

Honduras

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Structure

- **History**
- **Statistics**
 - Demographics; labor, income, and poverty; geography and urbanization
- **Government**
- **Crime**
 - Cultural forces; homicide; drug trafficking; gang violence; corruption
- **Policing**
- **Justice**
 - Legal process and sentencing overview; specifics of sentencing
- **Prisons**
- **Discussion**

Background

HONDURAS THEN AND NOW



1500s

Discovery and Conquest

- **1502:** Christopher Columbus arrives on third trip to "New World"
- **1524:** Spanish colonization begins
- **1537:** Murder of Native Honduran Chief Lempira by Spaniards



1500s



1800s



1900s



2000s

1800s

Independence and Revolution

- **1821:** Honduras gains independence from Spain and joins the Central American Federation.
- **1830:** Francisco Morazan becomes the nation's first president.
- **1842:** The Central American Federation falls apart. Morazan is murdered.
- **1870s:** A revolution takes place. Church and state are separated under Marco Aurelio Soto.
- **1880s:** Partido Liberal, one of the dominant political parties, is founded by Celeo Arias.
- **1899:** First banana concession is granted to Vicaro brothers, later becoming Standard Fruit (Dole).



1500s



1800s



1900s



2000s

1900s

Economics and Political Unrest

- **1902:** Manuel Bonilla establishes the Partido Nacional.
- **1907:** The Cuyamel Fruit Company is set and is later bought by United Fruit (Chiquita).
- **1929:** Honduras becomes the largest banana exporter in the world.
- **1954:** A banana workers strike establishes unionized labor and gains recognition from the government.
- **1956:** The Honduran military takes control of the government
- **From 1956 - 1981: Several cycles of Honduran military control and civilian control**
- **1982:** Honduras back under civilian control permanently; Constitution published
- **From 1982 - 1999: Cycles of debt and economic crisis**



2000s

Continued Unrest and Corruption

- **2000:** Honduras qualifies for debt relief under the Debt Initiative for Heavily Indebted Poor Countries
- **2009:** Constitutional crisis caused by President Zelaya's (PL) efforts to convene a Constitutional National Assembly to formulate a new constitution. The result is that Zelaya is deported to Costa Rica.
- **2013:** Juan Orlando Hernandez wins presidency. Again, he brings up the possibility of changing the constitution, infuriating constituents
- **2017:** President Hernandez is reelected through an alleged electoral fraud
- **2017:** Congress under President Hernandez makes sweeping changes to Penal Code
- **2017:** First caravan supported by Pueblo Sin Fronteras is formed
- **2019:** President Hernandez's younger brother is brought to trial and found guilty in New York for drug trafficking

