

Honduras



Introduction

Honduras is a republican state with a written legal tradition and power divided between the executive, legislative, and judicial branches. Its current Constitution dates to 1982. Civil society in Honduras has its roots in church groups and grassroots organizations (labor and peasant-based) that were established in the 1950s and began to flourish in the 1980s and 1990s when the concept of civil society in Honduras became part of national legislation. After Hurricane Mitch in 1998, civil society organizations (CSOs) grew in number, increased their activities, and began to coordinate their efforts because international funding was plentiful and the need was great.

Since the 1990s, civil society has made progress, despite a tradition of public indifference and the refusal of some in government to allow civil society to contribute to public policy discussions. CSOs have managed to increase the space for civic engagement with government at both the executive and legislative levels. After Hurricane Mitch in 1998, CSOs grew in number, increased their activities, and began to coordinate their efforts because international funding was plentiful and

the need was great. Today there are many laws that provide for civil society participation in governmental functions, either as consultants, implementers, or social service providers.

In 2009, Honduras experienced a political crisis that arose from a dispute over plans to amend the Constitution, which culminated in the forcible removal and exile of President Manuel Zelaya by the military. In November 2009, presidential elections were held, and Porfirio Lobo was sworn in on January 27, 2010. Honduras has remained deeply divided following the 2009-2010 political crisis and sharp divisions continued under Juan Orlando Hernández, who was sworn in as president in January 2014. Hernández was re-elected in 2017 despite there being no Constitutional amendment to allow for his re-election. The ruling that allowed for his re-election was issued by the Constitutional Court of the Supreme Court of Justice. Various political and civil society actors never recognized the legitimacy of his re-election.

In 2011, Honduras also approved the Special Law for Non-Governmental Development Organizations (NGO-Ds) by Legislative Decree No. 32-2011 of June 27, 2011. This law was discussed with leading national NGO-D networks, especially with the Federation of Private Organizations of Honduras (FOPRIDEH). This law conforms closely to international standards of freedom of association and the exercise of rights by civic organizations. On June 4, 2013, Executive Accord 65-2013 was published in the official journal “La Gaceta” and contains the Regulations of the NGO-D Law.

The administration headed by Juan Orlando Hernández made several management changes to the Unit for Registering and Monitoring Civil Associations (URSAC), purportedly in an effort to modernize it. In addition, in 2018 the “ventanilla única (unique window)” was opened, which is an office specialized in the registration of civic associations that support vulnerable groups. (Since 2019, URSAC has been renamed Dirección de Registro y Seguimiento a las Asociaciones Civiles ([DIRSAC](#))).

The Tax Administration Service has also introduced measures that treat CSOs as for-profit companies, resulting in the closure of many CSOs due to high administrative costs. In addition, corruption scandals have arisen involving public officials using public funds to create CSOs for illegal purposes. This has necessitated a review of the legal framework and control systems for the creation and operation of Honduran CSOs.

On November 28, 2021, Xiomara Castro de Zelaya, the wife of former President Manuel Zelaya of the Left Party Libertad y Refundación (LIBRE), was elected president. Roughly 70% of all voters went to the polls. This new era of political participation demonstrated that the Honduran people rejected political corruption, mismanagement of the COVID-19 pandemic, and the nexus between drug trafficking and politics.

In the next four years, the administration will likely prioritize combatting corruption and drug trafficking and promoting social investment, given the high levels of poverty that affect 70% of the population. Other areas that may be prioritized will be education and health and responses to natural disasters, several of which have occurred in recent years.

At a Glance

Organizational Forms	Foundations and Associations
Registration Body	Dirección de Regulación, Registro y Seguimiento de Asociaciones Civiles (DIRSAC). Secretaría de Gobernación, Justicia y Descentralización.
Approximate Number	9,865

Barriers to Entry	None.
Barriers to Activities	The current legal framework gives the government significant power and discretion to supervise the activities of organizations. In addition, the taxes paid by CSOs are the same as those paid by for-profit companies.
Barriers to Speech and/or Advocacy	None.
Barriers to International Contact	None.
Barriers to Resources	Sustainability is a serious problem for many organizations due to lack of resources.
Barriers to Assembly	Excessive restrictions on places where assemblies can be held and excessive penalties for violations of assembly regulations.

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Key Indicators

Population	9,346,277 (July 2021 est.)
Capital	Tegucigalpa
Type of Government	Democratic Constitutional Republics (power divided into executive, legislative, and judicial branches)
Male: 69.5 years Female: 72.9 years (2017 est.)	
Literacy Rate	Male: 88.9% Female: 89% (2017 est.)
Religious Groups	Roman Catholic: 46%; Protestant: 41%
Ethnic Groups	Mestizo (mixed Amerindian and European): 90%; Amerindian: 7%; black: 2%; white: 1%
GDP per capita	\$5,728 (2019 est.)

