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*AP Photo: Fernando Antonio*

## CRIME AND INSECURITY IN HONDURAS

Evaluating State Capacity to Reduce Violence  
and Combat Organized Crime

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# INTRODUCTION

In the last decade, the problem of insecurity and impunity has deeply affected the people of Guatemala, El Salvador and Honduras, making this region (known as the Northern Triangle of Central America) one of the most violent in the world. High levels of violence, corruption, and impunity have eroded the capacity of the states to develop accessible and efficient institutions, and address the needs of their populations.

The absence of effective responses has weakened citizens' confidence in state institutions, leading to an alarming number of people who have been internally displaced or forced to migrate to other countries to escape the violence and lack of economic opportunities.

Against this backdrop, the Washington Office on Latin America (WOLA), the University Institute for Public Opinion (Iudop) of the José Simeón Cañas Central American University (UCA) of El Salvador, the University Institute on Democracy, Peace and Security (IUDPAS) of Honduras, and the Myrna Mack Foundation (FMM) of Guatemala have developed a tool for monitoring and evaluating the policies and strategies currently being implemented in Guatemala, Honduras, and El Salvador to reduce insecurity and violence, strengthen the rule of law, improve transparency and accountability, protect human rights, and fight corruption. This initiative has been made possible thanks to the support of the Latin America Division of the Swiss Agency for Development and Cooperation, the Tinker Foundation, the Seattle International Foundation (SIF), and the Moriah Fund.

## THE CENTRAL AMERICA MONITOR

The Central America Monitor is based on the premise that accurate, objective, and complete data and information are necessary to reduce the high levels of violence and insecurity, and establish rule of law and governance in a democratic state. This will allow efforts to move beyond abstract discussions of reform to specific measures of change.

The Monitor is based on a series of more than 100 quantitative and qualitative indicators that allow a more profound level of analysis of the successes or setbacks made in eight key areas in each of the three countries.<sup>1</sup> More than a comprehensive list, the indicators seek to identify a way to examine and assess the level of progress of the three countries in strengthening the rule of law and democratic institutions. The indicators seek to identify the main challenges in each of the selected areas and examine how institutions are (or are not) being strengthened over time. The Monitor uses information from different sources, including official documents and statistics, surveys, interviews, information from emblematic cases, and analysis of existing laws and regulations.

The indicators were developed over several months in a process that included an extensive review of international standards and consultation with experts. The eight areas analyzed by the Monitor include:

1. Strengthening the capacity of the justice system;
2. Cooperation with anti-impunity commissions;
3. Combatting corruption;
- 4. Tackling violence and organized crime;**
5. Strengthening civilian police forces;

6. Limiting the role of the armed forces in public security activities;
7. Protecting human rights;
8. Improving transparency.

The Monitor reports are published by area and by country. The first series of reports will serve as the baseline for subsequent analysis, which will be updated annually. Each annual series of reports will be analyzed in comparison with reports from the previous year. This allows researchers, civil society organizations, and other actors to assess the level of progress in strengthening the rule of law and reducing insecurity.

The first round of Monitor reports will primarily focus on data sets from an approximate 4-year time period, 2014 to 2017, in order to provide a snapshot of Central America's institutions.

The Monitor will serve as a tool for searchable, easy-to-comprehend data, delineating trends, progress, patterns, and gaps within and between the three countries of the Northern Triangle. The data, graphics, charts, and reports will be available on the Monitor's website.

This report of the Central America Monitor aims to define a baseline for the indicators related to reducing violence and combatting organized crime in Honduras.

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## ABOUT THE RESEARCH FOR THIS REPORT

Researchers gathered research through formal requests for information submitted to public information units in government agencies analyzed in this report. Research was also collected by consulting reports published by domestic and international organizations that assess issues related to policies and strategies designed to combat organized crime. Researchers also conducted some expert interviews for more in-depth and specific information on advances and challenges on these issues.

After compiling and reviewing information for each indicator, we developed a comprehensive baseline analysis on reducing violence and combatting organized crime for the 2014-2017 time period. Each year, we will collect information on these same indicators to allow for comparative analysis over time. The main points of our research and synthesized in key findings in the following pages.

It is important to note that government institutions did not fully comply with requests for public information. Some institutions did not release the information we requested, while we were unable to collect complete information for some indicators, factors which affect our analysis and indicators.



# KEY FINDINGS

- Violence and the proliferation of organized crime are two of the main problems in Honduras. Together, these issues have destabilized the social fabric of the country, undermining socioeconomic development and eroding the rule of law. They have also tested the government's capacity to address these problems.
- Violence against women is an area that is highly illustrative of the breadth of violence and the scope of organized crime in Honduras. In 2013, Honduras had the highest rate of violent deaths of women in the world. Although the trend has decreased as of 2014, 1,860 women were murdered between 2014 and 2017, an average of 10.4 deaths for every 100,000 female inhabitants, with one woman murdered every 18 hours.
- In recent decades, there have been various legal advances to promote the prevention, detection, and punishment of violence and organized crime. It is estimated that between 2010 and 2017, more security laws were passed than in the first 23 years since the return to constitutional order in 1982. Among these were measures enacted to combat organized crime such as wiretapping, monitoring of shipments, and the use of undercover agents. However, the refusal to adopt the Effective Collaborator Act (*Ley de Colaboración Eficaz*), a law that facilitates organized crime and corruption probes, and the lack of political will towards strengthening the witness protection system, are contradictory to those measures.
- The organized crime-related laws approved since 2010 are notable for their reactive and militaristic character, emphasizing a concentration of power in the executive branch over the legislative and judicial branches. In addition, these laws are accompanied by restrictions on access to public information—altogether, this reflects a general prioritization of Honduras's security and defense sectors over the justice system. To cite one example, of the 10.56 billion lempiras (US\$422 million) collected between 2014 and 2017 through a national security tax, 45 percent went to the Ministry of Security, 41 percent to the Ministry of Defense, 6 percent to the Public Prosecutor's Office, 5 percent in prevention projects, and 3 percent to the Judiciary.
- Although it is outside the period of study for this report, it is worth noting that the reduction of penalties for violent crimes against women included in the new Criminal Code (adopted in 2018) sends a contradictory message from the government in its fight against violence and gender inequality.
- According to a public opinion survey conducted by IUDPAS in 2014, 72 percent of Hondurans interviewed do not have confidence in the National Police, 77 percent distrust the Public Prosecutor's Office, and 77 percent distrust the Judiciary.
- In 2017, a new organizational structure for the National Police came into effect. The changes, which were approved in 2016, kept the Secretary of Security at the head of the institution and created six special units to deal with violence and crime.
- Although between 2014 and 2017, the total number of investigative personnel within

the National Police grew by 37 percent, there was only 1 investigative police officer per 4,509 inhabitants in 2017. The number of police officers dedicated to investigative work is four times less than the number of members of the Military Police of Public Order (PMOP).

- Although the Law on Control of Firearms, Ammunition, Explosives and Other Related Materials has existed since 2000, its restrictions are quite lenient with respect to carrying weapons and obtaining weapons licenses. In this context, it is important to note that 77 percent of homicides in Honduras were committed with a firearm, and that in 2015 there were 300,000 registered firearms, while one million were circulating illegally. In 2013, there were discussions about reforming the law to tighten its restrictions, but a reform has yet to be approved.
- The Public Prosecutor's Office has several entities dedicated to investigating possible crimes of violence and organized crime, including two specialized directorates, a technical investigation agency, four prosecutors' offices, and six special units dedicated to investigating homicides, femicides, kidnapping, extortion, human trafficking, illicit trafficking, money laundering, and illicit association, among others. However, these entities are not a priority in terms of human resources and budgets.
- Of the entities in the Public Prosecutor's Office that investigate possible crimes of violence or organized crime, the Technical Agency of Criminal Investigation (ATIC) has received the most funds during the period analyzed, absorbing 37 percent of the total budget for these agencies. The Special Prosecutor's Office for Women (FEM) received 8.3 percent of the funds and the Witness Protection Program received only 2 percent. The budget allocated to the FEM is insufficient for its workload: the office received 69,000 complaints during the period under study.
- Of the reports of possible crimes against life (21,269) between 2014 and 2017, the Public Prosecutor's Office brought only 5.54 percent of these cases to the Judiciary for prosecution.
- The Judiciary has created specialized bodies to combat violence and organized crime, including the Jurisdictional Bodies with National Territorial Competence, created in 2011, a Criminal Court with National Jurisdiction in Matters of Extortion in Tegucigalpa, a Criminal Court of Appeals with National Jurisdiction in Matters of Extortion created in 2016, and two Special Courts against Domestic Violence (in the departments of Cortés and Francisco Morazán).
- Out of 10,924 cases related to violence and organized crime, the Judiciary's Courts of First Instance opened trials in 4 out of 10 of these cases. In the Sentencing Courts, the number of cases increased considerably (18.3 percent) between 2014 and 2017. According to figures provided by the Judiciary, 61.6 percent of these cases resulted in a conviction. In cases of crimes against life, 39.5 percent of the cases resulted in a conviction. For organized crime offenses, the sentencing courts admitted 2,446 cases, half of which were related to drug trafficking (72 percent of these resulted in a conviction).

# CRIME AND INSECURITY IN HONDURAS

## Evaluating State Capacity to Reduce Violence and Combat Organized Crime

Violence and the proliferation of organized crime constitute two of the main problems in Honduras. An increase in them both has destabilized the country's social fabric, undermining its socioeconomic development, and eroding the rule of law. In addition, it has tested the state's capacity to combat them.

Between 2014 and 2017, alarmingly high levels of violence and activity by organized criminal networks continued to exist. The homicides committed in that period meant Hondurans were living in one of the world's most unsafe

countries, deemed to be the "global capital of crime" in 2012 when its homicide rate was the highest on Earth (among countries with no declared war).<sup>1</sup>

In the four years analyzed in this study, 20,100 homicides were reported in Honduras, making them the principal external cause of death in the country. The average murder rate per 100,000 inhabitants was 57.6, five times the threshold set by the World Health Organization (WHO), which characterizes rates above 8.8 homicides per 100,000 people as an "epidemic of violence."

**TABLE 1**

**NUMBER OF HOMICIDES AND HOMICIDE RATE PER 100,000 INHABITANTS, 2014-2017**

Year	Homicides	Rate per 100,000
2014	5,936	68.0
2015	5,148	60.0
2016	5,150	59.1
2017	3,866	43.6
<b>TOTAL</b>	<b>20,100</b>	<b>57.6*</b>

*Source: National Violence Observatory, IUDPAS.*

*\*This is the average homicide rate for the period 2014-2017*

The 2017 homicide rate in Honduras was 614.0% greater than the global average for that year (6.1 homicides per 100,000 people). In this period, it is estimated that 0.8% of all homicides committed throughout the world took place in Honduras (which has approximately 9 million inhabitants).<sup>2</sup>

An acute expression of this violence, which elucidates its magnitude as well as the reach of

organized crime, lies in violence against women. The period under study began after 2013, when Honduras had the world's highest rate of violent deaths among women.<sup>3</sup> Although this trend began declining in 2014, between that year and 2017, 1,860 women died violently, representing an average rate of 10.4 per 100,000 women, with one female murder victim every 18 hours.



**TABLE 2****NUMBER OF FEMICIDES AND HOMICIDE AGAINST WOMEN AND RATES PER 100,000 WOMEN, 2014-2017**

Year	Homicides	Rate
2014	526	11.9
2015	478	10.9
2016	468	10.5
2017	388	8.6
<b>TOTAL</b>	<b>1,860</b>	<b>10.4*</b>

Source: National Violence Observatory, IUDPAS.

\*This is the average rate of violent deaths of women for the period 2014-2017

Between 2012 and 2015, a woman was murdered by an intimate partner or former partner every 8 days in Honduras; every 15 days, a woman was raped and murdered; and every 2.2 days, members of organized crime killed a woman.<sup>4</sup> Age-wise, women between 15 and 39 represented the most vulnerable group of victims. In addition, 51.7% of the crimes were committed with a firearm, and 40.0% of them were concentrated in the municipalities of San Pedro Sula and the Central District (Tegucigalpa and Comayagüela).<sup>5</sup>

According to the bulletins of the National Violence Observatory (*Observatorio Nacional de la Violencia*, ONV), 45.1% of violent deaths were femicides linked to organized crime, meaning they occurred in scenarios of organized delinquency (contract killings, retribution, abduction and kidnapping, gang killings, extortion, drug trafficking, and human trafficking).<sup>6</sup> In many of these cases, the women were not active participants in the crime but instead witnesses to criminal acts, or they were the intimate partners of men who did belong to criminal networks.