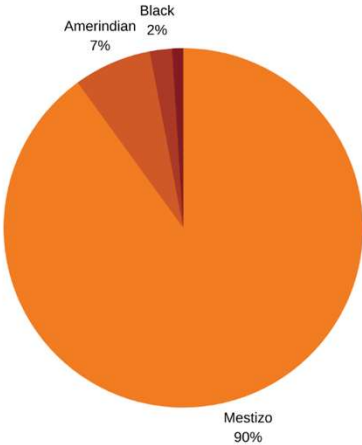


Honduras Today

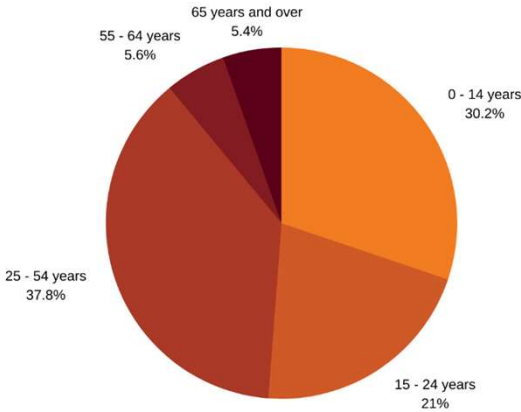
Demographics

Population count: **9,235,340**

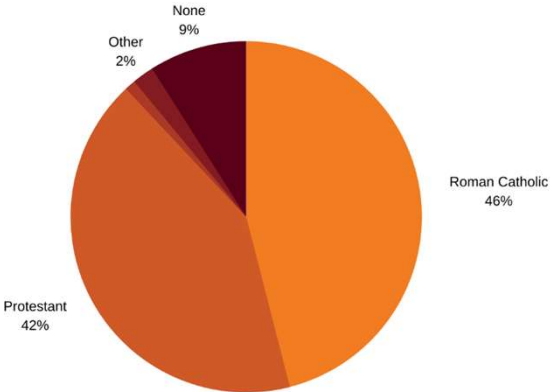
Population by Ethnic Groups



Population by Age



Population by Religion



Honduras Today

Labor, Income, and Poverty

Population in the labor force: **3,735,000**



Labor

- Unemployment rate: **5.6%**
- Labor force participation rate: **70.8%**



Income

- Average Salary: **583,825 HNL** (~\$23,600 USD)
- Mode Salary: **87,019 HNL** (~\$3,500 USD)



Poverty

- ~**50%** of Hondurans live on less than \$5.50 per day
- ~**20%** of Hondurans live on less than \$1.90 per day

Honduras Today

Geography and Urbanization

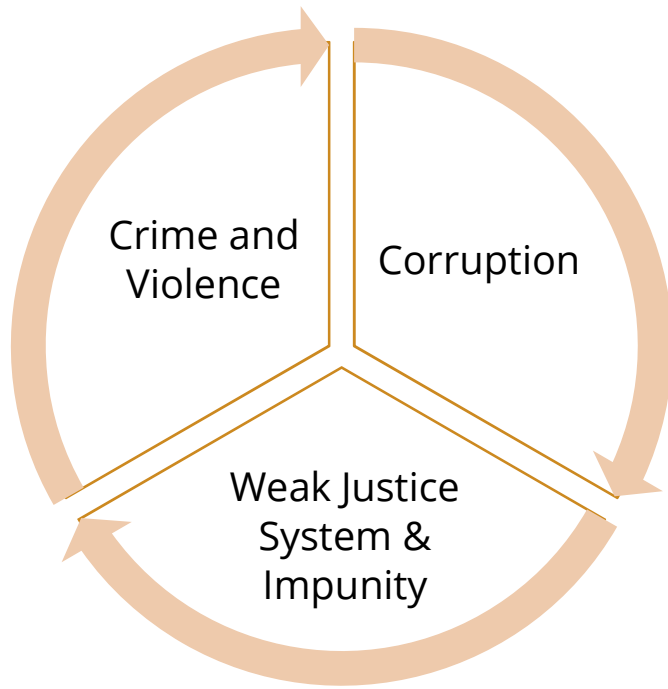
Urbanization Rate: **58.4%**

- Major urban centers:
 - Tegucigalpa (capital), 1.444 million
 - San Pedro Sula, 903,000
 - About **25%** of all Hondurans live in these two cities



Honduras Today

Violence and Crime



Key crimes and responses that escalate the cycle:

- Homicide and sentencing
- Drug trafficking and sentencing
- Gang violence and sentencing
- Corruption and sentencing

