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USDOS – US Department of State

2019 Trafficking in Persons Report: Honduras

HONDURAS: Tier 2

The Government of Honduras does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Honduras remained on Tier 2. The government demonstrated overall increasing efforts by investigating and convicting more sex traffickers; providing more funding for victim services, including for a NGO-run shelter; and approving an increased budget for the Inter-institutional Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons (CICESCT). However, the government did not meet the minimum standards in several key areas. Authorities identified significantly fewer victims, prosecuted fewer cases, including those involving forced labor, and did not obtain convictions of complicit officials or child sex tourists. The government provided services to a disproportionately low number of labor trafficking victims compared to the known scale of the problem. Despite continued reports of criminal organizations, including gangs, exploiting children in forced criminal activity, the government initiated only two such prosecutions.

PRIORITIZED RECOMMENDATIONS

Increase efforts to prosecute trafficking offenses and to convict and sentence traffickers, particularly for crimes involving forced labor and forced criminal activity. • Strengthen efforts to prosecute and convict public officials for complicity in trafficking offenses. • Develop and implement new victim identification and referral mechanisms for forced labor cases, including forced criminal activity. • Amend the anti-trafficking law to include a definition of trafficking consistent with international law. • Increase government funding for victim services, including to NGOs. • Increase the identification and assistance of all victims, including among particularly vulnerable populations. • Implement the national action plan for 2016-2022. • Enforce laws punishing brokers for illegal practices that facilitate trafficking, such as fraudulent offers of employment or illegal fees for migration or job placement. • Increase training and dedicated resources for anti-trafficking police and prosecutorial units, as well as the “immediate response team.” • Increase law enforcement investigations and labor inspections to identify forced labor among domestic and agricultural workers.

PROSECUTION

The government maintained law enforcement efforts. The 2012 Honduran anti-trafficking law criminalized sex and labor trafficking and prescribed penalties ranging from 10 to 15 years’ imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. The law defined trafficking broadly to include illegal adoption without the purpose of exploitation. The CICESCT, with funding and assistance from a foreign government, evaluated the 2012 law and issued a number of recommendations, including amending the law to include the means as essential elements of the crime; improving victim assistance by compensating victims; and providing additional financial, logistical, and technical resources for service provision; these amendments had not yet passed into law.

The government reported investigating 145 cases of suspected trafficking, compared to 121 cases in 2017 and at least 41 cases in 2016. Authorities initiated prosecutions of 35 suspects (29 for human trafficking and six for procuring commercial sex acts), compared to 84 suspects (82 for sex trafficking and two for forced labor) in 50 cases in 2017 and 41 suspects in 11 cases for sex trafficking in 2016. The government convicted 16 traffickers (10 for human trafficking and six for procuring commercial sex acts), compared to eight traffickers in 2017 and nine traffickers in 2016. Courts sentenced convicted traffickers with sentences ranging from five to 15 years’ imprisonment and fines of 75 to 221 times the minimum wage, compared to a range of two years house arrest to 15 years’ imprisonment in 2017 and six to 15 years’ imprisonment in 2016. The government continued prosecutions of a current and a former government official accused of sex trafficking in 2017, and reported each case remained pending trial at the end of the reporting period. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. In May 2018, the Attorney General opened a specialized anti-trafficking unit, which coordinated with domestic and international law enforcement agencies and operated teams in Tegucigalpa and San Pedro Sula. Experts noted courts delayed trafficking cases despite a requirement in the anti-trafficking law to process such cases in a timely manner. Civil society organizations reported prosecutors often charged suspected traffickers for lesser crimes with lower penalties, such as pimping. CICESCT called for increased efforts to prosecute cases involving children and forced labor. The government maintained a specialized anti-trafficking unit, but it employed only eight prosecutors for the entire country limiting their effectiveness. The government cooperated with the Government of Belize, which resulted in the identification of eight Honduran victims and the arrest and prosecution of two suspected traffickers—one in Honduras and one in Belize.

PROTECTION

The government identified significantly fewer victims, but increased funding for services thereby maintaining victim protection efforts. The government identified 73 victims in 2018 (63 sex trafficking and 10 labor trafficking) compared to 150 victims in 2017 (84 sex trafficking and 66 labor trafficking) and 111 victims in 2016. The CICESCT used an “immediate response team” protocol for identifying and referring sex trafficking victims and distributed the protocol to other institutions, but authorities lacked systematic procedures to identify forced labor victims. The immediate response team, which included a full-time lawyer, psychologist, and social worker, worked with government ministries and civil society organizations to coordinate services for victims, including food, shelter, and health screenings, as well as referrals to longer-term support services, such as psychological, legal, and social services as well as family reintegration and, when necessary, resettlement. The team operated a 24-hour trafficking-specific hotline for victim referrals, which received 65 calls in 2018 resulting in 25 investigations, compared to 45 calls in 2017, and more than 60 calls in 2016. Authorities made efforts to screen for indicators of trafficking among unaccompanied migrant children returned from abroad, but inconsistently screened Honduran adults returned from abroad.

The Ministry of Development and Social Inclusion (SEDIS) provided psychological services, economic support, and, in coordination with the Ministry of Health, medical services to the 73 identified victims and ongoing support to 218 victims identified in previous reporting periods. SEDIS also provided microloans and mentoring to 21 victims to support small business development including sales of food, accessories, household items, and the repair of household items. The Child Welfare Agency administered initial assessments and services for child victims and referred foreign victims for repatriation and Honduran children to certified centers for medical, psychological, and psychiatric services and social reintegration following legal hearings. The foreign ministry, in partnership with international organizations, assisted and repatriated 12 Honduran nationals through its diplomatic missions in Guatemala, Mexico, and Belize, compared to six Honduran nationals through its diplomatic missions in Argentina, France, Guatemala, and Mexico in 2017.

