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Advocacy for Human Rights in the Americas



AP Photos: Eduardo Verdugo

## HONDURAS' JUSTICE SYSTEM

Evaluating Capacity Building and Judicial Independence

September 2019 | Series 1





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# INTRODUCTION

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

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

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

## **THE CENTRAL AMERICA MONITOR**

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

The Monitor is based on a series of more than 100 quantitative and qualitative indicators that allow a more profound level of analysis of the successes

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

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

- 1. Strengthening the capacity of the justice system;**
- 2. Cooperation with anti-impunity commissions;**
- 3. Combatting corruption;**
- 4. Tackling violence and organized crime;**
- 5. Strengthening civilian police forces;**
- 6. Limiting the role of the armed forces in public security activities;**
- 7. Protecting human rights;**
- 8. Improving transparency.**

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

The first round of Monitor reports will primarily focus on data sets from an approximate 4-year time period; 2014 to 2017, in order to provide a snapshot of Central America's institutions before and after the 2015 launching of the multi-billion dollar Alliance for Prosperity.

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

This first report of the Central America Monitor produced by IUDPAS of Honduras aims to define a baseline for the indicators related to analyzing the capacity and independence of the Salvadoran criminal justice system and the main institutions that compose it.

## **ABOUT THE RESEARCH FOR THIS REPORT**

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The quantitative data in this report was obtained via the bibliographic review of official reports, institutional annals, and relevant information available on the official transparency web pages of the government bodies analyzed. In addition, requests for statistical information were made via the Transparency and Public Information Access Law (*Ley de Transparencia y Acceso a la Información Pública*) of Honduras, which establishes a specific process by which government agencies must receive information requests and respond within a set timeframe.

We decided that the report's primary data would be obtained via public information requests, in order to evaluate the effectiveness of Honduras' transparency laws, including the response rate to information requests and the degree of cooperation by the various criminal justice bodies that were petitioned.

The information received from the requests was analyzed to measure the quality of the data obtained. This, in itself, is a useful exercise. Gaps in data will affect policymakers' ability to implement more effective public policies, while the refusal to provide information may reveal a lack of compliance and/or transparency on the part of the state agency involved. This data will be included in the Monitor's upcoming report on transparency.

In Honduras' case, WOLA and IUDPAS received a mixed response and varying cooperation levels from justice sector institutions petitioned for information. In some cases, institutions did not fully respond to the requests; in others, institutions denied the

information, citing that it was classified, as happened when report researchers requested government statistics on the effectiveness of Honduras' judicial institutions, and information on selection and disciplinary procedures.

Qualitative data and information were also compiled from other sources, taking into account the possibility that some state agencies might not comply with information requests. Consequently, this report uses information from interviews with experts, surveys, and media coverage to complement official data and to provide context, with the expectation that qualitative data can help provide a more complete picture of the reality on the ground. Similarly, qualitative data helps identify possible disparities by comparing existing legal frameworks with what is actually happening in practice.

Part of the value of this research process stems from the diversity of information sources, which will help validate the quality of data obtained. Interviews with a variety of experts in the field of justice and Honduran law, public opinion survey, and the use of other sources, such as media coverage, will offer complimentary information to the primary data obtained directly from government agencies.

# KEY FINDINGS

- During the four-year period covered by the Monitor, the Honduran justice system (with the exception of the National Directorate of Public Defense) saw an increase in both the number of justice sector personnel and the scope of the justice sector's geographic coverage. However, the number of prosecutors, forensic doctors, judges, and civil servants per 100,000 people remains below the global average; in addition, justice sector institutions are primarily concentrated in Honduran urban centers. As of 2017, Honduras had 10.8 prosecutors for every 100,000 people, while the judiciary had eight judges per 100,000 inhabitants, well below the global average of 17. These figures are discouraging given the challenges that Honduras faces in adequately responding to high levels of violence and impunity. The low proportion of forensic doctors and public defense attorneys is even more worrisome. In the case of the National Directorate of Public Defense, from 2014-2017, there was a 3 percent drop in the number of defense attorneys, which directly impacts the government's ability to effectively guarantee adequate legal defense representation.
- High levels of insecurity have generated a greater need for justice sector services, but the government's response has shown weak, structural deficiencies. The creation of the Technical Agency of Criminal Investigation in 2014, alongside other efforts to further develop the country's forensic science capacity, is an important step. However, the duration of procedures, rates of investigation, case resolution rates, and number of pending cases all point to low levels of effectiveness. The overburdening of justice system officials is evident. For example, in 2017, the OHCHR found that only one in four criminal cases are ever prosecuted due to 75 percent of cases being dismissed or closed during preliminary stages.
- Public trust in Honduran justice system institutions decreased. According to surveys by the University Institute for Democracy, Peace and Security at the National Autonomous University of Honduras (IUDPAS), in 2014, just 4.8 percent of respondents expressed trust in the Public Prosecutor's Office, while 5.2 percent said they trusted the Judiciary. Two years later, more than 56 percent of respondents said they mistrusted the Public Prosecutor's Office and the court system. Polls conducted by non-governmental organization Reflection, Research and Communication Team (*Equipo de Reflexión, Investigación y Comunicación*, ERIC-SJ) revealed similar numbers. Levels of mistrust in the Public Prosecutor's Office increased from 33.4 percent in 2014 to more than 69 percent in 2016; mistrust in the Judiciary rose from 39 percent in 2014 to almost 73 percent two years later.
- The selection processes for justice sector officials, including those for top-tier positions, were highly vulnerable to external influence and partisan politics, directly affecting the independence of the justice system as well as issues related to accountability. The 2016 selection process for Supreme Court of Justice (*Corte Suprema de Justicia*, CSJ) magistrates did see some positive reforms, such as the creation of an evaluation matrix that included criteria for evaluating suitable candidates, achieving gender parity, and conducting public hearings. However, this process was still marked by a lack of transparency and accountability, as well as serious and obvious levels of politicization.
- While the Supreme Court of Justice appointed a committee in 2016 to draft a new law concerning the Judicial Career Council (the primary body for managing the judiciary), by the end of 2017, this law had not been drafted.
- A model worth replicating is the process used to certify and select judges and magistrates for a new circuit of courts focused anti-corruption cases, as well as the prosecutors and investigators in the new Special Prosecutor's Unit against Impunity and Corruption (*Unidad Fiscal Especial contra la Corrupción y la Impunidad*, UFECIC). These selection procedures serve as an example of a more objective and transparent way of filling important judicial positions which other jurisdictions should consider adopting.

- While both the Public Prosecutor's Office and the Judiciary have experienced an increase in their budgets, funding remains low when considering the demand for these institutions' services. Even though Honduras' Constitution stipulates that 3 percent of the national budget should be allocated annually to the Judiciary, actual allocation levels are lower. It should be noted that the majority of the allocated budget is invested in salaries and maintenance, leaving a very low percentage for other investments.
- When comparing the budget allocated to Honduras' justice sector with that allocated to national security and defense between 2014-2017, the priorities of state policy are made evident. While both the Judiciary and the Public Prosecutor's Office saw their budgets increase by 31.9 percent during the period under study, the budget allocation for national security and defense increased by almost 71 percent. That is, for each lempira (or dollar) invested in the justice system, three times as much was invested in defense and security. As of 2017, security and defense funds exceeded health and education spending for the first time in the country's history.
- Report researchers experienced some difficulty in accessing official data about Honduras' justice sector. Judicial institutions provided a mixed response to requests for information, in some cases denying the requests for basic quantitative information. These types of deficiencies in transparency limit the ability of the Honduran government to better monitor and assess its policies; the lack of basic public information on justice sector capacity may also contribute to an increase of citizen mistrust in state institutions.

# THE JUSTICE SYSTEM IN HONDURAS

## Evaluating Capacity Building and Judicial Independence

Honduras has faced a serious crisis of crime and violence over the last decade, reaching the highest rate of homicides worldwide in 2012. While this figure has gone down in recent years, the actual rate is four times higher than the international average, according to the World Health Organization (WHO).

This insecurity generates an elevated demand from citizens for justice-related services. However, the response by the Honduran government has revealed deep-rooted issues with structural impunity, caused, above all, by widespread corruption, lack of judicial independence, and institutional weaknesses within the justice system.

The analysis in this report is based on the principle that an efficient justice system is essential to strengthening rule of law and other state institutions, improve citizen trust, provide legal guarantees, and promote human development in addition to investment. Consequently, the state is responsible for guaranteeing an equitable, responsible, ethical, and efficient system that complies with the law and respect for human rights.

This report analyzes findings related to the first group of Central America Monitor indicators, which focus on building the capacity and strengthening independence of the Honduran justice system. This study is based on a group of qualitative and quantitative indicators to evaluate levels of progress or setbacks in the strengthening of the Honduran justice system. It covers data corresponding to 2014-2017, sourced from the Judiciary, the National Directorate of Public Defense,<sup>2</sup> the Public

Prosecutor's Office, and the General Directorate of Forensic Medicine.

Specifically, the report analyzes three main areas:

1. Justice system capacity, including human resources, geographic distribution of justice institutions, efficiency, and public trust.
2. Internal judicial independence, including the existence of independent and impartial justice operators that can act in strict compliance with national law and international treaties. This includes an assessment of the existence and implementation of rigorous and transparent personnel selection procedures, based on international standards, as well as permanent and effective performance and evaluation procedures.
3. External judicial independence, which assesses the allocation, distribution, and use of economic resources assigned to Honduras' justice sector as well as the procedures used to guarantee the safety of justice sector employees.

The indicators developed are intertwined with the indicators defined by the United Nations Organization (UN) and the Organization of American States (OAS), which evaluate the criminal justice administration systems with regards to their effectiveness, quality of officials and internal and external independence.



# THE JUSTICE SYSTEM

The Honduran criminal justice model works through four subsystems: the police, the Public Prosecutor's Office, the Judiciary, and the penitentiary system. This report focuses mainly on the Public Prosecutor's Office, the Judiciary, the National Directorate of Public Defense, and the General Directorate of Forensic Medicine. The functions of each of these institutions are briefly described below.

## PUBLIC PROSECUTOR'S OFFICE

The Public Prosecutor's Office (*Ministerio Público*, MP), originally part of the Supreme Court of Justice, was established as an independent body in 1994. Since then, it has operated independently of the three branches of government, with technical, administrative, and financial autonomy. Its role is to coordinate and direct criminal and forensic investigations, carrying out criminal investigations to determine those responsible and appearing before courts to prosecute cases on the state's behalf.

The Public Prosecutor's Office is mandated by the Constitution and is governed by the Law on the Public Prosecutor's Office, enacted in 1993. In accordance to the law, the Public Prosecutor's Office operates under the direction, administration, and supervision of the Attorney General. Other important officials include a Deputy Attorney General who reports to the Attorney General and is responsible for directing and overseeing administration-related issues, as well as any

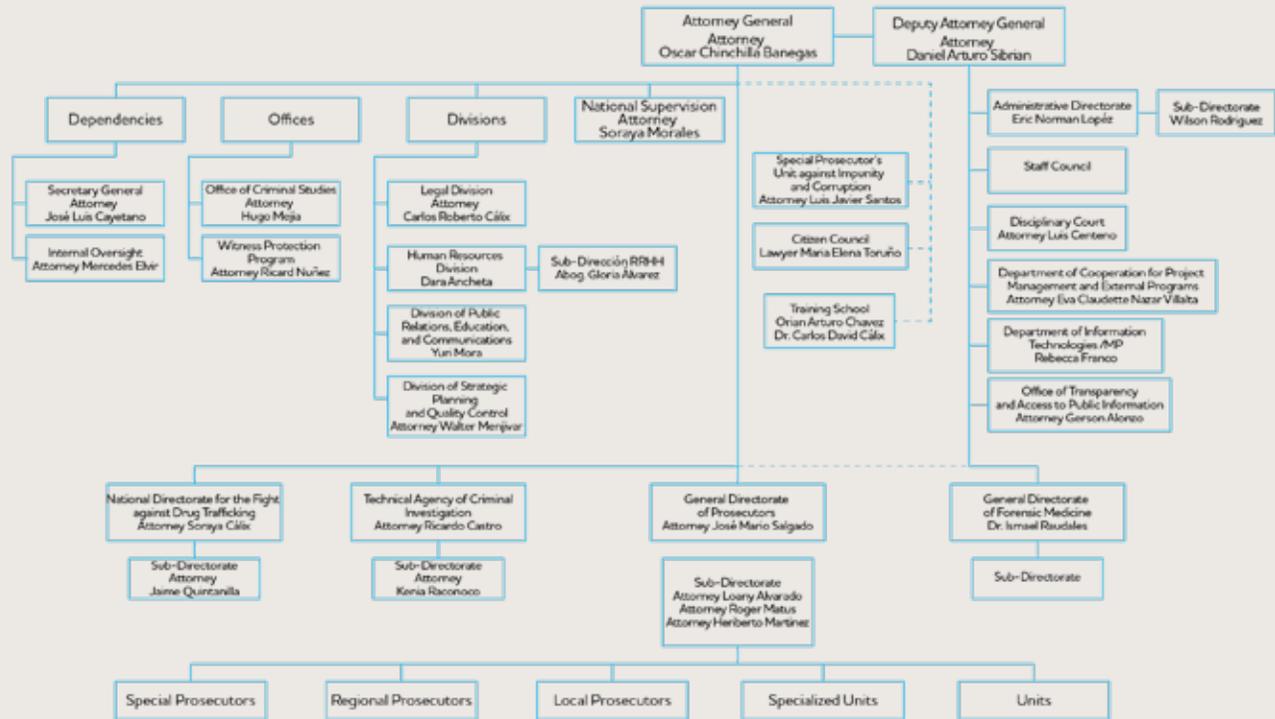
other responsibilities delegated by the Attorney General.<sup>3</sup> Since 2013, former CSJ magistrate Óscar Chinchilla has served as Attorney General. As of the writing of this report, the current Deputy Attorney General is Daniel Arturo Sibrián Bueso, former chief of the legal division of the Public Prosecutor's Office.