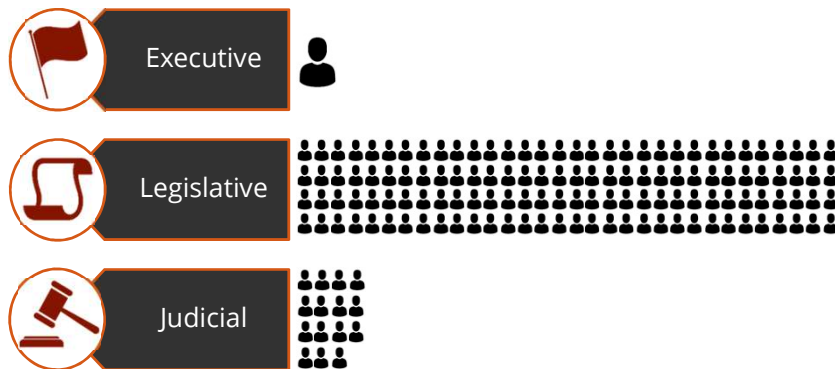
Government

HONDURAS' DEMOCRATIC CONSTITUTIONAL REPUBLIC



Type of Government: **Democratic Constitutional Republic**

Three Branches of Government



- **1** president elected by popular vote; Executive Branch has the most power
 - **16** ministries before President Hernandez came to power; now, there are **13**
- **128** *diputados* in a unicameral Congress elected by proportional representation
- **15** Supreme Court justices elected by Congress

Term Limits by Branch

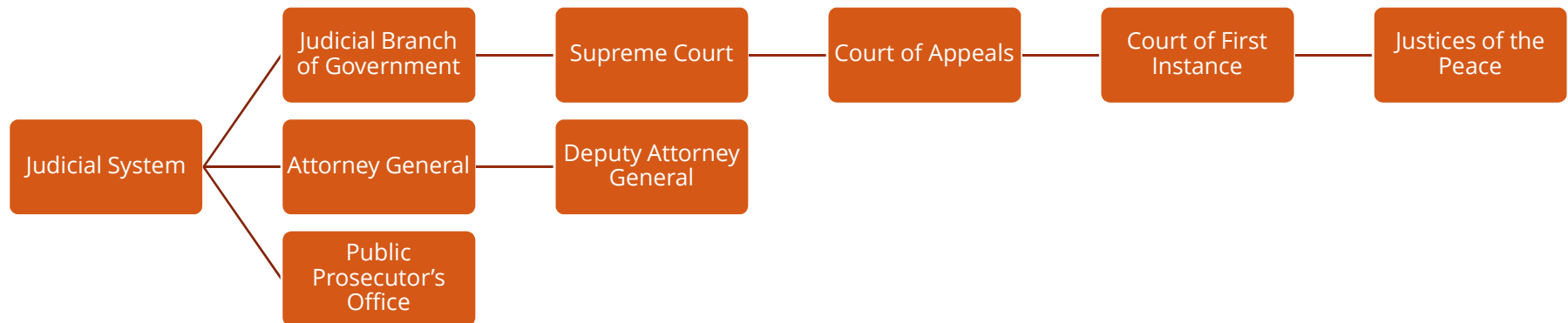
Branch	Term Duration	Term Limit
Executive	4 years	?
Legislative	4 years	None
Judicial	7 years	None

Departments

Atlántida	El Paraíso	Lempira
Choluteca	Francisco Morazán	Ocotepeque
Colón	Gracias a Dios	Olancho
Comayagua	Intibucá	Santa Bárbara
Copán	Islas de la Bahía	Valle
Cortés	La Paz	Yoro

Each department has a governor appointed by the President

A Closer Look at the Judicial System



- **Justices of the peace:** lowest level of court system; department capitals and municipalities with 4,000 inhabitants or more should have 2 justices, smaller municipalities should have 1
- **Attorney General:** functions as state's legal representative and represents interests of state of Honduras
- **Public Prosecutor's Office:** part of Public Ministry; main functions are the prosecution of all crimes and felonies, to ensure full compliance by all with the Constitution and the law of the land, and to represent, to defend and to protect the general interest of society

Crime

MAJOR CRIMES AND MAJOR CULTURAL FORCES



Major Cultural Forces Affecting Crime



Age distribution of population



Gang affiliation and activity



Poverty and Inequality



Widespread corruption and impunity

Homicide

Honduras' Most Vulnerable Populations

Women:

- **5th highest** rate of violence against women in the world
- Every **18 hours**, a woman is a victim of a violent death

Children and Adolescents:

- **Highest** youth homicide rate in the world
- On average, children from Honduras (and Guatemala and El Salvador) are **10x** more likely to be murdered than U.S children

Young Men:

