

ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

OVERVIEW OF CORRUPTION AND ANTI-CORRUPTION IN HONDURAS

QUERY

Can you briefly describe the issue of corruption in Honduras, specifically: the type of corruption (public-private; politicisation and executive interference; grand/petty corruption; organised crime; bribery; nepotism; fraud; abuse of authority; misappropriation of public funds), the sectors affected and the existing institutions to fight against it?

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Author(s)

Maíra Martini, Transparency International,
tihelpdesk@transparency.org

Reviewer(s)

Marie Chêne, Transparency International;
Alejandro Salas, Transparency International

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SUMMARY

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Honduras is among the poorest and most violent countries in the world. Plagued by widespread corruption, criminal activities and impunity, the country is struggling to cope with the political, social and economic consequences of the 2009 coup, as well as the effects of illicit drug trafficking for which Honduras has become a major transit point. Corruption-related challenges in the country are a result of widespread nepotism and clientelism, entrenched organised crime activities, and political corruption. Corruption takes many forms (for example, bribery, favouritism and undue influence) and affects many of the country's sectors and institutions, such as the public administration and the education sector. However, one of the biggest areas of concern is corruption within the security forces and the judiciary, which enables organised crime activities and perpetuates a "culture of impunity" in the country.

The government's efforts to fight corruption include the enactment of a transparency law, obliging government institutions to publish online all information related to their expenditures and hiring, for example. In addition, a new law to fight corruption within the security forces and a commission to implement and oversee the enforcement of the law have been established in 2012. It remains to be seen whether the government's commitments to fight corruption and crime will bring about the expected results.



1 OVERVIEW OF CORRUPTION IN HONDURAS

Background

Honduras is one of the world's poorest and most violent countries, with more than half of the population living below the poverty line and the highest homicide rates in the world (UNODC 2011). Plagued by widespread corruption, criminal activities and impunity, the country is struggling to improve the lives of its citizens and reduce income inequality. After years trying to recover from a natural disaster which destroyed the country in the 1990s (Hurricane Mitch), Honduras now suffers with the political, social and economic consequences of the 2009 coup, as well as with the effects of being a major transhipment point for the international illicit drug trade.

In June 2009, Honduras's Supreme Court ordered the military to arrest Liberal Party president Zelaya after what many in the judicial and legislative branches, as well as many of the country's elites, believed was as an attempt to illegally amend the constitution in order to remain in office for one more term. President Zelaya was deported to Costa Rica. The Congress with the support of the Supreme Court legalised the coup d'état, declaring the congressional leader Roberto Micheletti as the new president (interim government). New elections were held in November 2009. The candidate for the National Party, the other of Honduras's two major historical parties, Porfirio Lobo, won the presidential election in November 2011 in an environment of restricted press freedom and civil liberties (Freedom House 2012; Schünemann 2010).

Since Lobo took office, the country continues to face many challenges, and fighting corruption, organised crime and impunity certainly remains one of them. Change in Honduras is particularly difficult to be achieved since the government is strongly influenced by business interests, traditional political elites, and national and international organised crime, often colluded with both the police and the military – all of them fighting to maintain the status quo (Freedom House 2010).

Extent of corruption

Transparency International's Corruption Perceptions Index 2012 ranks Honduras 133rd out of the 176 countries and territories assessed. The country ranks 28 out of 31 countries assessed in the Americas, only ahead of Paraguay, Haiti and Venezuela.

Similarly, Honduras has consistently scored poorly in the World Bank Worldwide Governance Indicators (WGI). In 2011, the country scored 21.8 on control of corruption, on a scale from 0 to 100, and it has shown no significant improvement across the years. The scores on rule of law have also remained low, with the country scoring 19.2 in 2011. Honduras scores relatively better on government effectiveness, regulatory quality, political stability and voice and accountability. But scores still remain below the 50th percentile (The World Bank 2011).