The MP is organized into four directorates: the General Directorate of Prosecutors (*Dirección General de Fiscalía*), the National Directorate for the Fight against Drug Trafficking (*Dirección Nacional de Lucha Contra el Narcotráfico*), the General Directorate of Forensic Medicine (*Dirección General de Medicina Forense*), and the Administrative Directorate (*Dirección de Administración*). Another sub-office is the Technical Agency of Criminal Investigation (*Agencia Técnica de Investigación Criminal*, ATIC). In terms of planning and strategy, the MP has a five-year (2015-2020) strategic plan in place.

## GENERAL DIRECTORATE OF FORENSIC MEDICINE

Until 1994, the Department of Legal Medicine fell under the umbrella of the CSJ. That year, the department was renamed the General Directorate of Forensic Medicine and became part of the recently created Public Prosecutor's Office. The Directorate of Forensic Medicine is also an auxiliary institution of the Judiciary, as the Directorate is in charge of producing scientific evidence in relation to criminal investigations. The Attorney General is responsible for naming the director and sub-director who manage the Directorate. This office is divided into four sub-offices: the Sub-directorate of Investigation, Training and Teaching; Quality Control; Forensic Evaluations, and the Sub-directorate of Administrative Management.

**Figure 1**  
**ORGANIZATIONAL CHART OF THE PUBLIC PROSECUTOR'S OFFICE**



Source: Public Prosecutor's Office, 2019

**Figure 2**  
**GENERAL DIRECTORATE OF FORENSIC MEDICINE ORGANIZATIONAL CHART**



Source: Public Prosecutor's Office, 2019

## JUDICIARY

The Judiciary is one of the three branches of government in Honduras and is responsible for acting as a guarantor of the rule of law. Its role consists of imparting justice, applying the law, and issuing and executing judgements via judges sworn to uphold the Constitution of the Republic and its laws.

The Judiciary is made up of the National Directorate of Public Defense, courts, tribunals, appeals courts, and chambers of the Supreme

Court of Justice, the last being the highest court in the hierarchy. Since 2016, the Judiciary has been presided over by the MP's former Director of Prosecutors, Rolando Argueta Pérez. The Judiciary has a five-year (2017-2021) strategic plan in place.

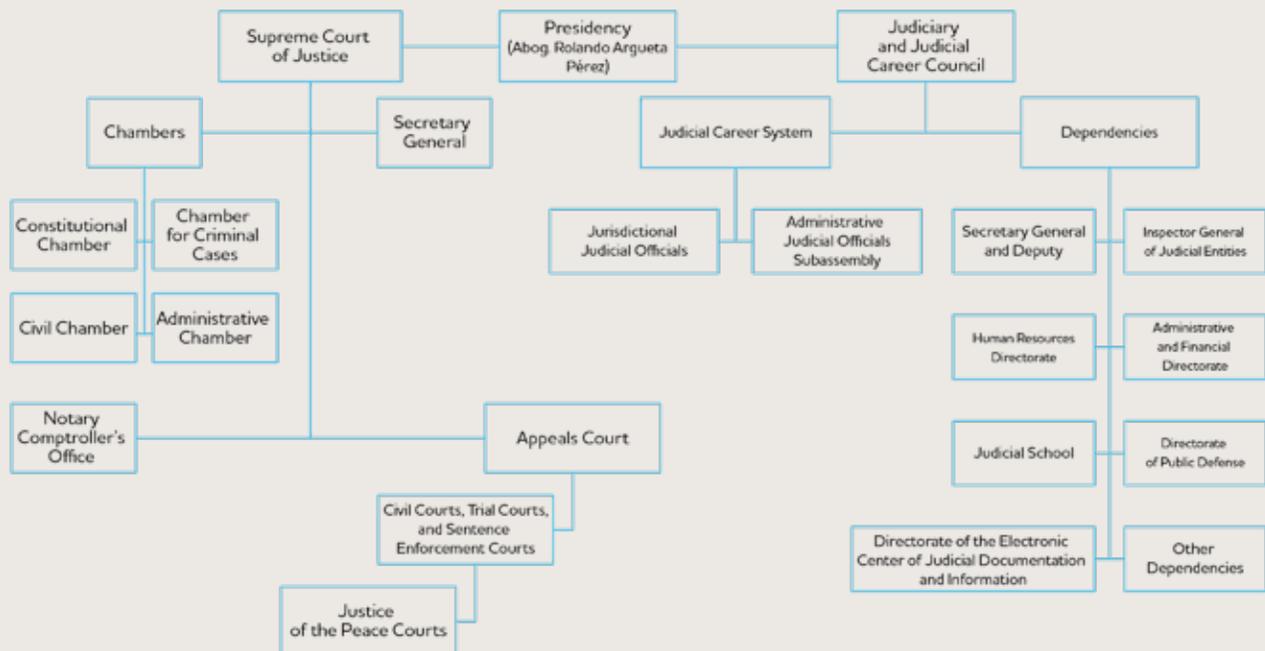
## NATIONAL DIRECTORATE OF PUBLIC DEFENSE

The Judiciary established the National Directorate of Public Defense on May 15, 1989. It is financially dependent on the Judiciary, but retains functional independence. The Directorate has its own regulations, active since July 7, 2015. The

Directorate is made up of a Directorate, a Sub-directorate, regional liaisons, local offices, and a Technical Unit of Appeals.

Figure 3

### ORGANIZATIONAL CHART OF THE JUDICIARY



Source: Judiciary, 2017

# CAPACITY OF THE JUSTICE SYSTEM

The quality and quantity of human resource levels within a justice system is fundamental to measuring the system's response capacity. This is also directly linked to the levels of efficiency and coverage that a justice system is able to provide.

The chart below shows population levels in Honduras between 2014-2017. The report bases its justice sector coverage analysis on these numbers.

**Table 1**  
**POPULATION ESTIMATES**  
**2014-2017**

2014	2015	2016	2017
8,725,111	8,576,532	8,721,014	8,866,351

Source: National Institute of Statistics (Instituto Nacional de Estadística, INE)

## GEOGRAPHIC COVERAGE AND HUMAN RESOURCES

Ten years after the creation of the **Public Prosecutor's Office**, in 2004, Honduras had 5.4 prosecutors per 100,000 inhabitants.<sup>4</sup> If we take into account chief and auxiliary prosecutors, by 2014 the rate rose to 7.2, surpassing the global average (which at the time was 6 prosecutors per 100,000 inhabitants).<sup>5</sup> However, if only the chief prosecutors are taken into account, Honduras only had 2.3 prosecutors for every 100,000 people in 2014, with a rate of 2.6 in 2015, 2.5 in

2016, and 2.3 in 2017, all well below the world average, limiting the investigation of offenses and crimes.

Between 2014 and 2017, the total number of prosecutors (chief and auxiliary) rose 51 percent, going from 633 in 2014 to 959 in 2017, making for a ratio that year of 10.8 prosecutors per 100,000 inhabitants.

**Table 2**  
**CHIEF AND AUXILIARY PROSECUTORS, TOTALS AND RATIO PER 100,000 INHABITANTS**  
**2014-2017**



	Number of Prosecutors (Chief and Auxiliary)	Prosecutors per 100,000 Inhabitants (Chief and Auxiliary)
2014	633	7.2
2015	813	9.5
2016	891	10.2
2017	959	10.8

Source: Public Prosecutor's Office/INE estimates

When counting both administrative and Forensic Medicine staff, overall MP employee levels increased 45 percent between 2014 and 2017, from 2,602 to 3,782 employees. The number of prosecutors, particularly auxiliary ones, rose 73 percent between 2014 and 2017, while the

percentage of sub-national prosecutors (of which there are four categories) only rose 4.5 percent. It is worth noting that auxiliary prosecutors, who work in subordination to chief prosecutors, contribute to streamlining case management.

**Table 3**  
**NUMBER OF PROSECUTORS BY CATEGORY**  
**2014-2017**

Año	Auxiliary Prosecutors	Chief Prosecutor I	Chief Prosecutor II	Chief Prosecutor III	Chief Prosecutor IV	Total Prosecutors
2014	433	87	63	30	20	633
2015	590	81	93	30	19	813
2016	669	83	94	31	14	891
2017	750	75	90	30	14	959

Source: Public Prosecutor's Office

**Table 4**  
**PUBLIC MINISTRY EMPLOYEES, TOTALS AND RATIOS PER 100,000 INHABITANTS**  
**2014-2017**



Source: Public Prosecutor's Office/INE estimates

The MP is organized into five regional offices and 23 local ones, under the administration, coordination, and immediate supervision of the General Directorate of Prosecutors. This Directorate is headed by a Director General, named by the Attorney General of the Republic.

Alongside prosecutors who focus on dealing with common crime, Honduras has created special prosecutors' offices responsible for investigating non-conventional crimes and to provide increased attention to groups in vulnerable contexts. In total, the Public Prosecutor's Office had 13 special prosecutors and 7 specialized units in 2016. These included: the Special Prosecutor against Organized Crime, the Special Prosecutor for Transparency and Combating Public Corruption, the Special Prosecutor for Consumer Protection and Senior Citizens, the Special Prosecutor for the Protection of Intellectual Property, the Special Prosecutor for Crimes against Life, the Special Prosecutor for Women, the Special

Prosecutor for Children, the Special Prosecutor for Ethnicities and Cultural Heritage, the Special Prosecutor for the Environment, the Special Prosecutor for the Defense of the Constitution, the Special Prosecutor's Office for Appeals, the Special Prosecutor's Office for Civil Matters, and the Special Prosecutor's Office for Prosecuting Officials and Servants of the MP.

2014 also saw the creation of the Technical Agency of Criminal Investigation, meant to investigate serious crimes with a strong impact on society. The Agency has jurisdiction across the entire country.

In 2014, the General Directorate of Forensic Medicine only had 112 forensic doctors in the entire country. This rose by some 10.7 percent by 2017, making for a ratio of 1.4 forensic doctors per 100,000 inhabitants.

**Table 5**

**NUMBER OF FORENSIC DOCTORS IN THE PUBLIC PROSECUTOR'S OFFICE  
2014-2017**



Source: Public Prosecutor's Office

Other categories of employees within the General Directorate of Forensic Medicine did not experience a significant rise during the time period covered in this report.

**Table 6**

**NUMBER OF FORENSIC SPECIALISTS IN THE PUBLIC PROSECUTOR'S OFFICE  
2014-2017**



Source: Information obtained from payroll forms of the Public Prosecutor's Office

The General Directorate of Forensic Medicine has three regional offices: one for the central region located in the capital, Tegucigalpa, one in San Pedro Sula to cover the northwestern region, and another the city of La Ceiba to cover the departments of Atlántida, Colón, Islas de la Bahía, Gracias a Dios, and part of Yoro. In addition, it has 25 local offices, located in Catacamas, Choluteca, Comayagua, Danlí,

El Progreso, Gracias, Juticalpa, La Entrada Copán, La Esperanza, La Paz, Marcala, Nacaome, Ocotepeque, Olanchito, Puerto Cortés, Puerto Lempira, Roatán, Santa Bárbara, Santa Rosa de Copán, Siguatepeque, Talanga, Tela, Tocoa, Trujillo and Yoro. The General Directorate of Forensic Medicine also has 11 mobile mortuaries that operate in other parts of the country not covered by the regional offices.

In 2014, the **Judiciary** employed 5,146 officials (including administrative personnel and public defense attorneys). It experienced an increase of 7.6 percent in personnel by 2017; this is

significantly lower than the 45 percent growth registered by the Public Prosecutor's Office over that same time period.

**Table 7**

**JUDICIAL BRANCH EMPLOYEES, TOTALS AND RATIO PER 100,000 INHABITANTS 2014-2017**



	Judicial Branch Employees	Employees per 100,00 People
2014	5,146	59
2015	5,466	63
2016	5,438	62
2017	5,540	62

Source: Judiciary/INE estimates

Upon comparing total staffing levels at the Judiciary versus the Public Prosecutor's Office between 2014-2017, the Public Prosecutor's Office grew 37.4 percent more than the Judiciary (45 percent compared to 7.6 percent). This is reflected partly in the significant increase in the

number of chief and auxiliary prosecutors, which increased 51 percent over this four-year period, which is significantly higher than the 10.2 percent increase in the number of judges employed by the Judiciary.

**Table 8**

**INCREASE OF JUDICIARY AND PUBLIC PROSECUTOR'S OFFICE PERSONNEL IN PERCENTAGES 2014-2017**

Institution	Increase in Personnel
Public Prosecutor's Office	+45.0%
Judiciary	+7.6%

Source: Judiciary and the Public Prosecutor's Office

In 2014, of the total employees of the Judicial Branch, 48 were magistrates of appeals courts, 101 were trial judges, 92 were civil judges, 301 were sentence enforcement judges, and 341

were Justices of the Peace. This quantitative trend remained similar for the next three years. It should be noted that, for 2014, 47.6 percent of the judges were women.

**Table 9****NUMBER OF JUDICIAL BRANCH EMPLOYEES BY POSITION  
2014-2017**

Position	2014	2015	2016	2017
Appeals Courts Magistrates	48	49	43	50
Trial Judges	101	100	97	118
Civil Judges	92	94	92	88
Sentence Enforcement Judges	31	29	27	26
Justices of the Peace	341	348	342	341

Source: Judiciary

The Judiciary is composed of 15 appeals courts (distributed in seven of Honduras' 18 departments), 21 trial courts (with jurisdiction in all departments), 59 civil courts, and 322 peace courts (with presence in all 18 departments).