Source: [The World Factbook](#). Washington, DC: Central Intelligence Agency.

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International Rankings

Ranking Body	Rank	Ranking Scale (best – worst possible)
UN Human Development Index	138 (2023)	1 – 193
World Justice Project Rule of Law Index	119 (2023)	1 – 142
Transparency International	157 (2023)	1 – 180
Freedom House: Freedom in the World	Status: Partly Free Ranking: Partly Free Political Rights: 22 Civil Liberties: 26 (2024)	Free/Partly Free/Not Free 1 – 40 1 – 60
Foreign Policy: Fragile States Index	56 (2023)	179 – 1

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Legal Snapshot

International and Regional Human Rights Agreements

Key International Agreements	Ratification*	Year
International Covenant on Civil and Political Rights (ICCPR)	Yes	1997
Optional Protocol to ICCPR (ICCPR-OP1)	Yes	2005
International Covenant on Economic, Social, and Cultural Rights (ICESCR)	Yes	1981
Freedom of Association and Protection of the Right to Organize Convention	No	—
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	Yes	2002
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	Yes	1983
Optional Protocol to the Convention on the Elimination of Discrimination Against Women	No	—

Convention on the Rights of the Child (CRC)	Yes	1990
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)	Yes	2005
Convention on the Rights of Persons with Disabilities (CRPD)	Yes	2008
Regional Treaties		
American Convention on Human Rights	Yes	1977
Additional Protocol to the Convention on Human Rights in the Area of Economic, Social, and Cultural Rights “Protocol of San Salvador”	No	—

* Category includes ratification, accession, or succession to the treaty

Constitutional Framework

The Constitution of the Republic of Honduras establishes, among other things, citizens’ freedom of association and inalienable right to assemble (so long as those rights do not contravene the “public order and good custom”). It confers to the President of the Republic the authority to grant juridical personality to “civil associations, in conformity with the law.” The relevant Constitutional provisions include:

- Participatory Democracy (Article 5):** The government must be based on the principle of participatory democracy and national integration, which implies participation of all political sectors in the public service, in order to ensure and strengthen the progress of Honduras based on the political stability and in national conciliation. In order to strengthen and operate the participatory democracy there are mechanisms of consultation of citizens in referenda and plebiscite for matters of vital importance in national life. A special law approved by two thirds of the totality of the members of the National Congress, determine the procedures, requirements and other aspects needed for the exercise of the popular consultations. The referendum will convene on an ordinary law or a constitutional rule or its reform adopted for its ratification or disapproval by the citizenship. The plebiscite will convene requesting of citizens a pronouncement on constitutional, legislative or administrative, on which the Authorities Constituted have not taken any prior decision. On the initiative of at least ten (10) Members of the National Congress, the President of the Republic in Council resolution of Secretaries of State or 6 percent (6%) of citizens, entered in the National Electoral Census, empowered to exercise their right to vote, through their signatures and thumbprints duly noted by the Rostrum Supreme Electoral Council, the National Congress hear and discuss such requests, and if the approved with the affirmative vote of the two thirds of the totality of its members; adopt a Decree that will determine the ends of the consultation, ordering the Supreme Electoral Tribunal, to convene, organizing and directing the consultations to the citizens identified in the preceding paragraphs. The exercise of the vote in the consultations citizens is mandatory. It will not be subject to referendum or plebiscite projects aimed at reforming the article 374 of the Constitution. It also may not be used these consultations on matters relating to tax matters, public credit, amnesties, national currency, budgets, treaties and conventions and social achievements. The Supreme Electoral Tribunal reports in a period of no more than ten (10) days to the Congress Nacional the results of these consultations. The result of the consultations citizens will have obligatory compliance: (A) If involving at least the fifty-one percent (51%) of

citizens registered in the National Voter at the time to be practiced the consultation; and(B) If the affirmative vote majority of valid votes.If the result of the vote is negative, the consultation on the same themes may not take place in the next period of the Government of the Republic. The National Congress orders the entry into force of the rules only as a result of the consultation through constitutional procedure of validity of the law. The presidential veto is not applicable in cases of consultation through referendum or plebiscite. Accordingly, the President of the Republic orders the enactment of the rules adopted.