Consistent with these findings, nearly 87 per cent of citizens in Honduras interviewed within the framework of the National Anti-Corruption Council (Consejo Nacional Anti-Corrupción) survey considered that corruption has increased in the country in the past 10 years. The Latin America Public Opinion Project (LAPOP) survey shows that 79.7 per cent of citizens surveyed in 2012 perceived corruption in the country as extremely high. Comparison across years demonstrates that citizens' perception of corruption levels in Honduras has been constantly high (69.1 per cent in 2004; 79.5 per cent in 2006; 70.4 per cent in 2010).

In addition, executives have ranked corruption as the second most problematic factor for doing business in the country, only behind theft and crime (World Economic Forum 2012). According to the International Finance Corporation (IFC) and World Bank's *Enterprise Survey*, nearly 60 per cent of firms identify corruption as a major constraint.

Nature of corruption challenges

Corruption-related challenges in the country are a result of widespread nepotism and clientelism, entrenched organised crime activities and political

corruption.

According to respondents in the Latin America Public Opinion Project (LAPOP), the most recurrent forms of corruption in Honduras include: payments of bribes to traffic police, according to 87 per cent of the respondents; illegal campaign financing, according to 81 per cent; embezzlement of state funds, and corruption in the public procurement process, according to 79 per cent (LAPOP 2012). They are followed by providing jobs to party activists and relatives, bribery of judges, tax evasion, and theft of court files (Consejo Nacional Anti-Corrupción 2010).

Bureaucratic corruption

In comparison to citizens' perceptions of corruption, real experience with bureaucratic corruption seems relatively low in the country. According to the 2012 LAPOP survey, 25.8 per cent of the respondents have reported paying a bribe in the year preceding the survey, and only around 6 per cent of those who have reported paying a bribe declared having to pay it more than once in a year. Nevertheless, the survey shows that the number of citizens reporting paying bribes has increased. In 2006, for instance, 16.1 per cent of respondents confirmed having experienced corruption (LAPOP 2012).

Similarly, bureaucratic corruption seems to be perceived as less problematic, or is not being reported by companies in the country. For instance, companies surveyed within the framework of the IFC & World Bank enterprise survey reported that informal payments and gifts are only requested in about 6.9 per cent of their dealings with public officials (for example, concerning requests of permits and licences, as well as encounters with tax officials). This is considerably low particularly in comparison to other countries in the world. Favouritism and state capture by powerful economic groups as well as organised crime, however, is assessed as highly problematic and will be discussed in the following sections.

Nepotism and clientelism

Nepotism and clientelism have been a common

feature of the country. Throughout its history, Honduras, as other Latin American countries, has been governed by an oligarchic conception of politics where private interests have taken precedence over public interests.

Within this framework, government, the military and business elites are closely interlinked to the extent that government decisions have been influenced by private interests and public positions filled on the basis of personal relationships (Bertelsmann Foundation 2012). Moreover, regional business elites are powerful political actors, making use of clientelism, patronage, corruption and private security forces to remain in control (Bertelsmann Foundation 2012).

Consistently, favouritism in government decisions to well-connected firms and individuals is assessed as a rather common practice by companies surveyed by the World Economic Forum¹.

Patronage also plays an important role in the appointment of individuals for public positions, with government institutions being filled according to a partisan basis after each election.

Cronyism has also influenced the (mis)management of state-owned enterprises. The national telecommunications company (Hondutel) and the national energy company almost went bankrupt due to mismanagement. The former president Zelaya appointed his cronies to head these companies, as well as relatives (Freedom House 2010). For instance, Zelaya's nephew Marcelo Chimirri was appointed as manager of Hondutel, and later accused of being implicated in the Latin Node corruption scandal. The Latin Node scandal involves the American telecommunication company Latin Node which allegedly paid more than US\$500,000 in bribes to Hondutel officials in Honduras. Latin Node's executives were convicted in the United States for violations of the Foreign Corruption Practices Act

¹ The survey asks businessmen to what extent do government officials show favouritism to well-connected firms and individuals when deciding upon policies and contracts. Businesspeople operating in Honduras have responded 2.5 on a scale from 1 (always) to 7 (never show favouritism). World Economic Forum, 2012.