The three departments with the highest number of judges include Francisco Morazán, with 27 percent of the country's judges and magistrates based there, Cortés with 15 percent, and Atlántida with 8 percent. The remaining 50 percent of judges were distributed among other courts and tribunals across the country.

In 2016, the greatest concentration of Judiciary employees (not just judges and magistrates) was located in Francisco Morazán department, with 43 percent, followed by the department of Cortés with 13 percent, and Atlántida with 6 percent. The remaining 15 departments each account for 1 to 5 percent of the nationwide total of Judiciary employees.

**Table 10****JUDICIARY EMPLOYEES BY DEPARTMENT IN PERCENTAGES  
2014-2017**

Department	Percent of Judiciary Employees	Department	Percent of Judiciary Employees
Atlántida	6%	Intibucá	2%
Choluteca	4%	Islas de la Bahía	1%
Colón	2%	La Paz	2%
Comayagua	4%	Lempira	3%
Copán	5%	Ocotepeque	1%
Cortés	13%	Olancho	4%

El Paraíso	3%	Santa Bárbara	3%
Francisco Morazán	43%	Valle	1%
Gracias a Dios	1%	Yoro	3%

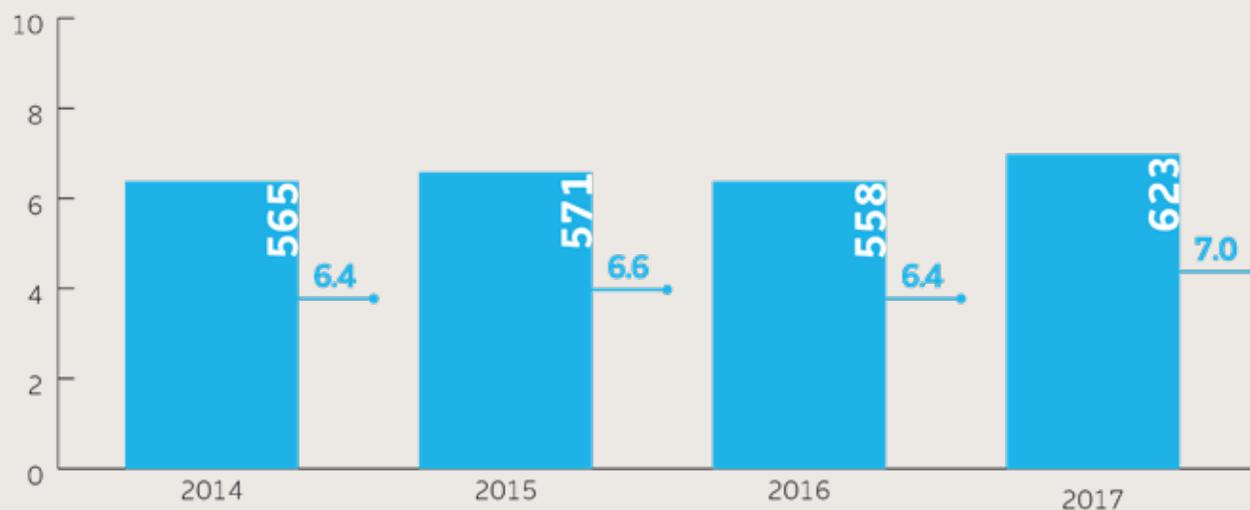
Source: Judiciary

By 2014, Honduras had 565 judges, for an average of 6.4 judges per 100,000 people. Three years later, the number of judges increased by 10.2 percent to 623, with a rate of 7 judges per 100,000 inhabitants.

Compared to other countries, in 2014 Honduras lagged behind neighboring countries like Costa

Rica, where there are 18.2 judges per 100,000 inhabitants. Nonetheless, Honduras still had a higher average number of judges per 100,000 people than Mexico, a country with a rate of 4.2.<sup>6</sup> To reiterate, the global average is 17 judges per 100,000 inhabitants.<sup>7</sup>

**Graphic 1**  
**JUDGES, TOTALS AND RATIO PER 100,000 INHABITANTS**  
**2014-2017**



Source: Judiciary/INE projections

In 2014, the **National Directorate of Public Defense** was made up of 269 defense attorneys, for a ratio of 3 per 100,000 inhabitants. To put this ratio into context, in South America, the regional average is 5 defense attorneys per 100,000 inhabitants.<sup>8</sup>

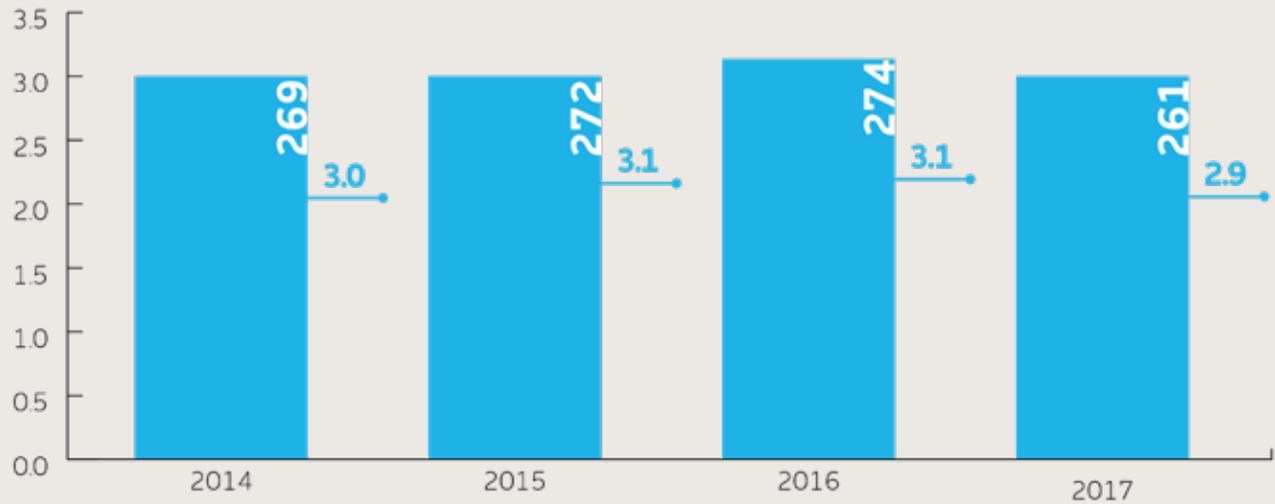
By 2017, Honduras experienced a drop in Public Defense personnel. The number of personnel rose from 269 to 272 defense attorneys in 2015, to 274 in 2016, but dropped to 261 in 2017. In other

words, from 2014 to 2017, the number of public defense attorneys decreased by 3 percent.

Of the 269 public defense attorneys in 2014, 177 were women; in 2015, 180; in 2016, 182; and in 2017, 178. On average, 66.7 percent of Honduran public defense attorneys were women.

Graphic 2

**PUBLIC DEFENDERS, TOTALS AND RATIO PER 100,000 INHABITANTS  
2014-2017**



Source: Judiciary/INE estimates

Of Honduras' 18 departments, only three exceeded the national ratio of three public defense attorneys per 100,000 inhabitants, with Atlántida having four, Francisco Morazán having six, and Islas de la Bahía having nine.

The geographical concentration of public defense attorneys is a weakness for the justice sector: in 2014, 66.5 percent were located in three of 18 departments (Francisco Morazán, Cortés, and Atlántida). Indeed, the National Directorate of Public Defense only has offices in 29 of Honduras' 298 municipalities, meaning there are 219 municipalities with no national public defenders' office. This signals that the current number of public defenders nationwide is insufficient to effectively meet the demands of the population.

According to a 2017 report by the Office of the United Nations High Commissioner for Human Rights (OHCHR), access to justice poses particular difficulties for certain communities, including women in rural areas, indigenous groups, and Afro-Honduran peoples.

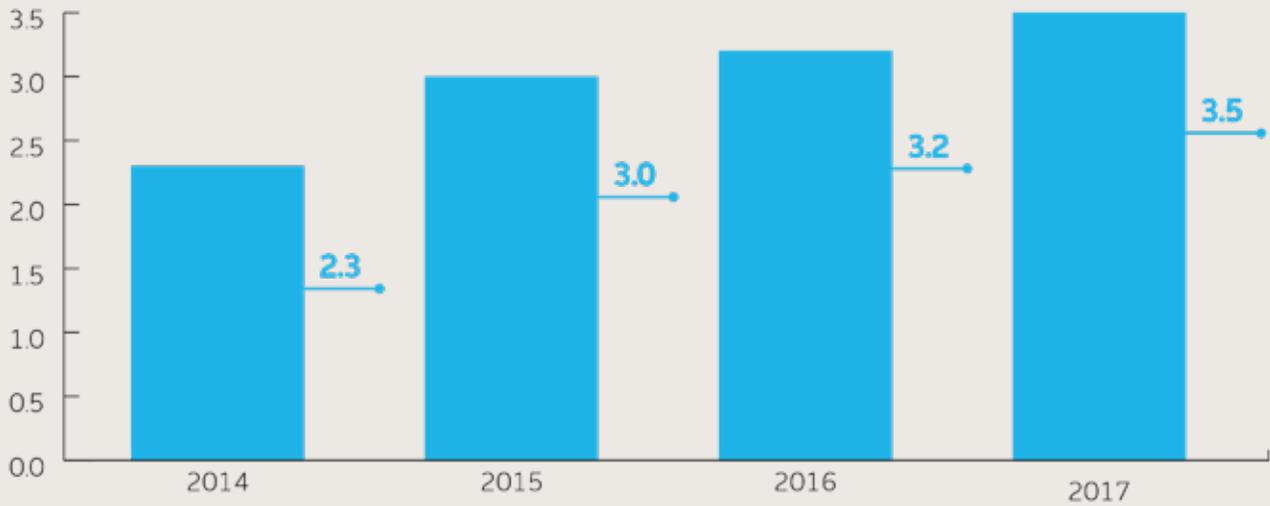
With respect to the National Directorate of Public Defense, OHCHR reported that, even though the law guarantees the right to free legal assistance (including in civil matters) for economically disadvantaged people, such assistance is not

regulated. We can conclude that the number of people who can actually access the service of public defenders is extremely limited, given that public defense work represents just 11 percent of all legal assistance provided nationwide.

The United Nations (UN) has also said there are insufficient public defense attorneys in Honduras so as to guarantee appropriate legal representation. One UN report observed that the lack of public defenders is a particularly serious problem in departments like Intibucá, Lempira, and Gracias a Dios, where there are greater indexes of poverty and a greater concentration of indigenous peoples.

In 2014, there was a rate of 2.3 prosecutors for every public defender, a number that continued to increase throughout the time period covered in this report. This ratio is another indicator that highlights the overall deficit of public defenders in Honduras.

**Graphic 3**  
**RATIO OF PROSECUTORS TO PUBLIC DEFENDERS**  
**2014-2017**



Fuente: Poder Judicial /proyecciones INE

## EFFICIENCY

High levels of violence, which led to Honduras registering the world's highest homicide rate in 2012, have generated intense public demand for justice sector services. However, the state response has made clear that the government suffers from structural impunity.<sup>9</sup> The IUDPAS believes that insecurity is closely linked to the effectiveness of justice system institutions, as violence and criminality advances by finding favorable spaces in which to operate. Widespread impunity and the lack of effective investigations lead to both decreased public trust in authorities and poorer administration of justice.

The Inter-American Court of Human Rights (IACHR) defines impunity as "the absence in its entirety of investigation, prosecution, capture, prosecution, and conviction." IACHR also states that impunity can be measured by analyzing three indicators (as defined by the UN) that evaluate criminal justice administration systems. These indicators include effectiveness, professionalism of justice sector personnel, and independence.

Effectiveness refers to the duration of judicial procedures, the resolution rate, and the number of pending cases. Effectiveness is also measured by

citizens' satisfaction with the service they receive; by "satisfaction," we mean a reaction dependent on the measures implemented and the results obtained.

At the time of this report's publication, information requested from the **Public Prosecutor's Office** had not been obtained. Because a significant number of requests for quantitative information were denied, this report uses secondary sources to analyze the effectiveness of the Public Prosecutor's Office.

According to data collected by the National Autonomous University of Honduras for a report on criminal justice administration (IUDPAS, 2015), MP records indicate that 569,696 lawsuits had been registered nationwide in 2014. A total of 36,032 were referred to the National Police and the remaining 36 percent (20,464) were left to be further investigated by the Public Prosecutor's Office.

According to that same report, 8,255 open cases were referred back to the Public Prosecutor's Office; of these, 895 were incomplete investigations. In other words, only 20 percent of the criminal cases opened in 2014 were ever investigated. Of the cases processed by the Public Prosecutor's Office

and the Honduran police's National Directorate of Criminal Investigation (DNIC), only 9 percent ended with charges filed, and a mere 0.5 percent of cases ended with alternative sentencing.

The small number of resolved cases is due to the following: limited logistical and material resources available to investigators, excessive workloads, understaffed police units, the need to complete work shifts for other investigative units, the exhausting working days to which system officials are subjected, and a lack of inter-institutional coordination, especially for the investigation of common crimes.<sup>10</sup> This limited investigative capacity has often been identified as one of the principal causes of the high level of lawlessness in Honduras.

