Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Honduras

United Nations High Commissioner for Refugees (UNHCR)
27 July 2016
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UNHCR Eligibility Guidelines are issued by the Office to assist decision-makers, including UNHCR staff, Governments and private practitioners, in assessing the international protection needs of asylum-seekers. They are legal interpretations of the refugee criteria in respect of specific profiles on the basis of social, economic, security, human rights and humanitarian conditions in the country/territory of origin concerned. The pertinent international protection needs are analysed in detail, and recommendations made as to how the applications in question relate to the relevant principles and criteria of international refugee law as per, notably, the UNHCR Statute, the 1951 Refugee Convention and its 1967 Protocol, and relevant regional instruments such as the Cartagena Declaration, the 1969 OAU Convention and the EU Qualification Directive. The recommendations may also touch upon, as relevant, complementary or subsidiary protection regimes.

UNHCR issues Eligibility Guidelines to promote the accurate interpretation and application of the abovementioned refugee criteria in line with its supervisory responsibility as contained in paragraph 8 of its Statute in conjunction with Article 35 of the 1951 Convention and Article II of its 1967 Protocol and based on the expertise it has developed over the years in matters related to eligibility and refugee status determination. It is hoped that the guidance and information contained in the Guidelines will be considered carefully by the authorities and the judiciary in reaching decisions on asylum applications. The Guidelines are based on in-depth research, information provided by UNHCR’s global network of field offices and material from independent country specialists, researchers and other sources, rigorously reviewed for reliability. The Guidelines are posted on UNHCR’s Refworld website at http://www.refworld.org.
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<td>Barrio 18. Note that in Honduras, the B-18 gang is also referred to as the 18th Street Gang or Mara 18, or as Pandilla 18.</td>
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<tr>
<td>CIPPDV</td>
<td>Comisión Interinstitucional para la Protección de las Personas Desplazadas por la Violencia (Inter-Agency Commission for the Protection of Persons Displaced by Violence)</td>
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<tr>
<td>FNA</td>
<td>Fuerza Nacional Antiextorsión (National Anti-Extortion Taskforce)</td>
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<td>FUSINA</td>
<td>Fuerza Nacional de Seguridad Interinstitucional (National Interagency Security Taskforce)</td>
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<td>IACHR</td>
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<td>Internally Displaced Persons</td>
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<td>Instituto Universitario en Democracia, Paz y Seguridad</td>
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<td>LAWG</td>
<td>Latin America Working Group</td>
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<td>MS</td>
<td>Mara Salvatrucha. Note that in Honduras, the MS gang is also referred to as the MS-13 or Mara 13.</td>
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<td>OAS</td>
<td>Organization of American States</td>
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<td>PLH</td>
<td>Partido Liberal de Honduras (Liberal Party of Honduras)</td>
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<tr>
<td>PMOP</td>
<td>Policía Militar de Orden Público (Public Order Military Police)</td>
</tr>
<tr>
<td>PNH</td>
<td>Partido Nacional de Honduras (National Party of Honduras)</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNHCHR</td>
<td>United Nations High Commissioner for Refugees</td>
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<tr>
<td>UNICEF</td>
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I. Introduction

Over the last few years, Honduran nationals have been seeking international protection as refugees in the region of the Americas and beyond in increasing numbers. These Eligibility Guidelines provide guidance on deciding claims for international protection lodged by Honduran asylum-seekers who fall within certain risk profiles or who find themselves in certain circumstances. The risk profiles outlined in this document are based on UNHCR’s legal assessment of available country of origin information and informed by UNHCR’s experience in working with asylum-seekers from Honduras.

This document is based on information available to UNHCR up to April 2016, unless otherwise stated.

II. Overview of the Situation in Honduras

A. Background

The contemporary exodus of Hondurans in search of international protection is rooted in the human rights, social, political and economic impact of the increasing reach, power and violence of gangs and other organized criminal groups in Honduras. The extent of the violence is reflected in the fact that over the past five years Honduras has recorded some of the highest homicide rates of any country in the world. This surge of violence has been driven by the activities of organized criminal groups linked to international drug-trafficking, a multitude of street gangs, and also by the severe response of the State security forces. Societal conflicts over land and politics, as well as widespread domestic and societal abuse of women and children, also fuels the flight of Hondurans seeking international protection.

The total population of Honduras is estimated to be 8.5 million. In 2014, the latest year for which data are available, more than 63 per cent of the population were reported to live in poverty; in rural zones, approximately 60 per cent of households were living in extreme poverty.1 The country’s population is largely mestizo, although seven indigenous peoples and two Afro-Honduran peoples make up some seven per cent of its total population.2

Through the 1990s and 2000s, gang members deported from the USA and local gang members reportedly built up ‘hybrid’ gangs based on the violent Californian gang model.3 This new generation of gangs drew upon the long history of well-established local street gangs among the youth of Honduras,4 many of which were co-opted or destroyed by the new gangs.5 Analysts note that with the relative institutional weakness and corruption of the State in Honduras and social deprivation among Honduran youths, these violent ‘hybrid’ gangs rapidly consolidated themselves in many poorer neighbourhoods in San Pedro Sula, Tegucigalpa and other urban centres.6 As a result, many gangs in Honduras are presently reported to be affiliated to one of the two main gang structures also imported from the USA, the Mara Salvatrucha (MS) – which in Honduras is also commonly referred to as the MS-13 or Mara 13 – and its rival Barrio 18 (B-18) – which in Honduras is also referred to as the 18th

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2 Honduran indigenous and Afro-Honduran peoples include the Lenca (mainly in La Paz, Intibucá, Lempira, Francisco Morazán, Santa Bárbara, Comayagua y Valle departments; 279,507 persons making up 4.6% of the Honduran population); Masín (Gracias a Dios department; 51,607 persons, 0.85% of the national population); Garífuna (Islas de la Bahía, Cortés, Atlántida, Colón y Gracias a Dios departments; 46,448 persons, 0.76%); Maya Ch’tí (Copán, Ocootepeque, Cortés y Santa Bárbara departments; 34,453 persons, 0.57%); English-speaking Afro-Hondurans (Islas de la Bahía department; 12,370 persons, 0.2%); Pech (Olancho, Colón y Gracias a Dios departments; 3,848 persons, 0.06%); Tawahkas (Olancho y Gracias a Dios departments; 2,463 persons, 0.04%). United Nations Development Programme, Política Nacional contra el racismo y la discriminación, 2014, http://issuu.com/danacruz/docs/3._pncrdr_informe_final.
Street Gang or Mara 17. However, there are also a wide range of other local gangs and criminal bands (bandas), including the powerful Chirízos. 8

During the 2000s, the Honduran State responded to the gangs’ increasing territorial dominance and escalating criminality and violence by adopting a strategy of mano dura (‘Firm Hand’), based on repressive security measures, and the Plan Libertad Azul (‘Blue Security Plan’). A wave of hundreds of extrajudicial executions of youths suspected of gang membership started in 2001. In 2003 Honduras became the first country in Central America to incorporate mano dura measures into law, criminalizing suspected gang membership with lengthy prison terms. 9 The use of these extreme repressive measures by the security forces resulted in the detention of large numbers of poor (especially tattooed) youths. 10 Yet, whilst this mano dura strategy contained the gang violence for several years, analysts note that it failed to eliminate the gangs and instead provided the impetus for them to reorganize and emerge as more violent and disciplined structures in the late 2000s. 11

President Porfirio Lobo Sosa of the Partido Nacional de Honduras (PNH) took office in 2010. It is reported that during his administration (2010-2014) the country saw some of the highest levels of violence ever experienced, with unprecedented homicide rates accompanied by apparent increases in drug-trafficking in Honduras, in the power of the gangs and in police involvement in criminality. 12 By 2011, 13 a large number of Honduran drug smuggling structures (sometimes also referred to as transportistas) were reportedly trafficking cocaine through the country for larger regional drug-