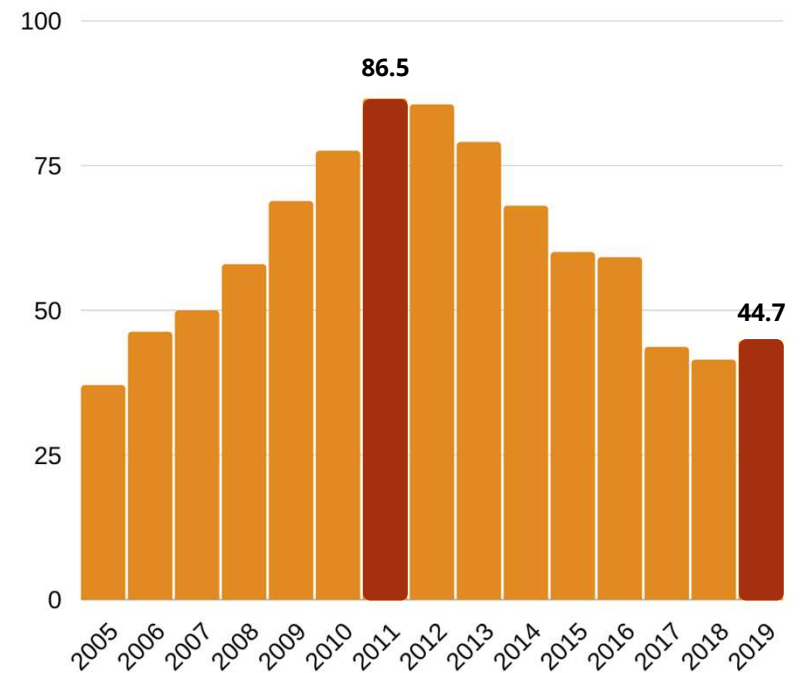
- Organized crime and gang activity lead to young men born in Honduras having a **1-in-9** chance of being murdered in their lifetime

As of 2017:

- Only **24%** of homicide cases are investigated
- Only **13%** reach conviction

Homicide Rate in Honduras, 2005-2019

Per 100,000 inhabitants



Drug Trafficking

- 1980s: Juan Ramón Matta Ballesteros creates **Honduran Bridge**, connecting Mexico's Guadalajara Cartel and Colombia's Medellín cartel to facilitate movement of cocaine across Central America
- Yearly: **120 metric tons** of cocaine pass through Honduras
- Since 2009, **12 laboratories** used in the **production** of cocaine have been found—signaling transition from trafficking to production economy
 - At least 2 protected by President Hernandez
- 2019: **4%** of all South American cocaine shipments (street value **~\$11.5 billion**) passed through Honduras

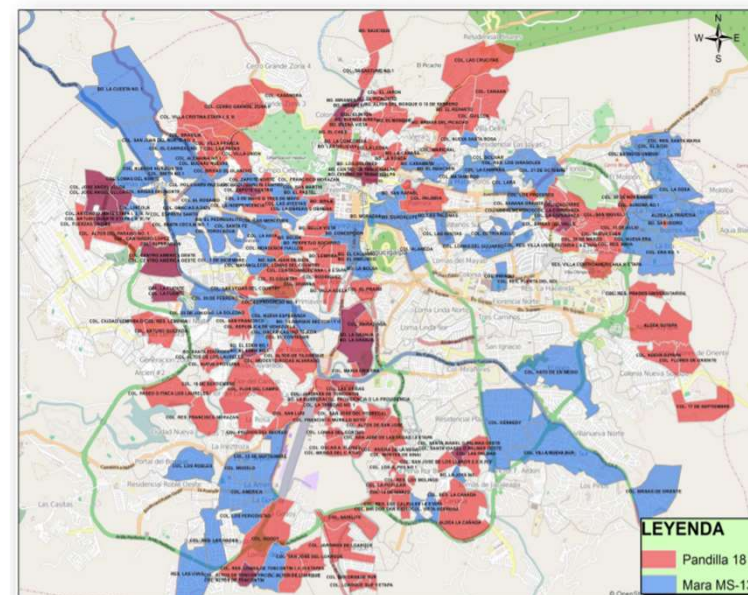


Gang Violence

Source	Number of active gang members claimed (2016)
The National Program for Prevention, Rehabilitation and Social Reinsertion (Honduras)	4,728 active gang members
United Nations Office on Drugs and Crime (UN)	12,000 active gang members
Honduran Police (Honduras)	25,000 active gang members
U.S. Agency for International Development (US)	36,000 active gang members

