETS: WHAT THE HONDURAN GOVERNMENT DOESN'T WANT PEOPLE TO KNOW

The Honduran government has been quietly barring public access to official security documents and budgets, while closing spaces for protest, dissent, and the press.

A key part of this effort is the “**Law for the Classification of Public Documents related to Security and National Defense**” (Ley para la Clasificación de Documentos Públicos Relacionados con la Seguridad y la Defensa Nacional). Passed in a marathon congressional session just before President Hernández took office in January 2014, the legislation has become better known in the country as the Official Secrets Act or the **Law of Secrets**.

The law makes it impossible to know where the Honduran government is investing millions of dollars, by classifying public information about security and defense secrets for up to 25 years. Documents are categorized as reserved, confidential, secret or ultra secret in the name of protecting national security. But the law provides no parameters for what national security means, which allows the government to file documents it does not want anyone to see into one of these four categories.

The Honduran government is not investing in services that help its citizens.

Human rights activists **have called** the passage of the law a “setback in the human rights of Hondurans,” with most concerned that it allows corrupt officials to classify the paper trail of their crimes. Because the statute of limitations for prosecuting public officials for corruption is under 25 years, if a document that could incriminate an official were to be classified as “ultra secret,” that official would never be tried, according to the Institute for Public Access to Information (IPAI). In a country like Honduras, where corruption has allowed organized crime to thrive and which ranks 126 out of 175 on Transparency International’s **global corruption index**, this is concerning.

As this **IPS report** noted, the bill was originally blocked and “there are no audio records in the parliament archives that indicate when it was reintroduced.”

To access information that falls under the purview of the law, one would have to make an appeal to the National Security and Defense Council, run by the Attorney General, the head of intelligence (active military), the head of defense and security (recently retired military) and the Chief of Joint Staff of the Armed Forces. The law includes a provision that prevents any person, including journalists, from making any classified material public and requires them to turn it over to the civilian or military law enforcement authorities. **Reporters Without Borders** called the law a “major new blow to freedom of information in one of the Western

Hemisphere’s **most dangerous** countries for news and information providers.”

The Law of Secrets was passed about two years after the **Population Security Law** (Ley de Seguridad Poblacional), better known as the Security Tax, came into being. Described by one seasoned journalist as “one of the country’s best kept secrets,” the tax takes a portion of incomes and profits to **pay for the military police** and other security initiatives, but where exactly the funds go is unknown, in part due to the Law of Secrets. A former government official told us the Security Tax supposedly pulls in around \$70 million to \$80 million each year. Even the country’s top security scholars could not identify where all the money was going, but multiple journalists and experts guessed funds also paid for the president’s plane and equipment such as planes, radars, boats and other military accouterment.

As security expert Omar Riviera **told IPS**, the Law of Secrets “will make it impossible to get factual information on how the millions of dollars the state collects [via the security tax] are spent.” Transparency International **found** the country’s budget openness to be “scant or none.”

The Law of Secrets is at odds with the Law on Transparency and Access to Public Information, passed in 2006, which allowed an autonomous



The “Security Tax” takes a portion of incomes and profits to pay for the military police.<sup>9</sup>



state body, the [Institute for Access to Public Information \(IAIP\)](#), to enforce transparency and handle public information, including classifying documents as secret. Under the new law many of IAIP's responsibilities were passed to the military-led National Security and Defense Council.

The Honduran government proudly points to a new agreement signed October 2014 with Transparency International's Honduras chapter to allow it to monitor spending on health, education, security and justice, infrastructure projects, and tax administration. While this could prove to be a positive development, we heard considerable skepticism from journalists on how this could be implemented, and how it fits in with the countervailing government efforts to close down information.

Indeed, there appears to be an overall general downward trend in transparency in the country, particularly with regards to press freedom. "The media is now the echoes of power -- This government is very skillful, it meets with the owners of the media, constantly talking with them, suggesting what they ought to publish and the papers have to go along," according to one journalist, who along with several other reporters and civil society experts, said the government is exerting control over the top media. As a result, there is significant self-censorship by the media.

Between 2013 and 2015 Honduras slipped from 127 to 132 out of 179 countries in Reporters Without Borders' [World Press Freedom Index](#). According to the index, "Freedom of information continues to decline in Honduras five years after a coup d'état in June 2009. News providers are threatened, physically attacked and murdered with almost total impunity. The impunity is all the more worrying in the light of the hostility that the authorities display towards the media. A climate of information control and authoritarianism prevails, in which community and opposition media are subject to various forms of persecution, including judicial harassment, and are rendered all the more vulnerable by the broadcasting and telecommunications legislation." Many government agencies now reportedly have personnel regulations barring employees from speaking to the media.

Civil society groups also face challenges. Multiple groups told us that President Hernández does not consult often with civil society, and when he does it tends to be with the same group that toes the government line. "There is an overall closing of spaces at all levels within the government and civil society," according to a journalist from a press freedom group. Protests, particularly in universities, are also increasingly being criminalized as student leaders have reportedly been detained and tortured, according to members of civil society and journalists.