(United States Department of State 2010). Chimirri was also charged for receiving bribes but was considered innocent by Honduran's courts in early 2013 (Ultima Hora 2013).

Political corruption

Political party financing is assessed as a significant problem in Honduras (Consejo Nacional Anti-Corrupción 2010). While the electoral law provides for somewhat strict rules, such as banning donations from anonymous sources and private entities, in practice, however, illegal campaign financing, particularly coming from criminal groups, seems to be rather common. Politicians and political parties make use of legal loopholes (such as the lack of requirements to report on campaign expenditures) as well as the politicisation of the electoral management body to circumvent electoral laws (Transparency International 2009). In fact, Honduras' electoral management body (TSE) lacks independence and is highly influenced by the ruling party (Freedom House 2010).

The involvement of criminal groups in the political process is thus alarming. According to a cable of the American Embassy in Honduras published by WikiLeaks, illegal campaign financing during the 2005 elections was a rather common practice. Allegations included campaign financing from narco-traffickers, leftist groups and other foreign sources. According to the cable, illegal financing most probably did not have an impact on the results of elections, since both parties – liberal and the national party – usually receive illegal funding (Embassy of Tegucigalpa 2005). Nevertheless, illegal support of candidates and political parties allows for great risks of biased decision-making and state capture.

Besides the politicisation of electoral bodies, illegal campaign finance and state capture, political corruption also involves the abuse of office and consequently the embezzlement of significant amounts of public money. While impunity for corruption seems to be the norm, and media reports on the issue are rather limited, there is still enough anecdotal evidence of how politicians have been abusing their offices and embezzling public funds.

For instance, former president Zelaya has been accused, although acquitted by the Supreme Court after the turmoil caused by the coup, of being involved in more than 100 cases of corruption amounting to the embezzlement of more than US\$2.5 million from the Central Bank of Honduras (Freedom House 2010).

Organised crime

Criminality in Honduras has already been a problem for many years. Several parts of the country are under control of gangs, the so-called "maras", which are involved in drug dealing, extortion and contract killings (Cawley 2013). In addition to that, the country's increasing importance as a transit point in the international drug trade, combined with weak institutions, widespread corruption within the political and security systems, and political instability, has attracted organised crime groups in recent years (UNODC 2011). There is now the risk that the links between maras and organised crime groups will be strengthened, posing new challenges to the country's weak law enforcement structure (The Economist 2011).

There is already evidence that organised crime groups have captured the state and are now infiltrated in local and municipal governments (Kolb 2011). There is also evidence that police officers and other officials of the security forces are involved with these groups (see section on corruption in the police).

It is known that organised crime may "permeate government agencies and institutions, fuelling corruption, infiltrating business and politics, and hindering economic and social development," effectively undermining governance and democracy (UNODC). In Honduras, corruption helps criminal groups carry out their activities (for example, bribery of public officials to smuggle and deal drugs) as well as to remain unpunished (for example, bribery of police officers in order not to be investigated; bribery of judges to be released from jail or get a favourable sentence; or law enforcement officials and courts afraid of investigating or sentencing a case due to overt or implied threats) (Freedom House 2010).

Corruption is also hampering the government's recent efforts to combat crime and drug trafficking. For instance, the government has seized millions of dollars in properties and assets from criminals in the past three years (more than 150 properties, 266 cars and US\$5 million). However, the state cannot access any of the money until a judge authorises, which has not happened so far, in spite of more than 36 order requests (Wells 2013). According to Insight Crime, "the severe obstacles in the asset seizure system and the apparent inefficiency of the seizure agency is another troubling sign of the endemic corruption in Honduras" (Wells 2013).

Overview of sectors and institutions most affected by corruption in Honduras

Public administration

Honduras's public administration lacks adequate financial and human resources, affecting its performance and offering opportunities for corrupt behaviour. But the dominance of patronage networks and the strong political influence under which the public administration operates is, according to experts, what has a significant negative impact on public spending efficiency and service delivery (Bertelsmann Foundation 2012; Freedom House 2010).