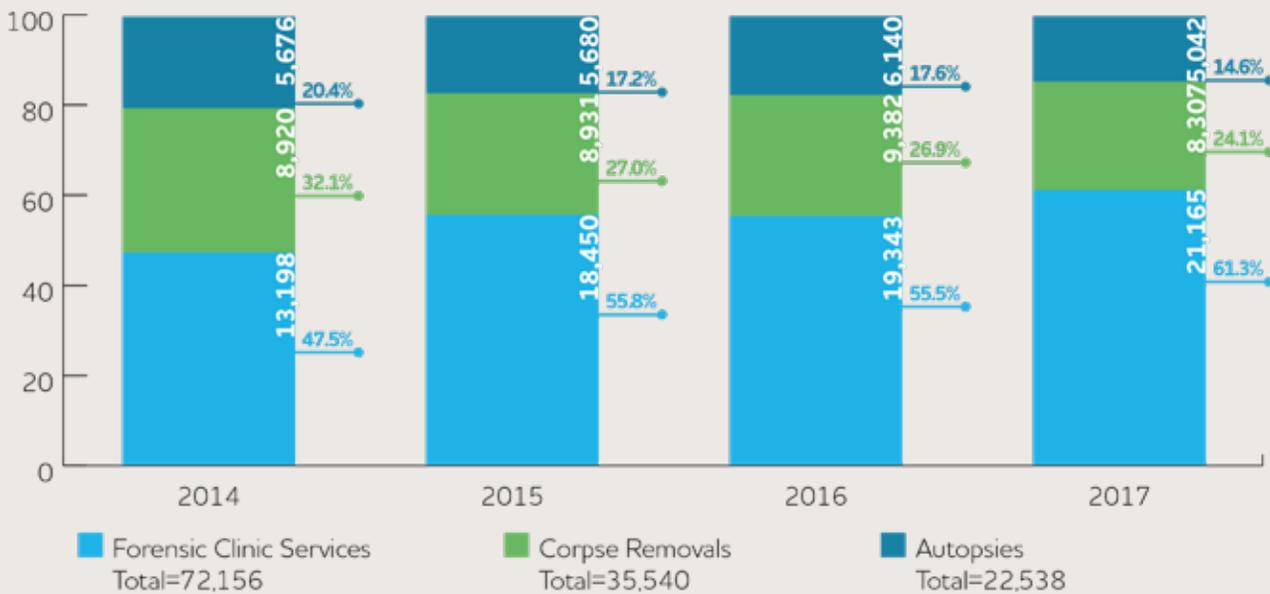
The 2014 creation of the Technical Agency of Criminal Investigation (ATIC) in the Public

Prosecutor's Office, responsible for investigating serious crimes, counts as a positive step forward, as have been the efforts to bolster scientific and forensic capacity. This helps curb prosecutors' dependence on using the testimony of victims and witnesses (who receive scant protections from the justice system) to advance cases.

Of the charges filed by Honduran prosecutors in 2014, 66 percent were filed in Francisco Morazán and 30 percent in Cortés, the two most populated departments in Honduras.

With regards to the forensic work conducted by the **General Directorate of Forensic Medicine**, the Directorate completed 72,156 legal clinical opinions between 2014 and 2017.

**Graphic 4**  
**LEGAL MEDICAL OPINIONS COMPLETED**  
**BY THE GENERAL DIRECTORATE OF FORENSIC MEDICINE**  
**2014-2017**

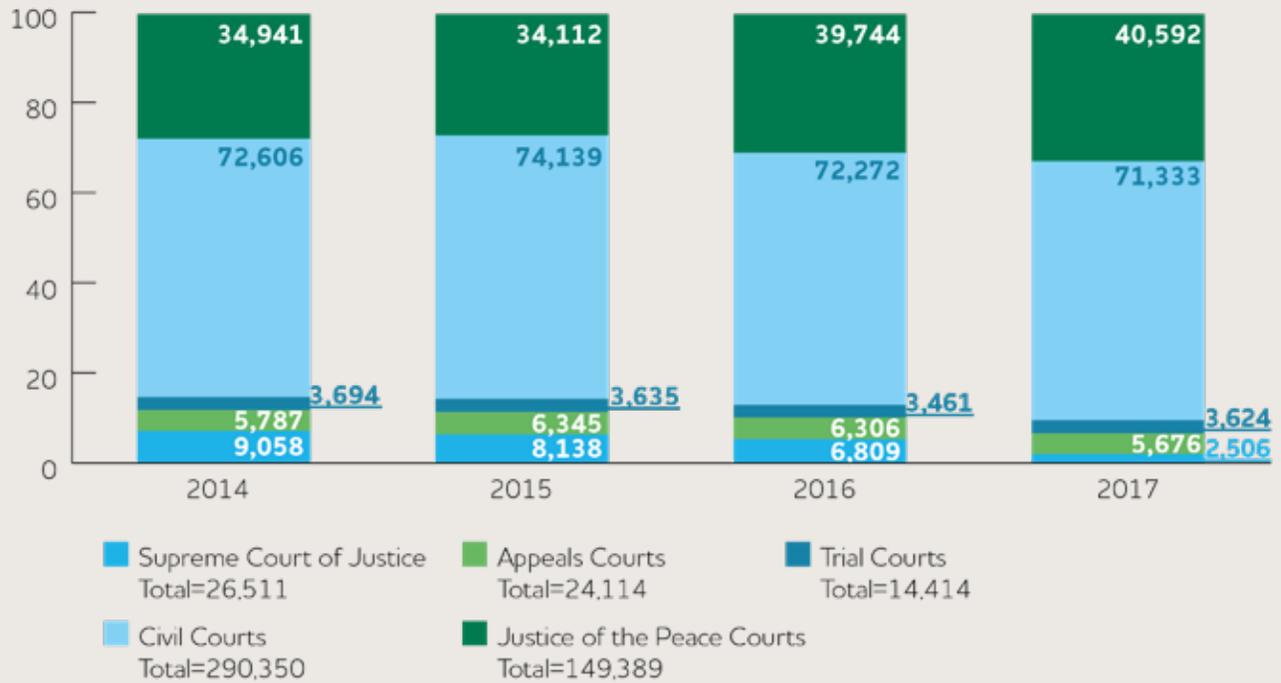


Source: National Violence Observatory (Observatorio Nacional de la Violencia, ONV) of the UNAH based on information from the General Directorate of Forensic Medicine.

Between 2014 and 2017, the **Judiciary** registered 504,778 cases. Of these, 26,511 were admitted to the Supreme Court of Justice (however, 2017 registered a considerable decline compared to

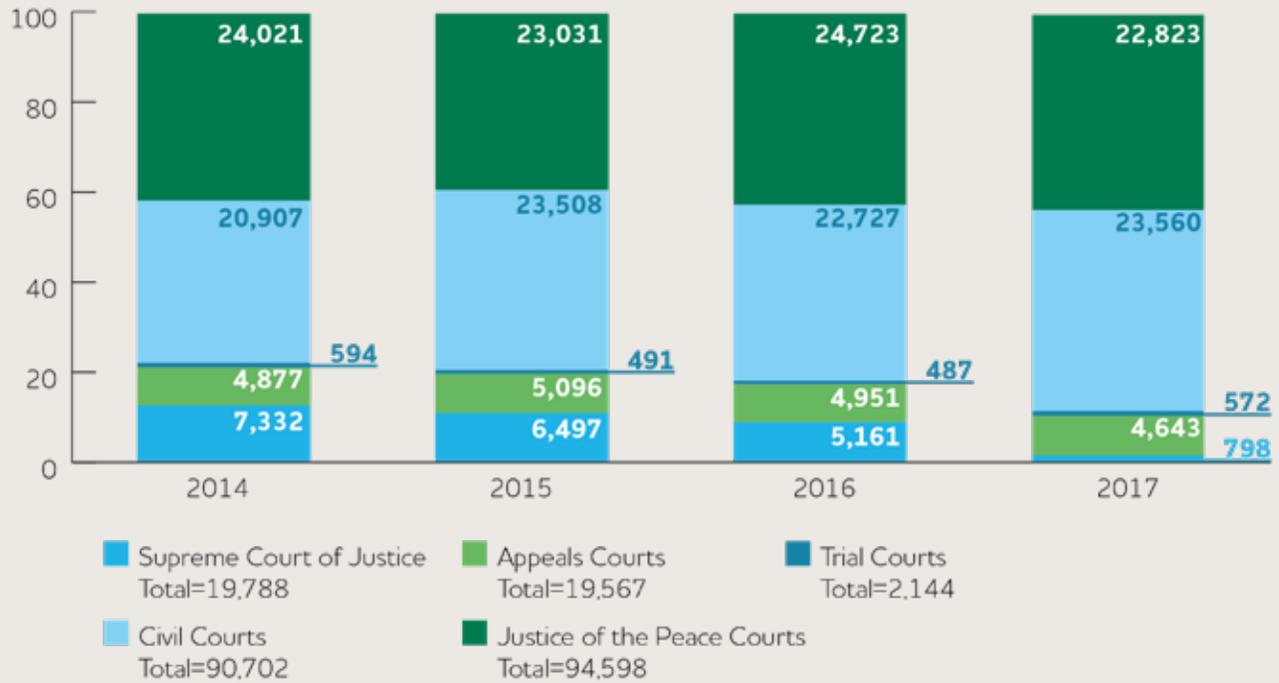
previous years). The appeals courts admitted 24,114 cases; trial courts, 14,414; civic courts, 290,350; and Justice of the Peace courts, 149,389.

**Graphic 5**  
**NUMBER OF CASES ADMITTED TO THE JUDICIARY**  
**2014-2017**



Source: Judiciary

**Graphic 6**  
**NUMBER OF CASES THAT RESULTED IN RULINGS**  
**2014-2017**

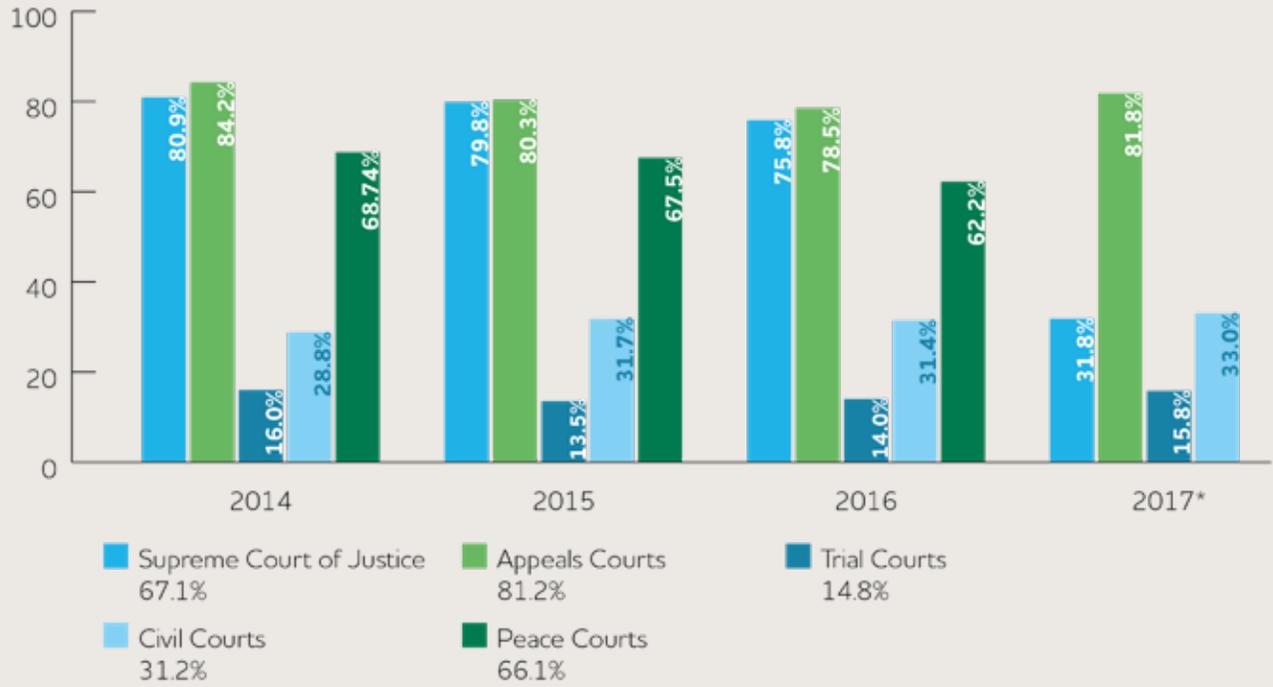


Source: Judiciary

According to the Judiciary, of all cases admitted, the CSJ resolved 74.6 percent; the appeals courts, 81.1 percent; the trial courts, 14.8 percent; the civil courts, 31.2 percent; and the Justice of the Peace Courts, 63.3 percent. In total, these courts issued rulings in 44.9 percent of all cases (this number includes, but is not limited to, criminal law cases, which are much less likely to result in a ruling). It

should be noted that, concerning the persistent lack of resolutions in criminal cases, the OHCHR indicated in its 2017 report that only one in four accusations ever reached the trial phase, as 75 percent were dismissed or closed during preliminary hearings, with an average of 3,600 trials opened per year.<sup>11</sup>

**Graphic 7**  
**PERCENTAGE OF CASES RESOLVED IN THE JUDICIARY**  
**2014-2017**



\* No information available on the number of Peace Courts in 2017  
 Source: Judiciary

Analyzing the number of cases processed by the Judiciary compared to the number of Judiciary employees, the appeals courts assigned 24,114 cases to an annual average of 47 magistrates between 2014-2017. Trial courts assigned 14,414 cases to an average of 104 judges working per year throughout this same time period. Civil courts

assigned 290,350 cases to an annual average of 91 judges. Meanwhile, the Justice of the Peace Courts assigned 149,389 cases to an annual average of 343 judges. IUDPAS and WOLA did not obtain data regarding the number of cases handled by the National Directorate of Public Defense.