- Number of gang members in Honduras is unknown but it is clear gang violence permeates:
 - Prisons (see stats later in this presentation)
 - Schools
 - **1,522** students killed from 2010-2018
 - **200,000** students ceased attending school between 2014-2017

MS13 and Barrio 18 Presence in Tegucigalpa



- Main gangs:
 - Mara Salvatrucha (MS-13)—blue in map
 - Barrio 18—red in map
- Territory is hotly contested

Corruption

- Honduras' Corruption Perceptions Index Score: **26**
- Recent major cases of corruption:
 - 2014-2016: More than **\$300 million** embezzled from Honduran public health care system by government employees
 - 2017: President Hernandez reelected through a potential electoral fraud
 - 2020: President Hernandez allows mandate of the Organization of American States (OAS)-backed Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH) to expire

Points: 26

On a scale of 0 to 100 (with 0 being highly corrupt and 100 being highly transparent) Honduras received 26 points – its lowest score since 2013.



Honduras received the 2nd lowest score among Central American countries and the 4th lowest score in all of the Americas.

Ranking: 146

Out of 180 countries surveyed, Honduras ranked 146th in its levels of corruption – a decline from its position of 132nd in 2018.



These results show Hondurans' deteriorating confidence in political leadership and institutions.

Data from Transparency International's 2019 Corruption Perceptions Index

Policing

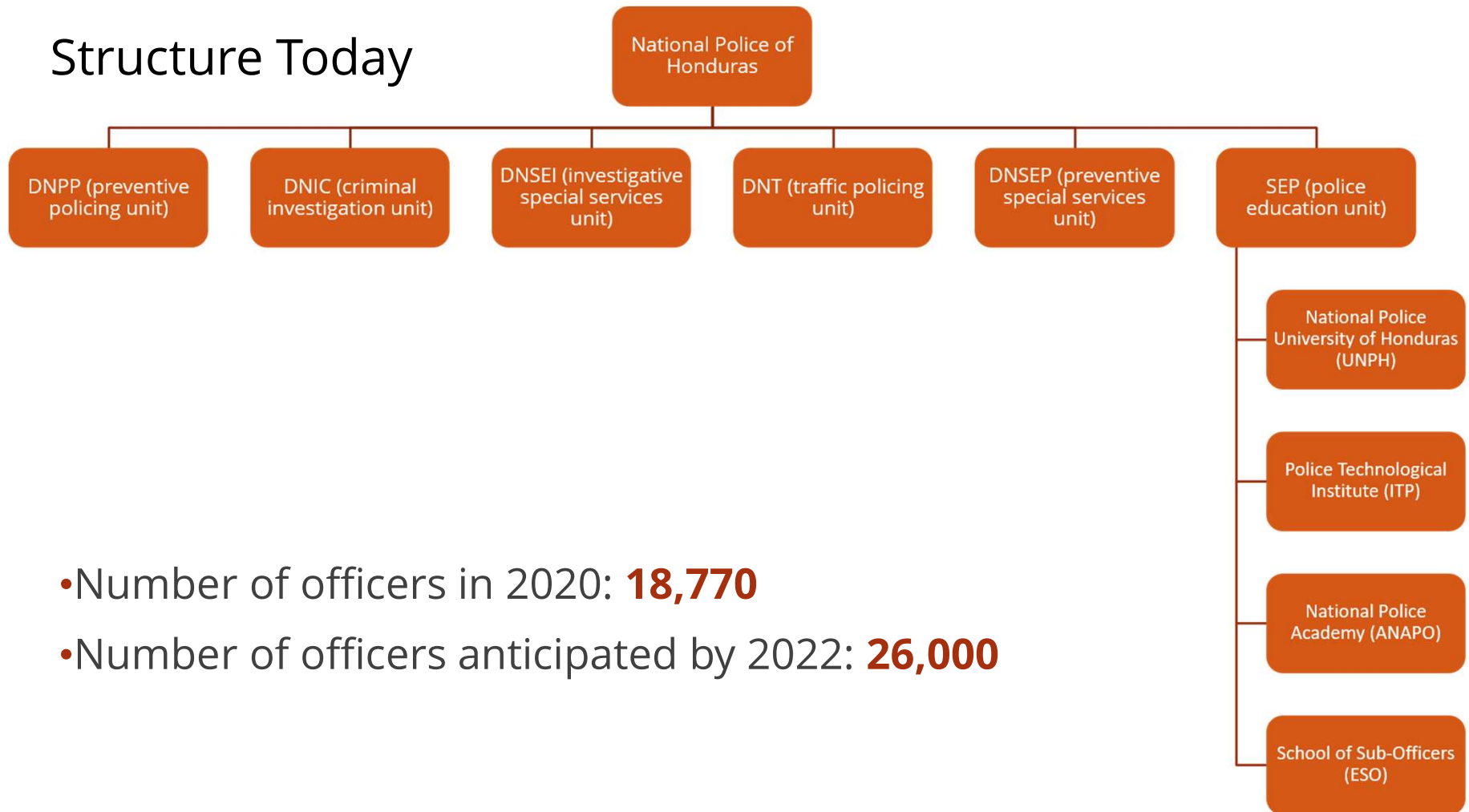
FORMATION, STRUCTURE, AND REFORM



Formation

- Founded in 1888
- 1956: Honduran military takes control of government
 - 1959: Honduras police replaced by “Civil Guard,” paramilitary force with policing duties
 - 1963: Special Security Corps (CES) is formed
 - 1975: CES is disbanded and replaced by “FUSEP,” a public security force that was formed as a branch of the military
- 1982: Full and permanent return to civilian control of government