Violent deaths and femicides are not the only type of violence faced by women in Honduras. Crimes such as sexual and physical assaults also take place on a daily basis. According to official data from the last Demographic and Health Survey (*Encuesta de Demografía y Salud Familiar*, ENDESA, 2011-2012), 15% of Hondurans have suffered physical violence at some point in their lives after age 15. This ill-treatment increases with age, rising from 9.0% among women between 15 and 19 to 21% in women ages 40 to 49. The percentage of women who have been subjected to violence is greater in urban areas (17.0%) than in rural areas (12.0%).<sup>7</sup>

Meanwhile, overall homicides fell by 34.0% between 2014 and 2017. However, the cases presumably related to organized crime, such as multiple homicides (with three or more victims), jumped by 89.0%, rising from 100 to 189 during this period.<sup>8</sup>

The face of organized crime in Honduras is primarily made up of gangs and groups engaged in drug trafficking. However, these are not the only actors in the long chain of criminality. It has been shown that other sectors, such as public officials and members of the private sector, have

worked hand in hand with organized crime for decades. Numerous cases illustrate the deep connections they have in business dealings, politics, and even matters of security.<sup>9</sup>

Gangs (above all *Salvatrucha* and *la 18*) are attributed with carrying out extortion that mainly affects those involved in the informal economy. Since the creation in 2014 of the National Anti-Extortion Force (*Fuerza Nacional Antiextorsión*, FNA) – which is currently called the National Anti-Gang Force (*Fuerza Nacional Anti Maras y*

*Pandillas*, FNAMP), reporting to the Ministry of Security (*Secretaría de Seguridad*) – and through 2017, 4,196 complaints on extortion and related offenses were recorded. Based on these complaints, 2,925 people were arrested in that period for their alleged links to such crimes. The effectiveness of these apprehensions was 69.7% in relation to the number of complaints that the population lodged with the FNA.<sup>10</sup>

**TABLE 3**  
**COMPLAINTS AND ARRESTS FOR EXTORTION CRIMES AND RELATED OFFENSES, 2014-2017**

Year	Complaints	Arrests
2014	1,033	606
2015	980	689
2016	1,183	684
2017	1,000	946
<b>TOTAL</b>	<b>4,196</b>	<b>2,925</b>

*Source: National Anti-Extortion Force (FNA), Ministry of Security.*

With regard to drug trafficking, the United States government warned in 2017 that around 80.0% of the drugs being moved from South America to Mexico and the United States passed through Honduras. According to the report that the U.S. Department of State presented to Congress that year, Honduras was identified as one of the biggest drug-transit countries in the world. Its estimates indicate that between three and four metric tons of cocaine pass through Honduras each month.<sup>11</sup>

Given this context, civil society organizations insist that the Honduran state must take measures to address the problems of violence and organized crime in a more comprehensive way and not just reactively, incorporating effective programs for prevention and treatment that include community-based policies for defense and security.

# POLICIES ADDRESSING VIOLENCE AND ORGANIZED CRIME

In recent decades, legal advances have been made to promote the prevention, detection, and sanction of violence and organized crime. Thus, as in other areas, the problem does not lie

so much with lagging legislation as it does with the lack of its effective application, due to the shortcomings of state institutions.

## BOX 1

### INTERNATIONAL REGULATIONS ADHERED TO BY THE GOVERNMENT OF HONDURAS

With regard to the international framework, the State of Honduras is a signatory to various treaties, including the following:

- **Inter-American Convention on International Traffic in Minors.** Promoted by the Organization of American States (OAS), this convention protects the fundamental rights of minors with regard to the prevention and sanction of international trafficking in minors as well as the regulation of civil and criminal aspects to the issue. Honduras ratified its accession on October 1, 2008.
- **Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.** Created in 2000 by the United Nations Convention against Transnational Organized Crime, this protocol assists states in drafting legislation, creating national anti-trafficking strategies, and assisting with resources to implement these strategies. Honduras ratified its accession on April 1, 2008.
- **Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.** The purpose of this protocol is to prevent and combat the smuggling of migrants as well as to promote cooperation among States to that end by protecting the rights of migrants who are victims of such smuggling. Honduras ratified its accession on November 1, 2008.
- **The Convention on the Elimination of All Forms of Discrimination against Women.** Better known as CEDAW, this is a United Nations international treaty, signed in 1979, which expressly recognizes discrimination against women on the basis of their gender. Although Honduras signed on to the CEDAW in 2005, the state has not ratified the Optional Protocol to the treaty, which is important for international complaints and demands regarding the violation of women's rights. This refusal by the State to ratify the Optional Protocol prevents possible international demands on the violation of women's rights.
- **The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.** Known as the "Convention of Belém do Pará" (where it was adopted in 1994), this Convention proposes for the first time the development of

mechanisms for the protection and defense of women’s rights, which are fundamental in the fight against the phenomenon of violence against women’s physical sexual, and psychological integrity, both in the public and private spheres, and for their recognition within society. This Convention was ratified by the State of Honduras in 1995.

- **The Convention against Transnational Organized Crime.** Better known as the Palermo Convention, this United Nations sponsored multilateral treaty against transnational organized crime has been in force since 2003. Its three Protocols are: The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air; and the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms. This Convention was approved and ratified by the State of Honduras in 2003.

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## NATIONAL SECURITY REGULATIONS

In the last few years, the Honduran government has formulated and adopted legislation on security matters in response to the increase in violence and organized criminal activity. It is estimated that from 2010 to 2017, more security-related laws were passed than in the first 23 years after the constitutional order was reestablished in 1982.<sup>12</sup>

The nature, characteristics, and scope of this legislation address, on the one hand, the situation of violence, delinquency, organized crime, drug trafficking, arms trafficking, and human trafficking (especially of women and children), and on the other hand, take an eminently reactive approach to these phenomena.<sup>13</sup>

In general, these laws are notable for their reactive and militaristic nature, fostering a concentration of power in the executive branch at the expense of the legislative and judicial branches. These measures also reflect the prioritization of security and defense, as opposed to the justice sector.

This approach does not distinguish between the concepts of defense and security, which should be addressed independently, recognizing that there must be different cooperation modalities between these two functions of the state.<sup>14</sup>

One characteristic shared by these regulations is that they tend to prevent oversight bodies from reviewing the decisions, procedures, administration, financial management, or outcomes of implementation of the laws aimed at tackling violence and organized crime. That is why national regulations on security are coupled with laws that restrict access to public information.

Among the security-related legal instruments adopted, the following are noteworthy:

### ***Population Security Law (Ley de Seguridad Poblacional), Decree 105-2011***

In 2011, the government of Porfirio Lobo Sosa (2010-2014) promulgated the Population Security Law (better known as the “Security Tax”/“*Tasa de Seguridad*”)<sup>15</sup> as a measure for tackling violence and organized crime. Its goal is to obtain financial resources to supplement the budgets of the security, defense, and justice sectors. Its initial duration of five years was

extended in 2014 to ten years, meaning it will remain in force until 2021.

To implement the Security Tax, in 2011 the Honduran Congress approved the Fiduciary Law for the Administration of the Population Protection and Security Fund (Ley de Fideicomiso para la Administración del Fondo de

Protección y Seguridad Poblacional), appointing the country's central bank as the fiduciary entity. Through this mechanism, the state received 10.5 billion lempiras (\$422 million dollars) between 2014 and 2017.<sup>16</sup>

**TABLE 4**

**DISTRIBUTION OF EXPENDITURES BY IMPLEMENTING AGENCIES (IN MILLIONS OF LEMPIRAS), 2014-2017**

Institution	2014	2015	2016	2017	Total	%
Public Prosecutor's Office	56.1	182.8	140.3	225.4	604.7	6.0%
Supreme Court of Justice	104	55.7	90.5	80.0	330.3	3.0%
Ministry of Security	694.6	988.3	1,400.8	1,648.9	4 324	45.0%
Ministry of Defense	1,475.77	1,471.17	660.2	716.8	4,324.05	41.0%
Prevention	187.7	148.7	108.7	101.6	546.9	5.0%
Municipal Mayorships	7	6	6	4,5	23,5	0.0%
<b>TOTAL</b>	<b>2,525.2</b>	<b>2,852.8</b>	<b>2,406.8</b>	<b>2,777.4</b>	<b>10,562.3</b>	<b>100.0%</b>

Source: Citizen Security Rate (*tasadeseguridad.hn*).

From 2014 through 2017, 45.0% of the 10.5 billion lempiras in revenue raised went to the Ministry of Security; 41.0% to the Ministry of Defense (*Secretaría de Defensa Nacional*); 6.0% to the Public Prosecutor's Office (*Ministerio Público*); 5.0% to prevention projects; and 3.0% to the judicial branch. This distribution reveals the prioritization of strengthening police and military entities, as opposed to justice workers.

The allotment of these funds is determined by the National Defense and Security Council (*Consejo Nacional de Defensa y Seguridad, CNDS*), a body made up of the heads of the executive branch (which presides over the council), the legislative branch, the judicial branch, the

Ministry of Security, the Ministry of Defense, the Public Prosecutor's Office, and the National Intelligence and Investigation Directorate (*Dirección Nacional de Inteligencia e Investigación, DNII*), which serves as secretary of the council.

Since its approval, the Security Tax has engendered the mistrust of diverse sectors of the population, due to the financial burden it entails, its lack of clearly defined objectives, and the secrecy surrounding the management of its funds.

**Special Law of the National Defense and Security Council (Ley Especial del Consejo Nacional de Defensa y Seguridad), Decree 239-2011**

Approved in 2011, the Special Law of the National Defense and Security Council created the CNDS, a superstructure with constitutional rank that is the highest authority for governing, designing, and overseeing general policies on security, national defense, and intelligence.

The CNDS is presided over by the country's president, in coordination with the president of the Supreme Court of Justice (*Corte Suprema de Justicia*, CSJ), the Attorney General (*Fiscal General*), the Secretary of State in the Security Office (*Secretario de Estado en el Despacho de Seguridad*), and the Secretary of State in the National Defense Office (*Secretario de Estado en el Despacho de Defensa Nacional*). This composition has been criticized by the Inter-American Commission on Human Rights (IACHR), which notes that it promotes greater concentration of power in the executive branch vis-à-vis the legislative and judicial branches.<sup>17</sup>

The CNDS determines the use of the Security Tax funds, coordinates police investigative units, and promotes laws on judicial, criminal, and security and defense matters. To fulfill these functions, the National Intelligence Law (*Ley de Inteligencia Nacional*) was passed in 2013, creating the National Intelligence and Investigation Directorate (DNII).

With the approval in 2014 of the Law on Official Secrets and Declassification of Public Information (*Ley de Secretos Oficiales y Desclasificación de la Información Pública*), the CNDS found its power and autonomy strengthened, and it was exempted from any accountability.

### **National Intelligence Law (*Ley de Inteligencia Nacional*), Decree 211-2012**

In 2012, the Honduran Congress approved the National Intelligence Law, creating the Committee of Strategic Intelligence (*Comité de Inteligencia Estratégica*, CIE), presided over

by the National Intelligence and Investigation Directorate (DNII).

Under this law, the DNII operates as a decentralized entity with functional, administrative, and budgetary independence. In addition to implementing the public policies promoted by the CNDS, the DNII coordinates investigative and intelligence activities related to drug trafficking and organized crime. The National Interagency Security Force (*Fuerza de Seguridad Interinstitucional Nacional*, FUSINA) serves as its armed, operational branch.

In addition to the DNII, the CIE is made up of the Strategic Information Unit (*Unidad de Información Estratégica*, C-2) of the Armed Forces, the Police Intelligence Unit (*Unidad de Inteligencia Policial*), the Financial Information Unit (*Unidad de Información Financiera*, UIF), the Public Prosecutor's Office (through the Unit for the Fight against Drug Trafficking/*Unidad de Lucha contra el Narcotráfico*), and the Ministry of Foreign Affairs (*Secretaría de Relaciones Exteriores*).