- **Principle of Freedom (Article 61):** The Constitution guarantees to Hondurans and foreigners resident in the country, the right to the sanctity of life, to the individual security, to freedom, equality before the law and property.
- **The principle of Free Speech (Article 72 and 74):** The issuance of thought is free by any means of disseminating, without prior censorship. They are responsible to the law not to abuse this right and by means direct or indirect restrict or prevent the communication and circulation of ideas and opinions.... The right of issuing thought by indirect methods or means may not be restricted, such as the abuse of official controls or individuals of the material used for printing of newspapers; of the frequencies or belongings or apparatus used to disseminate information.
- **Principle of Freedom of Association and Assembly (Article 78, 79, 302):** Freedoms of association and assembly are guaranteed provided that they are not contrary to public order and to the morality....Everyone has the right to meet with others, peacefully and unarmed, in public demonstration or assembly, in connection with their common interests of any kind, without the need to notice or special permit.... For the sole purpose of ensuring the improvement and development of communities, citizens have the right to freedom of association in Sponsorship, to establish Federations and confederations.
- **Right of Petition (Article 80):** Any person or persons' association has the right to submit requests to the authorities either on the grounds of particular interest or general and to obtain a prompt response in the legal limit.
- **Legal Defense (Article 82):** The right of defense is inviolable. The inhabitants of the Republic have free access to the courts to exercise their stock in the form that brought the laws.

National Laws and Regulations Affecting Sector

Honduras does not have a specific law governing every aspect of civil society. Instead, the laws and regulations governing CSOs are scattered throughout Honduran jurisprudence.

The key laws affecting CSOs in Honduras include:

The Civil Code includes in its list of judicial persons “associations and foundations of public interest, recognized by the law.” The Code also notes that legal personality begins in the instant in which the association is validly established, and that the civil capacity of associations is regulated by their statutes, subject to approval by the Executive Government.

The Administrative Procedures Code grants to the Ministry of Governance and Justice the authority “to grant judicial personality to civil and political associations and foundations of public interest recognized by the law, and to approve their statutes or regulations of the institution.” The procedure adopted by the Ministry of Governance and Justice is relatively simple, requiring the submission of basic documents.

Special Promotion Law for Non-Governmental Development Organizations (the “NGO–D Law”). In July 2011, President Lobo signed the Special Promotion Law for Non-Governmental Development Organizations (the “NGO-D Law”). CSOs hope that the NGO-D Law will improve the operating environment for civil society in Honduras. Among the more favorable provisions:

- Organizations applying for legal personality may only be denied registration if they fail to comply with clearly defined requirements that largely conform to international best

practices. This change imposes limits on the discretion of Ministry officials, who had previously denied legal personality to organizations such as those working with HIV-positive individuals.

- CSO sustainability is promoted by unambiguous provisions authorizing organizations to engage in economic activities, including the sale of goods and services.
- CSOs will be regulated by one clearly drafted framework law rather than an unwieldy collection of codes and highly discretionary laws that confused organizations, leading to both poor compliance and inconsistent oversight.
- Standards for internal governance, transparency and avoidance of conflicts of interest crafted by CSOs will enhance the legitimacy of the sector.
- A new Liaison Commission will create a formal mechanism for CSO-Government collaboration.

Executive Accord 65-2013, which contains the Regulations of the Law on Non-Governmental Development Organizations (NGO). In Article 245, President has the power to “grant legal status to civil associations in accordance with the law.”

Procedure for the Submission and Registration of NGOs (Acuerdo 441 2016), which improves the procedure for the registration of Civil Associations, establishes a simple and cost-effective online re-registration system with a password for free access, and allows each organization to establish its own form of government and administration.

Law to Regulate Private Development Organizations dedicated to Financial Activities. This law regulates the activities of the financial private development organizations (OPDs in Spanish) that provide credit loans. It governs what these organizations can and cannot do with regard to internal governance, investment, and other operational activities. The law also establishes that OPDs must be independently audited on an annual basis and registered with the National Banking and Insurance Commission (Comisión Nacional de Banca y Seguro). Organizations seeking OPD status must be solely dedicated to financial development activities.

The Law of the National Convergence Forum Created a national space for dialogue between State representatives and “authorized representatives” of civil society.

Presidential Decree CPSC created the Civil Society Participation Commission, and defines its membership and mission.

The Tax Code, which establishes a “monotributario”, or single tax, that provides equal treatment for CSOs and churches and means that the government now recognizes that CSOs and churches both have not-for-profit purposes.

Other Laws affecting CSOs:

The **Labor Code** contains regulations on forming and managing workers’ unions and management unions.

The **Law for State Modernization** created the Presidential Commission for the Modernization of the State, comprised of representatives from business guilds, workers’ confederations, and other civil society organizations.

Law for the Social Sector of the Economy and Law of Cooperatives

Although the latter has partly replaced the former, both define what cooperatives and other associative businesses can work on.

The **Law of the Consumer** provides a definition for consumer organizations.

The **Law of Municipalities and its Regulations** defines the local councils as the natural organizational structure at the municipal level, and establishes how they are organized, function, and registered. It also provides for the possible association of municipalities.