 - Police force was to be separated from military, but kept military characteristics until 1996
 - FUSEP is not changed to civilian governance until 1997
 - 1998: “Organic Law of the National Police” governing police duties was created. President Carlos Roberto Flores and the National Congress pass legislation to establish a new National Police of Honduras
- 2001: New force fully formed
- Today: National Police of Honduras is governed by the office of the Director General of the National Police (DGPN) with oversight by the Office of Security headed by the Minister of Security

Structure Today



- Number of officers in 2020: **18,770**
- Number of officers anticipated by 2022: **26,000**

Police Corruption and Reform

CORRUPTION

- Honduras National Policemen have been accused of:
 - Corruption
 - Passing information to criminal groups
 - Letting drug shipments pass through without inspection
 - Participating in and even orchestrating violent criminal operations, including murder
- April 2016 New York Times investigation found police were responsible for a number of crimes including: massacres and murders; kidnappings; extortion; arbitrary arrest; armed robbery; carjacking; and attacks on the media
 - Investigations connected at least 38 high-ranking police and 43 patrol officers with the MS-13 gang

REFORM

- 3 failed attempts between 2000 and NYT's 2016 investigation
 - Results:
 - Removal: <2,000 officers
 - Reinstatement: >300 officers
 - Reforms instituted: 0
 - Funds spent: 701.9 million lempiras (USD \$30,432,452)
- After NYT investigation, President Hernandez and Congress instituted the Special Commission for Police Reform
 - Results in 2 years (September 2018):
 - Removal: 5,635 officers
 - Hiring of new officers: 9,823
 - Reforms instituted: several, including in hiring and training
 - Funds spent: 800 million lempiras (USD \$32,523,600); only cost was severance pay for removed officers