Public officials are often selected based on personal relationships and partisan criteria rather on professional qualifications. Although there are laws requiring competitive hiring in many of the state institutions, they are frequently bypassed and there is no systematic system of ensuring a meritocratic approach to hiring and appointments (Freedom House 2010). The replacement of experienced civil servants is threatening institutional memory and long-term commitments. The same holds true with regards to appointments of heads of government bodies who only seek to fulfil short-term political obligations (Bertelsmann Foundation 2012). In addition, there are many individuals who are listed on the government's payroll despite not performing any function – the so-called "ghost workers" (Bertelsmann Foundation 2012).

While there is very limited evidence of how corruption affects governance services, given the prominence of clientelistic practices within the public administration, it is to be expected that civil servants do not hold the highest ethical standards (Freedom House 2012).

In addition, according to experts consulted within the framework of this answer, laws that benefit small sets of political and economic elites, such as rules providing for tax breaks to very specific big businesses controlled by elites, have been routinely approved in the country.

Education

While there are no assessments of citizens' perceptions and experiences with corruption in the education sector in Honduras, research has shown that corruption in the sector is a significant problem, particularly with regard to the allocation of funds and human resources management.

Honduras spends around 7.5 per cent of its GDP in education, a considerably high amount, particularly in comparison to neighbouring countries. However, leakages and inefficiencies are hampering improvements in the sector. The World Bank's assessment on public expenditure in the education sector (2010) confirms that leakage in the distribution of textbooks as well as in cash transfers is rather common. According to the report, data from 2008 shows that the Ministry of Education printed enough textbooks for every student, but in fact, approximately 20 per cent of the schools did not receive math books, and more than 30 per cent of the schools did not have Spanish language books (World Bank 2010).

The study also reports leakage of funds in the government's cash transfer programme *Matrícula Gratis*. The programme aims to cover registration fees for students throughout the country. Within this framework, the ministry of education transfers a fixed amount per student to every school, based on the number of students enrolled. According to the World Bank, in 2008, leakage estimates of cash transfers amounted to approximately US\$1 million. Considering that both the ministry and schools keep

proper accounts, the World Bank estimates that more than 7 per cent of the transfers made by the ministry did not reach the schools (World Bank 2010).

Reports have also raised the issue of teacher absenteeism and “ghost teachers” in the country (Fontana 2007; World Bank 2010). Teacher absenteeism provides for losses of up to US\$19 million, particularly affecting schools in the rural areas (World Bank 2010). In addition, one quarter of the teachers registered and included in the state payroll are not actually working. This means that nearly 25 per cent of teachers working in the country are being paid without performing their functions (World Bank 2010).

In addition to that, corruption also plays a role in the recruitment, promotion and transfers of teachers. Teachers often have to pay for being “approved” in selection processes or to be relocated (Fontana 2007). According to experts consulted within the framework of this paper, jobs in the education sector are often handed out as favours from regional authorities and congressmen

Public financial management

Budget

The country scored 53 out of 100 in the *Open Budget Index* 2012. This indicates that the government provides some information to the public on budget processes, but that it is still a challenge for citizens to fully hold the government accountable for its management of public resources (International Budget Partnership 2013). However, the 2012 score shows an impressive improvement in terms of the budget information provided by the government in comparison to the 2010 assessment, when the country scored only 11 out of 100.

According to the *Budget Survey* 2012, budget oversight provided by the Supreme Audit Institution is relatively strong, but the role of the institution could be hampered by its lack of resources to exercise its mandate (International Budget Partnership 2012).

While the involvement of citizens and civil society

groups in public financial management is still rather unsatisfactory (International Budget Partnership 2012), the Superior Accounting Tribunal of Honduras recently undertook a pilot programme aimed at involving citizens in its audits. The joint audits, as they were called, were carried out in eight institutions, including hospitals, schools, municipalities and a road construction project (Sopher et al. 2009).