The government increased the CICESCT budget to 7.9 million lempiras (\$316,000) in 2018 compared to 2.3 million lempiras (\$92,000) for 2017, but was not able to use all of the funds due to a five-month spending freeze. Other government agencies also provided funds from their budgets for victim assistance. CICESCT coordinated with several NGOs to provide services and shelter for victims. In 2018, CICESCT provided funding to an NGO to create a shelter for adult female victims. Trafficking victims surveyed by an independent research team in 2018 indicated a need for the following services in priority order: educational and vocational programs, counseling and psychological support, shelter, medical services, drug or alcohol rehabilitation, and legal services and prioritized their recovery over pursuing criminal complaints against their traffickers. The government offered services to sex trafficking victims, but services to a disproportionately low number of forced labor victims despite evidence that forced labor is more prevalent in the country. Despite the government’s increased budget for and provision of services to victims, care providers at the local and national levels reported insufficient resources from the government.

The government provided witness protection services to 15 victims who assisted in investigations and prosecutions, which included measures to protect the identity of the victim and witnesses; shelter; and economic, medical and psycho-social assistance. An independent assessment of trafficking in Honduras revealed the majority of victims did not file criminal complaints due to fear of reprisal, a lack of knowledge about the crime, and a low level of trust in the system. Officials acknowledged authorities did not properly identify many children forced to engage in illegal activities by criminal groups and thus may have treated them as criminals instead of victims. The government maintained Gesell chambers in which victims could provide testimony via pre-recorded interviews, but it did not report the number of victims who used these chambers. Honduran law allowed foreign victims to receive temporary or permanent residency status, including authorization to work; the government did not identify foreign victims in 2018 who could have received such benefits. Honduran law provided for restitution and civil damages to be awarded upon a trafficking conviction, but neither restitution nor civil damages were awarded to victims in 2018.

PREVENTION

The government maintained its prevention efforts. The CICESCT promoted, monitored, and evaluated the government's anti-trafficking efforts, producing an annual report documenting these efforts. The government relocated CICESCT to the Ministry of Human Rights and funded its operation in 2018. The CICESCT consisted of 33 governmental and non-governmental entities, which met periodically in 2018. The CICESCT established one new local interagency anti-trafficking committee for a total of 22 such committees with which it coordinated. The government implemented the 2016-2022 national anti-trafficking action plan by holding workshops and trainings and developing educational materials for some vulnerable populations, including *Miskito* and *Garifuna* individuals. The government launched a new campaign to prevent forced child labor and two NGOs launched new prevention campaigns. The Public Ministry and the First Lady's Migration Task Force launched campaigns to inform Hondurans about the dangers of irregular migration, including trafficking. The government also cooperated with the Governments of El Salvador and Guatemala to raise awareness of the risks of migration and trafficking. CICESCT provided anti-trafficking training to police, judges, immigration officials, municipal authorities, psychologists, social workers, students, and non-governmental organization representatives throughout Honduras. CICESCT also educated the public and passport applicants in government passport offices through television programs. The government coordinated with other governments in the region to implement repatriation protocols. An independent research team recommended increased outreach and education about the risks of forced labor among domestic and agricultural workers given its prevalence among victims surveyed for the research.

The Ministry of Labor (MOL) increased its number of inspectors, but acknowledged these numbers are still insufficient and inspectors did not identify any forced labor cases in 2018. In 2017, the MOL issued new guidelines to enforce the 2015 decree requiring job placement companies to charge fees to employers and not employees, but did not report any enforcement of these guidelines in 2018. By the end of 2018, the

government had registered 238 companies in its national tourism registry, and each company signed a code of conduct for the protection of children against commercial sexual exploitation. The government did not make efforts to reduce the demand for commercial sex acts or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Honduras, and traffickers exploit victims from Honduras abroad. Traffickers, some of whom were family members or friends, exploit Honduran women and children in sex trafficking within the country and in other countries in the region, particularly Mexico, Guatemala, El Salvador, Belize, and the United States. Women, children, LGBTI Hondurans, migrants, and individuals with low education levels are particularly vulnerable to trafficking. Traffickers exploit Honduran men, women, and children in forced labor in street vending, domestic service, drug trafficking, and the informal sector in their own country, and forced labor in other countries, particularly Guatemala, Mexico, and the United States. Children, including from indigenous and Afro-descendant communities, particularly *Miskito* boys, are vulnerable to forced labor in the fishing, mining, construction, hospitality, and service industries. Children living on the streets are vulnerable to sex and labor trafficking. Criminal organizations, including gangs, exploit girls in sex trafficking, force children into street begging, and coerce and threaten young males to transport drugs, commit extortion, or commit acts of violence, including murder; this occurs primarily in urban areas, but one NGO reported an increase in gang activity in rural areas. Honduras is a destination for child sex tourists from Canada and the United States. Migrants from Africa, Asia, the Caribbean, Central America, the Middle East, and South America who transit Honduras en route to the United States are vulnerable to being exploited in trafficking. Authorities noted family members took children into prisons to be exploited in commercial sex by prisoners, raising concerns over the potential complicity of prison authorities. Overall corruption helped facilitate trafficking crimes.

ecoi.net summary:

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