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1999 Country Reports on Human Rights Practices

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HONDURAS

Honduras is a constitutional democracy, with a president and a unicameral congress elected for 4-year terms. President Carlos Flores Facusse took office in January 1998. The two major political parties, the Liberals and the Nationalists, have alternated in power peacefully after free elections. The judiciary is independent, but often ineffective and subject to outside influence.

The Honduran Armed Forces (HOAF) comprise the army, the air force, and the navy. The National Police (formerly a paramilitary force known as the FUSEP) were transferred to civilian control in 1997. The police, including a new "preventive" unit, handle public security, counternarcotics, and border patrol duties. The Government created a new Ministry of Security in 1998 to oversee police operations and counter a national crime wave. On January 25, the National Congress ratified a constitutional amendment establishing direct civilian control over the armed forces--through a civilian Minister of Defense--for the first time since 1957. The amendment also replaced the position of the armed forces commander in chief with that of Chief of the Joint Staff. In July the President removed the new Chief of the Joint Staff and Vice Chief of Staff after they sought to amend a draft organic law governing the armed forces; his action further cemented civilian control over the military. Members of the police continued to commit human rights abuses.

The market-based economy is based primarily on agriculture and increasingly upon the important maquiladora (in-bond processing for export) industry that accounts for about 110,000 jobs, mostly filled by young women. The armed forces indirectly play a declining role in the national economy through their pension fund, which controls some enterprises usually associated with the private sector, including a bank and several insurance companies. About 37 percent of workers labor in agriculture, with most of the rest in industry and manufacturing, commerce, and services. The principal export crops are coffee and bananas; these, along with "value added" income from the maquiladora industry, are the leading sources of foreign exchange. Nontraditional products, such as

melons, pineapples, and shrimp, play a growing role in the economy. In October 1998, Hurricane Mitch caused widespread flooding and landslides, which killed several thousand persons, left hundreds of thousands homeless, caused over \$3 billion in damage, and deprived tens of thousands of their livelihoods. International humanitarian assistance saved many lives and met basic needs, but substantial additional foreign aid is needed to help rebuild infrastructure and productive economic capacity. The economic growth rate declined in 1999, and the budget deficit and unemployment both rose significantly. Annual per capita income is approximately \$800; about two-thirds of the country's households live in poverty.

The Government generally respected the human rights of its citizens in many areas; however, serious problems remained. Members of the security forces allegedly committed extrajudicial killings, particularly of presumed criminals, leading human rights groups to charge that the security forces and business community colluded to form organized death squads. Security force personnel committed acts of torture and beat and otherwise abused detainees and others, including street children. Police reportedly fired their weapons without authorization during an October riot near the presidential offices; both police and rioters were injured in the melee. Prison conditions remain harsh, lengthy pretrial detention is common, and detainees do not always receive due process. Considerable impunity for members of the economic and official elite, exacerbated by a weak, underfunded, and sometimes corrupt judicial system, contributes to human rights problems. Although civilian courts increasingly considered allegations of human rights violations or common crimes against armed forces personnel and some cases went to trial, there were relatively few convictions. While no senior government official, politician, or bureaucrat, or member of the business elite was convicted of crimes, the Government removed numerous military officials; police officers, investigators and agents; and judges from office on corruption and other charges. The judicial system continued to deny swift and impartial justice to prisoners awaiting trial. On occasion, the authorities conducted illegal searches. Other human rights problems included violence and societal discrimination against women, child prostitution, abuse of street children, and discrimination against indigenous people. The Government does not enforce effectively all labor laws. Some workers are forced to work overtime. Child labor is a problem, particularly in rural areas and in the informal economy, but not in the export processing sector.

RESPECT FOR HUMAN RIGHTS

Section 1 -- Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings by government agents.

Human rights organizations alleged that individual members and former members of the security forces, acting as "security squadrons" in collusion with business leaders, committed extrajudicial killings of street criminals. One organization claimed in October that the Office of the President itself was implicated in such activities, but subsequently withdrew that assertion after its leader met with President Flores. The Government publicly denied accusations relating to the security forces as institutions, but investigated allegations against members of neighborhood vigilante groups. Human rights groups also

asserted that members of the security forces on such death squads were involved in killings of street children (see Section 5).

In at least two instances, persons found dead reportedly were last seen in police custody. There was no progress in the investigation of those deaths at year's end.

In October the police arrested a prison guard who shot and killed a minor who refused to surrender after escaping from the central penitentiary in Tegucigalpa in May. At year's end, the case had not yet gone to trial.

On March 23, four men armed with AK-47 assault rifles killed Juan Ramon Alvarado, the mayor of Cabanas, Copan Department, in an apparent political killing. Alvarado, the target of two previous failed murder attempts, reportedly had alienated fellow local politicians. The authorities first detained a member of the town council but then released him due to lack of evidence; they subsequently detained two other persons. However, at year's end, no further progress in solving the killing was reported.

In July police detained a suspect in the October 1998 killing of Pedro Garcia Villanueva, a regional director of attorneys for the Public (Justice) Ministry, in Santa Barbara. Garcia had been investigating several notorious human rights cases, including the 1992 murder of former national electric company director Marco Tulio Castellon Baide. At year's end, several suspects detained in 1998 still awaited trial.

In May 1998, four persons reportedly killed Carlos Antonio Luna Lopez, a town councilman in Catacamas. The police arrested one person, who had been identified by a witness as one of the assailants.

Human rights groups asserted that many deaths of gang members, including persons under 18 years old, were extrajudicial executions. Such groups alleged that between 100 and 150 youths associated with criminal gangs were killed, execution-style, during the year. In such cases, renegade elements of the security forces, or civilian (including vigilante) groups working with such elements, allegedly used unwarranted lethal force against supposed habitual criminals. Several groups pushed for investigations into specific incidents, while others claimed to have provided evidence of collusion between police and business leaders to public prosecutors. The Government did not take effective action to investigate, try, convict, or punish anyone for such offenses.

Violent crime continued to fuel the growth of private--often unlicensed--guard services, and of volunteer groups that patrolled their neighborhoods or municipalities to deter crime. The continued proliferation of private security forces made it more difficult to differentiate among homicides that may have been perpetrated by government security personnel, private vigilantes, or common criminals. Homicides, armed robberies, and other violent assaults were common.