According to this law, the CIE must identify and counteract any threat to security and national development; combat the actions of terrorist groups that endanger the state; support the disbandment of organized crime structures; neutralize acts that jeopardize governability and public administration and protect state institutions from the influence of organized crime; and protect public institutions from acts of penetration, infiltration, espionage, sabotage, or other intelligence activities carried out by criminal organizations and other agents who represent a threat.

With Article 18, the law ensures the secrecy of such tasks, indicating that all intelligence activity, information, and documents will be classified since their contents are confidential. In addition, the DNII can glean information from personal



habeas data, given that all its information is top secret and that it is not accountable to any civilian oversight body.

The DNII works with the Communications Intervention Unit (*Unidad de Intervención de Comunicaciones*, UIC) of the Public Prosecutor's Office, which is charged with executing the interceptions contemplated in the Special Law on Interception of Private Communications (*Ley Especial Sobre Intervención de las Comunicaciones Privadas*), known as the "Eavesdropping Law"/"*Ley de Escuchas*" (which will be addressed later in this report).

***Law on the Classification of Public Documents Related to National Security and Defense (Ley para la Clasificación de Documentos Públicos relacionados con la Seguridad y Defensa Nacional), Decree 418-2013***

Approved in 2013 by the Honduran Congress, the Law on the Classification of Public Documents Related to National Security and Defense, better known as the "Law on Official Secrets," cloaks the fight against violence and organized crime in secrecy.

Under this legislation, the CNDS stopped being subject to oversight and auditing, effectively shielding from view its decisions on how to administer Security Tax funds, information on the functioning of the Armed Forces and the use of some budget lines in Congress and certain State Secretariats.

For detailed information about this law, see the Central America Monitor's transparency report.

***Special Law on Interception of Private Communications (Ley Especial sobre Intervención de las Comunicaciones Privadas), Decree 243-2011***

Approved in 2011 and reformed a year later, the Special Law on Interception of Private Communications, better known as the Eavesdropping Law, enables the state to acquire intelligence and investigative information through communications via any type of transmission (telephone calls, emails, cell phone messages, etc.) without the consent of the owners of these devices and accounts, or other participants.

To protect the right to privacy, se interceptions can only be made if there is an open investigation or a judicial case under way. Permission is granted by the Communications Intervention Unit (UIC) of the Public Prosecutor's Office, which is also in charge of carrying out the interception. Therefore, the duty to respect confidentiality is in the hands of prosecutors, judges, and police officers.

In addition, the law establishes the obligation to implement a chain of custody for processing this evidence, as well as criminal sanctions for public officials who fail to comply with all the legal requirements when carrying out this investigative activity.

***Law on Interagency Security Strategy and Comprehensive Governmental Special Response to Security (Ley Estrategia Interinstitucional en Seguridad y Toma Integral Gubernamental de Respuesta Especial de Seguridad, TIGRES), Decree 103-2013***

With its approval in 2013, the joint interagency force called Interagency Security Strategy and Comprehensive Governmental Special Response to Security was established, creating in turn the Special Response Team and Intelligence Troop (*Unidad Toma Integral Gubernamental de Respuesta Especial de Seguridad*, TIGRES), a special body of the National Police that operates

under the Interagency Security Strategy, which comprises comprehensive government action.

The Interagency Security Strategy and the TIGRES Unit brings together all the secretariats and autonomous, centralized, and decentralized institutions of the state and municipalities that should participate in fighting crime, according to the Strategy's criteria.

In order to carry out special security missions, the TIGRES Unit – depending on the nature of the tasks to be undertaken – has the support of prosecutors and judges with national jurisdiction and experience with organized crime, who are assigned by the proper authorities through the CNDS. The director of this unit is a police commissioner, backed by an advisory council that includes prosecutors, judges, and intelligence officials.

### **Law of the Military Police of Public Order (*Ley de la Policía Militar de Orden Público, PMOP*), Decree 168-2013**

In 2013, the Military Police of Public Order (PMOP) was created temporarily to provide support on domestic security tasks, based on a national sovereignty approach.

One of its main duties is to cooperate on recovering areas, neighborhoods, human settlements, or public spaces where organized crime undertakes its criminal activities, limiting free movement and endangering people's lives. With this reasoning, the Honduran state acknowledged that it did not have control over the entire national territory.

The PMOP's creation has prompted numerous concerns about the militarization of security in the country, along with constant reports of abuse perpetrated by its members. This law will

be addressed in greater detail in the Central America Monitor report on the role of the military in public security functions.

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## **LAWS AND REGULATIONS ON GENDER VIOLENCE**

In the case of gender violence and inequality, the Honduran state has assumed a broad set of commitments to tackle these problems; the difficulty lies in their fulfillment and follow-up.

Distinct governments have approved a series of laws related to gender violence, such as the Law against Domestic Violence (*Ley Contra la Violencia Doméstica*, 1997), the Law of the National Women's Institute (*Ley del Instituto Nacional de la Mujer*, 1998), the establishment of the offense of femicide within the Criminal Code (2013), and the ban on child marriage (2017).

Women's rights are contemplated in the Second Plan for Gender Equality and Equity (*Segundo Plan para la Igualdad y la Equidad entre los Géneros*, 2010-2022), in the National Plan to Combat Violence against Women (*Plan Nacional contra la Violencia contra la Mujer*, 2014-2022), and in the Policy and National Action Plan against Commercial Sexual Exploitation and Human Trafficking (*Política y el Plan Nacional de Acción contra la Explotación Sexual Comercial y la Trata de Personas*, 2016-2022).

Despite the existence of this legal framework to protect victims and prevent violence, delays in the handling of judicial proceedings are common, weakening dissuasion and endangering the protection of victims. There are also serious problems in practice for prosecuting femicide, due to the difficulty that prosecutors face in pressing charges for that offense and due to judges' lack of familiarity with applying it.

## BOX 2

### CLASSIFICATION OF THE CRIME OF FEMICIDE IN THE CRIMINAL CODE

In 2013, the National Congress approved an amendment to Article 118-A of the Criminal Code, which included the crime of femicide as follows:

The crime of femicide is committed by the man or men who kill a woman for reasons of gender, with hatred and contempt for her condition as a woman, and shall be punishable by thirty (30) to forty (40) years' imprisonment, when one or more of the following circumstances apply: 1) When the person who is the perpetrator of the offense is or has been in a relationship with the victim, whether it be marriage, de facto union, free association or any other related relationship in which he is involved, whether or not there was cohabitation and including those in which there is or has been a sentimental relationship; 2) When the offense is preceded by acts of domestic or intra-family violence, whether or not there is a history of reporting it; 3) When the offense is preceded by a situation of sexual violence, harassment, stalking or persecution of any kind; and, 4) When the offense is committed with cruelty or when ignominious, degrading or mutilating injuries have been inflicted before or after deprivation of life.”

Some areas and institutions have been created to defend women's interests within the security and justice sector. The main ones include the Special Prosecutor's Office for Women (*Fiscalía Especial de la Mujer*, 1994); the establishment of specialized domestic violence courts in the country's two main cities, Tegucigalpa and San Pedro Sula (1997); the creation of the National Women's Institute (1998); the creation of Gender Units in the judicial branch (2009) and in the Preventive Police (*Policía Preventiva*, 2005); the opening of the Center for Attention to Women and Protection of Their Rights (*Centro de Atención y Protección de los Derechos de las Mujeres*, CAPRODEM, 2013); the establishment of the “*Ciudad Mujer*” assistance model (2016);

the creation of the Unit for Investigation of Femicides (*Unidad de Investigación de Femicidios*, 2016) and the Specialized Unit for Investigation of Women's Deaths and Femicides (*Unidad Especializada en la Investigación de Muerte de Mujeres y Femicidios*), affiliated with the Technical Agency of Criminal Investigation (*Agencia Técnica de Investigación Criminal*, ATIC) and which function in Tegucigalpa and San Pedro Sula but have national jurisdiction (2016); and the establishment of the Unit against Human Trafficking, Commercial Sexual Exploitation, and Illicit Human Smuggling (*Unidad Contra la Trata de Personas, Explotación Sexual Comercial y Tráfico Ilícito de Personas*) of the Public Prosecutor's Office (2017).

# TOOLS ADOPTED TO COMBAT ORGANIZED CRIME

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## ***Law to Control Firearms, Ammunition, Explosives, and Similar Items (Ley de Control de Armas de Fuego, Municiones, Explosivos y otros Similares)***

In 2000, the Honduran Congress approved the Law to Control Firearms, Ammunition, Explosives, and Similar Items, whereby it regulated the sale, possession, bearing, modification, use, repair, and reloading of firearms, munitions, accessories, and similar items; along with the importation, operation, storage, and transportation of explosives. The application of this law corresponds to the executive branch, via the State Secretariat in the Security Office.

This law includes a series of regulations allowing people 18 years and older to carry weapons (without having to undergo any psychological examination to obtain a license to bear arms). It also allows people to own up to a maximum of five weapons.

The law permits weapons that it deems to be defensive and sporting-related, such as handguns or small arms (revolvers and semiautomatic pistols with a caliber of 22mm, 32mm, 38mm, .357, and Magnums); and long-barreled weapons (shotguns and rifles, with a caliber suited to hunting, security, and sporting activities).

As a result, it prohibits automatic weapons of any caliber (AK-47, AR-15, M16, and M4), silenced weapons, or those of high precision, the use of which is reserved for the Armed Forces and the National Police; homemade weapons; projectiles that can pierce armored protection, are explosive, fragmentary, or produce a detonation, or any other projectile banned in the international

conventions ratified by Honduras; all accessories that are not for hunting or sporting purposes (noise reducers, silencers, and any device that allows for launching grenades); and all special weapons, such as chemical, biological, and nuclear weapons.

In 2013, there was debate over whether to reform the law to raise the minimum age for carrying weapons from 18 to 21; to reduce from 5 to 3 the number of weapons that an individual can own; to regulate the purchase of ammunition for each registered weapon; to require a psychological examination upon granting an ownership permit; and to provide greater oversight of weapons registration records. However, by the end of 2017, its approval was still pending.

According to the National Violence Observatory (ONV), 76.4% (45,058) of homicides in Honduras are committed with firearms. In 2015, it was estimated that 300,000 weapons were registered, while 1 million were circulating illegally.<sup>18</sup> Therefore, effective control of firearms possession and use is needed, in addition to reducing the number of weapons in circulation and regulating security companies' possession and utilization of weapons.

## ***Special Law against Money Laundering (Ley Especial contra el Delito de Lavado de Activos), Decree 144-2014***

In 2014, the Honduran Congress approved the Special Law against Money Laundering, repealing prior legislation that had been in place since 2002. The objective was to harmonize this legislation with the Law on Definitive Forfeiture of Illicit Assets (*Ley sobre Privación Definitiva del*

*Dominio de Bienes de Origen Ilícito*, 2010), the Law against Terrorism Financing (*Ley contra el Financiamiento del Terrorismo*, 2010), and the Law on Improper Use and Illicit Trafficking of Drugs and Psychotropic Substances (*Ley sobre uso indebido y tráfico ilícito de drogas y sustancias psicotrópicas*, 1989).<sup>19</sup>

With this law, Article 78 of the Law on Definitive Forfeiture of Illicit Assets was modified in terms of distribution of the funds derived from money laundering, stipulating that 45.0% be earmarked for the security and justice sector, 45.0% for programs aimed at prevention, and 10.0% for the Office for the Administration of Seized Assets (Oficina Administradora de Bienes Incautados, OABI).

In addition, it specifies the mechanisms and terms for securing goods and their handling by the OABI, their provisional purpose and use, as well as auction processes.

To effectively implement the law, the Interagency Commission for the Prevention of Money Laundering and Terrorism Financing (*Comisión Interinstitucional para la Prevención del Lavado de Activos y Financiamiento del Terrorismo*, CIPLAFT) was created, presided over by the CNDS and composed of representatives of the Supreme Court; the Prosecutor's Office; the OABI; the Ministries of Defense, the Interior, and Security; and by the National Council against Drug Trafficking (*Consejo Nacional de Lucha Contra el Narcotráfico*, CNLCN).