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8 The distinction between bandas and local street gangs is not clear-cut since both tend to be localized groups of youth and young men who are armed and carry out criminal activities in a distinct territory. However, in their origins, many such bandas appear to be constituted less explicitly around the youth-based forms of cultural identity that are central to the gangs and are often formed instead with professional criminal objectives as their primary objective. See also Section II.B.2.
12 During the 1970s and 80s, Honduras represented a relatively safe transit point in a dangerous region blighted by civil wars. Indeed, Honduras has periodically been an important staging post for trafficking cocaine from South America through Central America. During the 2000s, and particularly from 2006 onwards, increasing quantities of cocaine were once again trafficked from the Andean region into Honduras by air and by sea, from where they were then smuggled by land across the border into Guatemala to continue the journey northwards. However, a boom in drug-trafficking through Honduras ensued after the 2009 coup, with greatly increased numbers of direct flights from the Colombia-Venezuela border to airstrips in Honduras and the violent struggle between Honduran drug-smuggling structures (transportistas) for control of these largely rural drug routes intensified. The proliferation of land routes to take shipments across the border into Honduras also provided greater opportunities for the theft of shipments by rival organisations and independent tumbarros and thus for conflict. See International Crisis Group, Corridor of Violence: the Guatemala-Honduras Border, Latin America Report N°52, 4 June 2014, http://www.refworld.org/docid/539014d83.html; Plaza Pública, Guatemala: la cambiante cara del narco, 18 July 2013, https://www.plazapublica.com.gt/content/guatemala-la-cambiante-cara-del-narco; UNODC, Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment, September 2012, http://www.refworld.org/docid/569f3aa43.html, pp. 19-20, 32, 37; S.S. Dudley, ‘Drug-Trafficking Organizations in Central America: Transportistas, Mexican Cartels and Maras’, in C.J. Aronson and E.L. Olson (eds), Organized Crime in Central America: The Northern Triangle, September 2011, https://www.wilsoncenter.org/sites/default/files/IlAP_singleMage.pdf, p. 20; J. Bosworth, ‘Honduras: Organized Crime Gained Amid Political Crisis’, in C.J. Aronson and E.L. Olson (eds), ibid., pp. 82-97.
13 By 2011, Honduras was the most popular point of entry for solving cocaine north to Guatemala by land, predominantly via official checkpoints but also via clandestine border-crossers, and it is estimated that some 30% of the cocaine destined for the United States passed through Honduras in those years. See UNODC, Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment, September 2012, http://www.refworld.org/docid/569f3aa43.html, p. 37.
trafficking organizations. In the early 2000s, a pact among the principal drug smuggling structures reportedly carved out distinct territorial spaces in Honduras in which each would carry out its drug-trafficking activities. Many areas of Honduras where the drug smuggling structures operated were reported to be under the complete control of these networks, which reportedly also drew in mayors, businessmen and landowners. The drug smuggling structures were reported to have significant influence in the security forces and the judiciary. Moreover, political candidates supported by, or linked to, these structures reportedly entered Congress, became mayors and entered important posts in the Executive. Some Honduran drug smuggling structures reportedly had connections with Colombian cartels, but most worked also with the Mexican cartels – particularly the Sinaloa cartel – that have been present in Honduras since the late 1990s and which, from 2007 onwards, reportedly began to expand their power in the country.

The 2013 elections were characterized by political violence, with candidates for political office threatened, attacked and in some cases killed. The PNH candidate, Juan Orlando Hernández, was victorious and assumed the Presidency in 2014. Faced by high levels of violence and widespread police corruption, the Hernández administration promoted the increased use of the military to assist with internal security functions, creating inter-agency structures to bring together a range of State institutions to combat organized crime. The Hernández administration also collaborated closely with the United States, which from 2013 onwards began to publicly identify persons suspected of being leading figures in drug-trafficking organizations. Since then, various drug smuggling structures and the main Sinaloa cartel network in Honduras are reported to have been dismantled, with the majority of the persons designated as “specially designated narcotics traffickers” by the U.S. authorities now detained and/or extradited to the United States. The measures taken by the Hernández administration are also reported to have contributed to a significant reduction in homicide rates.

From 2014 onwards, these developments have reportedly generated renewed conflict within and between Honduran drug smuggling structures and rising levels of violence in the territories controlled by such structures, apparently due to the breakdown of the territorial pact and internal struggles for control of the remnants of the larger structures. This state of flux has reportedly resulted in renewed efforts by the Sinaloa cartel, and by other Mexican cartels as well, to build alliances with the newly emerging groups. In 2015, the release by the United States of indictments against former Vice-
President Jaime Rosenthal and a number of his family members exposed the apparent extent of the links between criminal structures in Honduras and influential members of the Honduran political and economic elites.\(^\text{26}\) Moreover, a 2015 corruption scandal in the Social Security Institute (Instituto Hondureño de Seguridad Social, IHSS) is reported to have provoked mass anti-government protests by citizens calling themselves the Indignados (‘the Indignants’) movement.\(^\text{27}\) In 2016, in an effort to address the high levels of corruption in both political circles and government institutions, an OAS-mandated anti-impunity body was created in Honduras.\(^\text{28}\)

Despite the success of the Hernández administration in dismantling a number of smaller gangs and criminal bands, gangs are reported to remain entrenched in the everyday life of Honduras’ cities and towns.\(^\text{29}\) They are reportedly increasing their recruitment of children and youth, while levels of extortion are reported to have greatly increased.\(^\text{30}\) Moreover, incidents of gang violence, including killings of civilians, are regularly reported, largely as a result of new disputes for territory and the control of local drug markets (plazas).\(^\text{31}\) A non-violence pact proposed by Barrio 18 and MS in 2013, and modelled on the El Salvador gang truce,\(^\text{32}\) was apparently ignored by the government and has since been abandoned.\(^\text{33}\) Rather, the government reportedly directed that imprisoned gang leaders be kept in isolation cells\(^\text{34}\) and, in 2015, adopted new legislation that increased the punishment for gang members and leaders.\(^\text{35}\)


B. Structures and Patterns of Organized Violence

1. Levels of Violence

In recent years, the homicide rates in Honduras have been among the highest in the world. In 2011 and 2012, official sources in Honduras reported a rate of over 90 homicides per 100,000 inhabitants, the highest homicide rate recorded in any country up to that point. The homicide rate fell significantly between 2013 and 2015. However, even this reduced homicide rate – of between 56.74 and 60 homicides per 100,000 inhabitants, depending on the source – still remains one of the highest in the world. It should be noted in this context that four of the five countries with the highest homicide rates in the world are located in Central America. Since the start of the 2010s, most homicide victims in Honduras are reported to have been male, with the vast majority between the ages of 15 and 39 and particularly between the ages of 20 and 34. Moreover, the overwhelming majority of homicides in Honduras are reportedly carried out using a firearm, reflecting the widespread availability of both legal and illegal firearms in the country.


The Huffington Post, These 10 Countries Have the World’s Highest Murder Rates, 4 October 2014, http://www.huffingtonpost.com/2014/04/10/worlds-highest-murder-rates_n_5215818.html. The five countries are Guatemala, El Salvador, Belize, Venezuela and Honduras. This ranking is based on data from 2012; the most recent year for which comparable global data on homicide rates were published. The figures were published by the UNODC, Global Study on Homicide 2013: Trends, Contexts, Data, 10 April 2014, https://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf, p. 126. The official figures for the rate of intentional homicides per 100,000 of population for the ten years between 2000 and 2009 was 54.91 for Honduras, closely followed by 50.17 for El Salvador. UNODC, Global Study on Homicide 2013: Trends, Contexts, Data, 10 April 2014, https://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf, p. 126. The official figures for the rate of intentional homicides per 100,000 of population between 2006 and 2012 are as follows: 44.3 (2006); 50.0 (2007); 60.8 (2008); 70.7 (2009); 81.8 (2010); 91.4 (2011); 90.4 (2012). See UNODC, Global Study on Homicide 2013: Trends, Contexts, Data, 10 April 2014, https://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf, p. 126. The IUDPAS-UNAH figures suggest a similar pattern between 2006 and 2012, albeit one that is only slightly less extreme in terms of its rises (and, after 2012, its falls): 46.2 (2006); 49.9 (2007); 57.9 (2008); 66.8 (2009); 77.5 (2010); 86.5 (2011); 85.5 (2012). See figures in the annual bulletins produced by IUDPAS-UNAH and available here: http://www.iudpas.org/boletines/boletines-nacionales. Between 2010 and 2015, the proportion of homicide victims for each year who are male has not dropped below 90%. See figures in the annual bulletins produced by UNAH and available here: http://www.iudpas.org/boletines/boletines-nacionales. The five-year age bracket with the highest homicide rate is generally that of 25-29 year olds. In 2015, despite the overall decrease in national homicide rates, the homicide rate for males aged 25-29 per 100,000 of the national population of Honduras was 233.9. See IUDPAS-UNAH, ‘Mortalidad y Otros (Enero-Diciembre 2015)’, Boletín, No. 40, March 2016, p. 3. However, this still represents a decrease from the peak in 2011, when the homicide rate for males aged 25-29 per 100,000 of the national population of Honduras was 386.0. See IUDPAS-UNAH, ‘Mortalidad y Otros (Enero-Diciembre 2011)’, Boletín, No. 24, March 2012, http://www.iudpas.org/pdf/BoletinesNacionales/NE024EnFaDi2011.pdf, p. 3.

In 2014, there were estimated to be up to 1.8 million guns in circulation in Honduras, of which only 600,000 were legally registered. This equates to approximately one firearm per every four people in the country. See Insight Crime, Insecurity Fuels Honduras Illegal Gun
Assassination (sicariato) is among the leading registered causes of homicides in the country. Moreover, official sources indicate that a high proportion of the homicides registered in Honduras are related to the activities of organized criminal groups, including gangs and groups involved in drug-trafficking.