Concerns that the security forces would not investigate credible allegations of extrajudicial killings by members of the former FUSEP led to the creation in 1994 of a civilian-controlled Directorate of Criminal Investigations (DIC) under the Public Ministry (which also includes a prosecutorial branch). The Police Organic Law, which took effect in November 1998, placed the DIC under the new Ministry of Security and renamed it the General Directorate of Criminal Investigations (DGIC). The Attorney General and human

rights groups have noted a decrease in reported human rights abuses over the past 2 years.

In January 1998, a judge ruled that although Lieutenant Colonel Juan Blas Salazar Mesa was guilty of participating in the kidnaping, torture, and murders of students in 1982, he qualified for amnesty under laws passed several years earlier. In December 1998, the Supreme Court upheld the lower court's ruling on amnesty for Salazar. In January the Public Ministry filed an appeal with the Supreme Court relating to the application of amnesties to former military officials, including Salazar. The court reportedly agreed in October to review the appeal, which was still pending at year's end.

In July the Attorney General urged the Supreme Court to decide quickly whether amnesty laws created to protect leftist dissidents can be used to shield 12 fugitive policemen and soldiers accused of human rights violations. In one case, 10 police and soldiers allegedly arrested and tortured 6 university students; in another, 16 soldiers are accused of killing 2 men. The Supreme Court continued to consider this issue at year's end.

There were some developments in several cases involving the investigation or prosecution of other alleged extrajudicial killings committed in previous years. In June 1998, the armed forces named a commission of senior military officers to investigate accusations of human rights violations or other criminal activities by armed forces personnel. At the end of the year, this commission had made no public findings.

On June 8, the Supreme Court sentenced former army Colonel Angel Castillo Maradiaga to 10 years' imprisonment for the 1991 rape and killing of student Riccy Mabel Martinez, a case that helped begin to bring an end to the longstanding impunity of members of the armed forces from arrest for common crimes. The authorities arrested Castillo and an accomplice, Sergeant Santos Eusebio Ilovares Funez, immediately following the crime; a court convicted them in July 1993. In April 1994, the first appeals court decreed that the convictions were null for procedural faults and a lack of evidence against Castillo. The original court reviewed the case and ratified its original decision, which was then upheld by the appeals court. However, in October 1996, the first appeals court dismissed the sentences and ordered the second criminal court to issue new sentences. In February 1997, the second criminal court found Castillo innocent, but sentenced Funez to prison. In June 1998, the Supreme Court confirmed these decisions, but the victim's lawyers filed a final appeal, upon which the June 1999 decision was based. Funez remains in prison.

A judge absolved former armed forces commander Brigadier General Mario Hung Pacheco of complicity in the 1988 death of student leader Roger Gonzalez, although he reserved judgment on the involvement of two other military officials.

In October a court found former Battalion 3-16 member Marco Tulio Regalado Hernandez guilty of the 1983 death of labor leader Herminio Deras and imprisoned him. However, two other battalion members implicated in the death remained at large at year's end.

Although in October a judge found army Chief of Staff Oscar Hernandez Chavez not guilty of the 1982 death of student Hans Madisson, prosecutors filed an appeal. Former army Captain Billy Joya Amendola, who returned to the country in December 1998 after evading arrest for 3 years, also was found not guilty in October in the Madisson case. Other charges against Joya for torture and disappearance were pending at year's end.

In July retired armed forces General Daniel Bali Castillo returned, after 3 years as a fugitive in Guatemala, to appear before a court for his alleged role in the cases of Adan Aviles Funez and Nicaraguan citizen Amado Espinoza Paz. The bodies of the two, who disappeared in Choluteca in 1982, were exhumed near there in 1995. The court immediately freed him, pending presentation of further evidence by prosecutors. Two other officials, army Colonel Suarez and retired police colonel Marco Antonio Matute, had been freed earlier in connection with the case (but still face charges), and several others remain at large. Police Colonel Alexander Raymundo Hernandez, another suspect in this case, has been missing since 1995; the police discontinued his salary in 1997 and discharged him from the force in March 1998.

Government agencies and human rights groups investigated claims of possible deaths, disappearances, and torture at the El Aguacate military base in Olancho department when it was used by Nicaraguan insurgents ("contras") during the 1980's. Investigators found evidence of blood on the interior walls of some ruins on the base but were unable to link that evidence to specific incidents or persons. The Defense Minister and the HOAF Chief of Staff have opened the base to independent investigators, including international visitors.

In July human rights prosecutors began investigating reported graves at La Montanita, near Tegucigalpa, and at El Aguacate, in Olancho department. Those investigations continued at year's end.

Vigilante justice led to killings of street children (see Section 5) and criminals. In October one vigilante group in Cortes department reportedly beat and killed a young man with no known criminal connections.

Killings of peasant leaders were reported in various locations, but appeared linked to personal or criminal, rather than political, motives.

There has been no progress in the investigations into the deaths of two indigenous leaders (see Section 5).

b. Disappearance

There were no reports of politically motivated disappearances.

The Attorney General continued investigations into the disappearances of 184 persons in the 1980's. Various witnesses, survivors, and a few former members of the military have charged that members of the now-disbanded Battalion 3-16 kidnaped, tortured, and murdered many of those who disappeared. The National Commissioner for Human Rights, Leo Valladares, also continued his investigation into the human rights abuses allegedly committed by members of Battalion 3-16 and the former police intelligence unit.

Foreign forensic anthropologists arrived early in the year to collaborate with magistrates searching for remains of persons who disappeared on the property belonging to a retired armed forces general in Amaratoca, Francisco Morazan department, but no findings were reported by year's end. There were reports of possible clandestine burials of persons who disappeared at the former contra military base at El Aguacate, Olancho department, but no evidence to confirm such reports was discovered (see Section 1.a.).

Courts reached decisions in several murder cases involving disappearances (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture; however, there were isolated instances in which officials employed such practices. In addition, police beatings and other alleged abuses of detainees remained a problem.

In August a judge in La Ceiba ordered the arrest of a police official and two agents for torturing two persons. In June an appeals court overturned a lower court decision from January that had freed two DGIC officials accused of torturing two men. In June the Attorney General acknowledged that security force personnel continue to commit acts of torture, due in part to poor training and lack of knowledge regarding human rights obligations. In November a judge in the Bay Islands department ordered two police officials jailed for torturing a citizen. The Public Ministry Human Rights Prosecutor stated in July that she received at least 10 complaints that month alone of human rights abuses against detained suspects and prisoners.