Incorporated into the new definition or classification of the offense of money laundering were offenses associated with organized crime, such as money laundering, the use of fronts, unlawful association, cover-ups, and extortion – none of which had been included in the old law. The fight against corruption was also strengthened by providing for the investigation

of public officials whose goods, properties, or assets do not correspond to their patrimonial, familial, or business income.

New legal concepts were also established, such as that of an undercover agent, an informer, and controlled deliveries. Informers were defined as people who voluntarily provide information to police authorities or other bodies involved in justice administration that is useful for investigating the commission of illegal acts, the identification and location of people, and goods that are the object of a crime. Anyone can be an informer, even a member of a criminal organization who wants to collaborate. According to the law, the only benefit that informers obtain in exchange is that their identity will be protected, if necessary.

It is worth noting that the definition of an informer differs from the concept of effective collaboration, whereby the person collaborating receives a benefit in exchange for contributing relevant information.

### **Undercover agent**

The 2015 approval of the new Special Law against Money Laundering included the definition of an undercover agent, so that public investigators may temporarily assume a fictitious identity or role to obtain evidence or information that allows for confirming the commission of an offense, as well as to keep it from being carried out.

At the request of the Public Prosecutor's Office, a competent court can authorize an undercover agent to pose as a member of criminal organizations that aim to commit the offense of money laundering or terrorism financing, or others being investigated in relation to these matters.

Before approving the designation of an undercover agent, a detailed risk assessment must be carried out to determine all the technical, logistical, and professional requirements of the operation, with a view to guaranteeing the agent's security and keeping the investigation secret. The information obtained by the undercover agent must be submitted to the Public Prosecutor's Office and relayed to the court that authorized the operation.

When the investigation has concluded and it is necessary to summon the undercover agent to testify, that person should be given protection as a witness through the process established in the Law on Witness Protection in Criminal Proceedings (*Ley de Protección a Testigos en el Proceso Penal*).

### **Controlled deliveries**

The Special Law against Money Laundering, approved in 2015, included the legal concept of controlled deliveries, which allows for prohibited substances or products (drugs or weapons, for example) to be brought into or moved through Honduran territory, with the knowledge, control, and oversight of the appropriate authorities, for the purpose of identifying the people and organizations involved in the commission of the crime as well as obtaining evidence for the investigation.

The Public Prosecutor's Office can authorize the use of controlled deliveries, ensuring the utilization of all suitable technical means to document the operation. The public officials or employees investigating a crime who are authorized to participate in a controlled delivery are exempt from criminal responsibility when they engage in acts that, due to the nature of these operations, could be interpreted as contributing to money laundering or any other offense.

### **Law against Human Smuggling (*Ley Contra la Trata de Personas*), Decree 59-2012**

The Law against Human Smuggling was approved in 2012, with the objective of fostering public policies to prevent this problem while also defining the framework for victim protection and assistance.

The law defined human trafficking as the recruitment, transportation, transfer, harboring, or reception of people by resorting to the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a situation of vulnerability, or giving or receiving payments or benefits to a person in control of the victim, for the purpose of exploitation. That exploitation includes, at the very least, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices analogous to slavery, servitude, and the removal of organs.

To put the law in practice, the Interagency Commission to Combat Commercial Sexual Exploitation and Human Trafficking (*Comisión Interinstitucional Contra la Explotación Sexual Comercial y Trata de Personas, CICESCT*) was created with the aim of promoting, articulating, monitoring, and evaluating actions focused on preventing and eradicating this phenomenon in its various manifestations through the administration and implementation of specialized public policies.

The CICESCT coordinates two other entities: the Immediate Response Team (*Equipo de Respuesta Inmediata, ERI*), which identifies possible trafficking victims, recommending relevant assistance measures; and the National System of Information on Human Trafficking (*Sistema Nacional de Información sobre Trata de Personas, SNITdP*), an instrument for gathering, processing, and analyzing information on domestic and external trafficking in Honduras.



Those responsible for the crime of trafficking face a penalty of 10 to 15 years in prison, plus a ban on holding public office for a period equal to double their prison sentence, and a fine of equivalent to between 150 and 250 minimum monthly salaries.

### **Reform of Article 102 of the Constitution to allow extraditions**

At the initiative of the United States government, with the revocation of Article 102 of the Honduran Constitution, the extradition of Honduran nationals to other countries was approved in 2014 in cases related to drug trafficking, terrorism, and any illegal act by organized crime, as long as there is an extradition treaty or agreement in place with the receiving country.

This constitutional reform was carried out by the Supreme Court, including a regulation that specified the procedure to follow, such as

the mechanisms for arrest and extradition, the security that must be provided to the judge handling the case, and respect for due process to prevent the rights of the accused from being violated.

According to the regulations, the process begins with an extradition request from a country made via diplomatic channels and accompanied by supporting documents. The Ministry of Foreign Affairs receives the request and sends it to the Supreme Court, which allows it to proceed or dismisses it. The Public Prosecutor determines if the request meets all the legal requirements, submitting it to the court that will rule on the extradition.

From 2014 to 2017, 13 Hondurans were extradited to the United States, all of them accused of drug trafficking crimes: three in 2014, six in 2015, one in 2016, and three in 2017.

## **BOX 3**

### **ARTICLE 102 OF THE CONSTITUTION WHICH WAS REVOKED TO ALLOW EXTRADITION**

No Honduran may be expatriated or handed over by the authorities to a foreign State. Exceptions to this provision are cases involving drug trafficking of any kind, terrorism, and any other organized crime, and when an extradition treaty or convention exists with the requesting country. In no case may a Honduran national be extradited for political or related ordinary offenses.

### **Law on Definitive Forfeiture of Illicit Assets (Ley Sobre Privación Definitiva del Dominio de Bienes de Origen Ilícito), Decree 27-2010**

Approved in 2010, the Law on Definitive Forfeiture of Illicit Assets regulates the identification, acquisition, and use of assets seized by the state that have illicit origins or have no legal cause.

The Public Prosecutor's Office is in charge of handling the technical and legal aspects of investigating the assets and their origins, with the help of the National Police and any other entity authorized by the Unit against Money Laundering (*Unidad Contra el Delito de Lavado de Activos, UCLA*). The seized goods are put at the OABI's disposal until the judicial process concludes.

Goods that have been transferred to the state can be auctioned or donated, or have a provisional use, depending on their characteristics. Of the assets that will remain in the hands of the state, 45.0% will go to programs to fight criminality, 8.0% to the OABI, 8.0% to programs for violence prevention, 4.0% to programs that work with victims, 10.0% to the person who contributed to obtaining the evidence, and 10.0% to the municipal governments where the seized goods are kept, among other areas.

By 2017, and three years after its creation, the OABI was managing 4,000 seized movable and immovable goods; it was also administering 272.4 million lempiras and \$4.4 million dollars that had been found in confiscated accounts. That year, it managed 2,750 movable goods (vehicles, boats, aircraft, firearms, and others) and had under its control 1,433 immovable goods (houses, apartments, buildings, warehouses, commercial spaces, farms, country estates, plots of land, and others). There were also 578 goods that had been seized in 2016 and 2017 from the *Salvatrucha* gang.<sup>20</sup>

### ***Proposed Law on Effective Collaboration (Propuesta de Ley de Colaboración Eficaz)***

In 2016, the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) presented to the executive branch a draft bill for the Law on Effective Collaboration, a type of legislation that has been useful for combatting organized crime and corruption in other countries. However, the bill has been shelved in Congress since 2017.

The preliminary bill, which is composed of 42 articles, defines special mechanisms for tackling organized crime, with the aim of disbanding the big criminal networks that operate in the country. The goal is to use collaborators' help to break up these criminal organizations, and in exchange for the information provided,

those collaborating may get a lighter sentence or their cases may never be subject to criminal proceedings.

This draft bill seeks to harmonize its provisions with other regulations, such as the Law on Improper Use and Illicit Trafficking of Drugs and Psychotropic Substances, the Special Law against Money Laundering, the Law against Terrorism Financing, and the Law against Human Trafficking.

The MACCIH's proposal stipulates that at least five requirements must be met for people to be considered effective collaborators under the law, including that they act voluntarily and understand the full scope of the procedure, and that they expressly admit to the incidents in which they have intervened or have been accused of participating.

The legislative proposal also gives power to the judge and Attorney General to define who does and does not fit this category, once their testimony has been corroborated. If it is discovered that the person is lying or has lied, the benefits (including protection of their family) will be revoked. If the collaborator belongs to a criminal organization, their degree of responsibility in that organization must be weighed.

### ***Law on Witness Protection in Criminal Proceedings (Ley de Protección a Testigos en el Proceso Penal), Decree 63-2007***

In 2007, the Honduran Congress approved the Law on Witness Protection in Criminal Proceedings, in compliance with the Palermo Convention, which obligates states to adopt to the extent possible appropriate measures for effectively protecting witnesses, among other participants in the criminal justice process.

With this law, the Witness Protection Program

was created in the Public Prosecutor’s Office to provide greater protection to witnesses at risk who are admitted to the program. This protection includes their family circle, their spouse, housemates, relatives, or other people with ties to the witness.

The program can also include temporary or permanent relocation, an identity change, or physical modifications. Additional protection measures are also contemplated, such as police measures (bodyguards, surveillance, communication modalities, etc.), prison measures, and judicial measures (videoconferencing, voice distortion, anonymity, or identity protection, etc.).

In 2014, the program had just one office in the country’s capital, with 10 employees (a coordinator, an administrator, a secretary, and six agents who fulfilled guard duties and came from the COBRA police squad, the preventive police, and the team of investigators at the Public Prosecutor’s Office), with no social workers, psychologists, or other experts, despite the law’s mandates.

### **Criminal Code (Código Penal)**

The Criminal Code currently in force was approved in 1983; however, in 2017, the Honduran Congress initiated a process to debate its reform. The new version was published in the official Gazette (La Gaceta) in 2019, and after two *vacatio legis*, it will enter into force in 2020.

The process was criticized for several reasons, including that organized civil society was not duly consulted during the formulation of the new Criminal Code. In addition to the lack of transparency and participation, there was widespread denunciation of the reduction of sentences for crimes related to corruption, crimes against life, organized crime, drug trafficking, sex crimes, and those committed against women.

The following is a series of tables comparing the penalties stipulated for distinct offenses related to violence and organized crime:

**TABLE 5**  
**CRIMES AGAINST LIFE**

Crime	1983 Criminal Code	2019 Criminal Code
	Penalty	Penalty
Homicide	15 to 20 years imprisonment	15 to 20 years imprisonment
Murder	30 years to life imprisonment	25 a 30 años de reclusión
Parricide	30 to 40 years imprisonment	20 to 25 years imprisonment
Abortion	3 to 6 years imprisonment	3 to 6 years imprisonment

*Source: Own elaboration based on the two versions of the Criminal Code published in La Gaceta.*

**TABLE 6**  
**ORGANIZED CRIME OFFENSES**

Crime	1983 Criminal Code	2019 Criminal Code
	Penalty	Penalty
Kidnapping	20 years imprisonment	8 to 12 years imprisonment
Aggravated Kidnapping	30 to 40 years imprisonment	12 to 15 years imprisonment
Human Trafficking	10 to 15 years imprisonment	5 to 8 years imprisonment
Sexual Exploitation	6 to 10 years imprisonment	5 to 8 years imprisonment
Child Pornography	10 to 15 years imprisonment	4 to 6 years imprisonment
Drug Trafficking	7 to 10 years imprisonment	4 to 7 years imprisonment 4
Aggravated Drug Trafficking	15 to 20 years imprisonment	10 to 15 years imprisonment
Extortion	15 to 20 years imprisonment	10 to 15 years imprisonment

*Source: Own elaboration based on the two versions of the Criminal Code published in La Gaceta.*

**TABLE 7**  
**CRIMES AGAINST WOMEN AND SEX CRIMES**

Crime	1983 Criminal Code	2019 Criminal Code
	Penalty	Penalty
Femicide	30 to 40 years imprisonment	20 to 25 years imprisonment
Domestic Violence/Violence against Women	1 to 3 years imprisonment	1 to 4 years imprisonment
Rape	10 to 15 years imprisonment	9 to 13 years imprisonment
Sexual Assault	7.5 to 12 years imprisonment	6 to 9 years imprisonment
Statutory Rape	5 to 7 years imprisonment	6 months to 1 year imprisonment
Sexual Harassment	3 to 6 years imprisonment	1 to 2 years imprisonment
Sexual Harassment of Minors	3 to 6 years imprisonment	-
Incest	6 to 9 years imprisonment	4 to 6 years imprisonment
Unspecified	-	1 to 3 years house arrest
Street Sexual Harassment	60 to 90 days imprisonment	-

*Source: Own elaboration based on the two versions of the Criminal Code published in La Gaceta.*

# STATE CAPACITY

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In Honduras, efforts to combat violence and organized crime are carried out through the Ministry of Defense, the Ministry of Security, the Public Prosecutor's Office, and the judicial branch. These sectors and institutions are grouped together in the CNDS and are responsible for safeguarding citizen security.