As part of the programme, citizens were invited to participate in local public meetings with auditors where they shared their concerns and information about the institutions to be audited. According to estimates, citizen feedback helped to identify several potential cases of administrative and criminal wrongdoings, as well as to detect irregularities totalling US\$1.7 million (Sopher et al. 2009).

Procurement

Public procurement analysis points to a high concentration of contracts awarded in many sectors, such as education, health and transportation. While the procurement law establishes the main grounds to ensure a fair and transparent process, there are still loopholes allowing procurement officials and bidders to circumvent the law (Consejo Nacional Anti-Corrupción 2011).

All public procurement contracts worth more than US\$53,000 must be awarded through competitive bidding, but the government often abuses the “emergency situation” arguments in order to purchase without following competitive processes (Freedom House 2010). However, there is very limited recent information about Honduras’s public financial management system in general and procurement in particular. For instance, the latest assessment of the country’s procurement system was done by the World Bank in 2005.

Police

While a great majority of the population perceives bribery by traffic police as one of the most common forms of corruption in the country (LAPOP 2012), corruption in the police forces in Honduras goes far

beyond the payment of bribes.

The national police is allegedly embedded in the criminal structures of the country, and is responsible for serious abuses and violations of human rights, including extrajudicial killings and arbitrary arrests (Fox 2012). There is strong evidence that police officers have close links with organised crime groups and have been involved in drug trafficking, among other criminal activities. For instance, for more than two years, a leader of one of the gang groups in the country ran drug operations in collusion with the prison director while he was imprisoned. With the support of other corrupt officials, the drug dealer was released two times a week in order to traffic drugs and weapons for the prison director (Fox 2012). Moreover, investigations by the Miami Herald Tribune show that members of the police special forces squad were allowed by their supervisor to accept a second job as bodyguards for drug traffickers (Robles 2012).

2 GOVERNANCE STRUCTURE AND ANTI-CORRUPTION EFFORTS IN HONDURAS

Overview of anti-corruption efforts in Honduras

Past efforts

In the beginning of 2000, Honduras was thought to be stepping in the right direction in the fight against corruption. The government made loud commitments that it would combat corruption in the country. It joined the Inter-American Convention against Corruption, passed laws lifting immunities of the president and other public officials, reformed the electoral law, and approved a transparency law and a code of ethics. Honduras was the second country in the world to join the US development aid programme Millennium Challenge, which required demonstrating success against corruption in order to be accepted (Sanchez 2007).

These efforts, however, have not brought about the expected change – at least not until now. The first

transparency report published by the national anti-corruption council showed that the lack of enforcement of the laws and the lack of independence of the judiciary were threatening the fight against corruption in the country (Consejo Nacional Anti-Corrupción 2007). Moreover, Honduras has been disqualified from the millennium challenge programme on several occasions due to the failure to improve on corruption-related indicators (El Heraldo 2011).

Current efforts

Following the 2009 coup and years of great political instability, the new elected government started making longer-term plans and commitments, including on the fight against corruption.

Among its efforts, the government adopted the anti-corruption plan 2011-2014, which is a four-year transparency and anti-corruption plan to be implemented and overseen by the office of the presidency. The plan seeks to reform government hiring and procurement processes, increase civil society's participation in budget processes and institutional mechanisms, as well as promote social awareness of the impact that corruption has on the country's development (Political Risk Services 2012).

In addition to that, the government has announced its plans to establish the country's first anti-corruption law, but has not yet introduced this legislation as of 2012 (Political Risk Services 2012).

With security and impunity being amongst the greatest challenges faced by the country, the government has also made promises to improve law enforcement. As part of these efforts, a commission for the reform of public security was established with the responsibility of overseeing anti-corruption initiatives in the police, the public prosecutor's office and the judiciary (Washington Office on Latin America 2012). However, a recent assessment has shown that the commission has done very little (please see [Comisión de Reforma de la Seguridad Pública Informe Final 2012](#)).

