



## Honduras Country Conditions

Using Science and Medicine to  
Stop Human Rights Violations

### Introduction

At the end of 2011, the number of unaccompanied children seeking a safe haven in the United States rose dramatically.<sup>1</sup> The largest number of new asylum applications came from three countries in Central America: El Salvador, Guatemala, and Honduras.<sup>2</sup> Of the currently pending cases of unaccompanied children in U.S. immigration courts, 92 percent come from these three Central American countries.<sup>3</sup> As of March 2015, there were 21,754 cases of unaccompanied children from Honduras still pending in the court system.<sup>4</sup> The following country conditions report will focus on the causes of this massive migration of children from Honduras, both unaccompanied and with their families, and also address other human rights violations in the country.

### Background

Arbitrary killings by security forces, violence perpetrated by organized criminal groups, and societal violence, including violence against women, are among the numerous human rights violations that plague Honduran society.<sup>5</sup> Drug traffickers and local and transnational gangs are responsible for most of the killings, kidnappings, and extortion, torture, and human trafficking cases, among other other violent crimes, in the country.<sup>6</sup> During 2013, Honduras had the highest murder rate in the world.<sup>7</sup>

Violence in Honduras is mainly the result of disputes over control of drug trafficking routes and wars between different criminal groups. The major transnational gangs, Mara Salvatrucha and Barrio 18, influence local gangs and survive economically by extorting local residents through the “war tax.”<sup>8</sup> Non-payment of this tax has violent and even deadly consequences.<sup>9</sup> In many cases, even just witnessing transnational gang violence leads to retaliation by gang members, and threats of violence can follow witnesses wherever he or she may go.<sup>10</sup>

### Unaccompanied Minors

By June 2014, more than 18,000 unaccompanied minors coming from Honduras were detained in the United States.<sup>11</sup> According to a recent study by the UN High Commissioner for Human Rights (UNHCR), the two main causes of the massive exodus of unaccompanied minors from Honduras are the violence these children experience in their homes and the violence perpetrated by armed criminal actors including drug cartels and gangs.<sup>12</sup>

In May 2014, UNHCR published a report on unaccompanied minors in which 404 children were interviewed, 98 of whom were from Honduras. The report found that 44 percent of the Honduran children surveyed had been threatened by criminal armed gangs or cartels, or had been victims of gang violence.<sup>13</sup> Twenty-four percent of the children suffered violence in their homes and 21 percent suffered from some kind of deprivation (of material, spiritual, or emotional resources necessary for survival).<sup>14</sup> The children expressed that the state was unwilling or unable to protect them. Some explained how specific events in their lives forced them to flee the country. For example, one of the children and his brother had been shot twice over the course of two years after refusing gang recruitment.<sup>15</sup>

Gangs specifically target young boys as new recruits, especially those who are poor and marginalized. Gang members have approached boys, some as young as ten years old, to recruit them and force them to commit crimes. If a boy refuses to join the gang, he will face greater risks including intimidation, violence, threats against his family, or even his own death.<sup>16</sup>

Girls are targeted by gangs in a different way. They described how gang members forced them to have sexual relationships and raped them. Unfortunately, girls are also exposed to this type of abuse in their own homes. In total, 24 percent of the 98 Honduran children interviewed had suffered abuse at the hands of their family members or other caregivers.<sup>17</sup> A seventeen-year-old girl told interviewers:

My father beat me my whole life. He abused my sister and me. He was an alcoholic. He raped my sister and got her pregnant. He was in jail for five years, even though it was supposed to be nine years. He got out of jail in March 2012. I didn't want to be around him because I was afraid he would beat me and mistreat me again, so I decided to leave.<sup>18</sup>

The dangers posed by gangs and other criminal actors affect not only minors, but their parents as well. Many fear having their children recruited by gangs, and women often fear suffering domestic abuse by their partners.<sup>19</sup> Parents and their children who fled Honduras to escape gang threats or violence will likely face the same or even more severe gang threats of extortion, rape, and murder if forced to return to their country.<sup>20</sup>