The executive branch presides over the entire institutional structure for fighting violence and organized crime in Honduras. With the creation of the CNDS in 2011, the country's president secured the power to lead the entire security system at the expense of the other branches of government. This has prompted numerous criticisms regarding the accumulation of power in the executive branch, since the legislative and judicial branches and the Public Prosecutor's Office must rely on the president's decisions regarding security and defense matters.

The population's distrust of these institutions was revealed in a survey carried out in 2014, in which 72.0% of respondents expressed that they did not trust the Police, 77.0% distrusted the Public Prosecutor's Office, and 77.0% the Supreme Court of Justice.<sup>21</sup>

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## PUBLIC PROSECUTOR'S OFFICE

Created in 1993, the Public Prosecutor's Office has various entities for investigating possible offenses involving violence and organized crime. To specifically address these problems, it has two directorates, a technical agency for investigation, four prosecutor's offices, and six special units.

The General Directorate of Prosecutors (*Dirección General de Fiscalía*) was created in 1994, and a year later, the National Directorate for the Fight against Drug Trafficking (*Dirección Nacional de Lucha contra el Narcotráfico*) was established.

The General Directorate of Prosecutors has prosecutor's offices and special units that directly engage in the fight against violence and organized crime. The special prosecutor's offices include the Special Prosecutor's Office against Organized Crime (*Fiscalía Especial contra el Crimen Organizado*, FESCCO), the Special Prosecutor's Office for Protection of Children (*Fiscalía Especial de Protección a la Niñez*, FEN), the Special Prosecutor's Office for Crimes against Life (*Fiscalía Especial de Delitos contra la Vida*, FEDCV), and the Special Prosecutor's Office for Women (*Fiscalía Especial de la Mujer*, FEM).

The FESCCO was created in 2013 and included within its structure the Anti-Kidnapping and Anti-Extortion Unit (*Unidad Antisecuestros y Extorsión*). That same year, the FEDCV opened. With regard to the Unit for Investigation of Femicides, it was transferred from the FEM to the Technical Agency of Criminal Investigation (ATIC) in 2017.

Currently, the FEM's work is limited to cases of domestic, sexual, and intrafamily violence, and it has the institutional purview to implement a comprehensive assistance model for women.

In 2014, the ATIC was created as an agency with national jurisdiction for investigating the 21 serious offenses (carrying prison terms of more than five years) with major social impact listed in Article 184 of the Criminal Procedural Code (*Código Procesal Penal*). The ATIC was created to supplant to some extent the separation in 1998 of the General Directorate of Criminal Investigation (*Dirección General de Investigación Criminal*, DGIC), which had been part of the Prosecutor's Office. Currently, criminal investigations are distributed between the Police Investigations Department (*Dirección*

*Policia de Investigaciones*, DPI) and the DGIC, which has created some confusion since greater coordination is needed between these two entities.

The ATIC has six units including the unit for Investigation of Crimes against Life and Sexual Liberty (*unidad de Investigación de Delitos contra la Vida y Libertad Sexual*) and another for the Investigation of Organized Crime and Terrorism-related Offenses (*Investigación de Delitos de Crimen Organizado y Terrorismo*). Within this last unit, there is the Group for Investigation of Drug Trafficking; the Group for Investigation of Kidnappings, Extortion, and Unlawful Association; the Group for Investigation of Money Laundering; and the Group for Investigation of Terrorism and Related Crimes.

In addition, the ATIC has a Unit for Investigation of Women’s Violent Deaths and Femicides, which functions in Tegucigalpa and San Pedro Sula and is led, on a technical and judicial level, by prosecutors affiliated with the FEDVC.

Meanwhile, the General Directorate of Prosecutors includes the Unit Affiliated with the PMOP (*Unidad Adscrita a la PMOP*); the Specialized Unit for Investigation and Prosecution of Violent Deaths in the Bajo Aguán (*Unidad Especializada para la Investigación y Enjuiciamiento de Muertes Violentas del Bajo Aguán*, UMVIBA); the Anti-Kidnapping and Anti-Gangs Unit (*Unidad Antisecuestro y Pandillas*); the Communications Intervention Unit (UIC); the Unit against Human Trafficking, Commercial Sexual Exploitation, and Illicit Human Smuggling; the Prosecutor’s Unit for Special Operations (*Unidad Fiscal de Operaciones Especiales*); and the Witness Protection Program.

### **Financial resources**

The budget of the Public Prosecutor’s Office between 2014 and 2017 was 5.3 billion lempiras (\$215.6 million dollars), rising 63.8% over those four years. Of these funds, 11.2% were obtained from the Security Tax.

**TABLE 8**

**PUBLIC PROSECUTOR’S OFFICE BUDGET (IN BILLIONS OF LEMPIRAS), 2014-2017**

2014	2015	2016	2017	Total
1,065	1,165	1,415	1,745	5,390

*Source: Public Prosecutor’s Office.*

Between 2014 and 2017, the Public Prosecutor’s Office allotted 1.023 billion lempiras (\$40.9 million dollars) to the entities in charge of investigating possible offenses involving violence and organized crime. Of this total, 18.9% of funds

went to the National Directorate for the Fight against Drug Trafficking, the ATIC, FESCCO, FEM, FEDCV, and the Witness Protection Program.



**TABLE 9****BUDGET WITHIN THE PUBLIC PROSECUTOR'S OFFICE FOR UNITS INVESTIGATING ALLEGED VIOLENT CRIMES OR ORGANIZED CRIME (IN U.S. DOLLARS), 2014-2017**

#	Unit	2014	2015	2016	2017	Total
1	Technical Agency of Criminal Investigation (ATIC)	\$79,961	\$2,730,665	\$5,269,423	\$7,180,489	\$15,260,538
2	Directorate for the Fight against Drug Trafficking	\$2,822,620	\$1,999,022	\$3,598,240	\$4,197,947	\$12,617,830
3	Special Prosecutor's Office against Organized Crime (FESCCO)	\$1,523,255	\$1,587,224	\$1,631,202	\$1,811,114	\$6,552,796
4	Special Prosecutor's Office for Women (FEM)	\$859,580	\$831,593	\$835,591	\$883,568	\$3,410,332
5	Special Prosecutor's Office for Crimes against Life	\$267,869	\$391,808	\$551,730	\$1,019,501	\$2,230,909
6	Witness Protection Program	\$119,941	\$151,926	\$171,916	\$383,812	\$827,595
	<b>Total</b>	<b>\$5,673,226</b>	<b>\$7,692,239</b>	<b>\$12,058,104</b>	<b>\$15,476,432</b>	<b>\$40,900,000</b>

*Source: Public Prosecutor's Office.*

Between 2014 and 2017, the budget for these entities rose by 620.0%. This increase likely stems from the fact that, in this same period, the disbursements from the Security Tax to the Prosecutor’s Office surged by 978.0%.

As Table 6 shows, the ATIC received the most funds during the period under study, absorbing 37.0% of the total budget for these entities. It was followed by the National Directorate for the Fight against Drug Trafficking with 30.0%, the FESCCO with 16.0%, the FEM with 8.3%, the Special Prosecutor’s Office for Crimes against Life with 5.4%, and the Witness Protection Program with 2.0%.

As part of the budget allocated to these entities from 2014 to 2017, the funds going

to the ATIC grew by 19,000.0%, followed by a 700.0% increase for the Special Prosecutor’s Office for Crimes against Life, 600.0% for the Witness Protection Program, 345.0% for the National Directorate for the Fight against Drug Trafficking, 331.0% for the FESCCO, and 304.0% for the FEM.

### **Human resources**

The number of employees at the Public Prosecutor’s Office rose 45.0% between 2014 and 2017. During that period, 7.8% of its staff were prosecutors and 19.0% were assistant prosecutors.

**TABLE 10**

**PUBLIC PROSECUTOR’S OFFICE EMPLOYEES, 2014-2017**

	2014	2015	2016	2017
All Employees	2,602	2,933	3,340	3,782
Prosecutors	200	223	222	209
Prosecution Assistants	433	590	669	750

*Source: Public Prosecutor’s Office.*

With regard to the human resources assigned by the Public Prosecutor’s Office to the entities that investigate possible offenses involving violence and organized crime, in 2017 the ATIC had the largest number of staff in all areas, with 346 employees. It was followed by the FEDCV

with 62 employees, the FESCCO with 54, the FEM with 38, the National Directorate for the Fight against Drug Trafficking with 23, and the Witness Protection Program with 13 staff members.

**TABLE 11****PERSONNEL ASSIGNED TO UNITS INVESTIGATING POSSIBLE CRIMES OF VIOLENCE OR ORGANIZED CRIME, PUBLIC PROSECUTOR'S OFFICE, 2014-2017**

#	Unit	2014	2015	2016	2017
1	Technical Agency of Criminal Investigation (ATIC)	0	205	255	346
2	Special Prosecutor's Office for Crimes against Life	22	19	48	62
3	Special Prosecutor's Office against Organized Crime (FESCCO)	57	54	52	54
4	Special Prosecutor's Office for Women (FEM)	48	40	35	38
5	Directorate for the Fight against Drug Trafficking	45	37	25	23
6	Witness Protection Program	1	2	7	13
7	Femicide Unit (within ATIC)	0	0	2	15*

Source: Public Prosecutor's Office.

\*These personnel are also included in the total ATIC

In the Unit for Investigation of Women's Violent Deaths and Femicides, affiliated with the ATIC, 15 investigators were working as of 2017, dividing up the work in Tegucigalpa and San Pedro Sula. It is worth noting that feminist organizations have demanded the unit be given greater capacity.

## JUDICIAL BRANCH

The judicial branch is essential for fighting violence and organized crime. Within its structure, it has specialized courts for handling certain offenses such as extortion, organized crime, and domestic violence. These include judicial bodies with national jurisdiction (*órganos jurisdiccionales con competencia territorial nacional*), one Criminal Appeals Court with National Jurisdiction on

Extortion Matters (*Corte de Apelaciones de lo Penal con Competencia Nacional en Materia de Extorsión*), two Special Anti-Domestic Violence Courts (*Juzgados Especiales Contra la Violencia Doméstica*) in the departments of Cortés and Francisco Morazán, and one Criminal Court of First Instance with National Jurisdiction on Extortion Matters (*Juzgado de Letras Penal con Competencia Nacional en Materia de Extorsión*) in Tegucigalpa.

The Criminal Appeals Court with National Jurisdiction on Extortion Matters and the Criminal Court of First Instance with National Jurisdiction on Extortion Matters in Tegucigalpa were created in 2016, and began functioning the following year. The plan is to open three

locations, in Tegucigalpa, San Pedro Sula, and La Ceiba.

The courthouse in Tegucigalpa will have jurisdiction in the departments of Choluteca, Comayagua, El Paraíso, Francisco Morazán, Intibucá, La Paz, Olancho, and Valle. The one in San Pedro Sula will cover the departments of Copán, Cortés, Lempira, Ocotepeque, Santa Bárbara, and Yoro. And the branch in La Ceiba will have jurisdiction in Atlántida, Colón, Gracias a Dios, Islas de la Bahía, and the municipality of Olanchito. These courts will have the exclusive task of handling cases related to extortion offenses.

Meanwhile, in 2011, the judicial bodies with national jurisdiction were created to strengthen the fight against organized criminal groups. These groups are understood to refer to a structured group of three or more people that exists for a certain amount of time and acts in concert with the aim of committing one or more serious offenses or offenses classified in accordance with the current Convention in order to obtain, directly or indirectly, an economic benefit or other material benefit.<sup>22</sup>

In addition, the Special Anti-Domestic Violence Courts (in the departments of Cortés and Francisco Morazán) handle formal complaints over intrafamily and domestic violence in their diverse forms: physical, psychological, sexual, and patrimonial. Follow-up is provided on security measures and precautionary measures, along with psychological help and social work through

assistance and crisis care offered to survivors of crime.