Law Creating the Consultative Committee to Implement the Poverty Reduction Strategy

Laws that give consultative or executive roles to CSOs:

The **Law of the Public Ministry, and Regulation of the Citizen Council** creates the Citizen Council, made up on civil society organizations, to consult with and support the Public Ministry.

The **Law against Domestic Violence** anticipates government and civil society cooperation in implementing this law. It also calls for the creation of the Inter-institutional Commission to follow up on the law's implementation.

The **Organic Law of the Human Rights Commission, and its Regulations** establishes the possibility of the Commission's signing agreements with CSOs to do joint projects.

The **Organic law of the Police** institutionalizes civil society's participation through the National Council on Domestic Security (Consejo Nacional de Seguridad Interior (CONASIN))

The **Law Creating the Honduran Institute of Childhood and the Family** creates a Consultative Council that has representatives from guilds and professional associations, and CSOs that work with children, adolescents, and families.

The **Law Creating the National Institute of the Woman** creates a Council of Directors comprised of civil society representatives from several ethnic organizations, and among others, the Association of Peasant Women.

The **Equal Opportunity for Women Law** dedicates various articles to government and civil society's joint responsibility when it comes to ensuring equal opportunities in jobs and social security, and equal opportunities in participation and decision-making systems in the power structure. Article 79 establishes the duty of the State to incorporate women's organizations in spaces for State, municipal, and community participation. Article 80 makes civil society responsible for promoting equal participation of women in the decision-making processes of community groups, non-governmental organizations, unions, cooperatives, professional and other guilds, until the Boards of Directors have equal participation.

The **Law of Nomination of Justices to the Supreme Court** anticipates the participation of civil society delegates on the Supreme Court Justice Nominating Board.

Other laws have called for the creation of democratic institutions to incorporate civil society. CSOs would participate in ways like electing members or help manage the entity. This is the case with the Public Ministry, National Human Rights Commission, and the Offices of the Attorney General for Women, Ethnic Groups, Childhood, Consumers, Human Rights, and Environment.

In addition, the **Act Strengthening Income, Social Equity and Rationalization of Public Expenditure (Decree 17-2010)** and **Tax Equity Law (Decree 51-2003)** affect CSOs (see the "Public Benefit Status" section below in this report for more details).

Pending NGO Legislative / Regulatory Initiatives

1. The draft Decentralization Law would provide additional powers to municipalities to decide on aspects of law affecting their territories. Within the new framework, CSOs would promote the development and enforcement of rights. It is currently being discussed in Congress.

2. The government of Xiomara Castro through the LIBRE party introduced a bill in September 2022 called the "National Roundtable for Citizen Participation." It aims to restrict spaces where civil society has historically participated, such as the National Convergence Forum (FONAC) and the National Anticorruption Council, whose directors both disagree with the opinions of the current government.

3. The draft Tax Justice Law, which aims to regulate the payment of taxes by CSOs as if they were commercial companies, is currently being [discussed](#) in the National Congress.

We are unaware of any other pending legislative/regulatory initiatives affecting NGOs. Please help keep us informed; if you are aware of pending initiatives, write to ICNL at ngomonitor@icnl.org.

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Legal Analysis

Organizational Forms

Honduran laws make reference to various forms of organizations: Private Development Organizations (OPDs in Spanish), Non-Profit Organizations (OSFLs in Spanish), Nongovernmental Organizations (ONGs and ONGDs – development ONGs), Civil Associations, and most recently, Civil Society Organizations (CSOs). [For purposes of this report, the term “civil society organization” or “CSO” is intended to refer to all previously listed forms and not more narrowly to the organizational form defined as a CSO.]

However, the Civil Code (Articles 56 and 58) only recognizes as legal persons two forms of organizations, that is, associations and foundations. For registration purposes, the government includes within the concept of civil association “any form of association, institution, organization or foundation whose grant or cancellation of legal personality belongs to the President of the Republic itself or through the Secretary of State at the Ministry of Interior and Justice.” (Regulations of the Registry and Tracking Unit of Civil Associations Art. 6; Ministerial Decree No. PCM-024-2002. Government Gazette, 5/9/2003)

In order to gain simple legal status, an organization must present an application, power of attorney, articles of incorporation, bylaws, copies of the board members’ identity cards, and a 10-lempira stamp to the authorities. In most cases, the application is made to the Ministry of Interior and Justice.

Public Benefit Status

Honduran laws do not make a clear distinction between mutual benefit organizations and public benefit organizations.

Indeed, the tax framework did not clearly distinguish between CSOs and businesses. According to the national taxation framework regulations, CSOs had to pay tax on all their activities and services as if they were businesses. The legal framework consisted of the Act Strengthening Income, Social Equity and Rationalization of Public Expenditure (Decree 17-2010) and Tax Equity Law (Decree 51-2003).