Homicides tend to be concentrated in particular parts of Honduras. Thus, at least since the start of the 2010s, some departments have consistently recorded very high homicide rates. These include Cortés, Atlántida and (to a lesser extent) Francisco Morazán, where the cities of, respectively, San Pedro Sula, La Ceiba and Distrito Central (Tegucigalpa / Comayagüela) are located. Crucially, the reported murder rate for each city is high in comparison to the average for the rest of the respective department, suggesting that the cities represent particular hotspots of violence in these departments. Indeed, for several years, San Pedro Sula, with a murder rate almost double that of even the national capital city of Distrito Central, was reported to be the city with the world’s highest murder rate. The mapping of homicides in each of these cities suggests that, although some neighbourhoods have persistently high homicide levels, patterns of violence also move between neighbourhoods over time. Organized violence in these cities reportedly revolves principally around the activities of street gangs, although the international drug trade is also reported to be an important factor in the violence in San Pedro Sula and La Ceiba.
Outside those departments with big cities, other departments have also registered homicide rates well above the national average. Since 2010, this has been the case consistently for Yoro and Colón departments in the north of the country and, more sporadically, also for Copán (up to 2012) and Ocotepeque (2011-13) departments on the poor western border with Guatemala. However, the main urban centres of these departments often have homicide rates that are reported to be either on par with, or consistently less, than the rest of the department, suggesting that the violence in these areas is not tied exclusively to urban dynamics and may even have a more rural character. Crucially, whereas street gangs are reported to have a more minimal presence here, these departments reportedly serve as important areas of operation for powerful and sometimes conflictive drug-trafficking groups.

Violence against women is also reported to be prevalent in Honduras. In 2014, the most recent year for which comparative figures are available, Honduras had by far the highest absolute number of femicides (murders of women because of their gender) in Central America, as well as the highest rate per 100,000 of population in Latin America. In 2015, the rate of female homicides per 100,000 inhabitants in Honduras had reduced slightly from the peak of the preceding few years but remained extremely high. While domestic violence against women and girls is the most reported crime at the national level and has traditionally been the leading cause of homicide in Honduras, a significant proportion of female homicides were reportedly the result of violence by organized criminal groups rather than domestic violence.

New forms of gang-related violence have emerged in Honduras in which women and girls linked with one gang are reported to be considered a target for vengeance by rival gangs. Women are reportedly to be abused, (gang) raped and killed as part of gang initiation rites or if they try to leave the gang to which they belong or with which they are affiliated or forced to collaborate.

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53 From 2010 to 2015, the departmental rate of homicides per 100,000 of population has oscillated between 65 (2015) and 102.7 (2011) for Colón and 77.8 and (2015) and 103.3 (2013) for Yoro. Copán vastly exceeded the national average between 2010 and 2012, recording rates as high as 113.9 (2011) and 104.7 (2012) before halving to 61.9 (2013). Ocotepeque’s rate effectively doubled between 2011 and 2013, reaching a peak of 99.8 (2012), before halving to 45.8 (2014). It should also be noted that in 2012 Olancho department registered homicide rates above the national average (92.5), although the figures have diminished again considerably since then. See figures in the annual bulletins produced by IUDPAS-UNAH and available here: http://www.iudpas.org/bulletines/boletines-nacionales.

54 Between 2010 and 2015, this was particularly the case for Copán, where the annual figures for homicides in the main urban centre have been lower than those for the rest of the department in all years bar one (2013), and for Ocotepeque, where the urban figures have been on par with or less than those in the rest for the department in all years bar two (2011 and 2013). See figures in the annual bulletins produced by IUDPAS-UNAH and available here: http://www.iudpas.org/bulletines/boletines-nacionales.

55 See section II.B.2.c.


57 The figures compare only 14 countries in Latin America but include many of those where rates of femicide have traditionally been high. See UN Comisión Económica para América Latina y el Caribe (CEPAL), Femicidio, 16 November 2015, http://www.cepal.org/es/infografias/femicidio.

58 The rate was reported to be 10.9 per 100,000 of population. See IUDPAS-UNAH, ‘Mortalidad y Otros (Enero-Diciembre 2015)’, Boletín, No. 40, February 2016, http://www.iudpas.org/pdf/Boletines/Nacionales/NEd40EneDic2015.pdf, p. 3.


60 Geneva Declaration, Global Borden of Armed Violence 2015, October 2015, Chapter Three, http://www.genevadeclaration.org/fileadmin/docs/GBAV3GBAV1_Ch3_pgs7-120.pdf, pp. 97 and 109. This is certainly suggested by the fact that for 2013 (the latest year for which gender disaggregated data is available on this point) – of the cases of female homicides where the location of death was known – 32% (403 of 494) were carried out in the street. IUDPAS-UNAH, ‘Resultados del análisis enero-diciembre 2013’, Boletín Muerte Violenta de Mujeres y Femicidios, No. 8, June 2014, http://www.iudpas.org/pdf/Boletines/Genero/MMEd08EneDic2013.pdf, p. 6-9.

Large numbers of Honduran girls and women from both poor and middle-class families are also reported to be forced into prostitution in Honduras and trafficked into sex slavery in Mexico, Guatemala, El Salvador, the US and elsewhere, with members of the Honduran security forces reportedly participating in some of these prostitution networks.

Women and girls are also reported to be forcibly disappeared in Honduras. 697 forced disappearances of women and girls were reportedly registered with the authorities between January and September 2015. 66 Many forced disappearances are reported in zones where organized criminal groups, particularly gangs, operate. Clandestine cemeteries have reportedly been found in these areas; the victims buried there reportedly include not only women but also persons in military uniforms.

Children are reported to be heavily impacted by the violence in Honduras. Between 2010 and 2015, the vast majority of victims of sexual violence were girls aged 10 to 19 years. 66 Homicide rates are reported to be extremely high for children, including in particular for girls. 67 The overwhelming majority of these deaths are reportedly caused by firearms and carried out in the street. 68 Moreover, it is reported that some 70 per cent of child homicides in Honduras are committed by other children, which suggests a strong linkage to gang dynamics. 69 Domestic abuse of children, both boys and girls, is also reported to be a serious problem in Honduras. 70 Alongside homicides, forced disappearances, and widespread forms of violence against women, a range of other types of violent crimes are prevalent in Honduras. Many of these are less easily documented than homicides and are known to be underreported because victims do not report these crimes to the police, reportedly for fear of retribution and due to a lack of confidence in the authorities. 71 Such crimes include extortion, usually

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65 La Tribuna, Más de 1,200 mujeres están desaparecidas, 3 December 2014, http://www.latribuna.hn/2014/12/03/mas-de-1200-mujeres-estan-desaparecidas/.

66 For each year between 2010 and 2015, females were overwhelmingly the victims of sexual violence, representing between 84.7% and 92.6% of reported cases in the respective year. In 2014, UNICEF reported that in 2012 the homicide rate per 100,000 population in Honduras was reported to be 11 for girls aged 0-19 years in 2012, making Honduras the country with the fifth highest level of such violence in the world. See United Nations Children’s Fund (UNICEF), Hidden in Plain Sight: A Statistical Analysis of Violence against Children, 3 September 2014, http://files.unicef.org/publications/files/Hidden_in_plain_sight_statistics.pdf; pp. 37 and 197. For both girls and boys, homicide rates in Honduras showed a general pattern of increase between 2008 and 2013. IUDPAS-UNAH, ‘Boletín Especial Sobre Violencia Contra Niñas y Niños (Enero-Diciembre 2013)’, Boletín Especial, No. 19, May 2014, http://www.iudpas.org/pdf/Boletines/Especiales/BEIP_Ed19.pdf, p. 3.

67 The most recent figures released to the public (relating to 2013), show that 79% of the homicides of children were carried out using a firearm and 91% of the cases where the location of death was identified were carried out in the street (25.2% of the total number of cases did not contain data about where the death occurred). See IUDPAS-UNAH, ‘Boletín Especial Sobre Violencia Contra Niñas y Niños (Enero-Diciembre 2013)’, Boletín Especial, No. 19, May 2014, http://www.iudpas.org/pdf/Boletines/Especiales/BEIP_Ed19.pdf, p. 3.


by groups; collectively, the population of Honduras reportedly pays an estimated US$200 million per year in extortion money, which is often called a ‘war tax’ (‘impuesto de guerra’) by the gangs. Those who do not pay are reportedly murdered or see their businesses burned down as a reprisal.\textsuperscript{72} The transport sector is reported to be particularly affected,\textsuperscript{73} but extortion by gangs also reportedly impacts upon many other sectors of society, including business owners and workers, street sellers, teachers, judges, lawyers, politicians, nurses, farmers, schoolchildren, police officers, home owners and even priests.\textsuperscript{74}