### **Human resources**

The Criminal Appeals Court with National Jurisdiction on Extortion Matters has nine employees (three magistrates, two clerks, one secretary, a receptionist, a janitor, and an archivist).

Meanwhile, the Criminal Court of First Instance with National Jurisdiction on Extortion Matters in Tegucigalpa has 12 employees (three judges, three clerks, three secretaries, one receptionist, one janitor, and one archivist).

With regard to the Special Anti-Domestic Violence Courts (in the departments of Cortés and Francisco Morazán), in Tegucigalpa there are 36 employees (six judges, seven secretaries, two psychologists, a coordinating judge, eight clerks, two social workers, two archivists, three receptionists, a driver, a secretary general, a member of security, and a person in charge of handling goods).

In Cortés, the Special Anti-Domestic Violence Court has 17 employees (three judges, three secretaries, one psychologist, one coordinating judge, four clerks, one social worker, one archivist, one secretary general, one person who assists members of the public, and a janitor).

**TABLE 12****PERSONNEL ASSIGNED TO THE JUDICIARY TO DEAL WITH CASES OF VIOLENCE OR ORGANIZED CRIME, PUBLIC PROSECUTOR'S OFFICE, 2014-2017**

Entity	# of Employees
Court of Criminal Appeals with National Jurisdiction over Extortion	9
Criminal Court with National Jurisdiction over Extortion in Tegucigalpa	12
Special Courts Against Domestic Violence (Francisco Morazán)	36
Special Courts Against Domestic Violence (Cortés)	17

*Source: Public Prosecutor's Office.*

It is worth mentioning that the judicial branch did not respond to a request for information on the budgets of the tribunals and courts that handle cases related to violence and organized crime.

## NATIONAL POLICE

In 2017, a new organizational structure for the police went into effect. Approved in 2016, the organizational chart kept the Minister of Security at the head of the institution and established four levels: Executive, Oversight, Auxiliary Support, and Operational.

In the operational area, a series of departments were created to tackle violence and organized crime, such as the National Directorate for Prevention and Community Security (Dirección Nacional de Prevención y Seguridad Comunitaria, DNPSC); the Police Investigations Department (Dirección Policial de Investigaciones, DPI); the National Directorate of Special Forces (Dirección Nacional de Fuerzas Especiales, DNFE); the National Anti-Drugs Police Directorate (Dirección Nacional Policial Antidrogas, DNPA); the Directorate of Police Intelligence (Dirección de Inteligencia Policial, DIPOL); and the National Directorate for Special Protection and Services (Dirección Nacional de Protección y Servicios Especiales, DNPSE).

According to official information, the DNPSC is the highest authority in terms of prevention, dissuasion, and control of crime and misdemeanors, implementing mechanisms and actions that seek to ensure citizen security, the free exercise of people's rights and liberties, and to maintain public order, peace, and peaceful coexistence.

The DPI began operations in 2016, replacing the National Directorate for Criminal Investigation (Dirección Nacional de Investigación Criminal, DNIC), which was eliminated due to corruption scandals. The DPI is in charge of proving the existence of a punishable act and identifying the victims and those responsible. Its purpose is to contribute the necessary evidence to the Public Prosecutor's Office so that it can carry out criminal proceedings, and it acts under the legal guidance of the Prosecutor's Office.

According to the information obtained, the DNFE is responsible for leading and taking security actions that require the intervention of special groups to maintain and reestablish public order. This Directorate includes the Special Response Team and Intelligence Troop (TIGRES), the Special Operations Command (Comando de Operaciones Especiales, COBRA), and the Riot Control Unit (Unidad Antimotines).

The DNPA is in charge of the prevention, eradication, and investigation of behavior linked to drug trafficking and related offenses. It is under the technical and legal direction of the Public Prosecutor’s Office and aims to contribute the evidence needed to carry out criminal proceedings.

Meanwhile, the DIPOL is charged with formulating strategies by gathering information and producing and sharing strategic, operational, and tactical intelligence and counterintelligence that can help guide institutional decision-making that affects public security as well as institutional integrity and stability.

Finally, the DNPSE is responsible for designing, advising, executing, and evaluating needs related to the protection of dignitaries, senior officials, current and former officials at special risk, diplomatic facilities, the environment, and cultural patrimony.

In addition, the National Police forms part of the National Interagency Security Force (FUSINA), which was created in 2014 on the orders of the CNDS. This entity is also composed of the Armed Forces, the DNII, the Public Prosecutor’s Office, and the judicial branch, and it has the objective of fighting common crime as well as organized crime. The FUSINA reports to the CNDS and is under its operational direction.

## Human resources

Before 2016, the DNIC was in charge of proving the existence of a punishable act and identifying the victims and those responsible. Its purpose was to contribute the necessary evidence to the Public Prosecutor’s Office so that it could carry out criminal proceedings, and it acted under the legal guidance of the Prosecutor’s Office. As a result of several corruption scandals, the DNIC was replaced by the DPI.

According to the information provided by the National Police, in 2014 and 2015, the DNIC had 1,456 and 1,430 members, respectively. In the DPI, which started operations in 2016, the staff numbered 1,747 and 1,996, respectively, during that year and 2017. These two institutions maintained a similar human resources structure. However, with the DPI, the number of police officers in the institution doubled, while the quantity of police auxiliaries declined.

From 2014 to 2017, the total number of personnel between the two periods (DNIC and DPI) grew by 37%. However, in 2017, the rate of police investigators per inhabitant was 1 for every 4,509 Honduran citizens. The number of police dedicated to investigating crime is below the quantity of members of the PMOP, which has 5,000 uniformed officers among its ranks.<sup>23</sup>

**TABLE 13**

**DNIC AND DPI STAFF, NATIONAL CIVILIAN POLICE, 2014-2017**

#	Human Resources	DNIC		DPI	
		2014	2015	2016	2017
1	Commissioner	1	1	0	0
2	Deputy Commissioner	4	9	7	9
3	Superintendent	3	3	5	12
4	Deputy Superintendent	22	8	18	14



5	Inspector	50	36	15	26
6	Services Inspector	0	0	0	6
7	Deputy Inspector	55	79	90	67
8	Deputy Services Inspector	0	0	5	0
<b>Total Staff at Officer Level</b>		<b>135</b>	<b>136</b>	<b>140</b>	<b>134</b>
9	Senior Non-Commissioned Officer	149	145	54	42
10	Non-commissioned Chief	83	70	35	30
11	Non-commissioned Subordinate	42	45	13	11
12	Third Class	20	16	8	9
13	Second Class	52	60	27	33
14	First Class	62	75	45	68
15	Police Officer	778	760	1358	1568
16	Technical Police	0	0	0	19
17	Logistics Services Police	0	0	0	0
<b>Total Staff at Basic Level</b>		<b>1,186</b>	<b>1,171</b>	<b>1,540</b>	<b>1,780</b>
18	Auxiliary Police	135	123	67	81
19	Total Auxiliary Police	135	123	67	82
<b>Total General</b>		<b>1,456</b>	<b>1,430</b>	<b>1,747</b>	<b>1,996</b>

*Source: National Police.*

## EFFECTIVENESS IN COMBATTING VIOLENCE AND ORGANIZED CRIME

### PUBLIC PROSECUTOR'S OFFICE

Based on the information provided by the Public Prosecutor's Office regarding crimes against life between 2014 and 2017, the Prosecutor's Office received 20,053 complaints of homicide, 1,042 of murder, 51 of parricide, and 123 of femicide.

In that four-year period, the Public Prosecutor's Office filed charges for 303 homicide offenses, 711 for murder, 44 for parricide, and 47 for femicide. It can be estimated, then, that 1.51% of homicide complaints were taken to court after charges were filed, 68.0% of murder complaints, 86.0% of parricide complaints, and 38.2% of femicide complaints.

**TABLE 14**  
**CRIMES AGAINST LIFE, 2014-2017**

Crime	Year	Complaints	Charges Filed
Homicide	2014	5,891	70
	2015	5,148	67
	2016	5,150	81
	2017	3,864	85
Murder	2014	270	188
	2015	254	190
	2016	292	177
	2017	226	156
Parricide	2014	13	10
	2015	13	8
	2016	15	11
	2017	10	15
Femicide	2014	14	7
	2015	43	17
	2016	36	11
	2017	30	12
<b>Total</b>		<b>21,269</b>	<b>1,105</b>

*Source: Public Prosecutor's Office.*

For crimes related to organized criminal activity, the Prosecutor's Office received 6,488 formal complaints between 2014 and 2017. Of these, 162 were related to kidnapping, 2,024 to extortion, 299 to human trafficking, 505 to illicit trafficking, 229 to money laundering, five to unlawful association, 2,775 to drug trafficking (including small-scale street dealing), 294 to the illegal manufacture and trafficking of weapons, and 195 to human smuggling.

This means that 42.7% of all the complaints were filed over drug trafficking, 31.2% for extortion, 7.8% for illicit trafficking, 4.6% for human trafficking, 3.5% for money laundering, 3.0% for

human smuggling, 2.5% for kidnapping, 4.5% for the illegal manufacture and trafficking of weapons, and 0.1% for unlawful association.

In that period, the Prosecutor's Office filed charges for 52 kidnapping offenses, 1,244 for extortion, 30 for human trafficking (between 2016 and 2017), 37 for money laundering (between 2014, 2015, and 2016), and 53 for the illegal manufacture and trafficking of weapons.

The Public Prosecutor's Office reported for this study that between 2014 and 2017, it had 25 cases under investigation for human smuggling and six related to the illegal manufacture and

trafficking of weapons. In addition, it had 17 money laundering cases in the trial stage, while

13 such cases had concluded with definitive dismissals and six via summary trials.

**TABLE 15**  
**ORGANIZED CRIME OFFENSES, 2014-2017**

Crime	Year	Complaints	Charges Filed
Kidnapping	2014	63	16
	2015	30	20
	2016	35	27
	2017	34	22
Extortion	2014	334	275
	2015	399	287
	2016	627	325
	2017	664	357
Human Trafficking	2014	54	n/d
	2015	59	n/d
	2016	75	8
	2017	111	22
Illicit Trafficking	2014	40	n/d
	2015	72	n/d
	2016	189	n/d
	2017	204	n/d
Asset Laundering	2014	26	11
	2015	52	14
	2016	97	12
	2017	54	MP database not updated with 2017 data
Illicit Association	2014	1	n/d
	2015	0*	n/d
	2016	0*	n/d
	2017	4	n/d
Drug Trafficking	2014	473	n/d
	2015	647	n/d
	2016	748	n/d
	2017	907	n/d

Manufacturing and Trafficking of Weapons	2014	49	8
	2015	85	21
	2016	95	1
	2017	65	22
Human Smuggling	2014	39	n/d
	2015	61	n/d
	2016	54	n/d
	2017	41	n/d
Total		<b>6,488</b>	<b>1,480</b>

Source: Public Prosecutor's Office.

\*In those years, the crime of illicit association was not reported.

Between 2014 and 2017, the Public Prosecutor's Office received 76,992 formal complaints over possible crimes committed against women. In 2014, 19,227 complaints were reported; 19,858,852 in 2015; 20,811 in 2016; and 17,096 in 2017. These complaints include possible cases of rape, sexual assault, physical violence, threats, lewd or lascivious behavior, coercion, statutory rape, sexual harassment, injury, unjust deprivation of liberty, abduction, attempted rape, domestic violence, and intrafamily violence.

Of all the complaints filed over crimes against women, 38.1% referred to domestic violence, 16.9% to physical violence, 16.2% to intrafamily

violence, 6.2% to sexual assault, 5.7% to sexual harassment, 4.2% to rape, 4.2% to attempted rape, 2.6% to threats, 1.8% to coercion, 1.2% to abduction, 0.8% to injury, 0.8% to unjust deprivation of liberty, 0.6% to lewd or lascivious behavior, and 0.5% to statutory rape.

It is worth mentioning that the Public Prosecutor's Office did not provide all the data on the charges filed for presumed offenses committed by organized crime. This hurts the analysis of its investigative effectiveness in relation to the number of complaints received.