**Table 11****TOTAL NUMBER OF CASES REGISTERED AND AVERAGE NUMBER OF CASES ASSIGNED PER MAGISTRATE/JUDGE IN THE JUDICIARY 2014-2017**

Court	Number of Cases Registered	Cases Assigned per Magistrate/Judge
Appeals Courts	24,114	513
Trial Courts	14,414	138
Civil Courts	290,350	3,190
Peace Courts	149,389	435

Source: Judiciary

In domestic violence cases, there's a strong tendency for cases to be closed due to statutes of limitations. In 2014, civil courts and Specialized Courts for Domestic Violence registered 9,379 lawsuits. According to the Judiciary, 29.5 percent of them resulted in a sentence.

In a public opinion survey on insecurity and victimization carried out by the IUDPAS in 2014, 20.5 percent of respondents reported being victims of a crime (in comparison, a 2016 IUDPAS survey had 16.5 percent of respondents report the same; in 2018, it was 12.8 percent). "When comparing the results with previous surveys, IUDPAS found that the victimization rate has steadily declined, on average, by 4 percent between each study."<sup>12</sup>

Of the 2018 respondents who formally reported a crime, 80.1 percent filed a police report, 14.1 percent went to the Public Prosecutor's Office, 2.4 percent called the 911 emergency number, 2.3

percent called a private security company, and 1.1 percent filed a case with the National Commission of Human Rights (*Comisionado Nacional de los Derechos Humanos*, CONADEH).<sup>13</sup>

Between 22 and 30 percent of survey respondents reported filing cases after falling victim to a crime, according to IUDPAS surveys completed in 2014, 2016, and 2018. Within this group, 62.3 percent said they did not receive a response from the authorities; 15.6 percent said the alleged offender was not arrested; 12.3 percent reported the offender was arrested; and 7.3 percent of respondents said the perpetrator of the crime was arrested, but was released by the police. Again, the lack of effective investigations and prompt responses on behalf of the justice institutions directly affects citizen trust in the justice sector; which then leads to an unknown and unidentifiable number of people who choose not to report crimes because they believe it will not yield results.

**Table 12**

**NUMBER OF CASES FILED BY HONDURANS TO CERTAIN JUSTICE AUTHORITIES  
2014**

Justice Authority	Cases Received
911 National Emergency System	297,328
National Directorate of Criminal Investigation (DNIC)	64,118
Public Ministry	56,496
<b>Total lawsuits presented</b>	<b>417,942</b>

Source: Secretary of Security, Public Prosecutor's Office, and the 911 National Emergency System

In 2014, the 911 National Emergency System received 297,328 complaints, the DNIC (now known as the Police Investigation Directorate (*Dirección Policial de Investigaciones*)), registered 64,118 complaints, and the Public Prosecutor's Office, 56,496.

## **PUBLIC TRUST**

To help provide feedback and recommendations for Honduran justice sector institutions, the IUDPAS conducted two national surveys during the period covered by this report (2014 and 2016) to gauge public views on insecurity, victimization, and trust in institutions.<sup>14</sup> The Reflection, Research and Communication Team (*Equipo de Reflexión, Investigación y Comunicación*, ERIC-SJ), a non-profit organization that forms part of the Jesuit Social Services in the region, also conducted annual public opinion polls during this time period. The IUDPAS and ERIC-SJ surveys, both of which have 95 percent confidence levels, concur in conveying the low levels of trust that Hondurans have in justice sector institutions, including the Public Prosecutor's Office and the Judiciary.

The results of the IUDPAS surveys, presented in more detail in the tables below, differ significantly from each other, as the format of questions about institutional trust varied each year. In 2014, the survey asked respondents about their confidence in the security and justice system without specifying or naming specific institutions; in 2016, the survey provided respondents with a specific list of institutions; individual assessments were then made based on the responses.

Nonetheless, the survey results revealed that both institutions (the Public Prosecutor's Office and the Judiciary) were widely mistrusted, as detailed in Table 13.

The low levels of confidence expressed by survey respondents implies that citizens see a link between high levels of impunity and the justice institutions responsible for investigating and punishing those who break the law. The 2014 survey by IUDPAS showed only 4.8 percent of respondents expressing trust in the Public Prosecutor's Office, while 5.2 percent said they trusted the Judiciary.

**Table 13**  
**PUBLIC TRUST IN JUSTICE INSTITUTIONS**  
**2014**

Institution	Public Trust
Public Prosecutor's Office	4.8%
Supreme Court of Justice	5.2%

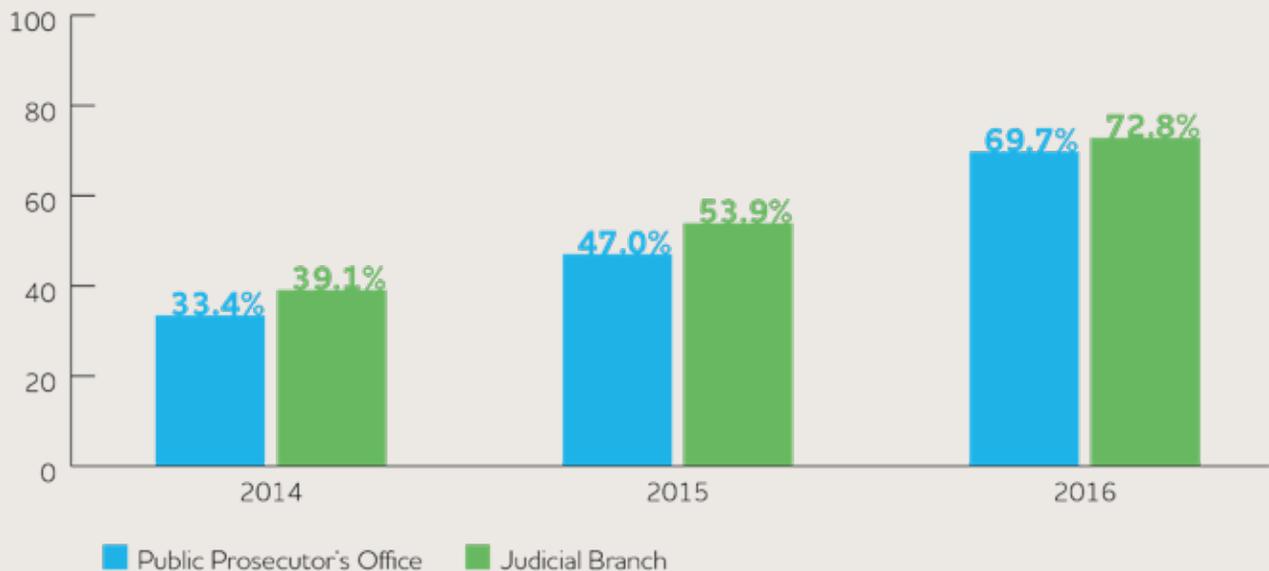
Source: IUDPAS 2014 survey

With respect to the lack of trust in justice institutions, in 2016, the IUDPAS survey showed that 56.5 percent of respondents did not trust the Public Prosecutor's Office, with 56.2 percent expressing a lack of trust in the Supreme Court of Justice.

the Public Prosecutor's Office; in 2015, 47 percent; and in 2016, 69.7 percent. Meanwhile, 39.1 percent of survey respondents expressed mistrust in the Judiciary in 2014; 53.9 percent responding this way in 2015; and 72.8 percent in 2016.

According to the ERIC-SJ surveys, in 2014, some 33.4 percent of respondents expressed mistrust in

**Graphic 8**  
**PUBLIC MISTRUST IN THE PUBLIC PROSECUTOR'S OFFICE AND THE JUDICIARY**  
**2014-2016**



Source: ERIC-SJ surveys, 2014, 2015, and 2016

The ERIC-SJ 2015 survey also asked citizens what interests they believed magistrates, judges, and prosecutors were defending. The results were the

following: 84.2 percent of respondents considered justice sector officials protected the interests of the rich, powerful and corrupt, compared to 8.6 percent

who believed they defended societal interests. Notably, the percentage of those who believed that justice sector officials do not protect citizens dropped in 2016 to 81 percent.

In conclusion, there is a widespread public perception that justice sector officials are falling short in reducing

lawlessness, while lacking the logistical capacity and resources to investigate, effectively enforce the law, and punish those who commit crimes.

## INTERNAL JUDICIAL INDEPENDENCE

In addition to the effectiveness and quality of its workers, independence is the third indicator defined by the UN and the OAS to evaluate criminal justice systems. These and other institutions have established various international standards so that governments can better guarantee the proper and independent functioning of judges, prosecutors, and public defense attorneys.

International law outlines that, among the guarantees necessary to ensure adequate and independent compliance with judicial institutions, the processes for appointing personnel must be transparent and open to public scrutiny, with objective criteria that is clearly determined and based on competence, probity, and the academic and professional backgrounds of aspirants. Additionally, international standards maintain that these selection processes must ensure equal opportunities for candidates.

International criteria for judicial selection procedures also stipulate that candidates in these procedures must compete under general conditions of equality, where no person is discriminated against because of race, color, sex, language, religion, political opinions, national or social origin, economic position, birth, or any other social condition. Truly independent judicial selection processes must also promote gender equality and multicultural representativeness.

International standards maintain that a truly independent selection process would involve the selection of candidates based on personal and professional merit, as well as the uniqueness and specificity of the functions they will perform, in such a way as to ensure equal opportunities, without unreasonable privileges or advantages.

Additionally, international standards maintain that governments must publicly announce judicial appointments in a timely way, while also making public the requirements, criteria, and deadlines so that anyone who satisfies the requirements can

apply to be a prosecutor, judge, or public defense attorney. Additionally, these selection procedures must be open to public scrutiny, which significantly reduces the degree of discretion and external interference in the selection process.

The IACHR concurs with the United Nations Special Rapporteur that one of the main problems in some Central American countries is the high degree of politicization in the selection, appointment, or election of justice officials.<sup>15</sup> This creates the need for public hearings and interviews, in which citizens, non-governmental organizations, and other interested parties may review selection criteria, challenge candidates, and express concerns or support.

When it comes to the selection of top-tier judicial officials, the IACHR highlights a significant regional trend regarding the use of political bodies to make these appointments.<sup>16</sup> The IACHR considers that this way of selecting and appointing top-tier judicial officials poses risk to judicial independence.

The duration of the appointment of a justice worker is also of utmost importance, considering that short terms weaken the justice system and affect independence and professional development. In that sense, longer terms favor stability and, to that extent, the independence with which a judicial official may operate. (Another issue worth flagging is that top-tier justice officials who serve without fixed terms, or other established conditions, may be removed at any time, without any motive).

In Honduras, in both the Judiciary and the Public Prosecutor's Office, human resources are of utmost importance. However, this is dependent on the quality of the selection processes. For instance, a 2015 IACHR report<sup>17</sup> revealed that only 29 percent of prosecutors see their recruitment and selection processes as neither objective nor transparent.

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## SELECTION PROCEDURES

### SELECTION PROCEDURES FOR THE PUBLIC PROSECUTOR'S OFFICE

A career system set up by the Public Prosecutor's Office is responsible for guaranteeing impartiality and merit-based procedures in the selection and recruitment of personnel, as well as objectivity in the evaluation of services, effective and efficient employee performance, and the utilization of any job-related rights and benefits. This system is made up of the Personnel Council (*Consejo de Personal*) and the Human Resources Division (*División de Recursos Humanos*).

The Human Resources Division is an executive body responsible for establishing a system of classification for positions and salaries. It also formulates standards, criteria, and technologies for the recruitment and selection of personnel, and institutes a training system for all personnel.

To modernize the recruitment and personnel selection processes, in 2014 the Public Prosecutor's Office formalized a methodology based on skills management and approved the use of psychometric tests, which it applied to new staff.

In accordance with its 2015-2020 Institutional Strategic Plan, the Public Prosecutor's Office plans to deepen the professionalization of its public servants through: consolidation of the Public Prosecutor's Office's career system; promotion of comprehensive and continuous training of public servants and officials; performance evaluation and certification; streamlining the allocation of human resources and the use of adequate and sufficient materials and technologies; and the design, construction, and conditioning of physical spaces or work areas in accordance with previously established standards. The existence of a strategic plan is an important step towards promoting institutional development and greater effectiveness and professionalization in the administration of the Public Prosecutor's Office.

In another important step forward, in 2014 the Attorney General inaugurated the "Orlan Arturo Chávez" Public Prosecutor's Office training school. This school is meant to train aspirants in prosecutorial careers, while also providing other opportunities to advance professionalization and equip public

prosecutors with the tools required to perform their jobs effectively.

Under Honduran law, Public Prosecutor's Office officials and employees must be guaranteed job security, and can only be removed for pre-established causes. In a 2014 poll by IUDPAS, 80 percent of surveyed prosecutors said they appreciate having this job stability, contrary to the 5 percent who said they do not appreciate this right (15 percent did not respond).

According to the statute that governs the careers of public prosecutors, appointments and advancements must follow standard, public regulations. However, in the 2014 IUDPAS survey, 90 percent of the prosecutors who responded said they did not believe that promotions or advancement proceedings were objective and transparent, compared to the 10 percent who did not respond. Of the 40 prosecutors polled, no one reported they believed that promotion procedures were objective.

Of the prosecutors interviewed, 75 percent said the most common way of recruiting and selecting Public Prosecutor's Office employees was by public tender, but when asked if they considered these processes objective and transparent, 33 percent said yes, while 29 percent stated otherwise.

The 2014 survey also asked prosecutors about the independence of their institution with respect to other bodies and powers of the state. Only 13 percent of prosecutors said that the Public Prosecutor's Office was somewhat independent; 35 percent of respondents said it always acted independently.