2. Armed Actors

The current dynamics of violence in Honduras stem from the presence and activities of four main forms of armed actors: gangs and criminal bands, including those affiliated with the Barrio 18, Mara Salvatrucha (MS) and Chirrrios gang structures; drug smuggling structures (sometimes also referred to as transportistas); the State security forces, particularly the police and the armed forces; and private security forces. In practice, it may not always be possible for victims to make a clear distinction between the various actors, in part because of allegations of high levels of infiltration of the State security forces by organized criminal structures, and of high levels of corruption within many organs of the State.\textsuperscript{75}

a) Gangs in Honduras\textsuperscript{76}

One of the poorest countries in Central America, Honduras is particularly affected by the violence of street gangs (\textit{pandillas}). Within the region, it reportedly has one of the highest concentrations of gang members after El Salvador, although estimates of the number of gang members in Honduras vary considerably. Recent estimates of gang membership range from 4,728 to 70,000 individuals across the different gangs in Honduras.\textsuperscript{77} Observers consider these gangs to be among the principal actors that


For example, \textit{Proceso Digital, Emergencia por constantes muertes en transporte público,} 31 March 2016, \url{http://www.proceso.hn/nacionales/item/121628-emergencia-por-constantess-muertes-en-transporte-publico.html}. \textit{Tiempo, La Extorsion Abarca Esferas Inimaginables en Honduras,} 2 March 2016, \url{http://www.tiempo.hn/la-extorsion-aborca-esferas-imaginables-en-honduras}. In 2014, over 15,000 buses and taxis in Tegucigalpa and San Pedro Sula were said to pay extortion demands and, in the four previous years, there were over 350 killings of transport sector employees, of which 80% were related to extortion. \textit{El Heraldo, Buses y taxis estarian financiado al crimen organizado en Honduras,} 28 April 2014, \url{http://www.elheraldo.hn/csp/medialapoo/sites/ElHeraldoPaze/story.csp?cid=702738&sd=299&fids=214}.


See Section II.C.

UNHCR treats gangs as ‘the relatively durable, predominantly street-based groups of young people for whom crime and violence is integral to the group’s identity. The term is also used to refer to organized criminal groups of individuals for whom involvement in crime is for personal gain (financial or otherwise) and their primary “occupation”:’. See UNHCR, \textit{Guidance Note on Refugee Claims Relating to Victims of Organized Gangs}, 31 March 2010, \url{www.refworld.org/docid/4bb21fa02.html}, pp. 1-2.

A 2011 study stated that there were 4,728 active gang members in Honduras. This figure probably represents the best and most transparent estimate of the number of active initiated members of the two main gangs in Honduras at the time, Barrio 18 and MS. However, the figure was certainly an underestimate of the total number of gang members in Honduras since: (i) it did not appear to take active but uninitiated gang members into consideration, when these represent a sizeable proportion of gang members, especially after the adoption of a \textit{pocos pero locos} (‘few but crazy’) recruitment strategy by the two main gangs in Honduras, Barrio 18 and MS; (ii) it represents the number of gang members in only 14 locations in the country (and in prison), although perhaps at the time these were some of the more important concentrations of gang members; (iii) the study focused unduly on Barrio 18 and MS when it was known that, already in 2011, there were a wide number of other gangs present, especially in locations selected for the study, such as San Pedro Sula and its environs. It is difficult to make valid inferences from the 2011 study for the situation at present, as appropriate regard must be paid to the expansion of Barrio 18 and MS post-2011, and the emergence of other relatively powerful gang structures such as the Chirrrios. Programa Nacional de Prevención, Rehabilitación y Reincorporación Social, \textit{Situación de maras y pandillas en Honduras,} 2011, \url{http://www.unicef.org/honduras/Informe_situacion_maras_pandillas_honduras.pdf}, p. 9. As early as 2006, the US Agency for International
have made Honduras one of the most violent countries in the world and that have provoked the current crisis of forced displacement.78

A large number of local street gangs are reportedly concentrated in the three main urban areas of Honduras: (i) Tegucigalpa, the national capital, and its sister city of Comayagüela, which jointly make up the country’s Central District (Distrito Central); (ii) the city of San Pedro Sula and its surrounding environs in the department of Cortés, the economic powerhouse of the country; and (iii) La Ceiba, located in coastal Atlántida department.79 Yet local street gangs are also reported to operate in many other cities and towns of Honduras.80 Nowadays, there are reportedly few neighbourhoods (barrios or colonias) in the larger cities that are free from the influence of the gangs; even those neighbourhoods where the gangs do not exercise control are not exempt from extortion and gang attacks.81

Honduran street gangs are usually based in marginal poor or lower-middle-class urban zones, at times comprised of just a single neighbourhood (colonia or barrio) or a few such neighbourhoods, and also in some rural zones.82 However, despite a culture of identification with their home territory, these gangs are also considered capable of great mobility and can rapidly expand their influence to nearby neighbourhoods.83 They may reportedly also relocate to new neighbourhoods (and even sometimes new towns or cities) to seek refuge from offensives against them by the security forces or other gangs.84 Similarly, while physical reference points such as streets, streams, graffiti, or other markings

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83 See Estrategia y Negocios, Las maras de Honduras matan a los niños que no se unen a la banda, 10 May 2014, [http://www.estrategiaynegocios.net/actualizaciones/ticas/declareseldia/862245-330/honduras-70000-pandilleros-act%2CBAan-en-el-p%2C5YADs](http://www.estrategiaynegocios.net/actualizaciones/ticas/declareseldia/862245-330/honduras-70000-pandilleros-act%2CBAan-en-el-p%2C5YADs); ABC, Las maras de Honduras matan a los niños que no se unen a la banda, 10 May 2014, [http://www.abc.es/internacional/20140510/las-maras-de-honduras-matan-ninos-201405092000.html](http://www.abc.es/internacional/20140510/las-maras-de-honduras-matan-ninos-201405092000.html).
often mark the dividing lines between gang territories, these ‘invisible’ boundaries can reportedly also shift literally overnight as one gang pushes into, or disputes, the territory of another. Zones where two or more gangs are disputing control are usually extremely violent, and the gangs may be separated by as little as a single street. One important feature of contemporary gang dynamics in Honduras is the relative diversity of gangs. The two major transnational gang structures in Central America – the Barrio 18 (B-18) and the Mara Salvatrucha (MS) – are both present in Honduras (where they are also referred to as Mara 18 and Mara 13 respectively), with many local gangs affiliated to one or other structure. However, on the margins of these powerful structures, a number of these powerful-grown, a number of local gangs presently exist in Honduras that identify with one of the ‘home-grown’ Honduran gang structures (e.g. the Chirrizes etc.), or simply do not identify with any wider gang structure. Subtle variations in the modus operandi of these different gangs and gang structures and their dynamic nature are reported to produce a complex gang demography, in which shifting fortunes, alliances and disputes can lead local gangs to disappear or be displaced, just as new ones may suddenly emerge or grow in power.

Most Honduran gangs reportedly pursue a strategy of exclusive control over their home territories, using violence to repel other gangs or challengers. Within its own territory, each gang reportedly tries to control the specific localized criminal enterprises which sustain members’ livelihoods, including extortion, drug-selling, prostitution and other crimes. Many gangs are also reported to target businesses, (public) transport routes and even homes in their own and other nearby neighbourhoods for extortion. The practice of extortion in one form or another – often called the ‘war tax’ (‘impuesto de guerra’) – has reportedly been an important source of revenue for most gangs since the late 1990s and has often been carried out from the prisons by gang leaders by telephone and, more recently, via social networking sites.

Each local gang is reported to have its own active membership that can range in size from a handful to several dozen members, organized in nominal hierarchies under the leadership of more senior members. Local gangs in Honduras are reported to be largely composed of youth and young adults (although senior members are often older), and male-dominated, with girls and women usually participating only in more peripheral roles. Recruitment is reported to be increasingly selective and...
based on the idea of ‘pocos pero locos’ (‘few but crazy’), with a smaller and tougher core of initiated members supplemented by a larger periphery of relatively disposable younger aspirants, including forcibly recruited children as young as six years old. Although many gang members traditionally used to identify themselves through highly visible gang-related tattoos and style of dress, these practices are reported to now be somewhat discouraged by the gangs as they also helped to identify members to the security forces and other gangs. Imprisoned members are reported to remain active in the gang structure, with imprisoned leaders often having directed the activities of those on the streets.

Once initiated into a gang, members must follow the code of conduct established by the gang. The violation of different rules is reported to lead to different punishments, commonly serious beatings or even death. Lifelong loyalty to the gang is required and those who desert or cooperate with the security forces or rival gangs are reported to be routinely pursued and killed by members of their own gang as a punishment. The gangs are reportedly assisted by many ‘anonymous’ voluntary or Institutional female gang members such as the women known by the aliases ‘La Diabla’, ‘La Camu’ and ‘La Chequita’, all members of Barrio 18, are notable exceptions.) See La Prensa, Capturaron a ‘La Chequita’ acusada de ordenar matanzas en Honduras, 23 March 2016, http://www.laprensa.hn/sucesos/942711-410/capturan-a-la-chequita-acusada-de-ordenar-matanzas-en-honduras; El Heraldo, Mujeres en pandillas, un fenómeno social en incremento en Honduras, 16 April 2015, http://www.elheraldo.hn/sucesos/831605-219/mujeres-en-pandillas-un-fero%C3%3Bmeno-social-en-incremento-en-honduras; Interpeace, Violentas y violentadas: relaciones de género en las maras Salvatrucha y Barrio 18 del triángulo norte de Centroamérica, 14 May 2013, http://www.interpeace.org/latinamerica/wp-content/uploads/sites/7/2015/06/2013_05_14_Central_Am_Violentas_y_Violentadas_es.pdf; Programa Nacional de Prevención, Rehabilitación y Reincorporación Social, Situación de maras y pandillas en Honduras, 2011, http://www.unicef.org/honduras/Informe_situacion_maras_pandillas_honduras.pdf, p. 43-44, 67-69.