**TABLE 16**

**COMPLAINTS FOR CRIMES AGAINST WOMEN, 2014-2017**

Crime	2014	2015	2016	2017	Total
Rape	848	851	786	745	3,230
Sexual Assault	1,198	1,155	1,205	1,197	4,755
Physical Violence	2,654	2,850	3,556	3,945	13,005
Threat	431	462	537	598	2,028
Lewd Behavior	59	97	142	196	494

Coercion	418	360	311	304	<b>1,393</b>
Statutory Rape	96	95	127	103	<b>421</b>
Sexual Harassment	1,305	1,362	1,354	394	<b>4,415</b>
Battery	109	86	94	343	<b>632</b>
Unjust Deprivation of Liberty	246	174	30	186	<b>636</b>
Abduction	253	238	230	192	<b>913</b>
Attempted Rape	848	851	786	745	<b>3,230</b>
Domestic Violence	7,778	8,261	8,514	4,812	<b>29,365</b>
Intrafamily Violence	2,984	3,016	3,139	3,336	<b>12,475</b>
<b>Total</b>	<b>19,227</b>	<b>19,858</b>	<b>20,811</b>	<b>17,096</b>	<b>76,992</b>

Source: Public Prosecutor's Office.

## JUDICIAL BRANCH

Between 2014 and 2017, the Courts of First Instance admitted 12,156 cases involving crimes against life and organized crime. Of that total, 6,209 referred to crimes against life and 5,947 to organized crime. In all, 5,603 cases (46.1%) were taken to the court.

In these Courts of First Instance, the number of cases admitted rose 55.6% over the four-year period under study. In that period, there were 2,869 convictions via summary proceedings, 2,522 definitive dismissals, 1,393 provisional

dismissals, 171 conditional suspensions, and trials were initiated in 3,969 of the cases. In the Central America Monitor's report on the judicial system, each of these legal concepts in the Honduran Criminal Procedural Code is explained.

Of 10,924 cases in the Courts of First Instance, 36.3% were sent to trial, 26.0% ended in conviction via summary trial, 23.0% in definitive dismissal, 12.7% in provisional dismissal, and 1.6% in conditional suspension.

**TABLE 17**

### CRIMES AGAINST LIFE AND ORGANIZED CRIME PROCESSED IN COURTS OF FIRST INSTANCE (JUDICIARY), 2014-2017

Cases	2014*	2015	2016	2017	Total
Cases Admitted	2,420	2,778	3,192	3,766	<b>12,156</b>
Convictions (summary trials)	562	572	698	1,037	<b>2,869</b>
Definitive Dismissals	530	528	574	890	<b>2,522</b>
Provisional Dismissals	315	350	312	416	<b>1,393</b>

Conditional Suspensions	44	25	45	57	<b>171</b>
Opening of Trial	936	849	959	1,225	<b>3,969</b>

Source: Public Prosecutor's Office.

\*No data was received for the crime of Money Laundering for 2014.

Meanwhile, the Courts of Sentence admitted 5,603 cases, which rose 18.3% from 2014 to 2017. Out of 5,008 of these cases, 61.6% ended

in conviction, 37.0% in acquittal, 0.8% in definitive dismissal, and 0.4% in provisional dismissal.

**TABLE 18**

**CRIMES AGAINST LIFE AND ORGANIZED CRIME PROCESSED IN COURTS OF SENTENCE (JUDICIARY), 2014-2017**

Cases	2014	2015	2016*	2017	Total
Cases Admitted	1,297	1,566	1,415	1,535	<b>5,603</b>
Convictions	789	670	757	868	<b>3,084</b>
Acquittals	563	414	418	469	<b>1,864</b>
Provisional Dismissals	18	1	0	1	<b>20</b>
Definitive Dismissals	28	5	2	5	<b>40</b>

Source: Judiciary.

\*No data was received for the crime of Money Laundering for 2016.

With regard to crimes against life, the Courts of First Instance admitted 6,209 cases, of which 36.6% were related to homicide, 1.0% to femicide, 42.3% to rape, and 20.0% to murder.

Out of 2,102 homicide cases, the Courts of First Instance handed down convictions via summary trial in 24.5% of them, granted definitive dismissal in 21.1%, provisional dismissal in 11.8%, conditional suspension in 1%, and opened the way for trial in 41.3% of these cases.

During this period, out of 40 femicide cases, 32.5% ended in conviction via summary trial, 2.5% in definitive dismissal, 7.5% in provisional dismissal, and 57.5% proceeded to trial.

Of 2,175 rape cases, 15.7% ended in conviction via summary trial, 20.0% in definitive dismissal, 21.3% in provisional dismissal, 1% in conditional suspension, and 41.9% were sent to trial.

Of 945 murder cases, 11.1% ended in conviction via summary trial, 9.8% in definitive dismissal, 14.4% in provisional dismissal, 0.4% in conditional suspension, and 64.2% were sent to trial.

This means that overall, with regard to the 5,263 cases of crimes against life that were being processed, the Courts of First Instance handed down convictions via summary trial in 18.5% of them, definitive dismissals in 18.5%, provisional dismissals in 16.1%, conditional suspensions in 0.9%, and sent 45.8% of them to trial.



**TABLE 19****CRIMES AGAINST LIFE PROCESSED IN COURTS OF FIRST INSTANCE (JUDICIARY), 2014-2017**

Homicide					
Cases	2014	2015	2016	2017	Total
Cases Admitted	463	567	572	672	2,274
Convictions (summary trials)	128	105	128	155	516
Definitive Dismissals	62	58	101	224	445
Provisional Dismissals	75	53	56	65	249
Conditional Suspensions	3	3	8	9	23
Opening of Trial	229	187	185	268	869
Femicide					
Cases	2014	2015	2016	2017	Total
Cases Admitted	8	22	13	22	65
Convictions (summary trials)	2	5	0	6	13
Definitive Dismissals	0	0	0	1	1
Provisional Dismissals	0	2	0	1	3
Conditional Suspensions	0	0	0	0	0
Opening of Trial	4	3	7	9	23
Rape					
Cases	2014	2015	2016	2017	Total
Cases Admitted	587	616	662	765	2,630
Convictions (summary trials)	82	69	90	102	343
Definitive Dismissals	101	87	84	164	436
Provisional Dismissals	109	131	98	126	464
Conditional Suspensions	8	4	6	3	21
Opening of Trial	241	182	224	264	911
Murder					
Cases	2014	2015	2016	2017	Total
Cases Admitted	281	283	434	242	1,240
Convictions (summary trials)	40	23	26	16	105
Definitive Dismissals	15	24	22	32	93
Provisional Dismissals	27	40	30	39	136
Conditional Suspensions	1	2	1	0	4
Opening of Trial	143	132	151	181	607

*Source: Judiciary.*

With regard to offenses related to organized crime, the Courts of First Instance admitted 5,947 cases related to extortion (17.7%), human trafficking (0.7%), money laundering (0.4%), unlawful association (9.0%), kidnapping (0.4%), and drug trafficking (71.7%).

With regard to extortion, 40.3% of the cases ended in conviction via summary trial, 4.4% in definitive dismissal, 6.8% in provisional dismissal, 1.0% in conditional suspension, and 47.4% were sent to trial.

With regard to human trafficking, 10.3% of the cases ended in conviction via summary trial, 34.5% in definitive dismissal, 24.0% in provisional dismissal, and 31.0% were sent to trial.

For the offense of money laundering, 66.7% of cases ended in definitive dismissal, 19.0% in

provisional dismissal, and 14.0% were sent to trial. Among the unlawful association cases, 0.9% ended in conviction via summary trial, 28.2% in definitive dismissal, 8.9% in provisional dismissal, 0.01% in conditional suspension, and trial proceedings were initiated in 14.8%.

With regard to kidnappings, 10.2% of cases ended in conviction via summary trial, 17.9% in definitive dismissal, 10.2% in provisional dismissal, and 61.5% were sent to trial. As far as drug trafficking cases are concerned, the Courts of First Instance handed down convictions via summary trial in 37.1% of them, granted definitive dismissal in 28.5%, provisional dismissal in 8.9%, conditional suspension in 2.8%, and ordered trial proceedings to begin in 22.6% of them.

**TABLE 20**

**ORGANIZED CRIMINAL OFFENSES PROCESSED IN COURTS OF FIRST INSTANCE (JUDICIARY), 2014-2017**

Extortion					
Cases	2014	2015	2016	2017	Total
Cases Admitted	219	240	267	328	1,054
Convictions (summary trials)	64	85	92	131	372
Definitive Dismissals	10	6	13	12	41
Provisional Dismissals	12	16	17	18	63
Conditional Suspensions	0	0	8	1	9
Opening of Trial	95	107	107	129	438
Human Trafficking					
Cases	2014	2015	2016	2017	Total
Cases Admitted	8	7	8	18	41
Convictions (summary trials)	0	0	1	2	3
Definitive Dismissals	1	2	2	5	10
Provisional Dismissals	1	1	2	3	7
Conditional Suspensions	0	0	0	0	0

Opening of Trial	2	2	1	4	9
<b>Asset Laundering</b>					
<b>Cases</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Cases Admitted	0*	10	9	7	26
Convictions (summary trials)	0*	0	0	0	0
Definitive Dismissals	0*	6	2	6	14
Provisional Dismissals	0*	1	2	1	4
Conditional Suspensions	0*	0	0	0	0
Opening of Trial	0*	2	0	1	3
<b>Illicit Association</b>					
<b>Cases</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Cases Admitted	118	137	144	137	536
Convictions (summary trials)	1	4	5	1	11
Definitive Dismissals	102	67	56	97	322
Provisional Dismissals	26	30	23	23	102
Conditional Suspensions	0	0	1	0	1
Opening of Trial	33	45	49	42	169
<b>Kidnapping</b>					
<b>Cases</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Cases Admitted	12	7	7	1	27
Convictions (summary trials)	2	1	0	1	4
Definitive Dismissals	2	2	1	2	7
Provisional Dismissals	3	0	0	1	4
Conditional Suspensions	0	0	0	0	0
Opening of Trial	11	5	1	7	24
<b>Drug Trafficking</b>					
<b>Cases</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Total</b>
Cases Admitted	724	889	1,076	1,574	4,263
Convictions (summary trials)	243	280	356	623	1,502
Definitive Dismissals	237	276	293	347	1,153
Provisional Dismissals	62	76	84	139	361
Conditional Suspensions	32	16	21	44	113
Opening of Trial	178	184	234	320	916

Source: Judiciary.

0\* The information for that year was not provided by the institution.

With regard to crimes against life, the Trial Courts admitted 3,157 cases, 36.4% of which were related to homicide, 1.0% to femicide, 34.4% to rape, and 28.0% to murder.

In the homicide cases, the Trial Courts handed down convictions in 58.8% of the cases, acquittals in 39.5%, provisional dismissal in 0.38%, and 1.2% of them received definitive dismissal. Among

femicides, 80.0% ended in conviction and 20.0% in acquittal.

With regard to cases of rape, 53.0% ended in conviction, 45.5% in acquittal, 0.6% in provisional dismissal, and 1.0% in definitive dismissal. In the case of murder trials, 60.3% ended in conviction, 38.6% in acquittal, 0.8% in provisional dismissal, and 0.2% in definitive dismissal.

**TABLE 21**

**CRIMES AGAINST LIFE PROSECUTED IN COURTS OF SENTENCE (JUDICIARY), 2014-2017**

Homicide					
Cases	2014	2015	2016	2017	Total
Cases Admitted	291	316	267	275	1,149
Convictions	246	173	187	190	796
Acquittals	191	108	118	118	535
Provisional Dismissals	5	0	0	0	5
Definitive Dismissals	13	2	0	3	18
Femicide					
Cases	2014	2015	2016	2017	Total
Cases Admitted	6	3	15	7	31
Convictions	0	2	2	4	8
Acquittals	0	0	1	1	2
Provisional Dismissals	0	0	0	0	0
Definitive Dismissals	0	0	0	0	0
Rape					
Cases	2014	2015	2016	2017	Total
Cases Admitted	277	262	270	278	1,087
Convictions	213	144	128	135	620
Acquittals	183	111	135	104	533
Provisional Dismissals	5	1	0	1	7
Definitive Dismissals	10	1	1	0	12
Murder					
Cases	2014	2015	2016	2017	Total
Cases Admitted	184	197	255	254	890
Convictions	55	89	107	130	381

Acquittals	41	60	63	80	244
Provisional Dismissals	5	0	0	0	5
Definitive Dismissals	0	1	0	0	1

Source: Judiciary.