In July 2016, however, representatives of the CSO and business sectors and the government reached an agreement regarding the new Tax Code, which will enter into force in January 2017. The New Tax Code establishes a “monotributario”, or single tax, that provides equal tax treatment for CSOs and churches. This means that the government has recognized that CSOs and churches both have not-for-profit purposes. Under the previous Tax Code, in contrast, CSOs were treated as if they were companies for tax purposes. The Federation of Private Organizations of Honduras (FOPRIDEH) had engaged in dialogue with the government on the national taxation framework in order to encourage the government to recognize that CSOs do not pursue commercial purposes and therefore should be treated distinctly in the tax framework. FOPRIDEH’s efforts appear to have succeeded.

Public Participation

The Constitution, in Article 5, envisions mechanisms of citizen consultation in the form of referenda and plebiscite. (For more information, please see “Constitutional Framework” section above.) Decree 135-2009 regulates plebiscites and referenda in more detail. Significantly, after 2011, the force of law was given to all matters submitted to referenda and plebiscites.

In addition, other national legislation and regulatory measures provide spaces for citizen consultation. Among others, examples include:

- The Law of the National Convergence Forum;
- Presidential Decree on the Civil Society Participation Commission;
- The Law of Municipalities and its Regulations;
- The Organic Law of the Human Rights Commission, and its Regulations;
- National Anti-Corruption Council Law; and
- Special Promotion Law for Non-Governmental Development Organizations (NGDOs).

(For more information, please see “National Laws and Regulations Affecting Sector”)

In practice, however, mechanisms for participation are rarely used. As a result, laws are passed without citizen consultation, including on environmental issues, while acts of corruption and other abuses of power occur without sufficient citizen oversight. On the one hand, political parties have no interest in using these mechanisms. On the other hand, CSOs have not pushed for the systematic use of these mechanisms.

In this context, however, the Special Promotion Law for NGDOs is the most widely used of all mechanisms, and some municipalities also use open councils to make decisions of local interest. Notably, the Municipalities Law establishes a mechanism called the “cabildo abierto” through which the mayor consults citizens on issues of local interest.

Barriers to Entry

Honduran CSOs have historically operated without the benefit of a “framework” law that provides the basic conditions for establishing a CSO as a legal person and regulating its operations. The NGO-D Law and its Regulation, however, now provide legal certainty to NGO-Ds by establishing a closed list of requirements for obtaining and maintaining legal personality. Therefore, current government authorities in charge of granting legal personality to CSOs cannot exercise unfettered authority in the same ways as in the past.

In late 2015, a national debate arose among CSOs about the large-scale registration of evangelical churches in the Unit for Registering and Monitoring Civil Associations (URSAC). Various CSO networks requested that the government allow evangelical churches to come to register an umbrella body as the “Evangelical Fellowship of Honduras.” The Government of Honduras, however, refused to register the organization, because the NGO-D Law expressly prohibits the registration of churches (Article 2).

More recently, the administration of President Hernández made several management changes to URSAC, purportedly in an effort to modernize it. In 2018, URSAC opened the “ventanilla única (unique window)”, which is an office specialized in the registration of civil associations that provide support programs for vulnerable groups. It did not replace URSAC, but complemented it in the hope that it could help URSAC strengthen its mandate to register and monitor CSOs. Since 2019, URSAC has been renamed Dirección de Registro y Seguimiento a las Asociaciones Civiles (DIRSAC).

Barriers to Operational Activity

Honduran CSOs have historically operated without the benefit of a “framework” law that provides the basic conditions for establishing a CSO with legal personality and for regulating CSO operations. The NGO-D Law and its Regulations, however, provide legal certainty to NGO-Ds by establishing a specific list of requirements for obtaining and maintaining legal personality. Therefore, current government authorities in charge of granting legal personality to CSOs cannot exercise unfettered authority in the same ways as in the past.

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Law 288-2021 was approved on July 31, 2021. The new law requires that all CSOs regulate their internal governance, including the term limits of each position, the method of election of leaders, the election of the board of directors and other governing bodies, and the way statutes are revised, among other matters. The law has proved controversial as it was enacted without the benefit of any consultations with civil society.

Barriers to Speech / Advocacy

There are currently no significant restrictions on the right to speech and advocacy. However, the practice of using “ghost” organizations or foundations has greatly affected the credibility of the sector. Such “ghost” organizations have been in the registry database for many years, but do not appear to currently have any activities or headquarters and around 300 of them have come under suspicion from the Public Ministry for having ties to organized crime.

In addition, civil society analysts have expressed concern with Decree No. PCM 023-2022, which became law in January 2022 and created the General Directorate of Information and Press. It is considered an attempt to further control the media at the national level.

Barriers to International Contact

There are no barriers to international contact. However, see the “barriers to resources” section below.