94 Insight Crime/Asociación para una Sociedad Más Justa, Gangs in Honduras, 20 November 2015, http://www.insightcrime.org/images/PDFs/2015/HondurasGangs.pdf, p. 6; El Heraldo, Una docena de colonias invadidas por la MS-13, 20 April 2015, http://www.elheraldo.hn/alalfrente/839205-209/unadocena-colonias-invadidas-por-la-ms-13; La Prensa, Situados centro educativos por las maras en Honduras, 3 September 2013, http://www.laprensa.hn/especial/especiales38193-273/situados-centros-educativos-por-las-maras-en-honduras; Programa Nacional de Prevención, Rehabilitación y Reincorporación Social, Situación de maras y pandillas en Honduras, 2011, http://www.unicef.org/honduras/Informe_situacion_maras_pandillas_honduras.pdf, p. 77. Children and adolescents are particularly recruited by gangs to carry out risky and menial tasks. They are perceived as having less fear, possibly due to the fact that some act due to threats against them and their families. From the perspective of the gangs, children and adolescents also have the advantage that, if captured, they are not prosecuted but rather may be sent to child rehabilitation centres for shorter periods of time. It is reported that this has led to a dramatic increase in 2015 of the number of children arrested for collecting extortion monies; a third of these children are girls.

Children who resist recruitment have been killed, as have members of their families. See BBC, Las niñas reclutadas por las maras en Honduras para cobrar extorsiones, 30 October 2015, http://www.bbc.com/mundo/noticias/2015/10/151028_honduras_bandas_extorsion_ninas_es; ABC, Las maras de Honduras matan a los niños que no se unen a la banda, 10 May 2014, http://www.abc.es/internacional/20140510/abc-maras-honduras-matan-ninos-201405092000.html; Casa Alianza Honduras, Niño; y juvenil en las redes del crimen organizado, una aproximación a las principales formas de involucramiento y participación de niñas, niños y jóvenes en los grupos delictivos de Tegucigalpa. April 2014, http://www.casa-alianza.org.hn/images/documentos/Informes_Especiales/Inf_2014_1.%20informe%20del%20crimen%20organizado%20en%20tegucigalpa.pdf, pp. 4 and 22-23.


Permission to leave the gangs, usually conceded only on religious grounds, is reportedly given much less frequently than in the past and those few who are able to leave peacefully and become ‘calmado’ are usually considered merely as ‘inactive’ members who still have ties and duties to the gang in certain circumstances. See Insight Crime/Asociación para una Sociedad Más Justa, Gangs in Honduras, 20 November 2015, http://www.insightcrime.org/images/PDFs/2015/HondurasGangs.pdf, pp. 18, 25-27; R. Brenneman, Homies and Hermanos: God and Gangs in Central America, Oxford University Press, 2012, pp. 117-152; UNODC, Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment, September 2012, http://www.refworld.org/docid/569f33a4a.html, p. 27.

Programa Nacional de Prevención, Rehabilitación y Reincorporación Social, Situación de maras y pandillas en Honduras, 2011, http://www.unicef.org/honduras/Informe_situacion_maras_pandillas_honduras.pdf, pp. 28, 76. It appears that female members are sometimes allowed to leave in order to raise children, but this is not always permitted. Those who are permitted to leave are expected to maintain a relationship with the gang and often face social problems. Male members who seek to leave to raise a family are reported to have been killed. See El Heraldo, Dios es el único que lo puede sacar a uno de la mara, 24 April 2015, http://www.elheraldo.hn/alalfrente/83433-209/dios-es-el-unico-que-lo-puede-sacar-a-uno-de-la; El Heraldo, Amor y muerte en pandillas de Honduras, 28 April 2014, http://www.elheraldo.hn/pais/702709-214/amar-y-muerte-en-pandillas-de-honduras; Interpeace, Violentas y violentadas: relaciones de género en las maras Salvatrucha y Barrio 18 del triángulo norte de Centroamérica, 14 May 2013,
involuntary collaborators in the territories where they operate, including family members, women, youth and children from the neighbourhood, who are not initiated gang members but act as lookouts, help to collect and launder extortion money and perform other tasks, and who sometimes collect a salary from the gang.99 Gangs are reported to often take over houses in the areas where they operate, sometimes after displacing the families living there, to use them as a base for rest, storage, interrogation and torture.100

Gangs are reported to exercise extraordinary levels of social control over the population in their territories (and, to a lesser extent, over other territories where they may also practise extortion). In these zones, inhabitants reportedly must stay ‘silent’ about the gang and its activities and often face a plethora of gang-imposed restrictions on whom they can talk to and what about, what time they must be inside their homes, where they can walk or go to school, whom they can visit and who can visit them, what they can wear, and even, reportedly, the colour of their hair.101 Many gangs are reported to forbid inhabitants to show ‘disrespect’ for the gang, a subjective evaluation on the part of gang members that, especially in the case of the more violent gangs, can reportedly encompass a multitude of perceived slights and offences such as arguing with a gang member or refusing a request, resisting a child’s recruitment into gang activities, or rejecting theamous attentions of a gang member.102

Civic organisations and societies, especially those that represent an alternative source of authority to that of the gang, are often reported to be prevented from holding meetings in territories controlled by the gangs, with communal leaders also having been killed by the gangs.103 In the 2013 national elections, presidential candidates reported that they had to ask permission from the gangs to carry out

political activities or hold political gatherings in the neighbourhoods controlled by the gangs and pay extortion money for the privilege.  

While MS gangs in particular have reportedly worked hard to also build positive support from their local communities through dialogue and even to develop social projects for the benefit of inhabitants, many of these projects are often targeted as well. Especially in territories disputed by two or more gangs, collective threats and punishments may reportedly be imposed by the gangs upon several families or even whole streets for a perceived infractions or disloyalty, leading to group displacements.

The strongly macho ethos of the Honduran gangs expresses itself through their reported virulent hatred and ill-treatment of persons of (perceived) diverse sexual orientations and/or gender identities and in the reported widespread use of sexual and gender-based violence against women and girls living in many gang territories, including forcing girls into prostitution and killing those who resist.

As noted above, persons who resist the authority of the local gang or who even inadvertently cross it, or who collaborate with the security forces or with rival gangs, are reportedly subjected to swift retaliation from the gang, including being killed. Moreover, it is reported that their family members are often targeted as well. Especially in territories disputed by two or more gangs, collective threats and punishments may reportedly be imposed by the gangs upon several families or even whole streets for a perceived infraction or disloyalty, leading to group displacements.

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104 El Heraldo, Presidenciales pagan “impuesto de guerra”, 7 April 2014, http://www.elheraldo.hn/pais/583880-214/presidenciables-pagan-impuesto-de-guerra. Moreover, in such zones, the arranged political meetings had to finish promptly at 6pm because of the risks of being caught up in armed hostilities between gangs disputing control of the territory. Ibid.


107 For example, in March 2016 multiple families in the neighbourhood of Reparto Lempira of San Pedro Sula and three days later at least thirty families from a specific sector of the Las Torres neighbourhood of Tegucigalpa reportedly received a written threat signed by Barrio 18, instructing them to move out of the neighbourhood within 24 to 48 hours. The families concerned reportedly did as they were told. El Heraldo, Marreros provocan Nuevo desalojo en colonia tras amenazas a muerte, 24 March 2016, http://www.elheraldo.hn/pais/942867-466/honduras-marreros-provocan-nuevo-desalojo-en-colonia tras-amenzas-a-muerte; La Tribuna, Esa es la intimidante carta que marreros enviaron a pobladores, 22 March 2016, http://www.latribuna.hn/2016/03/22/estar-intimidante-carta-marreros-enviaron-pobladores; La Tribuna, Marreros exigen a pobladores de colonia sampedrana desalojar sus viviendas, 22 March 2016, http://www.latribuna.hn/2016/03/22/marreros-exigen-pobladores-colonia-sampedrana-desalojar-viviendas.