Justice

LEGAL PROCESS AND SENTENCING

Legal Process

- Since early 2000s, Honduras has been shifting from an inquisitorial to an adversarial system
 - Presumption of innocence
 - Reliance on evidence and arguments presented by prosecutors and defense attorneys, not on the judge's own questioning
- However:
 - Presumption of innocence has not fully been integrated
 - Defendants do not have a right to a jury trial or to a speedy trial
 - The fates of defendants ultimately rest in the hands of judges who are frequently un- or under-educated and politically motivated
 - 180,000 case backlog in 2017
- Criminal responsibility automatically means civil responsibility

Sentencing and Conditional Liberty

- Prison sentences can range from **1 month to 30 years**
- Sentences/penalties set forth by the Honduras penal code, most recently updated in 2017 (changes took effect in 2020)
- Conditional liberty/parole eligibility:
 - After **1/2 sentence** is served if sentence is up to 15 years
 - After **2/3 sentence** is served if sentence is between 15 and 30 years
 - After **full sentence** is served if sentence is 30 years or more
 - Period of conditional liberty is equal to prisoner's remaining sentence period
 - Will only be granted if:
 - The inmate demonstrates good conduct
 - The inmate's civil responsibilities to the victim are satisfied

Sentencing: Homicide

Sentencing relaxed with new penal code

- **1 to 3 years** for culpable homicide due to a minor mistake; 3 to 7 years for culpable homicide due to a major mistake
- **3 to 6 years** for those who induce or help others to commit suicide successfully; corresponding murder penalties for those who induced or help minors to commit suicide or anyone of any age through deceit
- **15 to 20 years** for simple murder
- **20 to 25 years** for murder with the following aggravating circumstances: treachery, cruelty
- **20 to 25 years** for parricide; an extra 1/3 sentence if any of the aggravating circumstances for murder exist
- **25 to 30 years** for murder with the following aggravated circumstance: for pay (for both the payer and payee)
- Homicide conspiracy: 1/3 less of sentence the person would have received if they had fully participated

Sentencing: Drug Trafficking

- Sentencing relaxed with new penal code
- Previously:
 - Anyone associated with drug trafficking could face 15 to 20 years in prison
- Now:
 - **4 to 7** years for drugs that “don't seriously harm health”; **1 to 3** years for those who have less culpability or a smaller role
 - **7 to 10** years for all other drugs; **2 to 5** years for those who have less culpability or a smaller role
 - Some aggravating circumstances give **10 to 15** years--drugs to minors, using one's public standing, as part of an organized gang, violence, intimidation or firearms are used, the conduct leads to international trafficking, etc.
 - Drug trafficking conspiracy: 1/3 less of sentence the person would have received if they had fully participated

Sentencing: Gang Violence

- Sentencing relaxed with new penal code
- Previously:
 - Specific anti-gang laws imposing 20 to 30 years in prison
 - Gang leaders could face up to 50 years in prison
- Now:
 - Anti-gang laws have been abolished
 - Most crimes committed as part of a gang are punishable by a 1/3 increase in sentence

Sentencing: Corruption

- Sentencing greatly relaxed with new penal code
- Long enumeration of infractions in the penal code, but most are relatively light; some are very open to interpretation
 - Ex: Bribery: **5 to 7** years if it goes against the public servant's office; **3 to 5** years if it is for self-enrichment; **6 months to 2 years** if it is for the "purpose of the office"
- Some instances of corruption are punishable only by a bar from public office
 - Ex: Abuse of authority: **bar from public office for 3 to 6 years**
- Some have extremely short statutes of limitation
 - Ex: Illegal/unlawful enrichment: **4 to 6 years** if the public servant illegally obtains more than 500,000 lempiras; **punishable for up to 2 years after the public servant ceases to enrich his or herself**