Honduran immigrants that have returned to the country after having been deported from the United States lack support from the local government and do not have enough resources to provide for themselves. They are more susceptible to gang violence than before they initially fled the country. The majority of deported people express their intention to try to return to the United States in hopes of finally escaping these threats.<sup>21</sup>

#### *The Story of Ms. Y: Kidnapped at a Very Young Age*

Ms. Y is a 13-year-old girl who was raised by her grandmother in San Pedro Sula, Honduras after her mother moved to the United States to work and support her family. At the age of

10 years, Ms. Y was kidnapped on her way to school with one of the teachers. A man from a black car jumped out and pulled her into the car. As she and the teacher tried to fight him off, he pulled out a gun and pointed it at Ms. Y, threatening to kill her. The teacher backed off and Ms. Y was violently thrown into the car. She reports that another man in the car pulled her back and covered her face with a towel. She believes she was drugged by something on the towel because she lost consciousness and did not wake up until later. Luckily, Ms. Y was able to escape and flee to the United States with three other cousins, but has a strong emotional reaction to even the thought of ever returning to Honduras.

#### *The Story of Mr. J: Gang Violence at a Very Young Age*

Mr. J is a 15-year-old boy from Honduras. When Mr. J was 10 years old, some gang members attacked him as he was returning home after playing soccer with friends. Gang members shot at him in the right thigh and lower left leg, injuring Mr. J and killing his friend. He was able to escape by rolling down a large hill through many bushes and ultimately hiding in a large bush.

### **Violence and Discrimination against Women**

In Honduras, different forms of violence affect women in both public and private spaces. The machismo culture and widespread impunity enjoyed by perpetrators of violence infringe greatly on the human rights for women in the country. Instances of domestic violence, femicide, and sexual violence have all increased.<sup>22</sup> In July 2014, the UN Special Rapporteur on Violence against Women noted that violent deaths of women in Honduras had increased 263.4 percent between 2005 and 2013, and there is a 95 percent impunity rate for sexual violence and femicide crimes.<sup>23</sup> The Special Rapporteur noted scores of concerns regarding the high levels of domestic violence, femicide, and sexual violence.

Violence is only one of the motivating factors that lead women to leave Honduras. Other reasons that women and girls are forced to flee the country include, but are not limited to: poverty, absence of opportunities, and fear due to the lack of law enforcement response to crime.<sup>24</sup> In addition, drastic inequality disfavoring women is pervasive throughout the country. The majority of women do not possess adequate skills to enter the formal economy because they have had insufficient access to education, forcing them to take low-paying and risky jobs.<sup>25</sup> Women are locked into sectors characterized by long workdays and work clandestinely or outside regulatory frameworks, which increases their vulnerability to exploitation and abuse.<sup>26</sup>

Women are often sentenced to prison for crimes such as drug trafficking, extortion, and gang violence, the very same crimes that wreak havoc throughout the country but regularly go unpunished for men.<sup>27</sup> While in prison, women suffer violations of their most basic human rights: they face overcrowded conditions, a lack of medical and social services, and receive no support from the government. Women frequently spend longer periods of time awaiting trial than permitted under Honduran law, and in many cases, women are not even able to be transported to court for their hearings due to insufficient prison resources.<sup>28</sup>

## **Violence against the LGBT Community**

Civil organizations have reported large numbers of murders within the LGBT community in Honduras. Between 2009 and 2014, there were 174 violent deaths of LGBT individuals in the country;<sup>29</sup> 90 gay, 15 lesbian, and 69 transsexual individuals were killed.<sup>30</sup> No public policies have been introduced in response to the violence against the LGBT community, and the government pursues very few investigations to find the perpetrators of these crimes. Advocates of LGBT rights are subjected to constant aggression and arbitrary detention by the police.<sup>31</sup>

## **Violence against Journalists**

Journalists are also targeted as victims of violence. Journalists investigating security matters, human rights abuses, and organized crime and its relationship to public institutions are at a particularly high risk. Honduran authorities deny that crimes against journalists are related to their profession and instead try to associate the victims with criminal actors in other ways. A prime example of this was the assassination of journalist Erick Arriaga on February 23, 2015. The Honduran government denied him access to state-held information because he had criticized the government. The government then linked Arriaga to criminal gangs and has done nothing to investigate his murder.<sup>32</sup>