The police reportedly fired their weapons without authorization during an October riot near the presidential offices; both police and rioters were injured in the melee (see Section 2.b.).

The police also engaged in violence, including beatings, against street children (see Section 5).

The Office of Professional Responsibility (OPR) within the National Police investigates allegations of torture and abuse and can recommend sanctions against police agents found guilty of such mistreatment. However, neither the police commander nor the OPR is empowered to punish wrongdoers; only the immediate superior of the accused agent has the authority to do so. The Public Ministry and human rights groups criticized the OPR for being unresponsive to their requests for impartial investigations of police officers accused of abuses. In 1996 the Public Ministry created the office of Human Rights Inspector within the DGIC to monitor the behavior of its agents; the inspector reports to the head of the human rights section of the Public Ministry and to the Attorney General. Both the DGIC and the preventive police dismissed or suspended dozens of agents and officials for abuse of authority.

Widespread frustration at the inability of the security forces to prevent and control crime, and the well-founded perception that corrupt security personnel were complicit in the high crime rate, led to continued considerable public support for vigilante justice. There were reported efforts by local landowners to form large-scale vigilante groups in Olancho and Choluteca departments. In March President Flores ordered the HOAF to reinforce the National Police and conduct joint patrols throughout the country, in an effort to reduce crime during the Easter holiday season.

A Special Prosecutor for the Environment investigating reports of illegal logging was wounded seriously during an attempt on his life in June.

Elements of the armed forces withheld their cooperation from official efforts to track

down military officers wanted in connection with alleged human rights abuses dating back to the 1980's. In August 1998, a HOAF spokesman quoted the armed forces commander as having admitted that the military was protecting officers accused of human rights violations; the HOAF subsequently claimed that the news media had reported the commander's remarks erroneously. The Supreme Court considered whether government amnesties for crimes committed in the 1980's covered the military, as political deliberations in the Congress had suggested. The Court determined in December 1998 that, while the amnesty laws were constitutional, amnesty appeals would have to be decided on their individual merits. A constitutional amendment that replaced the armed forces commander in chief position with a civilian Minister of Defense took effect in January, ending several decades of military autonomy. In August the new Chief of Staff of the armed forces pledged cooperation should the judiciary order the arrest of army Chief of Staff Oscar Hernandez Chavez for crimes allegedly committed during the 1980's.

Prison conditions remained harsh. Prisoners suffered from severe overcrowding, malnutrition, and a lack of adequate sanitation, and allegedly were subject to various other abuses, including rape. The 24 penal centers held over 10,000 prisoners; more than 90 percent of these were awaiting trial for an average of 22 months, with some waiting over 5 years (see Section 1.d.). Prison disturbances, caused primarily by harsh conditions, occurred throughout the year, resulting in a number of deaths and injuries, the destruction of prison facilities, and mass escapes. The Government sent the army into various prisons to assist guards in maintaining order during the year. In February the authorities fired 17 employees of the National Penitentiary, including the head of security and 4 police officers, for alleged complicity in introducing narcotics into the facility.

Prison escapes, through bribery or otherwise, remained a frequent occurrence, with guards occasionally firing on, and killing, escapees. In February two Colombian narcotics traffickers escaped from the Trujillo jail; reports indicate that they walked out in the company of the prison supervisor and were driven away from the prison by a retired army officer. The colonial-era central penitentiary in downtown Tegucigalpa was repaired and returned to service following Hurricane Mitch in 1998, but conditions remained poor. In June the prison in San Pedro Sula suffered a devastating fire; prisoners voluntarily helped repair the facility. An imprisoned drug figure in San Pedro Sula was found to have bribed guards into providing special accommodations and privileges. The authorities transferred a number of prisoners deemed particularly dangerous or likely to try to escape through bribery to a maximum security holding area within the new National Penitentiary at Tamara, near Tegucigalpa. The Ministry of Security assumed responsibility for the prison system from the Ministry of Government and Justice in January, but the shift in coverage had virtually no impact on the resources available to improve conditions.

More often than not, and for lack of alternative facilities, wardens housed the mentally ill and those with tuberculosis and other infectious diseases among the general prison population. Prisoners with money routinely bought private cells, decent food, and permission for conjugal visits, while prisoners without money often lacked basic necessities, as well as legal assistance. The prison system budgets about \$0.40 (6 lempiras) per day for food and medicine for each prisoner. Prisoners were allowed visits, and in many cases relied on outside help to survive, as the prison system could not provide adequate or sufficient food. Street children in detention often were housed in adult prisons, where they were abused routinely. Women were incarcerated in separate facilities under conditions similar to those of male prisoners, except that female prisoners

do not have conjugal visit privileges.

In June the Public Ministry signed an agreement with the Center for Prevention, Treatment, and Rehabilitation of Victims of Torture and their Relatives to establish programs to protect the human rights of prisoners; to train police and prison personnel to avoid committing acts of torture; and to arrange for periodic inspections of prisons.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law provides for protection against arbitrary arrest and detention; however, the authorities occasionally do not observe these legal requirements. The law states that the police may arrest a person only with a court order, unless the arrest is made during the commission of a crime, and that they must clearly inform the person of the grounds for the arrest. By law the preventive police cannot investigate crimes; that force only detains suspects. Police must bring a detainee before a judge within 24 hours; the judge then must issue an initial temporary holding order within 24 hours, make an initial decision within 6 days, and conduct a preliminary investigation to decide whether there is sufficient evidence to warrant further investigation.

While bail is legally available, it is granted primarily for ostensibly medical reasons; however, procedures in such cases are confused and unclear. Poor defendants, even when represented by a public defender, seldom are able to take advantage of bail (see Section 1.e.). Lengthy pretrial detention is a serious problem; more than 90 percent of prisoners are awaiting trial, some for over 5 years. The average length of detention was about 22 months (see Section 1.c.).