Moreover, a new and controversial law to curb corruption in the police was approved in 2012, despite of the Supreme Court's decision about its unconstitutionality (Jurist 2012). Among other things, the law requires officers to undertake lie detector tests, drug screenings and a probe of their personal wealth to determine if they can remain in the police (Jurist 2012). During the past year, hundreds of police officials have been subjected to the lie detector tests and 33 police officers have been fired (La Tribuna 2012).

Nevertheless, as previously mentioned, the country still lacks a proper system of checks and balances and a clear separation of power. Therefore, it remains to be seen whether these are only window-dressing initiatives or whether the government is really willing to fight corruption and to uphold the rule of law and the principles of transparency and accountability.

Legal framework

International conventions

Honduras is a state party to the Inter-American Convention against corruption and to the United Nations Convention against Corruption (UNCAC). The country is also part of the United Nations Convention against Transnational Organized Crime.

National legislation

Criminal responsibility for corruption is provided for in the Penal Procedures Code (PPC) and the Penal Code (PC). Bribery, specifically, is a criminal act subject to fines and incarceration, depending on the severity of the offence (OAS 2012). Yet, the country's anti-corruption legal framework is assessed as rather weak (Freedom House 2010).

The Code of Civil Servants Ethics approved in 2007 (Decreto Legislativo No. 36-2007) regulates conflict of interest, as well as related prohibitions such as post-public employment and the acceptance of gifts and hospitality. A special unit, *La Dirección de Probidad y Ética*, within the superior audit court is responsible for overseeing the code. However, the

government has acknowledged that the lack of financial and human resources can be an impediment to fully implementing and monitoring these rules (OAS 2012).

The president, ministers, members of parliament, and civil servants and their spouses, must comply with asset disclosure requirements, but the law does not specify which assets and liabilities have to be declared. Declaration should be filled upon taking office, annually, and upon leaving office. The Superior Accounting Tribunal is responsible for overseeing asset declarations. However, in the case of ministers, members of parliament and the president, a special permission from their part is required so that the institution can conduct investigations on their income, assets and properties. These declarations are not publicly available (The World Bank 2010; OAS 2012).

Rules on campaign and political party financing in Honduras are rather inadequate (Transparency International 2009). According to the [law](#), anonymous donations and donations from legal entities to both political parties and individual candidates are prohibited. Nevertheless, natural persons are allowed to make donations to parties and candidates without any limit. Parties and individual candidates also rely on public funding to cover their expenses, but there are no limits to how much can be spent during political campaigns (International IDEA 2012; Molenaar 2012). With regard to party and candidate accountability, there are no requirements for parties or candidates to report on their campaign expenditures. Political parties should only disclose general information on their financial activities annually but monitoring and enforcement is very weak (International IDEA 2012; Transparency International 2009).

The 2007 Law on Witness Protection ([Ley de Protección de Testigos](#)) guarantees the protection of witnesses, victims and persons reporting crimes, including police protection, change of identity and change of residence. A Witness Protection Unit was also established within the Public Prosecutor's Office (Immigration and Refugee Board of Canada 2008). A website allowing citizens to [file complaints online](#) has

recently been established by the Superior Accounting Tribunal.

A [Law on Transparency and Access to Public Information](#) was enacted in 2006 with the aim of developing and implementing a national policy of transparency, and to promote citizen participation. In order to achieve timely and effective implementation and enforcement of the law, a specific regulation ([Regulation on the Law of Transparency and Access to Public Information](#)) was adopted in 2008 (The World Bank 2011). The law and its regulation were well received, but according to the national council against corruption, the majority of state institutions publish very limited information on their websites regarding their budgets, salaries, contracts, financial reports or citizen participation (Consejo Nacional Anti-Corrupción 2010).

Honduras ranks 47 out of 93 countries with access to information laws assessed by the global right to information rating 2012² (RTI rating), with a score of 85 points out of total 150 possible points. In the case of Honduras, the main problem of the access to information legal framework relates to exceptions set by the law, which are extremely broad and beyond the public interest, as well as the lack of strong sanctions for violating the right to information. (AccessInfo; Centre for Law and Democracy 2012).