108 For example, in March 2016 multiple families in the neighbourhood of Reparto Lempira of San Pedro Sula and three days later at least thirty families from a specific sector of the Las Torres neighbourhood of Tegucigalpa reportedly received a written threat signed by Barrio 18, instructing them to move out of the neighbourhood within 24 to 48 hours. The families concerned reportedly did as they were told. El Heraldo, Marreros provocan Nuevo desalojo en colonia tras amenazas a muerte, 24 March 2016, http://www.elheraldo.hn/pais/942867-466/honduras-marreros-provocan-nuevo-desalojo-en-colonia tras-amenzas-a-muerte; La Tribuna, Esa es la intimidante carta que marreros enviaron a pobladores, 22 March 2016, http://www.latribuna.hn/2016/03/22/estar-intimidante-carta-marreros-enviaron-pobladores; La Tribuna, Marreros exigen a pobladores de colonia sampedrana desalojar sus viviendas, 22 March 2016, http://www.latribuna.hn/2016/03/22/marreros-exigen-pobladores-colonia-sampedrana-desalojar-viviendas.

109 For example, in March 2016 multiple families in the neighbourhood of Reparto Lempira of San Pedro Sula and three days later at least thirty families from a specific sector of the Las Torres neighbourhood of Tegucigalpa reportedly received a written threat signed by Barrio 18, instructing them to move out of the neighbourhood within 24 to 48 hours. The families concerned reportedly did as they were told. El Heraldo, Marreros provocan Nuevo desalojo en colonia tras amenazas a muerte, 24 March 2016, http://www.elheraldo.hn/pais/942867-466/honduras-marreros-provocan-nuevo-desalojo-en-colonia tras-amenzas-a-muerte; La Tribuna, Esa es la intimidante carta que marreros enviaron a pobladores, 22 March 2016, http://www.latribuna.hn/2016/03/22/estar-intimidante-carta-marreros-enviaron-pobladores; La Tribuna, Marreros exigen a pobladores de colonia sampedrana desalojar sus viviendas, 22 March 2016, http://www.latribuna.hn/2016/03/22/marreros-exigen-pobladores-colonia-sampedrana-desalojar-viviendas.
Barrio 18 (B-18) and Mara Salvatrucha (MS) gang structures

The majority of local gangs in Honduras are reported to be affiliated with either the Barrio 18 (B-18), also referred to as the Mara 18, or the Mara Salvatrucha (MS), also referred to as the Mara 13. The most recent estimates (going back to 2012) suggest that their combined active membership is likely to be between 12,000 and 25,000 persons, of which perhaps 5,000 to 6,000 make up the core of the gangs of active and initiated members. Both B-18 and MS are large transnational gang structures that have their origins in the Californian gang scene, where B-18 was formed by Mexicans and MS by the children of Salvadoreans fleeing the civil war. Both B-18 and MS are themselves reported to be affiliated in turn with the Southern (Sureño) gang movement: this reportedly unites Hispanic gangs originating from southern California under the aegis of the powerful Mexican Mafia and is reported to offer a form of collective security (against attack by non-Sureño gangs) for members of these gangs when incarcerated in the USA. However, in both the streets and prisons of Honduras, Barrio 18 and MS are reported to remain implacable enemies.

During the early 2000s, the Barrio 18 and MS gang structures reportedly managed to successfully absorb, co-opt or displace many rival street gangs in Honduras, emerging as the main two gang structures in the country. Yet, in a number of towns and cities where Barrio 18 or MS gangs are present, they reportedly exist alongside other, more 'home-grown' local gangs.

The Barrio 18 gang structure is reported to be well-established in Honduras, where it is said to have greater numbers and reach than MS. Barrio 18 in Honduras is generally considered to be less violent and more structured than MS, which is characterized by a more fluid and ephemeral structure.

Women and girls are subject to extensive forms of control by local gangs and reportedly are increasingly threatened and forced to carry out activities for the gangs, such as acting as a look-out (bandera), dealing drugs and collecting extortion payments. The gangs also appear to be increasing their attacks against police and military officials and their family members living in gang-controlled zones.
sophisticated and disciplined, and more unpredictable, than its arch-enemy, MS. Barrio 18 in Honduras is reported to be a more horizontal, subsistence-based and fragmented structure than MS, and privileges loyalty to the ‘barrio’ over all else, which may partly explain the repeated use by its membership of sudden violence. Indeed, extreme and cruel violence is reported to be a core element of Barrio 18’s identity and modus operandi in Honduras, with such violence appearing to be directed as much at its own members and the communities that it dominates as at rivals and the Honduran security forces. The imprisoned Barrio 18 leadership is reportedly not always strong enough to exert full control over the activities of the semi-independent Barrio 18 local gangs on the streets.

The MS gang structure also reportedly has an extensive presence in Honduras. In contrast with Barrio 18, MS in Honduras is reported to be much more sophisticated, calculating, disciplined and coordinated, working through smaller, more contained, local cliques (‘cliques’). In Honduras, it is reportedly more vertical in structure than is Barrio 18 and has a more stable leadership. The allocation of different tasks to different levels of members within MS cliques also appears to be compartmentalized in ways that are similar to a military structure. However, despite the increasing sophistication of MS in Honduras, the imprisoned leadership of MS reportedly still sometimes struggles to fully exert control over individual MS cliques on the street.

The MS in particular is also reported to be growing in its political sophistication. Although MS gangs do not, at present, appear to be financing political campaigns or controlling government


124 Insight Crime/Asociación para una Sociedad Más Justa, Gangs in Honduras, 20 November 2015, http://www.insightcrime.org/images/PDFs/2015/HondurasGangs.pdf, p. 39; El Heraldo, MS-13, de mara callejera a organización transnacional, 6 August 2014, http://www.elheraldo.hn/al frente/735683-331/MS-13-de-mara-callejera-a-organización-transnacional; Insight Crime, 5 Differences between El Salvador, Honduras Gang Truces, 12 July 2013, http://www.insightcrime.org/news-analysis/5-differences-between-el-salvador-honduras-gang-truces. In the nominal Barrio 18 hierarchy in Honduras, the mostly imprisoned leaders (tortos) coordinate the criminal activities of their own distinct ‘cliques’ (clikas) and authorize increases in extortion demands etc. In theory, the clique leaders (homies) on the street answer to these leaders and are, in turn, served by their own hierarchy of local gang members, including initiated ‘soldiers’ (soldados) of different ranks and functions and, below them, the low-level paises and paises firmes, who are on the cusp of being initiated. They are served by the ‘lookouts’ (banderitas) – who are children, often forcibly recruited, and not yet fully initiated gang members who are given tasks such as carrying messages and weapons or collecting extortion money – and a range of other local collaborators, including ‘girlfriends’ (sainas) and other family members. See Insight Crime/Asociación para una Sociedad Más Justa, Gangs in Honduras, pp. 16-18. In the prison context, the term ‘puesa’ is used to denote the majority of prisoners who are not members of the gangs and the term ‘puesa firmes’ is apparently also used more generically outside the prison context to refer to those persons who collaborate with a gang despite not being a formal member. See Programa Nacional de Prevención, Rehabilitación y Reincorporación Social, Situación de maras y pandillas en Honduras, 2011, http://www.unicef.org/honduras/Informe_situacion_maras_pandillas_honduras.pdf, p. 74.


129 MS in Honduras has a stronger and more stable hierarchy than Barrio 18. At its top are the leaders (pupilabernos), who are usually imprisoned. Below them, on the street, the ‘chiefs’ (jefes) and their ‘sergeants’ control one or sometimes more colonias, with the support of a small number of initiated ‘soldiers’. These soldiers are served by the low-level ‘crazies’ (locos), who are awaiting initiation and keep a close eye on the ‘nules’ (nulas), who are non-members but work as drug-dealers for the MS. The gang is also served by banderitas – who perform the same role as in the Barrio 18 structure – and a range of other local collaborators. See Insight Crime/Asociación para una Sociedad Más Justa, Gangs in Honduras, 20 November 2015, http://www.insightcrime.org/images/PDFs/2015/HondurasGangs.pdf, pp. 28-29 and 35.


contracts on a widespread basis, it is reported that MS in Honduras has significant influence over the mayors of at least two cities. At least since 2010, Honduran MS gangs have also been reportedly moving beyond mere subsistence crime and have begun laundering money and investing in property, transport, hospitals and other businesses in Honduras, the US and Colombia. They have reportedly also taken over Honduran transport companies that they have bankrupted through their excessive extortion demands. MS has also apparently taken control of a number of bus terminals and even takes decisions about who works there. As part of this rebranding of the gang, MS has reportedly created a whole new infrastructure of professionals, developing links with white-collar criminals and sending youth to university to train as lawyers. In consequence, some MS leaders are reported to have become extremely wealthy and live in luxury with their families in exclusive residential neighbourhoods.

Since the early 2010s, as part of the evolution of MS in Honduras, MS gangs have also reportedly worked towards creating a more positive relationship with the communities where they live, and are more open to dialogue with the community than is B-18. As such, in some parts of Honduras, violent MS cliques are also reportedly to have become the guarantor of local security through a form of ‘safe neighbourhood’ (barrio seguro) scheme in which petty crime is not tolerated, the provider of social programmes and also the go-to arbiter for domestic or neighbourly conflicts.