In 1996 the Government enacted a law regarding unsentenced prisoners that mandates the release from prison of any detainee whose case has not come to trial, and whose time under detention exceeds the maximum prison sentence for the crime of which he is accused. Nonetheless, many prisoners remain in jail after being acquitted or completing their sentences, due to the failure of responsible officials to process their releases. A significant number of defendants served the maximum possible sentence for the crime of which they were accused before their trials were concluded, or even begun. One prisoner reportedly was detained for 2 years before receiving a sentence of 1 month's imprisonment. At the end of 1998, more than 90 percent of all prisoners had been neither tried nor sentenced.

Under the 1984 Code of Criminal Procedures, judges, the police, public officials, or any citizen may initiate criminal proceedings. Perhaps as many as 80 percent of the cases reported to the police are never referred to the criminal justice system, but instead are settled administratively by the police or by municipal courts.

Neither the Constitution nor the legal code explicitly prohibit exile, but it is not used as a means of political control.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary is poorly

staffed and equipped, often ineffective, and subject to outside influence. While the Government respects constitutional provisions in principle, implementation has been weak and uneven in practice. A number of factors limit the effectiveness of the system. Both the judiciary and the Public Ministry suffer from inadequate funding; low wages and lack of internal controls make law enforcement officials susceptible to bribery; the civil law inquisitorial system is both inefficient and nontransparent; and powerful special interests still exercise influence and often prevail in many courts. Also, many leading politicians enjoy constitutional immunity from prosecution because of their membership in either the National Congress or the Central American Parliament. That immunity extends to acts committed before taking office.

The court system is composed of a 9-member Supreme Court, 10 appeals courts, 67 courts of first instance of general jurisdiction, and 325 justice of the peace courts of limited jurisdiction. Congress elects the nine Supreme Court justices and names the president of the Court; the Supreme Court, in turn, names all lower court judges. The 4-year term for justices of the Supreme Court coincides with those of the Congress and the President.

The Constitution provides for the right to a fair trial. However, the written, inquisitorial trial system is labor-intensive, slow, and opaque; it does not protect the rights of defendants adequately. In December Congress passed a law to modernize the Criminal Procedures Code; the new law (scheduled to take effect in February 2002) substitutes an adversarial system for the inquisitorial system and obligates speedier disposition of cases. The law is designed to change the code into one based upon the presumption of innocence, the right to a public trial, and respect for the dignity and liberty of the accused. It also expressly prohibits incarceration without first receiving a clear sentence from a judge or tribunal. Judges legally are in charge of investigations, as well as of trials and sentencing. Both prosecutors working for the Public Ministry and private individuals may bring criminal charges against citizens. A judge may jail an accused person for 6 days before a determination is made of probable cause to accept charges. If a judge sustains the criminal accusation, the accused remains in jail, or may be released on bail while awaiting trial (see Section 1.d.).

An accused person has the right to an initial hearing by a judge, to bail, to an attorney provided by the State, if necessary, and to appeal. Although the Constitution recognizes the presumption of innocence, the Criminal Code in practice often is administered by poorly trained judges operating on a presumption that the accused is guilty; consequently, the rights of defendants often are not observed. All stages of the trial process are conducted in writing and, at the judge's discretion, may be declared secret and, thus, even less "public" than normal.

Defendants and their attorneys are not always genuine participants in the process, despite rights accorded under law. Defendants may confront witnesses against them and present evidence on their own behalf, but only through the judge. By law defendants and their attorneys are entitled to review government-held evidence relevant to their cases, but this right is not always respected in practice.

A public defender program provides assistance to those unable to afford an adequate defense. There are 137 public defenders providing free legal services nationally to 37 percent of the prison population; however, public defenders are hard pressed to meet the heavy demands of a nonautomated, inadequately funded, and labor-intensive criminal

justice system. The Supreme Court issued an instruction in 1998 that holds judges personally accountable for reducing the number of backlogged cases and separates judges into pretrial investigative judges and trial and sentencing judges. The Court also created a program to monitor and enforce compliance with these measures. The Court's instruction was intended to ensure more effective protection for the rights of the accused to a timely and effective defense, but it has had little effect to date.

Modest progress was made in previous years towards implementing a judicial career system to enhance the qualifications of sitting judges; depoliticize the appointment process; and break the subcultures of corruption, clientism, patronage, and influence-peddling within the judiciary. Nonetheless, many courts remained staffed by politically selected judges and by unqualified clerks and were inefficient and subject to influence from special interests. For example, one judge issued criminal warrants for the arrest of two employees of a major multinational company over a civil dispute, allegedly at the behest of the complainant. The judicial employees' association publicly criticized the Supreme Court's failure to follow civil service regulations in disciplining employees. No action was taken against the individuals on the list of 31 judges under investigation for alleged corruption in September 1998.

Over the past 5 years, the Public Ministry has taken steps to investigate and charge not only military officers for human rights violations, but also ranking officials of the two previous governments, for abuses of power, fraud, and diversion of public funds and resources. However, at year's end, very few of those accused had been tried or convicted. Two Callejas administration officials remained in jail on corruption charges and were awaiting trial at year's end. In June a court convicted former President Carlos Roberto Reina of involvement in a corruption scandal and fined him a relatively small sum, which he declined to pay because he holds immunity as a member of the Central American Parliament. In July a judge issued a warrant for the arrest of a retired HOAF colonel accused of embezzling from a business owned by the military benefits institute.

There were no reports of political prisoners.

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

The Constitution specifies that a person's home is inviolable, that persons in the employ of the State may enter only with the owner's consent or with the prior authorization of a competent legal authority, and that entry may take place only between 6 a.m. and 6 p.m., or at any time in the event of an emergency or to prevent the commission of a crime; however, as in previous years, there were credible charges that police and armed forces personnel failed at times to obtain the needed authorization before entering a private home. Coordination among the police, the courts, and the Public Ministry remained weak. The Government respects the privacy of correspondence.

In July Security Minister Chiuz Sierra stated during a radio interview that the DGIC had tapped her telephones and undertaken an investigation of her activities. The DGIC director denied the charges.

Section 2 -- Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the authorities largely respected these rights in practice. Journalists admitted to self-censorship when their reporting threatened the political or economic interests of media owners. Although there was little serious investigative journalism, the news media were, at times, critical of certain government entities, including the HOAF and municipal officials. The news media themselves suffered from corruption and politicization. Credible reports existed of regular and substantial payments to journalists by powerful business interests, as well as public and political figures, either to carry or suppress certain stories. There were also reports of executive branch pressure on publishers and media outlets to avoid direct criticism of the administration or its programs. In January one newspaper complained of the withdrawal of government advertising, reportedly due to its criticism of a presidential helicopter purchase.