The Hernandez Administration's treatment of opponents in the press sometimes goes beyond the bounds of regular political debate. Members

There is an overall closing of spaces at all levels within the government and civil society.

of Congress who opposed the government's plan for constitutional status for the Military Police were **accused** of ties with organized crime. Civil society groups analyzing the Alliance for Prosperity, the government's plan with the Guatemala and Salvadoran governments to attract international aid, were accused of organizing a "**boycott**" of U.S. aid.

This lack of overall information and stifling of dissent makes it difficult for investigative journalists and civil society groups to hold the government accountable, essential to strong democracies. The San Pedro Sula Violence Observatory said that in April 2013, it started receiving pushback from the government and the Ministry of Security stopped sharing information on crime and violence statistics. Officials told them the administration was going to set up its own network of violence observatories with help from Colombia instead.

It is a lot harder for groups outside the government to come up with alternative solutions to tackle spiraling levels of violence without knowing the true scope and trends of crime and murder. Between a law that bars the public from access to key security information, a government effort to silence the press and protest, an administration unwilling to hear from its civil society, and a politicized judicial system, it is unclear to whom the Honduran government has to answer.

One journalist painted a frightening picture for the future: "There is a systematic crushing of each little point of expression. If each civil servant, human rights defender, student and journalist is silenced, then who is left?"

## CAN U.S. AID HELP ADDRESS THE PERFECT STORM IN HONDURAS?



President Obama meeting with the presidents from Central America.<sup>10</sup>

The Obama Administration **announced** in January 2015 a \$1 billion package of assistance to Central America. Will this assistance help address the "perfect storm" of violence, impunity, corruption, drug violence, and militarization that we saw in Honduras?

It will not solve these problems without a real commitment by the Honduran government to protect its citizens by strengthening the rule of law, ending impunity for human rights abuses, and purging, investigating and prosecuting corrupt and abusive members of the police, army and government. It will not go far without a serious commitment by the government to invest in economic development that is broadly shared, that respects labor rights and

communities' priorities and that helps the most vulnerable.

It is that kind of commitment, rather than putting soldiers on the streets and pursuing economic projects that benefit a narrow sector of society,

<sup>10</sup>Source: State Department

which will protect Honduran citizens. And it is that kind of commitment that could gradually make it possible for Hondurans not to be forced to brave tremendous dangers to find a better life outside their country.

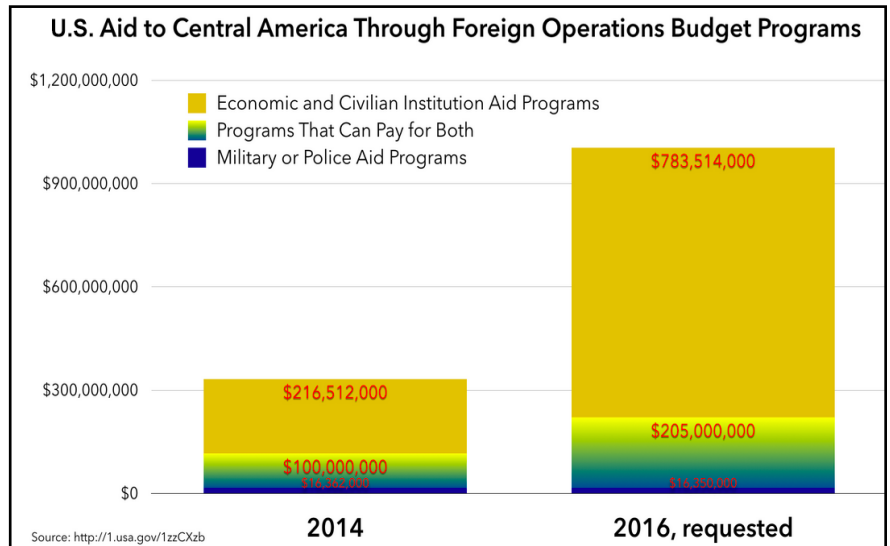
Following “the surge” in unaccompanied minors from Central America, the Obama Administration was advised by humanitarian and immigration groups to focus on immigration reform and humanitarian aid and development assistance that addresses the root causes of migration—rather than more security assistance and deportations.

To some extent, the administration really listened. The executive actions on immigration, if fully implemented, can protect and unify millions of immigrant families. This will certainly help Hondurans.

And the makeup of Obama’s **proposed \$1 billion package** for Central America tilts towards development and humanitarian aid. Over half a billion dollars is development assistance, while the rest is a variety of judicial programs, public health, and police assistance. Strictly military assistance via the State Department budget was not increased for Central America. For the first time, as analyst James Bosworth rightly **noted**, the White House proposal “doesn’t use the word ‘drug’ once.” That is a step in the right direction.