In general, although MS gangs reportedly continue to use extreme violence, including killings, for example against rival gangs, perceived informants or others who offend against MS, such use of force often makes more predictable and less impulsive than that of Barrio18. In a similar manner, whereas Barrio 18 reportedly reacts aggressively towards incursions by the authorities, MS gangs are reported to usually avoid direct confrontation with the State security services. Instead they reportedly seek to develop relationships with corrupt officials, who warn MS of police operations.

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133 Insight Crime/Asociación para una Sociedad Más Justa, Gangs in Honduras, 20 November 2015, http://www.insightcrime.org/images/PDFs/2015/HondurasGangs.pdf, p. 33. The mayor of the town of Talanga, Francisco Morazán department, was recently arrested for his close links with the MS local gang there, which was reported to have funded his political campaign.


help it take over new territories and even act as bodyguards and collect extortion monies for it.¹³⁹ However, in response to the government’s 2016 Operación Avalancha (‘Operation Avalanche’) that resulted in the capture or surrender of a number of leading MS members and confiscation of MS property, authorities issued an alert about possible reprisals by MS gangs.¹⁴⁰

For both Barrio 18 and MS, extortion of the lucrative transport industry in Honduras has reportedly been a primary source of income over the last decade or more.¹⁴¹ However, Barrio 18 is also reported to target small businesses and, increasingly, even residents of the poverty-stricken zones where it practises extortion, which creates conflict between Barrio 18 and the community.¹⁴² By contrast, although MS is reported to heavily extend the transport industry, it reportedly does not usually prey heavily on its immediate neighbours and even acts as their ‘protectors’ against such demands by other criminal groups, earning it further social capital with the community.¹⁴³

Both Barrio 18 and MS also reportedly seek control of the lucrative local drug-dealing trade, which they have been taking over from other providers, whom they kill or co-opt as they move into new neighbourhoods.¹⁴⁴ Presently, both Barrio 18 and MS are reportedly trying to expand into new territories, despite those controlled by their rivals, in order to capture a bigger share of this market, generating disputes and renewed violence, including killings.¹⁴⁵ Both Barrio 18 and MS also


¹⁴⁰ El Heraldo, Investigan posible reacción de mareros por Operación Avalancha, 24 February 2016, http://www.elheraldo.hn/pais/93340-466/investigan-posible-reactiz%C3%B3n-de-mareros-por-operaci%C3%B3n-avalancha. La Prensa, La Policía llama a la calma tras ola de rumores de pandilleros con chalecos de la DPI, 24 February 2016, http://www.laprensa.hn/honduras/933443-410/la-polic%C3%ADa-llama-a-la-calma-tras-ola-de-rumores-de-pandilleros.


reportedly derive a more limited level of income from other criminal activities, such as theft and the buying and reselling of stolen goods. 146

The leaders of the Honduran Barrio 18 and MS gangs are reported to maintain ties with their counterparts in El Salvador and the US, via social networks and other media, with whom they reportedly discuss strategy and for whom they arrange the safe passage of weapons and other contraband.147

At the national level, the Barrio 18 and MS structures in Honduras are reported to be sufficiently organized to move members between different cities to reinforce affiliated local gangs when their members are captured or killed.148 Their leaders are also reported to have tried several times to attempt to negotiate either singly or jointly with the government about issues such as non-violence pacts.149 Moreover, following a period of intense confrontation between Barrio 18 and MS up to 2007, the two structures apparently agreed, at least in Tegucigalpa, to divide territories such that there were few territorial disputes.150 However, since 2011 and particularly from 2015 onwards, a process of greater confrontation between the rival structures has become steadily more evident, with each seeking to expand and capture new drug markets (plazas).151 There are also reports of leaders being sent to Honduras from affiliated gangs in El Salvador, Guatemala and the US, as well as the movement of gang-members between neighbouring countries to evade law enforcement, to establish and man satellite operations and reportedly to exchange tactical knowledge and intelligence, adding to the dynamics of violence:152 In the highly disputed colonias where both Barrio 18 and MS are present, conflict between the two is reported to be constant and intense.153

Chirizos gang structure and its derivatives

The Chirizos are presently reported to be the largest ‘home grown’ gang structure in Honduras. The origins of the Chirizos are reportedly found in the armed structure created by Hector Portillo, alias El Gato Negro (‘Black Cat’), as enforcers for his major drug distribution network in Distrito Central, particularly around the market zone of Comayagüela. By 2012, the youths working as lookouts (banderas) and drug couriers (mulas) for the structure run by El Gato Negro had reportedly formed a separate new structure called the Chirizos, which was supported by former senior members of El Gato Negro’s drug network. This new structure was reported to be dedicated not only to local level drug distribution but also to kidnapping, extortion, contract killing, arms sales and robbery. At present, the Chirizos are reported to maintain a strong presence in numerous colonias of Comayagüela where El Gato Negro’s organization used to operate, particularly around the market zone.

By 2013, however, desertions from the Chirizos had also reportedly led to the formation of two major derivative gang groups in these same zones of Comayagüela and Tegucigalpa where the Chirizos operate. These newer structures are called El Combo Que No Se Deja and the Benjamins. The two groups reportedly clash with the Chirizos for the control of territory in these zones. At the same time, El Combo Que No Se Deja are reportedly not rivals to the Benjamins and the two gangs are even reported to share territories such that members of either gang can enter the territory of the other without problems.

More recently, a faction of El Combo Que No Se Deja also split off to form a smaller new gang named the Mafia. Other derivative factions reportedly include deserters from the Chirizos, such as the small Los No Pasa Nada gang, and remnants of the original El Gato Negro structure, such as the Corrales, a small family-based criminal band.

There is no official English translation of the structure’s name El Combo Que No Se Deja. An unofficial direct translation of this name would be ‘the gang that won’t allow it’.

154 After El Gato Negro was kidnapped and murdered along with his bodyguards in 2010, his structure was apparently left without a strong successor and fractured after numerous killings of his family members and others in the zone where his group had been present. These killings reportedly continued until at least 2013 when the former lieutenant and successor of El Gato Negro was murdered along with his own family members. During this period of flux, the youths working as lookouts (banderas) and drug couriers (mulas) for the structure run by El Gato Negro and who came to form the Chirizos (and its later derivatives) apparently enlisted as sympathisers of B-18 in the zone, where they gained experience of killing, extortion and other gang activities. La Tribuna, Surgen tres nuevas maras “mata transportistas”, 20 October 2014, http://www.latribuna.hn/2014/10/20/surgen-tres-nuevas-maras-mata-transportistas/; El Heraldo, Muerte del “Cabo Molina” revive sombra del “Gato Negro”, 17 April 2013, http://www.elheraldo.hn/sucesos/622170-219/muerte-del-cabo-molina-revive-sombra-del-gato-negro.


157 There is no official English translation of the structure’s name El Combo Que No Se Deja. An unofficial direct translation of this name would be ‘the gang that won’t allow it’.


159 El Heraldo, Cae segundo cabecilla de la banda "El Combo que no se deja", 7 April 2014, http://www.elheraldo.hn/sucesos/623245-219/cae-segundo-cabecilla-de-la-banda-el-combo-que-no-se-deja.


One notable feature of the Chirizos structure and its derivative gangs is the reported relative youth of most members, including some of the leaders (although the patrons appear to be older). Thus, the majority of Chirizos are reported to be children and youth between the ages of 12 and 24 years. The membership of the Benjamins and El Combo Que No Se Deja is apparently even younger, with most being children between the ages of nine and 17 years. All three gangs reportedly target their recruitment at local children living or working in the market zones of Comayagüela and Tegucigalpa, as well as at classmates in the educational centres where some of their membership is enrolled.

Boys and girls, especially those living in vulnerable circumstances such as child street sellers, are reportedly recruited into these structures without distinction as to gender, and those who refuse are reportedly killed. The gangs also reportedly make use of professionals to manage their finances and assist with money-laundering.

The modus operandi of all of these groups is reported to be similar to that of the larger gang structures of Barrio 18 and MS. In particular, these structures are reported to have a well-founded reputation for extreme violence as the means for maintaining control over the inhabitants of the territories that they dominate, terrorizing the local population into submission. Like Barrio 18 and MS, the Chirizos and their derivative gangs reportedly impose a range of rules on the population living in these territories, including the rule of silence, enforced by curfews and checkpoints where inhabitants must pay to enter or leave. These gangs are reported also to have forced families out of their homes and sometimes taken over the houses, using them as command and torture centres (casa locas).

The principal source of income for all of these gang structures is reported to be extortion and control over the local drug plazas, although they are also reported to be involved in contract killing.