Barriers to Resources

Sustainability is a major issue for Honduran CSOs. Their survival depends to a large extent on foreign funding that is steadily decreasing; the scarcity of available funds is a problem for the entire sector. As a result, CSOs have been forced to seek other avenues of support. Although there have not been significant legal barriers to resources, humanitarian assistance organizations have had serious problems introducing aid to those affected by the COVID-9 pandemic and natural disasters. Instead of cooperating with CSOs, the government collects taxes and restricts donations received from abroad under authority of the Ministry of Finance and Administration and Income Services (SAR). This has been denounced nationally and internationally by the Federation of Private Organizations of Honduras (FOPRIDEH) and several international organizations operating in Honduras.

Barriers to Assembly

The Constitution of Honduras (Decree 131, January 11, 1982) guarantees the right to freedom of assembly in two articles:

Article 78: *The freedoms of association and assembly are guaranteed provided they are not contrary to public order and morality.*

Article 79: Everyone has the right to meet with others peacefully and unarmed, in a public meeting or an informal gathering, in connection with their common interest of any nature, without notice or special permission.

Outdoor gatherings that are political in nature may be subject to a special permit system for the sole purpose of ensuring public order.

Article 15 also states that “the State of Honduras endorses the principles and practices of international law,” and Article 16 states that “once international agreements are approved they are part of the domestic law.” Moreover, Article 18 of the Constitution provides that “in Honduras if conflict arises between the law and a treaty, the treaty prevails.” Thus, Honduran law guarantees freedom of assembly in as broad terms as Article 21 of the International Covenant on Civil and Political Rights (ICCPR).

There is no specific legislation regulating the right of assembly itself, but there are relevant provisions in the following Acts:

- Law on Police and Social Affairs;
- Municipalities Act;
- Traffic Act; and
- Electoral and Political Organizations Act.

Legal barriers to the freedom of assembly include the following:

Advance Notification

A notification before holding an assembly in a public place is required 72 hours in advance. The notification must be submitted to local governments to enable authorities to prepare for traffic and the use of the public space. The notification must include the name of the institution or group of persons calling the meeting, the organizers that support implementation of the meeting, and a declaration to comply with the law regarding the use of no weapons, no rioting or disrupting the free movement of citizens. The organizer must reveal the names of the participants in the assembly. Despite the advance notification requirements, spontaneous assemblies are allowed based on Article 79 of the Constitution.

Time, Place and Manner Restrictions

Article 150 of the Electoral Act states that political meetings: “4) cannot be within two hundred (200) meters of bridges, intersections of roads, places of worship, fire stations, Red Cross, hospitals, police departments and schools. Those who contravene the provisions of the first paragraph of this article shall be punished by a fine of four (4) to ten (10) times the minimum wage.”

There are also restrictions on the use of loud speakers near hospitals, schools and churches.

Grounds for Dispersal

According to Article 51 of the Law on Police and Social Affairs:

The police may disperse protest groups in roads, bridges, buildings and facilities affecting public services where they prevent the free movement or access or to counteract public order, morality and decency and damage public and private property.

Article 52 goes on to state:

In the event that the public peace is jeopardized or public safety with weapons or other means of violent action, or free transit is hindered, the police may dissolve the assembly or demonstration and remove obstacles.

Article 60 underscores that the exercise of assembly and public demonstration “should be prohibited when it will affect the free movement and rights of others.”

Excessive Penalties

The Penal Code, Article 331 states that “convening any unlawful assembly or demonstration” is “punishable by imprisonment of two (2) to four (4) years and a fine of thirty-thousand to sixty thousand lempiras (approx. \$1500 to \$3000).

COVID-19’s Impact

Since March 21, 2020, Honduras has been in a state of humanitarian emergency under Decree 23-2020, which was issued by the President. This Decree limits freedom of assembly and movement at the national level. It also regulates all commercial activities, entrance into and departure from the country, and police, health, and military affairs. Throughout 2021, Honduras has maintained meeting bans when there are more than 12 people.

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Reports

UN Universal Periodic Review Reports	November 2010, May 2015, and November 2020
Reports of UN Special Rapporteurs	Honduras
USIG (United States International Grantmaking) Country Notes	Not available
U.S. State Department	2023 Country Reports on Human Rights Practices (Honduras)
Fragile States Index Reports	Foreign Policy: Fragile States Index
IMF Country Reports	Honduras and the IMF
International Commission of Jurists	Not available
International Center for Not-for-Profit Law Online Library	Honduras

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News and Additional Resources

While we aim to maintain information that is as current as possible, we realize that situations can rapidly change. If you are aware of any additional information or inaccuracies on this page, please

keep us informed; write to ICNL at ngomonitor@icnl.org.