According to the National Commissioner for Human Rights in Honduras, out of the 51 murders of journalists registered by the organization since 2003, only two have ended up with a conviction.<sup>33</sup> The lack of punishment for those responsible for attacks on journalists is due in part to corruption within the government. A new law passed by the government in April 2015 aims to protect journalists and human rights activists, but it is uncertain whether there will be enough resources – both economic and human – to implement the law.<sup>34</sup>

## **Rural Violence**

The rural Bajo Aguan region of Honduras has been the focus of high levels of violence, much of which is related to land conflicts. Since 2009, there have been numerous threats, deaths, disappearances, hostilities, and intimidations against farmers defending their territories.<sup>35</sup> Large extensions of territory in that region have been contested between groups of small-scale farmers (“campesinos”) and agro-industrial businesses that cultivate mostly African palm oil.<sup>36</sup> There is a complete lack of basic mechanisms to respond to human rights violations and adequately investigate and identify those responsible.<sup>37</sup> Farmer organizations have expressed their concern about the close relationship between the public authorities and the landholders stating that, “the police, military, prosecutors and judges are here to defend the owners of big farms while we, the farmers, are dying.”<sup>38</sup>

## **Government Response to the Violence**

The Honduran government has responded to the increasing violence by delegating tasks usually directed by the police to the military.<sup>39</sup> In 2013, the Honduran government created the Military Police of Public Order to address the challenge of eliminating organized crime while taking measures to confront the insufficient action of the National Honduran Police Force. However, there is no clear definition of the role this entity is supposed to play.<sup>40</sup>

The Honduran government has also introduced a program entitled “Guardians of the Fatherland,” in which military personnel take boys and girls from communities and bring them to military facilities to instruct them in civics and religion.<sup>41</sup> While the intention of this program is to prevent at-risk children from becoming involved in organized crime, it is a misappropriation of the military whose primary function is to guard the country’s borders and protect the country against outside threats.<sup>42</sup> The protection of children has historically been delegated to the National Police Force, which is the appropriate body for this task because it is responsible for maintaining internal peace and security within Honduras and protecting all citizens. The “Guardians of the Fatherland” initiative reflects the improper use of state mechanisms in the promotion and protection of rights for children.<sup>43</sup>

## **Impunity**

Impunity is present in all areas of civil society. For example, after a fire in the National Prison of Comayagua on February 14, 2012, when 362 people lost their lives, no initial investigation was ever opened.<sup>44</sup> In a separate incident, the Inter-American Commission on Human Rights received testimony from a human rights activist looking for information after the murder of her two brothers in San Pedro Sula. She said, “They took me, put the gun on my temple, and screamed you better stop doing this and be quiet. If not, we are going to kill you.” The criminals did not kill her, but instead killed another one of her brothers. Nobody has been arrested for any of those killings.<sup>45</sup>

Impunity is particularly common for acts of violence committed against vulnerable groups such as women and LGBT individuals. In 2014, 453 women were murdered, but prosecutors have only issued 10 summonses.<sup>46</sup> In addition, when a woman denounces domestic violence or other crimes related to her gender in Honduras, the response of the investigative bodies is incredibly slow. It can take up to three months for the prosecutor’s office to even receive the testimony of a woman who has suffered domestic violence and to take any type of action in response to the crime.<sup>47</sup> Between January 2010 and October 2014, there were 141 violent deaths of LGBT individuals, but only 30 of those cases were ever investigated, with only nine resulting in convictions, four of which were ultimately acquitted.<sup>48</sup>

The government has taken some steps to fight impunity, such as the creation of specialized departments in the attorney general’s office, strengthening of scientific and technical investigations of crime scenes, and the incorporation of femicide as a specific crime in the penal code.<sup>49</sup> However, following a visit from the Inter-American Commission on Human Rights, it is clear that the government still faces important challenges in terms of the effectiveness of the measures they've adopted to date.<sup>50</sup>

## **Conclusion**

The current outflow of people fleeing persecution in Honduras is heavily influenced by the high increase of crime in the country, which is related to expanding territorial fights among gangs and increased drug trafficking, homicides, massacres, kidnappings, and extortions. The criminal landscape, lack of an effective governmental response, and lack of social and

economic opportunities have left thousands of Hondurans with no other option except crossing the border. By coming to the United States, they hope to avoid living in constant fear of violence and death, and to provide their children with a safer and better future.