The executive branch made frequent use of the " Cadena Nacional," a nationwide network through which it broadcasts on all television and radio stations, preempting regular programs. Initially used by the administration to report on Hurricane Mitch-related measures, the Cadena Nacional increasingly appears to be an exercise in public relations. President Flores owns La Tribuna, one of the major daily newspapers.

A journalist employed by Channel 63 reported a possible attempt against his life in July by two men who sought to lure him out of his house under false pretenses. A freelance journalist reported death threats in October that he attributed to his efforts to end the exploitation of forests. A former judge filed a defamation lawsuit against a journalist who reported that she had unjustly freed several narcotics trafficking suspects; the lawsuit was pending at year's end.

The Government respects academic freedom and has not attempted to curtail political expression on university campuses.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respects it in practice.

In April police used tear gas during a demonstration at the National Congress to deal with unruly indigenous protesters. Militant union leaders took over a May Day parade by labor confederations, called for the deaths of 13 named labor leaders, assaulted 1 rival figure, pelted others with eggs, tomatoes, and pieces of ice, and denied them the right to address the crowd. In June police armed with batons clashed with rock-throwing protesters in southern Tegucigalpa who sought to prevent the relocation of hurricane victim shelters into their neighborhood. The confrontation resulted in minor injuries to both police and demonstrators.

A significant clash occurred on October 12, when indigenous demonstrators, who were blocked by police from marching past the presidential offices, rioted nearby. The demonstrators had been escorted peacefully along their route by the police until that point. Their leaders reportedly had just secured the Government's agreement to allow the march to proceed in the desired direction when the clash broke out. Demonstrators threw rocks and used slingshots against the police while some police opened fire without authorization, allegedly aiming either in the air or at the street. Approximately two dozen

persons were injured, including nine police agents. Both police and demonstrators suffered injuries caused by fragmenting police rounds, and one demonstrator lost an eye. The President ordered investigations by government agencies, and a judge opened his own investigation, which continued at year's end. The police requested that the judge investigate the role of several dozen alleged instigators of the riot and, on October 14, filed charges of assault, attempted assault, and other crimes against leaders and members of various NGO's. The administration agreed to pay damages to injured demonstrators.

In October the National Congress passed a resolution calling on the executive branch to force the cancellation of a convention of psychics, whom it characterized as "witches and sorcerers." The Congress expunged the reference to cancellation in an amendment to the resolution passed the following day.

The Constitution provides for freedom of association, and the Government generally respects it in practice.

c. Freedom of Religion

The Constitution provides for all forms of religious expression, and the Government generally respects this right in practice.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Citizens enter and exit the country without arbitrary impediment, and the Government does not restrict travel within the country's borders.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum and grants asylum or refugee status in accordance with the terms of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 -- Respect for Political Rights: The Right of Citizens to Change their Government

Citizens last exercised the right to change their government through democratic and peaceful elections in November 1997. International observers found the elections to be free and fair.

Citizens choose a president, three vice presidents, and members of the National Congress by free, secret, direct, and obligatory balloting every 4 years. In 1997 voters for the first time were able to cast separate ballots for the President, deputies in the National Congress, and municipal leaders, making individual elected officials more representative and accountable. Voting was made easier for citizens by a change that allowed them to vote closer to their homes.

Suffrage is universal, but neither the clergy nor members of the military or civilian

security forces are permitted to vote. Any citizen born in Honduras or abroad of Honduran parentage may hold office, except for members of the clergy, the armed forces, and the police. A new political party may gain legal status by obtaining 20,000 signatures and establishing party organizations in at least half of the country's 18 departments.

There are no legal impediments to the participation of women or minorities in government and politics; however, they are underrepresented. Women in the Government include one of the three vice presidents, four cabinet ministers, and a Supreme Court justice, as well as a number of cabinet vice ministers and agency heads, including the president of the Central Bank and Controller General. Of the 128 deputies in the Congress, 8 are women. In the 1997 elections, for the first time a woman ran as the presidential candidate of a major political party.

There are few indigenous people in leadership positions in government or politics; there are no members of Congress who state that they are indigenous, but there is one indigenous alternate deputy.

Section 4 -- Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operates without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperate with these groups and are responsive to their views.

Anonymous telephone callers continued to threaten human rights workers. Human Rights Commissioner Valladares and his family received numerous telephone threats. Ramon Custodio, president of the Human Rights Defense Committee, and Bertha Olivia de Nativi, general coordinator of the Committee of Relatives of the Detained and Disappeared, also received many telephone threats. In June Olivia's sister reported that unknown persons kidnaped her for several hours as a warning.

In 1996 the Congress ratified a presidential decree expanding the functions of the National Commissioner for Human Rights and unanimously reelected Leo Valladares to a 6-year term. Under this decree, and in fulfillment of his expanded functions, the National Commissioner has free access to all civilian and military institutions and centers of detention and is supposed to perform his functions with complete immunity and autonomy. However, in April the National Congress suddenly passed, with no public hearings or debate, a law that would have limited the Commissioner's powers and reduced his term of office to 4 years. The action followed a report released by the Commissioner that alleged 17 instances of malfeasance by public officials and institutions in the handling of international aid following Hurricane Mitch. Domestic and international protests persuaded the Congress to revoke the legislation 1 week later.

Section 5 -- Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution bans discrimination based on race or sex. Although it also bans discrimination on the basis of class, in practice, the political, military, and social elites generally enjoyed impunity before the legal system. Members of these groups rarely were arrested or jailed; legislators enjoy legal immunity.

Women

Violence against women remained widespread. The Penal Code was amended in 1997 to classify domestic violence and sexual harassment as crimes, with penalties of 2 to 4 years' and 1 to 3 years' imprisonment, respectively. Most such violence took place within the family. The penalties for rape are relatively light, ranging from 3 to 9 years' imprisonment. All rapes are considered public crimes, so a rapist can be prosecuted even if he marries his victim. Under pressure from women's advocacy and reform groups, the Congress in 1997 enacted the Law Against Domestic Violence to strengthen the rights of women and increase the penalties for crimes of domestic violence. This law allows the Government to protect battered women through emergency measures, such as detaining an aggressor or separating him temporarily from the victim's home. In 1998 some 3,000 women took action under the Law Against Domestic Violence, but their cases remained pending because the Government has not yet created the special courts authorized by that law. The Government attempted to remedy this situation by working with women's groups to provide specialized training to police officials on enforcing the Law Against Domestic Violence.