Regarding the factors that contributed to high impunity rates for crimes, 87 percent of respondents cited the primary reason as excessive workloads, with the second-most cited reason a lack of logistical support. In third place, respondents cited a lack of commitment to the job; in fourth place, respondents cited a lack of sufficient training; in fifth place, a lack of independence within the Public Prosecutor's Office.

## SELECTION PROCEDURES FOR THE ATTORNEY GENERAL AND DEPUTY ATTORNEY GENERAL

The Attorney General of the Republic is the head of the Public Prosecutor's Office; s/he may be replaced by the Deputy Attorney General in the case of absence, disqualification, or other reasons. Both serve five year terms and must be approved by at least two-thirds of the 128 members of Congress. Congress selects the nominees from a list of five candidates presented by a Proposal Board (*Junta Proponente*). However, this selection process has come under criticism for suffering from undue partisan influence.

The Proposal Board is comprised of: the president of the CSJ, who serves as the Proposal Board chair; one other CSJ magistrate appointed by a plenum of magistrates; the CONADEH Commissioner; the president of the Honduran Bar Association (*Colegio de Abogados*); a representative of civil society elected through an assembly; the rector of the UNAH; and a representative of private universities.

The Proposal Board must select five candidates in accordance with the provisions of the Regulations, Protocol and the Code of Ethics developed by the Board and in accordance with the provisions of Articles 233 of the Constitution and 19, 20 and 22 of the Law of the Public Prosecutor's Office.

The process begins with a general call, which is published three times in the newspapers with the largest circulation in the country. According to the regulations, any law professional from any public or private entity may apply, although no more than five candidates from a single organization may do so (candidates from organizations already represented in the Proposal Board may not participate).

The Proposal Board is responsible for the preliminary review of the applications, and for evaluating the professional and personal background of the candidates, as well as the public hearings. The evaluation process includes an analysis of the candidate's socioeconomic background and cultural heritage. Candidates also undergo toxicological, psychological, and polygraph tests.

At the end of the evaluation stage, the Proposal Board must select five candidates from an official

list of nominees to submit to the National Congress. The deliberations of the Proposal Board should consider the results obtained from the evaluations and interviews, the quality of the applications, and the honorability, professional experience, and technical knowledge of each candidate.

The Proposal Board must send to Congress the list of candidates for the General Prosecutor and Deputy General Prosecutor no later than thirty days before the end of the term of the persons holding the position at that time.

## SELECTION PROCEDURES FOR THE GENERAL DIRECTORATE OF FORENSIC MEDICINE

As mentioned earlier, the General Directorate of Forensic Medicine is an auxiliary body of the Public Prosecutor's Office and the Judiciary responsible for producing scientific evidence in relation to criminal investigations. It is under the responsibility and immediate direction of a director and a subdirector, selected directly by the Attorney General of the Republic, without public tender.

## SELECTION AND APPOINTMENT PROCEDURES FOR JUDGES AND PROSECUTORS AGAINST CORRUPTION

One of the most significant measures undertaken by the Mission to Support the Fight against Corruption and Impunity in Honduras (*Misión de Apoyo Contra la Corrupción y la Impunidad en Honduras*, MACCIH) has been to promote the creation of courts through a National Anti-Corruption Jurisdiction that extends to the Judiciary and the Public Prosecutor's Office.

The selection process for the judges and magistrates who sit on these anti-corruption courts included public meetings, a background check of professional history and personal conduct, evaluation of legal expertise, an interview, and confidence tests. Unlike other selection procedures, in this one, a clear selection methodology was established with evaluation criteria, tools, and verification techniques that required proper documentation.<sup>18</sup> Only those aspirants who passed all the tests could be eligible for the office. The government also created a website describing the official selection process and helping promote transparency.

The process was carried out with the active participation of the MACCIH and the Association for a More Just Society (*Asociación para una Sociedad Más Justa*, ASJ), a non-governmental organization, as well as the participation of an oversight team formed by the Association of Judges and Magistrates of Honduras (*Asociación de Jueces y Magistrados de Honduras*, ASOJMAH), the Association of Judges for Democracy (*Asociación de Jueces por la Democracia*, AJD), the Association of Public Defense Attorneys of Honduras (*Asociación de Defensores Públicos de Honduras*, ASODEPH), and the National Association of Officials and Employees of the Judicial Branch (*Asociación Nacional de Funcionarios y Empleados del Poder Judicial*, ANFEPJ).

In the case of the Public Prosecutor's Office, the Special Prosecutor's Unit against Impunity and Corruption (*Unidad Fiscal Especial contra la Impunidad y la Corrupción*, UFECIC) was created through an inter-institutional bilateral cooperation agreement between the Public Prosecutor's Office and the Organization of American States (OAS) General Secretariat via the MACCIH. This special fiscal unit is meant to partner with the Public Prosecutor's Office in forming investigative and prosecutorial teams that specialize in corruption cases.

Unlike the selection of the judges who sit on the anti-corruption courts under the National Anti-Corruption Jurisdiction, UFECIC candidates were not selected via an open call for applications; however, the selection process did follow the same procedures to which the candidates of National Anti-Corruption Jurisdiction had been subjected.

The evaluation and selection process was directed by the Public Prosecutor's Office through the Office of the Attorney General, with the accompaniment of the MACCIH and the ASJ as a civil society representative.

The certification and selection process of the judges and prosecutors for the anti-corruption circuit was viewed as innovative, as it provided a more objective, clear, and transparent way of selecting the best candidates. It was also seen as a way of limiting outside influence from partisan groups or other special interests. International bodies, including OHCHR, have recommended that other Honduras judicial institutions adopt the process for other judicial selection processes.

## SELECTION PROCEDURES FOR THE JUDICIARY

To guide appointments to the Judiciary, in 2011, Congress created the Judiciary and Judicial Career Council (*Consejo de la Judicatura y de la Carrera Judicial*) through enactment of Decree No. 219-2011. The Council became operational in 2013 and is responsible for managing all the financial, material, and human resources of the Judicial Branch. The Council is composed of up of five top-tier justice officials and two alternates, including: the CSJ president, who also serves as chair; two representatives from ASOJMAH and ASODEPH; one representative from the Bar Association; and one representative from ANFEPJ. All Council members must be elected by at least two-thirds of Congress.

Among other functions, the Council is responsible for appointing and removing appeals court officials, including judges, judicial officers, jurisdictional assistants, and administrative and technical personnel. In doing so, the Council must follow regulations meant to ensure that any appointment or removal process considers the merit, capacity, and suitability of the person in question.

The creation of the Council marked an important step in separating the administrative and jurisdictional functions of the Supreme Court. In part, establishment of the Council sought to guarantee greater independence in the Judiciary by outlining proper procedures for appointing judges. However, the Council has several shortcomings. The Council president is also head of the CSJ, which may lead to a conflict of interest and weaken the legitimacy of the Judiciary. The law that created the Council also empowers the CSJ to transfer judges without first consulting the Council, weakening its mandate.

According to the 2011 law that created the Council, the Council had to establish a selection tribunal for each judicial selection process that took place via a public process, which was

managed by the Personnel Administration Directorate (*Dirección de Administración de Personal*). The members of this selection tribunal must include a representative from Honduras's law schools and a professional nominated by civil society organizations promote justice and human rights. By reserving seats for members of academia and civil society in the selection tribunal, the law helps improve transparency and objectivity during the recruitment and selection processes

Under the 2011 law, the public call for applications for judicial positions must indicate the number of positions within the Judiciary that need to be filled, the deadline for submitting applications, and the requirements for admission. The selection process for Judiciary candidates includes a curricular evaluation, trust tests, a performance evaluation, a professional background check, a socio-economic review, and theoretical and practical knowledge tests. Aspirants who pass all phases of the evaluation are to be included in the nominee list.

Despite these regulations, in practice, the recruitment and selection processes for judicial staff are highly questionable. In some cases, aspiring judges who passed the evaluations were not called for appointment if they lacked certain political endorsements.<sup>19</sup> Another issue is that the regulations allow for an exceptional method of making appointments, either internally or due to an emergency. In this way, a significant number of judges have been appointed via this "emergency" route by the Judicial Career Council.<sup>20</sup>

IUDPAS research on Honduras' justice system came to similar conclusions. A survey of judges and magistrates revealed that 44 percent of respondents viewed the recruitment and selection processes as neither objective nor transparent; 23 percent of respondents said they did view recruitment and selection processes as objective and transparent; and 33 percent decided not to respond or said they didn't know.

Despite the regulations as guaranteed under Honduran law, 65 percent of those surveyed said they believed advancement or promotion processes within the Judiciary lacked objectivity and transparency, 10 percent said they did view these processes as transparent, and the remaining 25 percent preferred not to respond.

It is worth noting that under the law establishing the Judicial Career Council, Justices of the Peace and magistrates of the appeals courts should possess immobility; that is, they cannot be transferred, dismissed, removed, or suspended from the position for which they were appointed without just cause as demonstrated through procedures established under the law.

According to a 2014 survey on the type of appointments for judges and magistrates of appeals courts, 89 percent reported they had lifelong appointments, 8 percent said they had temporary appointments, and 3 percent declined to respond.

After a series of corruption scandals,<sup>21</sup> in 2016, the Supreme Court of Justice declared that the law establishing the Judicial Career Council was unconstitutional. The SCJ ruling automatically reinstated a previous 1980 law governing judicial appointments. This law was still in force by the end of 2017. The CSJ appointed a commission in 2016 to draft a new law, but this legislation had still not been prepared at the time of this report's publication.

International and national observers have pointed to another threat to judicial independence. Judges are subject to tests carried out by the National Defense and Security Council (*Consejo Nacional de la Defensa y Seguridad*). Because this entity falls under the executive branch, some observers indicate it weakens the independence of the selection process and may jeopardize checks and balances among branches of power. Indeed, the CSJ president sits on the National Defense and Security Council (created in 2011), alongside the Honduran President, the Attorney General, and the State Department's Secretary for Defense (*Secretario de Estado en*

*el Despacho de Seguridad*). The official purpose of the National Defense and Security Council is to design and supervise public security, defense, and intelligence policies, and to coordinate actions between agencies. The participation of the Judiciary on this Council generates concerns, given it is presided over by the president of the country, arguably representing another threat to the independence and impartiality of the Judiciary and the full separation of powers.

In October 2016, the president of the Supreme Court of Justice announced the launch of a background check process for members of the Judiciary. However, it took no concrete action by the end of the time period covered in this report. In 2017, the OHCHR raised concerns over the implementation of this additional background check process, as it could lead to temporary provisional appointees to the Judiciary who are approved without any competitive or open selection procedures.<sup>22</sup>

## 2016 SELECTION OF SUPREME COURT OF JUSTICE MAGISTRATES

In 2016, the same year that the crisis around the constitutionality of the Judicial Career Council took place, the Honduran Congress selected 15 magistrates to serve seven-year terms on the Supreme Court of Justice, with the possibility of reelection. Many domestic and international groups criticized the process for not complying with international standards.

Supreme Court of Justice magistrates are selected from a list proposed by a Nominating Board, which is composed of one representative from the CSJ, one representative of the Bar Association, one representative from the Honduran Council of Private Enterprise (*Consejo Hondureño de la Empresa Privada*, COHEP), one representative from the Coalition of the Schools on Legal Sciences (*Claustro de las Escuelas de Ciencias Jurídicas*), the CONADEH Commissioner, one civil society representative, and a labor union representative. Except for the CONADEH Commissioner, all members

are determined through internal election processes. The Nominating Board is governed by the Constitution and the Organic Law of the Nominating Board for the Supreme Court of Justice.

According to the Honduran Constitution, CSJ magistrate nominees must have more than five years of juridical practice or 10 years of professional practice; aspirants must also be certified notaries. This requirement significantly reduces the number of eligible candidates, given that the training required for a notary certification significantly differs from the functions performed by a judge. The Nominating Board is responsible for receiving and analyzing a list of pre-candidates, both those proposed by each of the member organizations, as well as any self-nominations. The Nominating Board must then submit a list of 45 prospective CSJ magistrate nominees to the Honduran Congress. Congress must then elect the 15 magistrates with at least a two-thirds majority. A special congressional commission is responsible for reviewing the 45 nominees and preparing the list of 15 finalists to be submitted for a final vote. Under Honduran law, if no candidate obtains a two-thirds majority vote, the voting is carried out as many times as necessary—in sessions that are closed to the public—until obtaining the required 86 votes. If Congress fails to select any finalists, current CSJ magistrates must continue to serve their terms and perform their duties until Congress is able to elect new magistrates.

According to several international and national organizations, the overall selection process did not comply with the international standards necessary to guarantee the independence, impartiality, and professional competence of new CSJ magistrate. While the 2016 selection process for magistrates did see some positive reforms—specifically, the creation of an evaluation matrix that included criteria for assessing suitable candidates, achieving gender parity, and conducting public hearings—this process still lacked transparency and

accountability and was subject to serious and apparent levels of politicization.

Various reports indicated that during the pre-selection process, the Nominating Board did not publicize the scores assigned to prospective applicants, nor did the Board make public the reasoning behind why certain aspirants received low scores. The Nominating Board never disclosed the selection criteria for the 45 finalists on the list it sent to Congress. The government later declared that any and all information related to the applicants was confidential. Citing the Law of Classification of Public Documents (*Ley de Clasificación de Documentos Públicos*) the government stated that making this information public went against national security and defense interests, although the rationale and basis for this decision was never made clear.<sup>23</sup> While the nominees did participate in public hearings, the interviews lacked rigor and depth and did not aim to evaluate professional merit or the technical capacity of aspirants. In general, the Nominating Board largely ignored requests for transparency and access to public records from the Institute for Access to Public Information (*Instituto de Acceso a la Información Pública, IAIP*).