Adam Isacson of the Washington Office on Latin America has an excellent **walk through with visuals** of what we do know about the aid. However, details of the package are scarce, leaving more questions than answers. Some of the big questions we have are:

- Will any of the security assistance promote, directly or indirectly, militarized approaches to policing? How can this be avoided if the Honduran or Guatemalan government’s overall strategy involves militarized policing?
- Will the U.S. government be willing to insist on real plans for and commitment to police reform, including purging and prosecuting corrupt and abusive elements and ensuring strong external oversight and internal affairs mechanisms, prior to moving forward? Will security assistance continue to be conditioned on human rights improvements?



Click to expand chart.<sup>11</sup>

<sup>11</sup>Source: Adam Isacson, Washington Office on Latin America

- How will the U.S. ensure that security and counternarcotics assistance does not lead to human rights abuses, as happened in the Ahuas and other cases?
- What kinds of economic development will this aid promote? Will any of the assistance promote the large-scale extractive, dam or agroindustry projects that have been damaging to communities?
- How will aid help migrant-sending communities in sustainable ways?
- How will aid support community-based violence prevention programs?
- What kind of civil society involvement and consultation is being contemplated?

For U.S. assistance to do more help than harm, it must: be fully consulted with a broad range of civil society; and be conditioned on and accompanied by diplomatic pressure on governments to respect human and labor rights, purge security forces, pursue only community-based, civilian policing, improve justice systems, and protect and respect human rights defenders.

And aid should be more transparent, and evaluated with input from civil society. Lack of transparency and evaluation has been one of the **shortcomings** of the Central America Regional Security Initiative (CARSI).

Lack of transparency and evaluation has been one of the shortcomings of the Central America Regional Security Initiative (CARSI).

Part of this transparency should include public documentation of U.S. funding for Colombian military and police to train Central American security forces. With 1,737 military and police trained in 2013, Honduras is the most eager participant in the program after Mexico. And trainings for both the military and police are increasing each year. However the dollar costs, the programs supporting the training, and documentation are to date unavailable. There is also no apparent monitoring and evaluation system in place to determine the quality, effectiveness, or potential negative consequences of these programs.

Given that members of the Colombian army and police and their Honduran counterparts have been implicated in murder, torture, disappearances and corruption, this lack of oversight is deeply concerning. Also alarming is that Honduras' police attaché in Bogotá, General Juan Carlos "El Tigre" Bonilla, is facilitating U.S.-funded Colombian trainings of his country's police forces. This is highly problematic given **allegations** of Bonilla's involvement in several murders as a police commander and



that he oversaw the Honduran national police when there were multiple claims of **police death squad activity**.

Another concern is Defense Department funding, not part of the \$1 billion package. Defense Department funding, which largely funds border security and maritime narcotics interdiction efforts, also seems to be slightly increasing. In FY2013 the country **received** \$3.5 million for counternarcotics programs. In FY2014, this number rose to \$4.6 million. However, it is noticeably down from the \$11.2 million allocated to the country for antidrug operations in FY2012. The Defense Department budget in Honduras includes funding for initiatives like Army South training Honduran units for security on the Guatemalan border, which will expand to the Nicaraguan border next year. However, this year's increase is nothing compared to the uptick in Development Assistance for Honduras. Should Obama's request be granted, **Development Assistance** would grow from \$36.7 million to \$157.7 million. (Click [here](#) to see data of U.S. assistance to Honduras)

Also included in the Obama Administration's annual budget request is \$120 million for Mexico to beef up security along its southern border. This fits into the larger U.S. strategy of encouraging Mexico to deport migrants before they get to the U.S. border, meaning thousands have been sent home at all hours of the night in terrible conditions. As has **happened** at the U.S.-Mexico border, tightened security could (and has) just led migrants to cross in more dangerous areas or be subject to greater abuses by corrupt border agents. Despite the welcome executive actions staying deportations for many, deportations continue for those who arrived since January 2010, with planeloads of people being sent back weekly to Honduras, only to face the same situation that pushed them to leave in the first place.

Ninety percent of Hondurans **survive** on an average income of under \$7 a day. Murders of children aged 17 and under **grew** more than 77 percent during 2014. Only **25 percent** of children finish high school. Ninety-seven percent of all murders **go unsolved**. This is what has to change.

Very carefully designed and consulted international aid programs can help. But political will from the Honduran government to protect and respect its citizenry must come first.

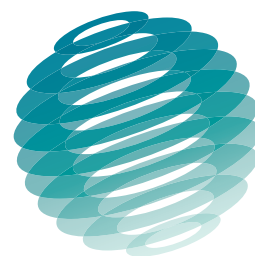


Former U.S. Ambassador to Honduras Lisa Kubiske congratulates the first graduating class of TIGRES.<sup>12</sup>

<sup>12</sup>Source: Elheraldo.hn

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