There are few shelters specifically maintained for battered women. The Government operates 1 shelter that can accommodate 10 women and their families. Six private centers for battered women opened in 1996, offering legal, medical, and psychological assistance, but not physical shelter. Sexual harassment in the workplace also continued to be a problem.

Women, who make up 51 percent of the work force, were represented in at least small numbers in most professions, but cultural attitudes limited their career opportunities. In theory, women have equal access to educational opportunities. Nevertheless, family pressures often impede the ambitions of women intent on obtaining a higher education. The law requires employers to pay women equal wages for equivalent work, but employers often classify women's jobs as less demanding than those of men to justify paying them lower salaries.

Some organizations have begun to offer assistance to women, principally targeting those who live in rural areas and in marginal neighborhoods of cities. For example, the Honduran Federation of Women's Associations provided home construction and improvement loans, offered free legal assistance, and lobbied the Government on women's causes. The Center for the Investigation and Promotion of Human Rights continued to operate a program to make women aware of their rights under the law. Programs that provide small loans to microentrepreneurs target women clients.

Women have advanced significantly in some professions during the past several years. The HOAF and National Police academies accepted female recruits for the first time in 1998; women at the Air Force academy continued to receive aeronautical training and the first class graduated at the end of the year. In September 1998, Reyna Dinora Aceituno was elected secretary general of the Confederation of Honduran Workers (CTH), the country's second largest labor confederation. Aceituno is the first woman to head a national labor confederation. In March 1998, the Government granted cabinet-level status to its Office of Women's Affairs, although the executive president of that office is not a member of the cabinet. Children

Although the Government allocated 32 percent of its 2000 budget to public education and health care, this was insufficient to address the needs of the nation's youth. The Government provides free, universal, and compulsory education through the age of 10; however, the Government estimated that up to 175,000 children each year fail to receive schooling of any kind, either due to insufficient financial resources, or because parents rely on their children to assist in supporting the family by working. Girls attend primary school in the same proportion as boys. Media reports indicated that up to 40 percent of children under 5 years old suffer from chronic malnutrition.

The Government was unable to prevent the abuse of street children (see Section 1.c.) and child laborers (see Section 6.d.). In 1998 the Government raised its estimate of street children to 8,000, only half of whom have shelter on any given day. The number of street children increased substantially due to Hurricane Mitch. Many street children have been molested sexually, and about 40 percent regularly engaged in prostitution. Approximately 30 percent of the street children in Tegucigalpa and San Pedro Sula, the two largest population centers, were reported to be HIV-positive in 1998. Over 75 percent of the street children found their way to the streets because of severe family problems; 30 percent simply were abandoned. Both the police and members of the general population engaged in violence against street children. When the authorities arrested minors charged with the commission of capital and other serious crimes, they were housed with adult detainees who often abused them.

In 1996 the Government opened juvenile centers in Tamara, El Carmen, and El Hatillo (located in or near Tegucigalpa and San Pedro Sula). Nonetheless, a general lack of juvenile detention facilities contributed to the detention of minors in adult prisons, and to vigilante violence against, and police abuse of, street children. Human rights groups implicated out-of-uniform security force personnel, vigilantes, and business leaders in some juvenile deaths.

In 1997 Covenant House of Honduras, an organization dedicated to children's rights, brought charges before the Public Ministry against unnamed members of the armed forces and the police for the alleged torture of 63 juveniles or minors, 35 of whom reportedly were murdered, since 1990. The Government took no action in this instance. There was no progress in the case of police agents who were detained and placed under investigation for detaining and beating youths in October 1997.

New legislation covering children and adolescents took effect in 1996, covering the rights, liberties, and protection of children, including in the area of child labor (see Section 6.d.). It established prison sentences of up to 3 years for persons convicted of child abuse. In September 1998, the Government launched the National Commission for the Gradual and Progressive Eradication of Child Labor, comprising government ministries, official family welfare agencies, and local NGO's.

People with Disabilities

There are no formal barriers to participation by an estimated 300,000 disabled persons in employment, education, or health care, but neither is there specific statutory or constitutional protection for them. There is no legislation that requires access by disabled persons to government buildings or commercial establishments.

Indigenous People

The small communities of indigenous people have little or no ability to participate in decisions affecting their lands, cultures, traditions, and the allocation of natural resources. Indigenous land rights are communal. While the law permits persons to claim individual freeholding titles, this is difficult to accomplish in practice. Tribal lands often are defined poorly in documents dating back to the mid-19th century and, in most cases, lack any legal title based on modern cadastral measurements. The Honduran Forestry Development Corporation (COHDEFOR) makes all decisions regarding exploitation of timber resources on indigenous lands, often over strenuous tribal objections.

The lack of clear title by indigenous groups to public lands that they occupy often leads to conflicts between such groups and COHDEFOR and other government entities. However, such disputes are equally common between COHDEFOR and nonindigenous groups, and COHDEFOR is working with numerous indigenous groups on management plans for public and tribal lands that they occupy. In view of the absence of clear land titles and their unequal access to legal recourse, indigenous groups also are vulnerable to frequent usurpation of their property rights by nonindigenous farmers and cattle ranchers. Expanded coverage of the national cadastral registry, property titling, and government land registries is reducing this vulnerability.

The courts commonly denied legal recourse to indigenous groups and often showed bias in favor of nonindigenous parties of means and influence. Failure to obtain legal redress frequently caused indigenous groups to attempt to regain land through invasions of private property, which usually provoked the authorities into retaliating forcefully.

The Government generally is responsive to indigenous land claims, but numerous cases remained unresolved because of conflicting claims by nonindigenous persons. During 1998 the Government issued over 100 land titles, encompassing over 250,000 acres, to various indigenous groups. An additional 170 land claims by indigenous people were under adjudication at the end of 1998. The Government issued over 20,000 individual land titles in 1997, benefiting many indigenous families. Indigenous groups nonetheless charged that the Government had failed to fulfill its commitments in this area.