Institutional framework

There are several institutions in the country tasked one way or another with investigating wrongdoings and fighting corruption. While a system of checks and balances is guaranteed by the constitution, in practice, many of the country's institutions suffer from political influence and are unable to perform their duties efficiently.

This has reflected badly on citizens' trust. According, to the anti-corruption national council, confidence in oversight institutions are significantly low, with only between 20 and 40 per cent of respondents in a national survey expressing trust in the main law

² The RTI rating assesses the strength of the legal framework for guaranteeing the right to information in a given country, but it does not measure quality of implementation of the law.

enforcement bodies (Consejo Nacional Anti-Corrupción 2010).

Public prosecutor's office

The [Public Prosecutor's Office](#) has been the body responsible for all corruption as well as organised crime-related investigations and prosecutions. Since 2004, there has been a special anti-corruption unit (*Fiscalía Especial contra la Corrupción*) within the public prosecutor's office, which is responsible for corruption-related crimes (OAS 2012). Prosecutors are also subject to political interference, and criminal investigation units are often plagued by corruption, as well as progressive infiltration of organised crime (Schünemann 2010). They also lack human and financial resources to conduct investigations as well as qualified personnel (Freedom House 2010).

On several occasions, prosecutors have publicly complained about the lack of autonomy and independence to conduct their duties. In April 2008, for example, the Public Prosecutors' Association organised a 38-day hunger strike. The protest was against the Attorney General's Office interfering in their activities (Freedom House 2010). There is also evidence that prosecutors who know of high-profile corruption cases are transferred or fired (Schünemann 2010).

Recent assessments have shown that the public prosecutor's office and the special anti-corruption unit have failed to perform their investigative role. Moreover, the anti-corruption prosecutor Mr. Salgado allegedly failed to conduct his duties in a proper manner in the past four years (Evaluación del Ministerio Público de Honduras 2013).

Office of the solicitor general

The [Office of the Solicitor General](#) is also an important institution in the fight against corruption. The office is responsible for legally defending the state's interests (for example, in cases of misuse of public money), and therefore it is expected to initiate criminal and civil actions based on the results of audits conducted by the superior accounting tribunal

(OAS 2012).

Superior accounting tribunal

The [Superior Accounting Tribunal](#) is the country's supreme audit institution, responsible for overseeing how public resources are spent. The tribunal is composed of three judges who are appointed by the national congress for a period of seven years. Congress may at any time suspend their terms or dismiss the judges (OAS 2012).

The superior accounting tribunal is also responsible for the tasks originally under the directorate of administrative probity (that is, the ethics office overseeing the implementation of the code of ethics) and the office of state assets.

In issues concerning the fight against corruption, the superior accounting tribunal should work in close cooperation with the public prosecutor's office and the special anti-corruption unit. Wrongdoings found by the tribunal should be referred to the public prosecutor's office who then may or may not initiate a prosecution (OAS 2012).

National anti-corruption council (CNA)

The National Anti-Corruption Council ([Consejo Nacional Anti-Corrupción](#)) is a state body that operates independently. It was first established in 2000 with the objective of supporting both government and civil society in their efforts to enhance transparency and social auditing as mechanisms to prevent, control and fight corruption. To that end, the council conducts capacity building initiatives and corruption assessments, among other things.

The general assembly of the national anti-corruption council consists of a representative from each of the following civil society organisations: Arzobispado de Tegucigalpa, Confraternida d Evangelica de Hond, COHEP, Consejo de Rectores Universidades, CTH, COCOCH, FECOPRUH, FOPRIDEH, ANDEP, AMHON, FONAC and AMC. The present CNA coordinator is Oswaldo Canales.

As is the case with other institutions involved in the fight against corruption in the country, the council enjoy low levels of public trust and its activities aimed at combating corruption are considered rather ineffective (Consejo Nacional Anti-Corrupción 2010).

Judiciary

Corruption in the judiciary is seen as an important factor allowing criminal groups and human rights violators to remain unpunished (Freedom House 2012).