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<sup>1</sup> UNHCR, *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection* (2014), available at <http://unhcrwashington.org/children>.

<sup>2</sup> *Id.*

<sup>3</sup> TRAC, *Immigration Representation for Unaccompanied Children in Immigration Court* (2014), available at <http://trac.syr.edu/immigration/reports/371/>.

<sup>4</sup> TRAC, *Juveniles Immigration Deportation Proceedings* (2015), available at <http://trac.syr.edu/phptools/immigration/juvenile/>.

<sup>5</sup> United States Department of State, *Honduras report on human rights practices* (2013), available at <http://www.state.gov/documents/organization/220663.pdf>.

<sup>6</sup> *Id.*

<sup>7</sup> Human Rights Watch, *Honduras World Report* (2014), available at <http://www.hrw.org/world-report/2014/country-chapters/honduras>.

<sup>8</sup> *Id.* The war tax, or “Impuesto de Guerra,” is a form of extortion that transnational gangs use to finance their criminal organizations. The war tax was initially demanded from citizens of the communities that the transnational controlled, and they then extended it to small businesses as well.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> IACHR, *Preliminary Observations about the Human Rights situation in Honduras* (2014), available at [http://www.oas.org/en/iachr/media\\_center/PReleases/2014/146A.asp](http://www.oas.org/en/iachr/media_center/PReleases/2014/146A.asp).

<sup>12</sup> UNHCR, *supra* note 1.

<sup>13</sup> *Id.* at 36.

<sup>14</sup> *Id.* at 37.

<sup>15</sup> *Id.* at 38.

<sup>16</sup> United State Department of State, *supra* note 5.

<sup>17</sup> UNHCR, *supra* note 1.

<sup>18</sup> *Id.* at 39.

<sup>19</sup> Human Rights Watch, *You Don’t Have Rights Here* (2014), available at <http://www.hrw.org/reports/2014/10/16/you-don-t-have-rights-here-0>.

<sup>20</sup> TRAC, *supra* note 3 at 1.

<sup>21</sup> IACHR, *supra* note 11.

<sup>22</sup> Rashida Manjoo, “Special Rapporteur on violence against women finalizes country mission to Honduras and calls for urgent action to address the culture of impunity for crimes against women and girls” (2014), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14833&LangID=E#sthash.aEX2teov.dpuf>.

<sup>23</sup> *Id.* at 2.

<sup>24</sup> *Id.* at 2.

<sup>25</sup> *Id.* at 2.

<sup>26</sup> *Id.* at 2.

<sup>27</sup> *Id.* at 3.

<sup>28</sup> *Id.* at 4.

<sup>29</sup> IACHR, *supra* note 11.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Reporters without borders, *Downward spiral continues for Honduran media* (2015), available at <http://en.rsf.org/honduras-downward-spiral-continues-for-06-03-2015,47656.html>.

<sup>33</sup> *Id.*

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<sup>34</sup> PEN International, *In post-coup Honduras, violence against journalist and impunity escalate, freedom of expression and cultural rights undermined* (2014), available at <http://www.pen-international.org/newsitems/in-post-coup-honduras-violence-against-journalists-and-impunity-escalate-freedom-of-expression-and-cultural-rights-undermined/>.

<sup>35</sup> IACHR, *supra* note 11.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> United States Department of State, “*Honduras Human Rights Report*” (2013), available at <http://www.state.gov/documents/organization/220663.pdf>.

<sup>45</sup> IACHR, *supra* note 11.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*