In 1997 Candido Amador Recinos, a leader of the Chorti indigenous group active in efforts to acquire claimed tribal lands, was murdered in Corralitos, Copan department; there has been no progress in the investigation, although the Public Ministry and police reportedly formed a special unit to investigate his death and that in 1991 of a Tolupan indigenous leader, Vicente Matute. Indigenous groups petitioned actively during the year for the Government to carry out more effective investigations in both cases.

Also in 1997, after a month of nationwide protests by indigenous organizations that included a hunger strike, the Government signed a 22-point agreement with representatives of various groups that made available 9 initial land grants of about 22,000 acres each to different tribes, granted some contested land titles outright to indigenous petitioners, and set aside \$15,385 (200,000 lempiras) in government funds for indigenous housing. The Congress also created a commission to study indigenous land claims, which often conflict with the claims of small farmers, but the commission was largely inactive. Indigenous groups, backed by international supporters, objected strongly to a proposed constitutional amendment that would permit foreigners to own and develop land for

tourism within 25 miles of the country's coasts and land frontiers. The amendment was approved on its first reading in late 1998 but had not been ratified (approved at the required second reading during the next session) by year's end. The Government sought to spur domestic economic growth and provide job opportunities for indigenous people by attracting new foreign investment and tourism to such areas, but the indigenous groups asserted that the proposed amendment would vitiate indigenous claims to ancestral lands, accelerate alienation of indigenous property, and deprive indigenous people living in the affected areas of access to coastal areas. The congressional leadership pledged not to ratify the constitutional amendment following a demonstration on October 12 that led to a violent clash near the presidential offices (see Section 2.b.).

Section 6 -- Worker Rights

a. The Right of Association

Workers have the legal right to form and join labor unions; unions are independent of the Government and political parties. Most peasant organizations are affiliated directly with the labor movement. Unions frequently hold public demonstrations against government policies and make extensive use of the news media to advance their views. However, only about 14 percent of the work force are unionized, and the economic and political influence of organized labor has diminished in recent years.

The labor movement is composed of the three national labor federations: The General Council of Workers, the Confederation of Honduran Workers, and the Unitary Confederation of Honduran Workers.

The Constitution provides for the right to strike, along with a wide range of other basic labor rights, which the authorities honor in practice. However, the Civil Service Code denies the right to strike to all government workers, other than employees of state-owned enterprises. Public sector employees in the fields of health and education conducted illegal work stoppages during the year. In June members of the National Police staged a "strike of inertia" due to the failure of the Ministry of Security to pay their salaries.

A number of private firms have instituted "solidarity" associations, essentially aimed at providing credit and other services to workers and managers who are members of the associations. Representatives of organized labor groups criticize these associations, asserting that they do not permit strikes, have inadequate grievance procedures, and neutralize genuine, representative trade unions.

The three national labor confederations maintain close ties with various international trade union organizations.

b. The Right to Organize and Bargain Collectively

The law protects the rights to organize and to bargain collectively; collective bargaining agreements are the norm for companies in which workers are organized. However, although the Labor Code prohibits retribution by employers for trade union activity, it is a common occurrence. Some employers have threatened to close down unionized companies and have harassed workers seeking to unionize, in some cases dismissing them outright. The labor courts are considering hundreds of appeals from workers seeking

reinstatement and back wages from companies that fired them for engaging in union organizing activities. However, once a union is recognized, employers actually dismiss relatively few workers for union activity. Nonetheless, such cases serve to discourage workers elsewhere from attempting to organize.

Workers in both unionized and nonunionized companies are protected by the Labor Code, which gives them the right to seek redress from the Ministry of Labor. The Ministry took action in several cases, pressuring employers to observe the code. Labor or civil courts can require employers to rehire employees fired for union activity, but such rulings are uncommon. Agreements between management and unions generally contain a clause prohibiting retaliation against any worker who participates in a strike or other union activity.

The Labor Code explicitly prohibits blacklisting. Nevertheless, there was credible evidence that informal blacklisting occurred in the privately owned industrial parks, known as maquiladoras. When unions are formed, organizers must submit a list of initial members to the Ministry of Labor as part of the process of obtaining official recognition. However, before official recognition is granted, the Ministry must inform the company of the impending union organization. The Ministry has not always been able to provide effective protection to labor organizers. There were credible reports, particularly in the export processing zone (EPZ) sector, that some inspectors had gone so far as to sell the names of employees involved in forming a union to companies that then dismissed union organizers before the Ministry could recognize the unions.

The same labor regulations apply in EPZ's as in the rest of private industry. Unions are active in the government-owned Puerto Cortes free trade zone (7 of 11 maquiladoras there are unionized), but factory owners have resisted efforts to organize the privately owned industrial parks. The Honduran Association of Maquiladores (AHM) over the past 4 years has sponsored seminars and other meetings between its members and major labor groups. As a result, tensions have declined, and 46 of the 203 maquila plants have unionized, with 32 of those plants having collective bargaining agreements.

In 1997 the AHM adopted a voluntary code of conduct governing salaries and working conditions in the industry and recognizing workers' right to organize. Although local unions were not consulted during the drafting process and have no formal role in its implementation, the code nonetheless represented a public commitment by apparel manufacturers to abide by local laws and regulations governing their industries. It provided a starting point for a dialog among the AHM, organized labor, and the Government, which have formed a tripartite commission that meets on a monthly basis to discuss and facilitate solutions for labor problems. The attitude of the Government towards organized labor in the EPZ's is the same as in other industries.

In a number of maquiladora plants, workers have shown little enthusiasm for unionizing, since they consider their treatment, salary, and working conditions to be as good as, or better than, those in unionized plants. In the absence of unions and collective bargaining, several EPZ plants have instituted solidarity associations that, to some extent, function as "company unions" for the purposes of setting wages and negotiating working conditions. Other EPZ plants use the minimum wage to set starting salaries, and adjust wage scales by negotiating with common groups of plant workers and other employees, based on seniority, skills, categories of work, and other criteria.

In 1997 a South Korean-owned maquiladora plant agreed to permit an independent monitoring group composed of religious, human rights, and women's organizations to inspect its facility and observe the working conditions of its employees. The national labor confederations objected to the agreement because it excluded them, while other maquiladoras observed that the monitors lacked relevant expertise in the industry. Plant officials gave the independent monitors office space on the premises in 1997, but withdrew it in June 1998. However, they continued to allow periodic visits by the monitors, who have provided assistance to the local union during contract negotiations.