General News

Environmental Defenders Still under Siege (October 2024)

Juan López was gunned down on September 14. An environmental activist, community leader and member of the Municipal Committee in Defence of the Commons and Public Goods of Tocoa, he was the latest victim of extractive greed in Honduras. Communities protecting the rivers that flow through the Bajo Aguán region have seen several of their leaders assassinated.

Transparency International Condemns Statements by Authorities in Honduras (February 2024)

Transparency International condemns recent statements by authorities in Honduras directed at us and our chapter, the Association for a More Just Society (ASJ), following the publication of the 2023 Corruption Perceptions Index (CPI). Instead of responding by redoubling efforts to address the root causes of corruption in the country, the government has resorted to defaming our national chapter and the CPI methodology.

Anti-Corruption Efforts in Honduras Are Gaining Steam (August 2023)

Efforts to establish an anti-impunity body in Honduras are slowly advancing more than one year after President Xiomara Castro first promised to combat corruption. On July 9, experts from the United Nations arrived in Honduras to assess the viability of the body, which has become known as the International Commission Against Impunity in Honduras (CICIH).

Honduran Government to file new tax reform before the National Congress (March 2023)

The Honduran Government announced that it will file before the National Congress the “Bill on Tax Justice,” which would significantly reform the current tax system. One of the main provisions would “add a worldwide income taxation principle that would tax all the local source and foreign source income, obtained by Honduran natural or legal persons, residents or domiciled, originated from the work or capital, or a combination of both.”

C-Libre Calls on Government to Repeal PCM (October 2022)

The Committee for Free Expression (C-Libre) called on the Government to immediately repeal PCM 023-2022, while demanding unrestricted respect for freedom of expression. In a statement C-Libre indicated that Decree No. PCM 023-2022 was published in the official newspaper, La Gaceta, and creates a directorate attached to the Secretariat of Strategic Planning that would establish at least four practices harmful to the freedom of the press and of expression.

Honduras Seeks to Install National Table for Citizen Participation (October 2022)

The National Table for Citizen Participation is proposed as bill to create a “national body for open dialogue, participation, and agreement between the various sectors of society, which will serve as support for the preparation and execution of policies and the actions of the Government of the Republic.” However, in the last 15 years, the reduction of civic and democratic spaces has been evident in Honduras due to, first, the co-optation by the state of civil society and, second, more and more civic spaces are restricted so that society cannot truly express itself.

Two Arrested for Massive COVID Hospital Fraud (April 2021)

One year after the Honduran government paid \$47 million for seven mobile hospitals to expand its bed space for the COVID-19 pandemic, only two are in use and two former government officials involved in their purchase are jailed on fraud charges. The purchase of the hospitals — shipping containers outfitted for medical use that can be connected and configured to operate as field hospitals — has become Honduras’ greatest pandemic-related scandal.

Honduras After the Hurricanes: A Disaster that Demands Help (April 2021)

Hurricane Eta occurred on November 3, 2021, generating heavy rains, flooding and landslides. In the affected countries, Guatemala and Honduras, more than 250 people lost their lives. Approximately two weeks later, Hurricane Iota hit the region. Both hurricanes challenged the

countries' populations, destroying houses and infrastructure and causing hunger as they flooded many agricultural fields. The northern part of Honduras suffered the worst impacts in all of the region and requires outside help.

Foprideh demands transparency, honesty and effectiveness in responding to COVID-19 (April 2020) *(Spanish)*

FOPRIDEH considers it imperative that all the actions promoted to respond to the emergency resulting from the COVID-19 pandemic be developed on the basis of systems of accountability, transparency, and citizen oversight in order to guarantee the correct use and dispensing of public funds assigned to this health emergency.

A Pandora's box of corruption in Honduras (August 2019)

Univision News' investigation shows systematic embezzlement of public funds by politicians using nonprofits to launder money, implicating top officials including members of the family of President Juan Orlando Hernández.

International NGOs in Honduras Ask Government to End Abuses (June 2019)

In recent weeks, Honduran security forces have killed and injured teachers, students, health workers and other Honduran citizens protesting the cuts in health and education systems. In many other incidents across the country, security forces have injured protesters firing bullets and the indiscriminate use of tear gas. This repression must stop right now.

The Ministry of Finance Audits Registered NGOs to Receive Public Funds (June 2019)

Only six of approximately 51 non-governmental organizations (NGOs) have complied and obtained proof of suitability for receiving disbursements, according to a report issued by the Ministry of Finance (Sefin).

President of FOPRIDEH Prepares Proposal to Refine NGO registry (June 2019)

The president of Foprideh, Amanda Madrid, assesses that a new strategy must be created to address on the issue of corruption, including using criminal gangs to establish social organizations and loot funds from the State.

Honduran Dialogues Start, Hernandez Won't Be There (August 2018)

Representatives for Honduran President Juan Orlando Hernandez, or JOH, said that the head of state will not take part in the long-anticipated dialogues to resolve the country's political crisis sparked by the allegedly fraudulent November 2017 elections.