With regard to offenses related to organized crime, the Courts of Sentence admitted 2,446 cases, 26.2% of which were related to extortion, 0.8% to human trafficking, 2.0% to money laundering, 15.0% to unlawful association, 4.8% to kidnapping, and 51.0% to drug trafficking.

Among the extortion cases, 73.3% ended in conviction and 26.7% in acquittal. With regard to human trafficking, 72.7% of cases ended in conviction and 22.3% in acquittal. And for money

laundering, convictions were handed down in 55.0% of cases while 45.0% ended in acquittal.

With regard to unlawful association, 47.8% of cases ended in conviction and 52.2% in acquittal. In kidnapping cases, convictions were handed down in 66.3% of them while 33.7% ended in acquittal. And in drug trafficking cases, 72.0% were convictions, 26.8% acquittals, 0.3% provisional dismissals, and 1.0% definitive dismissals.

**TABLE 22**

**ORGANIZED CRIME OFFENSES PROSECUTED IN SENTENCING COURTS (JUDICIARY), 2014-2017**

Extortion					
Cases	2014	2015	2016	2017	Total
Admitted	140	153	157	191	641
Convictions	38	66	107	98	310
Acquittals	19	31	8	55	113
Temporary Stay of Proceedings	0	0	0	0	0
Permanent Stay of Proceedings	0	0	0	0	0
Human Trafficking					
Cases	2014	2015	2016	2017	Total
Admitted	4	7	5	3	19
Convictions	0	2	1	5	8
Acquittals	0	0	0	3	3
Temporary Stay of Proceedings	0	0	0	0	0
Permanent Stay of Proceedings	0	0	0	0	0

Asset Laundering					
Cases	2014	2015	2016	2017	Total
Admitted	14	10	12	15	51
Convictions	-	4	2	5	11
Acquittals	-	3	4	2	9
Temporary Stay of Proceedings	-	0	0	0	0
Permanent Stay of Proceedings	-	0	0	0	0
Illicit Association					
Cases	2014	2015	2016	2017	Total
Admitted	71	93	97	108	369
Convictions	23	17	19	29	88
Acquittals	30	27	10	29	96
Temporary Stay of Proceedings	0	0	0	0	0
Permanent Stay of Proceedings	0	0	0	0	0
Kidnapping					
Cases	2014	2015	2016	2017	Total
Admitted	28	37	27	26	118
Convictions	19	8	14	18	59
Acquittals	11	3	6	10	30
Temporary Stay of Proceedings	0	0	0	0	0
Permanent Stay of Proceedings	0	0	0	0	0
Drug Trafficking					
Cases	2014	2015	2016	2017	Total
Admitted	282	278	310	378	1,248
Convictions	195	165	190	254	804
Acquittals	88	71	73	67	299
Temporary Stay of Proceedings	3	0	0	0	3
Permanent Stay of Proceedings	5	2	1	2	10

Source: Judiciary.



# ACRONYMS AND ABBREVIATIONS

<b>ATIC</b>	Technical Agency of Criminal Investigation
<b>BCH</b>	Central Bank of Honduras
<b>CAPRODEM</b>	Center for Attention to Women and Protection of Their Rights
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CEDIJ</b>	Electronic Documentation and Judicial Information Center
<b>CICESCT</b>	Interagency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons
<b>CIDH</b>	Comisión Interamericana de Derechos Humanos
<b>CIPLAFT</b>	Interagency Commission for the Prevention of Money Laundering and Terrorism Financing
<b>CNA</b>	National Anti-Corruption Council
<b>CNBS</b>	National Commission of Banks and Insurance
<b>CNDS</b>	National Defense and Security Council
<b>CNLCN</b>	National Council Against Drug Trafficking
<b>COBRA</b>	Special Operations Command
<b>CSJ</b>	Supreme Court of Justice
<b>CTF</b>	Technical Fiduciary Committee
<b>DGIC</b>	Dirección General de Investigación Criminal
<b>DIPOL</b>	Directorate of Police Intelligence
<b>DLCN</b>	Directorate for the Fight against Drug Trafficking
<b>DNFE</b>	National Directorate of Special Forces
<b>DNII</b>	National Intelligence and Investigation Directorate
<b>DNPA</b>	National Anti-Drugs Police Directorate
<b>DNPSC</b>	National Directorate for Prevention and Community Security
<b>DNPSE</b>	National Directorate for Special Protection and Services
<b>DPI</b>	Police Investigations Department
<b>ENDESA</b>	Demographic and Health Survey
<b>ENEE</b>	National Electric Power Company
<b>ERI</b>	Immediate Response Team
<b>FEDCV</b>	Special Prosecutor's Office for Crimes against Life
<b>FEM</b>	Special Prosecutor's Office for Women
<b>FEN</b>	Special Prosecutor's Office for Protection of Children
<b>FESCO</b>	Special Prosecutor's Office against Organized Crime
<b>FMM</b>	Myrna Mack Foundation

<b>FNA</b>	National Anti-Extortion Force
<b>FNAMP</b>	National Anti-Gang Force
<b>FUSINA</b>	National Interagency Security Force
<b>IACHR</b>	Inter-American Commission on Human Rights
<b>IAIP</b>	Institute for Access to Public Information
<b>IDB</b>	Inter-American Development Bank
<b>IHSS</b>	Honduran Institute of Social Security
<b>ILO</b>	International Labour Organization
<b>IUDOP</b>	University Institute for Public Opinion
<b>IUDPAS</b>	University Institute for Democracy, Peace and Security
<b>LTAIP</b>	Transparency and Public Information Access Law
<b>MACCIH</b>	Mission to Support the Fight against Corruption and Impunity in Honduras
<b>OABI</b>	Office for the Administration of Seized Assets
<b>OAS</b>	Organization of American States
<b>ONV</b>	National Violence Observatory
<b>PMOP</b>	Military Police of Public Order
<b>RNP</b>	National Registry of Individuals
<b>SIF</b>	Seattle International Foundation
<b>SNITdP</b>	National System of Information on Trafficking of People
<b>TIGRES</b>	Special Response Team and Intelligence Troop
<b>TSC</b>	Superior Court of Accounts
<b>UCA</b>	José Simeón Cañas Central American University
<b>UCLA</b>	Anti-Money Laundering Unit
<b>UIC</b>	Communications Intervention Unit
<b>UIF</b>	Financial Intelligence Unit
<b>UMVIBA</b>	Specialized Unit for Investigation and Prosecution of Violent Deaths in the Bajo Aguán
<b>WHO</b>	World Health Organization
<b>WOLA</b>	Washington Office on Latin America

# NOTES

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<sup>1</sup> “Honduras tiene la mayor tasa de homicidios del mundo, según la ONU”. El Mundo. Spain. 2012. <https://www.elmundo.es/america/2012/09/27/noticias/1348764878.html>

<sup>2</sup> “Homicide kills far more people than armed conflict, new UN study shows.” UN News. 2019. <https://news.un.org/en/story/2019/07/1041981>

<sup>3</sup> “Honduras es el país con más femicidios del mundo”. Telesur. 2014. <https://www.telesurtv.net/news/Honduras-es-el-pais-con-masfemicidios-del-mundo-20140829-0046.html>

<sup>4</sup> “El riesgo de ser mujer en Honduras”. Ariel Torres Funes. Oxfam. 2017. <https://honduras.oxfam.org/riesgo-de-ser-mujer-honduras>

<sup>5</sup> Bulletins of the National Violence Observatory (ONV), 2005–2019.

<sup>6</sup> Observatory of Women’s Violent Deaths and Femicides (*Observatorio de Muertes Violentas de Mujeres y Femicidios*). Results of an analysis from January–December 2017

<sup>7</sup> Ministry of Health, last Demographic and Health Survey (ENDESA 2011–2012).

<sup>8</sup> Source: National Violence Observatory, IUDPAS.

<sup>9</sup> “Honduras Elites and Organized Crime.” Insight Crime. <https://www.insightcrime.org/investigations/honduras-elites-and-organized-crime-series/>

<sup>10</sup> “Solicitudes de protección por amenazas ha sido mínima”. El Heraldo. 3/3/2020. <https://www.elheraldo.hn/sucesos/1360994-466/solicitudes-proteccion-amenazas-minimas>

<sup>11</sup> “El 80% de las narcoavionetas de América del Sur pasan por Honduras”. Diario Tiempo. 2/3/2017. <https://tiempo.hn/el-80-por-ciento-de-las-narco-avionetas-de-america-del-sur-pasan-por-honduras/>

<sup>12</sup> “La Seguridad en Honduras: Respuestas Equivocadas. Análisis de normas jurídicas emitidas por los gobiernos post Golpe de Estado”. Fernando García Rodríguez. 2017. *Fundación Friedrich Ebert*.

<sup>13</sup> Idem.

<sup>14</sup> Idem

<sup>15</sup> Legislative Decree 105–2011, published on July 8, 2011. Consulted at: <http://www.poderjudicial.gob.hn/juris/Leyes/Ley%20de%20Seguridad%20Poblacional.pdf>

<sup>16</sup> Its funds are capitalized through special contribution taxes or levies on the financial system, affecting amounts above 120,000 lempiras (\$4,800 dollars), with remittances exempted; from 1% of mobile communications’ gross monthly revenue; from 2% of mining export activity; from 0.5% of gross revenue from fast food outlets; from 1% of the total revenue of casinos and slot machines; and from 3.6% of the cooperative sector’s annual net surplus.

<sup>17</sup> “¿Para qué ha servido el todopoderoso Consejo Nacional de Defensa y Seguridad?” Criterio. Honduras. 2019. <https://criterio.hn/para-que-ha-servido-el-todopoderoso-consejo-nacional-de-defensa-y-seguridad/>

<sup>18</sup> “Solo 300 mil armas hay registradas en Honduras”. La Prensa. 2015. <https://www.laprensa.hn/honduras/877476-410/solo-300000-armas-hay-registradas-en-honduras-un-mill%C3%B3n-son-ilegales>

<sup>19</sup> Composed of 93 articles, the new law was approved with the participation of the Public Prosecutor’s Office, the National Banking and Insurance Commission (*Comisión Nacional de Bancos y Seguros*, CNBS), and the OABI.

<sup>20</sup> “OABI ya administra 4 mil bienes y 272 millones de lempiras en bancos”. La Prensa. 2018. <https://www.laprensa.hn/honduras/1152765-410/oabi-administra-bienes-narcotrafico-crimen>

<sup>21</sup> Team for Reflection, Research, and Communication (*Equipo de Reflexión, Investigación y Comunicación*). Public Opinion Survey. “Percepciones sobre la situación hondureña en el año 2013”. ERIC-SJ. El Progreso. January 2014, p.11.

<sup>22</sup> United Nations Convention against Transnational Organized Crime and the Protocols Thereto.

<sup>23</sup> “Honduras con déficit de más de 8000 agentes de la Policía”. El Heraldo. 2020. <https://www.elheraldo.hn/pais/1351975-466/honduras-con-d%C3%A9ficit-de-m%C3%A1s-de-8000-agentes-de-la-polic%C3%ADa>



## **ABOUT THE ORGANIZATIONS**

**THE UNIVERSITY INSTITUTE FOR DEMOCRACY, PEACE AND SECURITY (INSTITUTO UNIVERSITARIO EN DEMOCRACIA, PAZ Y SEGURIDAD, IUDPAS)** is affiliated with the Faculty of Social Sciences of the National Autonomous University of Honduras (UNAH). It was created to strengthen the research capacity of the UNAH, promote multidisciplinary in methodological theoretical approaches in the areas of security, public policies, city studies, democracy and development, issues related to youth, as well as to strengthen the competences of different university professionals.

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## **ABOUT THE PROJECT**

The Central America Monitor is a subregional project that seeks to assess the level of progress being made by the countries of Guatemala, Honduras and El Salvador in the areas of strengthening the rule of law, reducing violence, combating corruption and organized crime, and protecting human rights through the use of a series of indicators. The project also monitors and analyzes international cooperation programs in the aforementioned areas.

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