Labor leaders blame the Government for allowing private companies to act contrary to the Labor Code and expect the problem to continue until the Ministry of Labor is reorganized to make it more efficient. They criticize the Ministry for not enforcing the Labor Code, for taking too long to make decisions, and for being timid and indifferent to workers' needs. Industry leaders contend that the obsolete and cumbersome Labor Code discourages foreign investment and requires significant redrafting. A 1995 Memorandum of Understanding between the Ministry of Labor and the office of the United States Trade Representative calling for greater enforcement of the Labor Code resulted in some progress. However, labor unions charged that the Ministry has made insufficient progress towards enforcing the code, especially in training its labor inspectors and in conducting inspections of the maquiladora industry. The Government has acknowledged that it does not yet adhere completely to international labor standards and in 1997 agreed, along with other Central American nations, to fund a regional program to modernize the inspection and labor management functions of the Ministry of Labor.

A South Korean-owned maquiladora, Kimi de Honduras, reached a collective bargaining agreement with its workers in March, but in August workers took over the plant and held managers captive for several hours in a wage dispute. The Ministry of Labor mediated effectively, persuading the company to drop legal charges and to reopen the factory. The AHM is now assisting the company to improve its productivity, which could facilitate future wage increases. In September the Yu Yang maquiladora in the same industrial park reportedly fired labor organizers, thereby stimulating worker unrest. Other labor disputes occasionally occurred at maquiladoras in the San Pedro Sula area, principally over delayed payment of wages or failure to honor promises regarding pay scales, seniority, or working conditions.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the law prohibit forced or compulsory labor, and this applies equally to children; however, while there were no official reports of such practices in the area of child labor, there were credible allegations of compulsory overtime at EPZ plants, particularly for women, who make up an estimated 80 percent of the work force in the maquiladora sector.

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution and the Labor Code prohibit the employment of minors under the age of 16, except that a child who is 15 years of age is permitted to work with parental and Ministry of Labor permission. The Children's Code prohibits a child of 14 years of age or less from working, even with parental permission, and establishes prison sentences of 3 to 5 years for individuals who allow children to work illegally. An employer who legally

hires a 15-year-old must certify that the child has finished or is finishing the required compulsory schooling. The Ministry of Labor grants a limited number of work permits to 15-year-old children each year.

The Ministry of Labor cannot enforce effectively child labor laws outside the maquiladora sector, and violations of the Labor Code occur frequently in rural areas and in small companies. According to the Ministry, human rights groups, and children's rights organizations, an estimated 350,000 children work illegally. The most significant child labor problem is in the construction industry. Many children also work on small family farms, as street vendors, or in small workshops to supplement the family income. Hurricane Mitch exacerbated existing child labor problems in every sector of the economy.

The employment of children under the legal working age in the maquiladora sector may occur, but not on a large scale. (Younger children sometimes obtain legitimate work permits by fraud or purchase forged permits.) The maquiladoras in recent years have raised their minimum employment age, and some hire only at age 18 or above, reducing the number of legal job opportunities available to persons under 18 years of age.

In September 1998, the Government created a National Commission for the Gradual and Progressive Eradication of Child Labor (see Section 5).

Forced or compulsory labor is prohibited, including that performed by children, and there were no reports of its use (see Section 6.c.).

e. Acceptable Conditions of Work

In the aftermath of Hurricane Mitch, labor leaders agreed to forgo the usual January pay increase in return for a pledge by business leaders to control price increases for basic goods and services. When labor and business reached an impasse on wage negotiations in June, the Catholic Church arbitrated a 25 percent increase in the minimum wage, which the Government implemented in July. Both sides also agreed that, as of January 1, 2000, an 8 percent increase would take effect for all workers and that the base for both increases would be the minimum wage effective before the salary increase in July. There is to be no further raise in the minimum wage through 2000, as long as inflation (according to Central Bank statistics) does not exceed 12 percent during the first 6 months of the year.

Daily pay rates vary by geographic zone and the sector of the economy affected; urban workers earn slightly more than workers in the countryside. The lowest minimum wage occurs in the nonexport agricultural sector, where it ranges from \$2.27 to \$2.89 (33 to 42 lempiras) per day, depending on whether the employer has more than 15 employees. The highest minimum wage is \$3.79 (55 lempiras) per day, in the export sector. All workers are entitled to an additional month's salary in June and December of each year. The Constitution and the Labor Code stipulate that all labor must be paid fairly, but the Ministry of Labor lacks the personnel and other resources for effective enforcement. The minimum wage is insufficient to provide a decent standard of living (above the poverty line) for a worker and family.

The law prescribes a maximum 8-hour workday and a 44-hour workweek. There is a requirement of at least one 24-hour rest period every 8 days. The Labor Code provides for

a paid vacation of 10 workdays after 1 year, and of 20 workdays after 4 years. However, employers frequently ignored these regulations due to the high level of unemployment and underemployment and the lack of effective enforcement by the Labor Ministry.

The Ministry of Labor is responsible for enforcing national health and safety laws, but does not do so consistently or effectively. Some complaints alleged that foreign factory managers failed to comply with the occupational health and safety aspects of Labor Code regulations in factories located in the EPZ's and private industrial parks. There is no provision allowing a worker to leave a dangerous work situation without jeopardy to continued employment.

f. Trafficking in Persons

The legal code includes provisions prohibiting trafficking in persons; however, it is a problem. Weak police and court systems hinder law enforcement efforts.

There were at least six different cases of aliens smuggled to the United States that involved force, sequestration (holding persons incommunicado against their will), and debt bondage. The most common instance involved sequestration of persons until a smuggling fee was paid. If the fee is not paid, the smugglers normally seek retribution by turning such persons in for deportation proceedings. Many times fees are paid by relatives who fear that smugglers may employ violence against the smuggled persons. There were two reports of women who were coerced into submitting sexually to smugglers in return for their freedom. The most common practice involving debt bondage is the smuggling of indentured persons, through Honduras from China or South America, whose smuggling fee is paid by an employer in the United States in return for free or low-paid labor. The Government does not provide economic aid or other assistance to victims or potential victims of such crimes.

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