The second phase of the selection process was marked by serious and apparent politicization, as well as a lack of transparency and endemic secrecy among the parties and members of Congress. Legislators reportedly did not focus on suitability, representativeness, or gender parity when discussing the Supreme Court of Justice nominees. Instead, they focused on the political affiliation of aspirants, a factor that turned out to be decisive in determining who ultimately ended up getting elected to the Court. Given questions about the lack of participation of nominees affiliated with certain parties, the selection process was halted, then re-started as a secret election that lasted 17 days. The Supreme Court was gradually formed, with eight magistrates confirmed at the end of January 2017, three at the beginning of February, and the last four two days later. Many of the new judges had obtained a poor score in

the official evaluation matrix. Despite a gender parity stipulation, only five of the 15 magistrates are women.

All the Supreme Court aspirants were subjected to tests carried out by the National Defense and Security Council. However, as highlighted above, this Council falls under the executive branch and various international and national groups indicate that this represents a threat to the independence of the Judiciary.

## SELECTION PROCEDURES FOR THE NATIONAL DIRECTORATE OF PUBLIC DEFENSE

On May 15, 1989, the Judiciary established the National Directorate of Public Defense, which consists of a National Directorate and Sub-Directorate. It has its own rules of procedures, which went into effect in 2015. Its directors are appointed under public tender.

If compared to other Central American countries, the Honduran public defense agency—as

is the case in Nicaragua and Costa Rica—operates under the Judiciary. In El Salvador, the national public defense body forms part of the Attorney General’s Office; in Guatemala, it is an independent body.

In a 2014 IUDPAS poll regarding the recruitment mechanisms applied by the National Directorate of Public Defense, 65 percent of the public defense attorneys who participated said that public tender was the most frequently used mechanism; however, 20 percent thought that appointments were made by political recommendations or other discretionary ways; 15 percent declined to respond. Some 87 percent of respondents said they had permanent appointments, and 13 percent of respondents said they were serving in temporary positions. Only 33 percent of the public defense attorneys surveyed believed that the recruitment and selection process was transparent and objective; only 18 percent viewed promotion or advancement processes as objective and impartial.

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## EVALUATION SYSTEMS AND DISCIPLINARY PROCEDURES

Since 2014, under agreement FGR-17-2014, the **Public Prosecutor’s Office** has maintained special regulations for evaluating and certifying its public servants. These regulations serve to establish an evaluation system for monitoring and enforcing promotions, appraisals, sanctions, transfers, demotions, and dismissals of employees and officials within the Public Prosecutor’s Office.

However, in 2013 the Honduran Congress approved a bill known as the General Law for the Superintendence of the Application of Trust Assessment Tests (*Ley General para la Superintendencia de Aplicación de Pruebas de Evaluación de Confianza*). This law applies to all members of the Public Prosecutor’s Office.<sup>24</sup> Specifically, it changes the previous Public Prosecutor’s Office regulations, tweaking the

system by which performance evaluations and certification processes are carried out. The law, effective as of 2014,<sup>25</sup> also applies to staff at the General Directorate of Forensic Medicine.

The Public Prosecutor’s Office’s assessment and certification procedures include the Superintendence for the Application of Trust Assessment Tests, the Human Resources Division, the National School of Training and Supervision (*Escuela de Formación y la Supervisión Nacional*), and the Career Personnel Council of the Public Prosecutor’s Office (*Consejo de Personal de la Carrera del Ministerio Público*).

The Human Resources Division is the executive body for career system administration at the Public Prosecutor’s Office. Under Honduran law and official statutes, the Division is responsible

for coordinating the entire evaluation and certification process. Evaluation cycles can be applied in either a general or selective manner, as decided by the Attorney General of the Republic.

According to the official regulations, all public servants or officials who do not satisfactorily pass the knowledge tests or comprehensive performance evaluations, have the right to defend themselves before they can be formally sanctioned.

Throughout 2014, the MP's National School of Training and Supervision registered 278 complaints in three regional offices, of which 212 concerned prosecutors. Separately, this year also saw five criminal proceedings initiated by the Office of the Special Prosecutor for Servants and Officials (*Fiscalía Especial de Enjuiciamiento a Servidores y Funcionarios*). These included a case involving a General Directorate of Forensic Medicine official prosecuted for embezzling public funds; three cases involving prosecutors assigned to local offices; and two convictions against a coroner assigned to the city of San Pedro Sula, convicted of violating his/her official duties. The final case involved the ex-coordinator of the Santa Barbara Regional Prosecutor's Office for the theft of an object entrusted to his/her custody and for the violation of official duties to the detriment of the public good.

In terms of the certification of personnel, it was not until 2018 that the Public Prosecutor's Office certified for the first time 900 prosecutors (including auxiliaries and chief prosecutors). The evaluation commission for this process was made up of representatives of the Human Resources Division and the National School of Training and Supervision. This process was criticized by the Association of Prosecutors of Honduras (*Asociación de Fiscales de Honduras, AFH*) for having used polygraph tests.

Regarding the transfer of prosecutors, in 2014 the IACHR indicated that a reform of the Law of the Public Prosecutor's Office granted powers

to the Attorney General to rotate prosecutors without granting them the right to contest the decision.

In 2013, an intervention commission (*comisión interventora*) initiated a staff termination process within the Public Prosecutor's Office due to a series of accusations of improper acts. This resulted in the dismissal of four people, including the head of Human Resources and Security. In addition, new directors were appointed some units, including to the Special Prosecutor's Office against Corruption, and the Special Prosecutor's Office against Organized Crime, Special Prosecutor's Office for Human Rights and the Special Prosecutor's Office for the Environment.

For the purposes of this study, IUDPAS and WOLA requested general quantitative data related to the Public Prosecutor's Office's disciplinary system, including the total number of reprimands or dismissals. No requests were made for specific information on particular cases. However, the Public Prosecutor's Office responded to these information requests by asserting that the numbers involved were considered classified information. Consequently, the efficiency of the Public Prosecutor's Office's disciplinary procedures could not be analyzed here.

Ensuring that competent, qualified personnel are serving in Honduras's justice sector requires transparent judicial performance procedures. However, the Honduran state has yet to create bodies capable of investigating justice sector officials objectively and impartially, nor are there independent bodies capable of effectively making justice sector officials who committed illegal acts answer to the appropriate authorities.

In accordance with the recommendations made in 2011 by the Truth and Reconciliation Commission, the Honduran state should create an evaluation council capable of measuring the performance of all justice system officials (including judges, prosecutors, and police), to order to better identify the limitations and

obstacles hindering access to justice. To date, this recommendation has not been fulfilled.

The **Judiciary** has a performance evaluation unit directed by the Personnel Administration Directorate, whose responsibilities during the period under study conformed to the Judiciary's 2011-2016 Strategic Plan.

Under Honduran law, the evaluation of Judiciary personnel must be carried out once a year. These processes are described in an official service evaluation manual, which serves as an instructional resource. The evaluation process includes a review of the capacity of the public servants, the quality of their work, and their professional habits, among other areas. This evaluation system also involves analyzing the work of public defense attorneys.

The reprimand or dismissal of Judiciary officials is regulated and can only occur due to irregularities committed in the exercise of official functions or scandalous conduct. Additionally, sanctions or dismissals cannot take place without first conducting an official hearing. The Office of the Inspector General of Courts and Tribunals (*Inspectoría General de Juzgados y Tribunales*) is the body responsible for registering and investigating cases involving misconduct by judges or other Judiciary officials.

With each case, the Office of the Inspector General must prepare a report to be sent to the Personnel Administration Directorate for a disciplinary hearing. The Directorate will then summon the employee in question to the hearing. Should the employee reject the outcome of the hearing, the case files are then sent to the Claims Council (*Consejo de Reclamo*). Based on an assessment of the evidence, the Claims Council may then prepare a recommendation for the Supreme Court of Justice.

Judges can be dismissed only for serious reasons of misconduct or incompetence, following a procedure that complies with due process and allows for a fair trial. Judges also must go

through an independent review of the decision. In a 2014 report, the Judiciary and Judicial Career Council reported that a total of 47 judicial officials were dismissed, with another 69 suspended. Judges accounted for 29 of those dismissed and 28 of those suspended. In a report, the IACHR noted that Judiciary disciplinary procedures are resolved speedily. According to official complaints, disciplinary procedures had been carried out, regardless of the fact that no formal guidelines exist for the application of sanctions, the report said, adding that the application of sanctions is uniquely dependent on Judiciary and Judicial Career Council decisions.<sup>26</sup> Detailed regulations on disciplinary procedures and sanctions were later approved in September 2014.

In addition to the cases mentioned previously, it is worth noting that the Public Prosecutor's Office accused Teodoro Bonilla, vice president of the Judiciary and Judicial Career Council in 2013, of abusing authority and influence peddling. In 2017, a court sentenced him to six years in prison.

A IUDPAS polling question regarding Judiciary evaluation and disciplinary procedures showed that only 10 percent of judges believed that these procedures are objective and transparent, while the other 90 percent did not believe so or declined to respond.

# EXTERNAL JUDICIAL INDEPENDENCE

## BUDGETARY AUTONOMY

Between 2014 and 2017, the total amount of public administration expenditures in Honduras was 804,126,886,449 lempiras (USD\$32.4 billion). During these four years, annual government expenditures grew 24.5 percent,

from 183,635,280,376 lempiras in 2014 to 228,688,098,186 lempiras in 2017 (from \$7.4 billion to \$9.2 billion).<sup>27</sup>

**Table 14**  
**NATIONAL BUDGET OF HONDURAS**  
**2014-2017**

Year	Budget in Lempiras	Estimate in U.S. Dollars, Billions
2014	183,635,280,376	7.4
2015	185,482,013,773	7.5
2016	206,321,494,114	8.3
2017	228,688,098,186	9.2
<b>Total</b>	<b>804,126,886,449</b>	<b>32.4</b>

Source: Budgets published in La Gaceta

## PUBLIC PROSECUTOR'S OFFICE BUDGET

The Public Prosecutor's Office's budget between 2014 and 2017 amounted to 5,391,996,458 lempiras (\$219 million), making up 0.67 percent of the total expenses of the country. The Public Prosecutor's Office's budget increased every year, rising by 63.7 percent between 2014

and 2017, from 1,065,907,100 million to 1,745,475,158 lempiras annually (from \$43.3 million to \$70.9 million annually).

If compared to the Judiciary, the MP received 2,533,822,742 lempiras (\$103 million) less during these four years. However, its increase was 49.6 percent higher than that of the Judiciary.

**Table 15**  
**PUBLIC PROSECUTOR'S OFFICE BUDGET**  
**2014-2017**

Year	Budget in Lempiras	Estimate in U.S. Dollars, Millions
2014	1,065,907,100	43.3
2015	1,165,307,100	47.3
2016	1,415,307,100	57.5
2017	1,745,475,158	70.9
<b>Total</b>	<b>5,391,996,458</b>	<b>219</b>

Source: Online Library, Superior Court of Accounts (Tribunal Superior de Cuentas, TSC)

In accordance with the internal distribution of resources, during 2014 and 2017, the Public Prosecutor's Office distributed the assigned budget in the following manner:

**Table 16**  
**AVERAGE PERCENTAGE OF DISTRIBUTION**  
**OF THE PUBLIC PROSECUTOR'S OFFICE BUDGET**  
**2014-2017**

Institution	Percent of Total Budget
Superior Office ( <i>Dirección Superior</i> )	12%
Administrative Directorate	8%
General Directorate of Forensic Medicine	12%
National Directorate for the Fight against Drug Trafficking	6%
Public Prosecutor's Office	52%
Technical Agency of Criminal Investigation	10%

Source: Public Prosecutor's Office

Comparing expenditures by line item, salaries comprise the main expense of the Public Prosecutor's Office's budget, accounting for nearly 80 percent of all allocated funds. Non-personal services (i.e. advertising, telecommunications, electricity, water, rent) account for the second-largest expense at 14 percent of allocated funds.

**Table 17**

**PERCENTAGE OF THE PUBLIC PROSECUTOR'S OFFICE BUDGET BY LINE ITEM CATEGORY  
2014-2017**

Line Item Category	Percent of Total Budget
Personal services	79%
Non-personal services	14%
Materials and supplies	4%
Capital goods	2%
Debt service	1%

Source: Public Prosecutor's Office

Between 2014 and 2017, the Public Prosecutor's Office spent 96 percent of its allotted budget, according to different financial oversight books from the Public Prosecutor's Office, which highlighted that the resources allocated remained insufficient to meet all objectives.

In its reports, the Public Prosecutor's Office's Administrative Directorate highlighted budgetary problems such as: the high cost of vehicle maintenance, work overload due to staff shortages, lack of physical space, lack of medical equipment and laboratories, and limited storage capacity of corpses and lack of scientific supplies for the General Directorate of Forensic Medicine.

In 2017, the General Directorate of Forensic Medicine's budget amounted to 220 million lempiras; in 2015, 175 million; and in 2014, 165 million. On the transparency page of the MP's website, there is no information for 2016. However, between 2014 and 2017, the budget allocated to the General Directorate of Forensic Medicine increased by 33 percent.

## THE JUDICIARY'S BUDGET

Between 2014 and 2017, the budget allocated to the Judiciary totaled 7,925,819,200 lempiras (\$322 million), representing 0.98 percent of the Honduran government's total budget. However, the amount directed to this sector increased by 14.1 percent over a four-year period, from 1,906,954,800 lempiras in 2014 to 2,176,954,800 lempiras in 2017 (\$77.5 million in 2014 to \$88.4 million in 2017). During these four years, the Judiciary spent between 93 percent and 98 percent of its allocated budget.