While the Honduran Constitution guarantees the separation of powers and the independence of the judiciary, in practice, the judiciary is highly influenced by political groups and economic interests, which affects its ability to fight corruption and ensure the rule of law (Freedom House 2010; Political Risk Services 2012). External influence is exercised through both bribes and personal connections (Political Risk Services 2012). For instance, in 2012, one of the leaders of a criminal group linked to transnational organised crime, with arrest warrants in three countries, including the United States and El Salvador, was arrested but released by the supreme court within 24 hours, raising serious questions about the judicial system and its commitment to step up the fight against drug trafficking and crime in Honduras (Beltran 2012).

The judiciary includes a supreme court of justice (one president and 14 magistrates chosen by congress for a 7-year term), courts of appeal and several courts of original jurisdiction. Personal connections and favouritism seem to play an important role in the appointment of judges, and there is evidence that the highest judicial instances are divided along partisan lines (Bertelsmann Foundation 2012; Political Risk Services 2012).

Until recently, the Supreme Court had full responsibility over the appointment of judges and personnel at lower courts, leading to an even greater politicisation of the system. A new Council of the Judiciary and Judicial Career was created, and since June 2012, the council has been responsible for judicial appointments and dismissals (OAS 2012).

The council is composed of five members to be elected by congress after public hearings (Human Rights Watch 2012). However, there is still no evidence of whether the establishment of the council has helped to enhance independence and autonomy in the lower courts of justice.

On the other hand, judges of the Supreme Court may also be removed at any time by the president of the Supreme Court or by congress. For instance, when the government recently passed the law aimed at curbing corruption within the police forces, four Supreme Court jurists decided that the law was unconstitutional. Unsatisfied with the decision, lawmakers “ordered” the opposing judges to be dismissed (Jurist 2012) and they appointed replacements in December 2012.

Other actors

Media

The Honduran constitution guarantees freedom of speech and freedom of the press. In reality, however, since the 2009 coup, media and journalists in particular have been intimidated and harassed (Freedom House 2012).

Journalists reporting on politically sensitive issues, such as corruption, drug-trafficking and human rights abuses are likely to be arrested by the police, threatened by organised crime groups or gangs as well as dismissed by media outlets. This has had a negative impact on self-censorship, particularly because the great majority of media outlets in the country are owned by a small group of business magnates who have close ties with political groups (Freedom House 2012).

The press in Honduras is consistently assessed as “not free” by Freedom House (2012). In fact, during the year of 2011, Honduras was considered one of the worst places in the world for journalists. The country ranks 127th out of 179 in the Reporters without Borders Press Freedom Index 2013 – a slight improvement in comparison with the country’s previous ranking of 135 in 2011-2012.

In addition, corruption in the media is also a problem in Honduras. Informal payments to journalists by government officials in return for favourable reporting is a rather common practice (Freedom House 2012b).

Civil society

The Honduran constitution guarantees the right to freedom of association and assembly, and a 2006 Civil Participation Law protects the role of civil society groups and individuals in the democratic process (Freedom House 2012b).

In the past years, the environment for civil society in Honduras has improved significantly, but with the 2009 coup and an increase in political instability, the government has adopted more restrictive policies towards civil society organisations (The International Center for Not-for Profit Law 2013). Within this framework, civil society activities have been harassed and the police have consistently suppressed peaceful demonstrations across the country (Freedom House 2012b).

In July 2011, President Lobo signed an NGO law (Special Promotion Law for Non-Governmental Development Organisations), which is seen as a positive development by some civil society groups, particularly because it limits the discretionary power given to officials when granting legal personality to NGOs. In addition, it defines clear standards for NGOs internal governance, transparency and conflict of interest which may help to increase the legitimacy of the sector (The International Center for Not-for Profit Law 2013).

However, the full implementation of the law will depend on a set of regulations that are still pending approval. These regulations could potentially restrict civil society operations, and therefore, civil society organisations have been closely watching the discussions and negotiations around the regulations. At the moment, experts assess the situation of NGOs operating in the country as rather unstable (The International Center for Not-for Profit Law 2013).

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