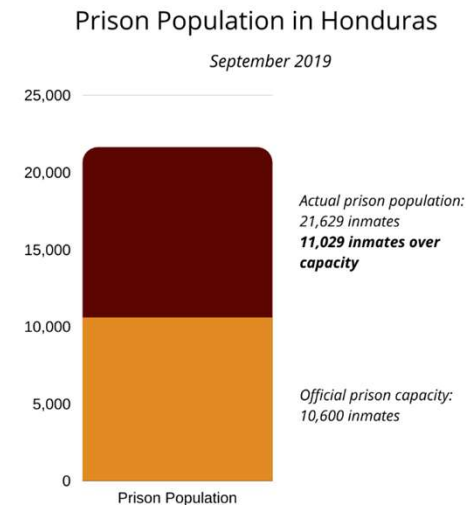
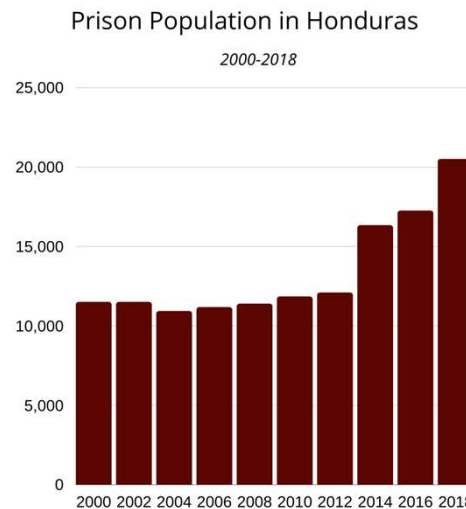
Prisons

STATISTICS, OVERCROWDING, AND GANG VIOLENCE



Prisons: Statistics

- **27** adult facilities
- **2** juvenile facilities
- Pre-trial detainees/ remand prisoners: **53.1%**
- Female prisoners: **5.7%**
- Young adult prisoners: **3%**
- No penalties or punishments imposed **in the adult system** on children under 21 years
- No penalties or punishments imposed **at all** on children under 18 years



Prison Overcrowding

- Prisons are currently at **204%** capacity; overcrowding has long been a problem in Honduran prisons and leads to increased violence and dangerous conditions
- Key case/example: February 2012 Prison Fire in Comayagua
 - 852 inmates crowded into a prison with half that capacity
 - Fire broke out and guards abandoned prisoners who were mostly pre-trial detainees, leaving them locked inside
 - Final death toll: **362 people**
- Overcrowding in the time of COVID-19
 - Most prisons are free of the virus for now, but if one inmate gets it, they all heavily run the risk of getting it
 - Ex: Currently, during the pandemic, La Esperanza prison has a capacity of **70 inmates, but it has 454 inmates total—648% capacity**



Gang Violence in Prison

Timeline of major events since 2010:

- **March 2012:** 13 inmates dead after riot by armed inmates at San Pedro Sula Prison
- **May 2012:** prisoners at San Pedro Sula prison seize hostages and battle among themselves, leaving at least 1 person dead
- **August 2013:** Report by Inter-American Commission on Human Rights said Honduras' prisons are controlled by inmates
- **August 2013:** President Porfirio Lobo orders militarization of country's main prison after gunfight leaves 3 gang members dead and 12 injured
- **March 2015:** Prison riot in San Pedro Sula leaves 3 dead and 32 injured, including 8 police officers
- **April—May 2017:** 65 inmates escape Honduran prisons in 15 days
- **December 2019:** 2 riots in 2 detention centers in 2 days leave 37 inmates dead and at least 16 injured; riots ordered by MS-13
- **February 2020:** 20 armed gunmen storm El Progreso prison to free Alexander Mendoza, MS-13 leader, killing 3 officers and wounding 2

Stats above: **60 dead, 63 injured, 66 escaped**



Discussion

- Considering the huge overcrowding and violence problems in Honduran prisons, should the new penal code have relaxed penalties for homicide, drug trafficking, gang violence, and corruption? Are there some penalties the new code should have lowered and some it should not have? Which and why?
- What are some of the reasons Hondurans continue to flee the country in such large numbers despite the fact that the homicide rate is about half what it was in 2011?

THANK YOU!