Honduras' Congress Mounts Legal Attack Against Anti-Graft Body (May 2018)

Lawmakers in Honduras are backing a legal attack aimed at undermining the country's internationally-supported anti-corruption body by declaring its creation unconstitutional, a move that could derail ongoing anti-graft probes.

NGOs, Governments Call For Dialogue To End Honduran Election Crisis (January 2018)

International organizations and governments are backing dialogue between former presidential candidate Salvador Nasralla and president-elect of Honduras, Juan Orlando Hernandez. The German Embassy in Honduras said it supports talks between the two parties and denounces any violence. In a release issued on January 2, the Embassy stated "all responsible should be dedicated to finding a peaceful solution for the good of the entire country and to strengthen the people's confidence of a stable democracy" in Honduras.

Honduran workers' rights activists face rising violence (May 2017)

A brutal attack against a union leader and his brother in Honduras is the latest act of escalating violence directed at worker rights activists in the country, according to the Honduran National Network for Violence Against Trade Unionists and other civil society groups in the country. Moisés Sánchez, secretary general of the melon export branch of the Honduran agricultural workers' union and his brother, union member Misaél Sánchez, say they were attacked in mid-April by six men wielding machetes as they left the union office in the southern town of Choluteca. Although the Inter-American Commission on Human Rights last year ordered the Honduran government to

protect targeted union members, Honduras has not done so. The Network Against Violence in Honduras and its sister organisation in Guatemala are calling on the Honduran government to provide private security to activists who receive death threats. The networks are urging the government to investigate all murders and bring to justice the perpetrators—both those who committed the acts and those who planned them.

New Tax Code Comes into Effect on January 1, 2017 (July 2016)

The new Tax Code gives equal treatment to NGOs and churches. The news is important because the government is recognizing that NGOs have non-profit purposes.

CSOs Implement Pilot System of Self-regulation (July 2016)

Representatives of the private sector and the government have reached an agreement regarding the new Tax Code. Among the reforms included in the new legislation are progressive sanctions, avoiding the sudden closure of businesses and massive blockage of National Tax Registrations (RTN by its Spanish acronym). Additionally, it has been anticipated that companies will no longer need to hire an auditing firm in order to determine prices between related parties, regarding statements of transfer pricing. Other new provisions aim to provide access to justice in case of disagreement concerning the imposition of a sanction, such as the creation of tax courts. This new legislation, which aims to triplicate the number of taxpayers that are incorporated in the tax system, will soon be presented to the National Congress for approval.

CSOs Implement Pilot System of Self-regulation (November 2015)

The Mennonite Social Action Committee (CASM), with the support of the Federation of NGOs for Development of Honduras (FOPRIDEH) and the International Center for Not-for-Profit Law (ICNL), is building a model self-regulation for CSOs in Honduras. The pilot system of self-regulation will allow CSOs to improve their processes of accountability in the management of their resources. CSOs that voluntarily decide to join this effort will improve their credibility and public image at the level of the whole society.

Civil Society Selects Judges (September 2015)

Members of Civil Society presented the final list of 20 candidates for judges who aspire to shape the next Supreme Court of Honduras in the period 2016-2023. The names of the applicants were selected in the premises of the Catholic University of Honduras and applications will be submitted to the nominating committee that will study the profiles. Civil Society is one of the seven members of the nominating committee of judges, each representing 20 candidates proposed for a total of 140, of whom 45 finally out and is the National Congress chooses the next 15 Supreme Court for a period of seven years.

Civil Society In Process of Dialogue on Corruption (August 2015)

Political parties, businessmen, civil society organizations and other sectors are participating in a dialogue convened by the government in order to discuss the situation of corruption and impunity in the country. The first day of the process was led by the facilitator of the Organization of American States for dialogue, Chilean John Biehl, and included the establishment of work schedule, as well as meetings with politicians and other powerful voices in society.

Deputies Approve Motion Against NGOs (January 2015) (Spanish)

With an overwhelming majority, the President of the Commission on Human Rights urged the Public Ministry (MP) to investigate and NGO called the "Association of Hondurans for Peace and Democracy", which promoted a "hate campaign" against several deputies. The NGO had placed several ads on TV, which invited people to call on the deputies and hold them accountable.

Government Cancels Legal Status of NGOs (July 2014) (Spanish)

The government of Honduras canceled the legal status of more than 5,000 NGOs that did not provide annual reports of their financial statements.

President Orders Restructuring of URSAC (July 2014) (Spanish)

President Juan Orlando Hernandez ordered the review and restructuring of the Unit for Registering

and Monitoring Civil Associations (URSAC) to — in his view — ensure proper registration and control of Non-Governmental Organizations (NGOs).

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