Although the Judiciary registered a budget increase during this time period, Article 318 of the Honduran Constitution stipulates that the Judiciary "will have a current allocation of no less than three (3 percent) of current income," which is notably greater than the 0.98 percent assigned to the Judiciary during 2014-2017.

**Table 18**  
**JUDICIARY BUDGET**  
**2014-2017**

Year	Budget in Lempiras	Estimate in U.S. Dollars, Millions
2014	1,906,954,800	77.5
2015	1,906,954,800	77.5
2016	1,934,954,800	78.6
2017	2,176,954,800	88.4
<b>Total</b>	<b>7,925,819,200</b>	<b>322</b>

Source: Online Library, Superior Court of Accounts

Of the total budget allocated to the Judiciary, 10.5 percent went to the Atlantic coastal region (including the departments of Atlántida, Colón, Gracias a Dios, Islas de la Bahía, and Yoro), 22.7 percent of the funds were allocated to the northwest region (which includes the departments of Copán, Cortés, Lempira, Ocotepeque, and Santa Bárbara), and 66.7 percent went to the southern central region (which includes the departments of Comayagua, Choluteca, El Paraíso, Francisco Morazán, Intibucá, La Paz, Olancho, and Valle). IUDPAS and WOLA were unable to obtain financial data from the National Directorate of Public Defense.

(\$541 million), representing 1.7 percent of the Honduran government’s total budget between 2014 and 2017. Defense and security spending amounted to 42,410,471,378 lempiras (\$1,723.5 million), making up 5.3 percent of the total budget during the same period.

### COMPARISON BETWEEN JUSTICE AND NON-JUSTICE SUBSECTORS

In regards to public budget growth trends related to security, defense, and justice subsectors, expenditures assigned to the justice subsector (represented by the Judiciary and the Public Prosecutor’s Office) increased by 31.9 percent in the four years under study, while expenditures allocated to the security and defense subsector increased by 70.8 percent.

In its entirety, the budget for the justice subsector totaled 13,317,815,658 lempiras

**Table 19 A****RESOURCES DISTRIBUTED TO THE SUB-SECTORS OF SECURITY, DEFENSE, AND JUSTICE  
(IN MILLIONS OF DOLLARS)  
2014-2017**

Year	Judiciary	Public Prosecutor's Office	Defense	Public Security	Total
2014	77.5	43.3	185.0	130.8	436.6
2015	77.5	47.3	220.2	133.3	478.3
2016	78.6	57.5	272.8	241.9	650.8
2017	88.4	70.9	284.4	255.1	698.8
<b>Total</b>	<b>322</b>	<b>219</b>	<b>962.4</b>	<b>761.1</b>	<b>2,264.5</b>

Source: Budgets published in La Gaceta.

**Table 19 B****RESOURCES DISTRIBUTED TO THE SUB-SECTORS OF SECURITY, DEFENSE,  
AND JUSTICE (IN LEMPIRAS)  
2014-2017**

Year	Judiciary	Public Prosecutor's Office	Defense	Public Security	Total
2014	1,906,954,800	1,065,907,100	4,551,901,320	3,219,097,284	10,743,860,504
2015	1,906,954,800	1,165,307,100	5,418,882,357	3,281,097,286	9,865,286,743
2016	1,934,954,800	1,415,307,100	6,712,434,642	5,952,735,239	14,080,476,981
2017	2,176,954,800	1,745,475,158	6,997,720,092	6,276,603,158	17,196,753,208
<b>Total</b>	<b>7,925,819,200</b>	<b>5,391,996,458</b>	<b>23,680,938,411</b>	<b>18,729,532,967</b>	<b>55,728,287,036</b>

Source: Budgets published in La Gaceta.

If the resources distributed to the security, defense, and justice subsectors are added together, 55,728,287,036 lempiras (\$2,264.5 million) were allocated throughout the 2014-2017 period. This accounts for 6.9 percent of the Honduran government's total budget.

However, within this \$2,264.5 million, funds were allocated in a severely disproportionate way, with 76.1 percent allocated to defense and security, 14.2 percent to the Judiciary and 9.7 percent for the Public Prosecutor's Office.

**Table 20****PERCENTAGE OF RESOURCES DISTRIBUTED TO PUBLIC SECURITY  
DEFENSE AND JUSTICE SECTORS  
2014-2017**

Total Resources in Lempiras	Total Resources in U.S. Dollars, Millions	Defense and Public Security	Judiciary	Public Prosecutor's Office
55,728,287,036	2,264.5	76.1%	14.2%	9.7%

Source: Budgets published in La Gaceta

During the period analyzed, the security subsector received the largest budget increase (94.9 percent), followed by the Public Prosecutor's Office (63.7 percent), the defense subsector (53.7 percent) and the Judiciary (14.1 percent).

**Table 21****SECRETARIAT OF NATIONAL DEFENSE BUDGET  
2014-2017**

Year	Budget in Lempiras	Estimate in U.S. Dollars, Millions
2014	4,551,901,320	185.0
2015	5,418,882,357	220.2
2016	6,712,434,642	272.8
2017	6,997,720,092	284.4
<b>Total</b>	<b>23,680,938,411</b>	<b>962.4</b>

Source: Budgets published in La Gaceta

In total, 29,092,655,720 lempiras (\$1,182.9 million) more were invested in public security bodies than in the Judiciary and the Public Prosecutor's Office; that is to say, for each lempira (or dollar) directed to the justice subsector, three times as much was invested in defense and security.

**Table 22**  
**SECRETARIAT OF SECURITY BUDGET**  
**2014-2017**

Year	Budget in Lempiras	Estimate in U.S. Dollars, Millions
2014	3,219,097,284	130.8
2015	3,281,097,286	133.3
2016	5,952,735,239	241.9
2017	6,276,603,158	255.1
<b>Total</b>	<b>18,729,532,967</b>	<b>761.1</b>

Source: Budgets published in *La Gaceta*

The biggest difference is evidenced when comparing the budget allocated to the Public Prosecutor’s Office with that of the Ministry of National Defense (which includes the Armed Forces), with the first receiving 5,391,996,458 lempiras (\$219 million) between 2014 and 2017, and the second, 23,680,938,411 lempiras (\$962.4 million). That is, for each lempira (or dollar) received by the Public Prosecutor’s Office, the Armed Forces received 4.39 times as much.

These figures point to policy-making aimed at strengthening national security bodies above the strengthening of the Public Prosecutor’s Office and the Judiciary. Indeed, as of 2017,

the security and defense funds exceeded expenditures on health and education for the first time in the country’s history.<sup>32</sup>

The Social Forum of External Debt and Development of Honduras (*Foro Social de la Deuda Externa y Desarrollo de Honduras, FOSDEH*) cited another example indicative of this budgetary trend: in 2017, at least \$18.29 million were allocated to import weapons, ammunition, weapon parts, and accessories, representing almost a third (31.8 percent) of the budget allocated to the Public Prosecutor’s Office in 2016.<sup>33</sup>

## PROTECTION AND SECURITY

Although there were advances in protection mechanisms for justice sector officials between 2014 and 2017, in general, justice sector officials have not been exempt from threats and attacks due to their work.

According to reports by the Association of Judges for Democracy (AJD), at least 20 judges received death threats during the 2014-2017 period.<sup>28</sup> According to the National Violence

Observatory,<sup>29</sup> three Justices of the Peace and a public defense attorney were violently killed.

Due to high levels of violence, in 2015, Congress passed the Law for the Protection of Human Rights, Defense Attorneys, Journalists, Social Communicators and Justice Operators (*Ley de Protección para las y los Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia*). Subsequently, the

government established the National Protection System (*Sistema Nacional de Protección*, SNP). The SNP seeks to help state institutions coordinate protection and security measures with union and civil society representatives as needed to fully implement the law.

The SNP will be examined in greater detail in a later Central American Monitor report analyzing human rights protections. However, it is worth mentioning that the SNP oversees the National Council of Protection (*Consejo Nacional de Protección*, CNP), which is made up of 14 members, including representatives from the Judiciary, the Public Prosecutor's Office, and associations of judges and magistrates and prosecutors. The CNP is charged with exercising the SNP's supervision, control, monitoring, and evaluation functions. In addition, there is a Technical Committee of the Protection Mechanism (*Comité Técnico del Mecanismo de Protección*, CTMP), which deliberates and decides on cases, and a General Directorate of the Protection System (*Dirección General del Sistema de Protección*, DGSP), which is the executive and operational body of the SNP. Each of these fall under the executive branch's Secretariat of Human Rights (*Secretaría de Derechos Humanos*, SEDH).

The CTMP is responsible for conducting risk analysis, deliberations, and decisions in relation to the protection requests submitted to the General Directorate. The CTMP is made up of the general director of the protection system, the Public Prosecutor's Office, the Human Rights Prosecutor's Office, and the Human Rights Department of the State Department's Secretary for Defense (*Departamento de Derechos Humanos de la Secretaría de Estado en el Despacho de Seguridad*).

When the SNP receives a protection petition, after a preliminary risk analysis, it requests that the Ministry of Security implement urgent protection measures for the applicant. This institution must implement these measures within a maximum period of eight hours following the SNP request.

As agreed by the SNP, beneficiaries can receive preventive, protective, or collective measures.

Between 2015 and 2017, the SNP processed 201 petitions for protection measures, of which 143 were accepted. Among these requests, 129 are still pending and 14 have been closed because the beneficiaries are now outside the country or have expressed a lack of willingness to continue with the protection measures. In 2017, 9 percent of the cases submitted to the SNP corresponded to justice sector officials.

As described in greater detail in the report on the protection of human rights, the passage of the protection measures law, and the establishment of the SNP to implement it, represents a positive step forward. However, in its first years of operation, the SNP demonstrated a lack of effectiveness. This was due in large part to the fact that the mechanism did not have regulations, manuals, instructions, or action protocols for use by the general public or for authorities.<sup>30</sup> Several international and national organizations have signaled the need to improve coordination among the institutions to improve the effectiveness of the mechanism, as well as the need to consolidate risk analysis procedures and strengthen entities responsible for investigating crimes.

At the end of the period under study, the Judiciary still did not have a special unit or internal regulations to measure risks or provide protection to justice operators at risk.

With regard to the **Public Prosecutor's Office**, after 2014, in which the coordinator of the Special Prosecutor's Office for Crimes against Life and an environmental prosecutor were murdered in San Pedro Sula, regulations for a mechanism of protection for MP employees and public servants were created (the regulations were not published until 2019).<sup>31</sup>

These regulations correspond to the principles and norms established by Honduras's Constitution, the Law of the Public Prosecutor, and the Law of Protection for Human Rights,

Defense Attorneys, Journalists, Social Communicators, and Justice Operators.

This mechanism acts under the subordination and dependence of the Office of the Attorney General of the Republic. The mechanism provides protection to officials, servants, and employees of the MP, who are at risk as a result of performing their work. The mechanism extends protections to immediate family and teams that are at risk.

The mechanism operates under the coordination of the MP and SNP member institutions. In order to carry out operations, the mechanism has an advisory council, a management committee, and a technical committee. The advisory council includes the Attorney General, the protection

mechanism director, and a third representative assigned according to the relevance of each case. The directorate is composed of: a case reception office, the Immediate Reaction and Preventive Risk Management Office; the Office for Risk Analysis and Implementation of Preventive and Protection Measures; a technical department charged with issuing legal advice, and a context analysis department.

The bilateral cooperation agreement signed in 2017 between the Public Prosecutor's Office and the MACCIH considered the coordination for the protection of witnesses and justice operators. Both parties agreed that the MACCIH would collaborate to strengthen the Public Prosecutor's Office's protection mechanism.

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## INITIALS AND ACRYNOMS

Technical Agency of Criminal Investigation (ATIC)  
Alliance for Peace and Justice (APJ)  
Association for a More Just Society (AJS)  
Association of Judges for Democracy (AJD)  
Association of Prosecutors of Honduras (APH)  
Center for Latin American and Latino Studies (CLALS)  
National Commission of Human Rights (CONADEH)  
Technical Committee of the Protection Mechanism (CTMP)  
Honduran Council of Private Enterprise (COHEP)  
Supreme Court of Justice (CSJ)  
Inter-American Court of Human Rights (IACHR)  
Directorate General Protection System (DGSP)  
National Directorate of Criminal Investigation (DNIC)  
Directorate of Police Investigations (DPI)  
Reflection, Investigation, and Communication Team (ERIC-SJ)  
Special Prosecutor of Crimes against Life (FEDCV)  
Social Forum of External Debt and Development of Honduras (FOSDEH)  
Seattle International Foundation (SIF)  
Myrna Mack Foundation (MMF)  
Institute of Access to Public Information (IAFP)  
University Institute of Public Opinion (IUDOP)  
University Institute in Democracy, Peace and Security (IUDPAS)  
Public Prosecutor's Office (MP)  
Mission to Support against Corruption and Impunity in Honduras (MACCIH)  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
The Washington Office on Latin American (WOLA)  
Organization of American States (OAS)  
World Health Organization (WHO)  
National Protection System (SNP)  
Special Prosecutor's Unit against Impunity of Corruption (UFECIC)  
National Autonomous University of Honduras (UNAH)

# NOTES

- 1 A detailed list of indicators is available at [www.wola.org/cam](http://www.wola.org/cam)
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## **ABOUT THE ORGANIZATIONS**

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

**THE WASHINGTON OFFICE ON LATIN AMERICAN (WOLA)** is a leading research and advocacy organization advancing human rights in the Americas. We envision a future where public policies protect human rights and recognize human dignity, and where justice overcomes violence.

## **ABOUT THE PROJECT**

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

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