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165 This is apparently less the case for groups such as the Corroles that split directly from the structure of El Gato Negro, which appears to be controlled by a somewhat older, family-based membership. See La Tribuna, Remanente de banda del “Gato Negro” hacia “diabluras” en la zona sur, 27 March 2014, http://www.latribuna.hn/20140327/remanente-de-banda-del-gato-negro-hacia-diaabluras-en-la-zona-sur.


kidnapping and arms sales.\textsuperscript{174} Extortion carried out by the Chirizos and their derivative gangs is reported to be directed principally against the transport sector, market stallholders and other small businesses in these zones. They are reported to resort rapidly to extreme violence in the form of kidnappings, torture and killings against persons who refuse their demands and against their family members.\textsuperscript{175} The Chirizos, in particular, are reportedly known for brutally torturing and killing those who defy them and leaving their bodies on display in public spaces.\textsuperscript{176} However, in 2014, the jamming of mobile phone signals near prisons reportedly led imprisoned leaders to lose control over younger, lower-level gang members on the street, who began to engage in extortion without consulting the leaders or sharing all of the proceeds, causing conflict and score-settling within these groups.\textsuperscript{177}

The territories of these three ‘home-grown’ Honduran gang structures currently appear to be largely limited to poor and marginal areas of Distrito Central, without the wider national coverage achieved by the Barrio 18 and MS gang structures. However, their activities in these localities are reported to have swiftly brought the Chirizos into violent conflict with the Barrio 18 gangs and, more recently, with MS gangs in these parts of the capital.\textsuperscript{178} Since 2014, for instance, the Chirizos have reportedly been engaged in a bloody struggle with MS gangs for control over territory in the market zone of Comayagüela.\textsuperscript{179} These gang structures are also reported to react aggressively to the security services, killing police officers and their families who live in the zones under their control or forcing them to leave their homes.\textsuperscript{180}


From 2014 onwards, the security services are reported to have succeeded in capturing and imprisoning many of the original leaders of the Chirizos and their derivative gangs.181 However, the larger three groups have reportedly not been dismantled and a new generation of youthful and even more violent leaders has arisen to take the place of those who are now detained.182

Other street gangs and criminal bandas (bands)

A range of other local street gangs and criminal bands are reported to be present in Honduras that do not form part of the larger gang structures. One of the largest and longest-established of the smaller territorial street gangs is the Vatos Locos (‘Crazy Dudes’) gang structure that has a presence in certain parts of the country.183 Other smaller street gangs in different parts of Honduras include Barrio Pobre 16, the Tercerenos, the Ponces and the Parqueños.184 Among the black English-speaking population of Honduras’ Caribbean islands, there are reportedly local gangs such as the Mara Organizada (Organized Gangster Mara) and the West Side, while in some mainland black Garifuna communities, including in San Pedro Sula, the US-based rival gangs Rojos (‘Bloods’) and Azules (‘Crips’) gangs are reported to be present.185

Even if the larger gang structures of the Barrio 18 and MS are reported to have partially or wholly taken over or destroyed smaller local rivals during the late 1990s and early-mid 2000s, these local street gangs remain a feature of the gang landscape in Honduras. Indeed, various smaller gangs may be present alongside gangs affiliated to the bigger gang structures in volatile and violent localities, such as the 39 neighbourhoods making up Rivera Hernández in San Pedro Sula, where at least four smaller gangs are reported to hold territories contiguous to those of the Barrio 18 and MS gangs,186 or the many gangs present in various sectors of La Ceiba.187 Many such smaller gangs reportedly drift in and out of alliances with each other, and with Barrio 18 and MS gangs, in which some even have their origins.188 These smaller gangs reportedly rely largely on extortion for revenue.189

184 Some of these gangs have their origins in the Sureño gangs of California, as with Barrio Pobre 16, which was originally formed in the United States as Barrio Pobre 13 by Mexicans, but Honduran members who were deported to Honduras changed the number following the gang’s name to 16 to differentiate themselves from MS-13 and B-18. See Insight Crime, Poor ’Hood, Mean ’Hood: the Violent History of Rivera Hernandez, Honduras, 9 December 2015, http://www.insightcrime.org/investigations/gang-history-rivera-hernandez-honduras; Insight Crime/Asociación para una Sociedad Más Justa, Gangs in Honduras, 20 November 2015, http://www.insightcrime.org/images/PDFs/2015/HondurasGangs.pdf, p. 37.
Finally, also present in Honduras are ‘militias’, such as the *Pumas* in La Ceiba, that originally emerged in certain localities to combat the gangs but which now are reported to operate to all intents and purposes as gangs themselves, preying on the population and terrorizing it.\(^{190}\)

Alongside the territorial street gangs, many cities and towns of Honduras are also reported to be home to violent criminal bands (*bandas*). The distinction between *bandas* and local street gangs is not clear-cut since both tend to be localized groups of youth and young men who are armed and carry out criminal activities in a distinct territory.\(^{191}\) However, in their origins, many such *bandas* appear to be constituted less explicitly around the youth-based forms of cultural identity that are central to the gangs and are often formed instead with professional criminal objectives as their primary objective.\(^{192}\)

As such, despite being highly localized, these *bandas* tend to represent more sophisticated and experienced organized crime structures, or are linked to such structures. Despite the reported success on the part of the authorities in dismantling particular *bandas* in part or in full in 2014-2015,\(^ {193}\) such *bandas* reportedly continue to have a presence in certain cities and rural areas of Honduras.\(^ {194}\) Moreover, in the urban centres of Honduras, a multitude of smaller and less powerful *bandas* are reported to operate alongside the more established ones, such as the *Castellanos*, the *Peludos* and the *Berrios*.\(^ {195}\) Violent confrontations between these urban *bandas*, and between *bandas* and local street gangs, are reported to occur periodically.

In more provincial parts of the country, other well-armed and predatory *bandas* are reported to be directed by local politicians,\(^ {196}\) or by local families with a reputation of being ruthless.\(^ {197}\) In their


\(^{194}\) Radio HRN, *Unas 35 bandas dedicadas a la extorsión han sido golpeadas y eliminadas durante 2015*, 22 July 2015, http://www.radiohrn.hn/noticias/unas-35-bandas-dedicadas-la-extors%C3%B3n-han-sido-golpeadas-y-eliminadas-durante-2015. It is not clear how the official statistics cited in these reports count the dismantling of a banda or gang but the figures appear to be unduly optimistic as to the impact of these operations on the larger gang structures.

\(^{195}\) For instance, in Tocoa, Colón department, a very large and well-armed banda in Honduras has operated in recent years that is apparently called *Maras-61* and which provides security and enforcement services for the drug-trafficking group in that locality, acting as its armed wing. It is likely that this banda is a local offshoot of the *Cachirios*, who were based in this town. See further below. Programa Nacional de Prevención, Rehabilitación y Reinserción Social, *Situación de maras y pandillas en Honduras*, 2011, http://www.unicef.org/honduras/Informe_situacion_maras_pandillas_honduras.pdf, pp. 78-79. The independent banda of the Olanchanos is reported to have links with drug-traffickers and to dominate several neighbourhoods of San Pedro Sula, where it reportedly started by killing gang members and is feared even by local gangs. It is reported to be well-organized, heavily armed and dedicated to local drug distribution and contract killing, as well as being involved in extortion, kidnapping and car theft. El Heraldo, *¿Quiénes son los Cachirios y cómo forjaron su millonario imperio?*, 17 June 2016, http://www.219/tres.html


respective rural zones of influence, these bandas reportedly terrorize local populations and dedicate themselves to a range of criminal activities, including appropriating land, cattle and other property by force, extortion, kidnapping and assassination. In other cases, such organized bandas are also reported to be involved in drug-trafficking.

### b) Drug smuggling structures

Alongside the street gangs that are mainly concentrated in the bigger cities of Honduras, there are also reportedly many organized criminal structures dedicated to cross-border drug-trafficking that operate in more sparsely-populated areas of the country. Since the 2000s, and especially after the 2009 coup, Honduras reportedly became one of the main points through which cocaine from the Andean region enters Central America by sea and by air and from where it is then transported north by land or sea. A correspondingly large number of Honduran drug smuggling structures are reported to move cocaine shipments along contraband routes through isolated rural zones of the country. The larger drug smuggling structures reportedly tend to be based in distinct zones of the country. Many

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198 Extradición de “El Negro Lobo”, el país extradita a un hondureño
http://www.laprensa.hn/sucesos/923493-410/extradicion-de-v%C3%ADntas-de-bandas-lideradas-por-alcaldes-de-sulaco

199 For example, the feared and well-armed family-based bandas of the Espinozas in rural Comayagua department. El Heraldo, Banda criminal de Los Espinoza, desarticulada en su totalidad, 22 October 2015. Available at: http://www.laprensa.hn/sucesos/893940-410/exhuman-cuerpos-de-v%C3%ADntimas-de-banda-liderada-por-alcaldes-de-sulaco; El Heraldo, Car banda de Los Banegas, liderada por alcalde de Sulaco, 22 October 2015. Available at: http://www.eheraldo.hn/sucesos/893047-219/cae-banda-de-los-banegas-liderada-por-alcaldes-de-sulaco.


202 Some of the literature on Honduras refers to these drug smuggling structures as transportistas. In Honduran media reporting on the drug trade, these structures, particularly are often largerly referred to as ‘cartels’.


204 Until 2014, the two major Honduran drug structures were the Valles (operating land-smuggling routes along the western border with Guatemala in northern Copán, Santa Barbara and Cortés departments) and the Cachichos (operating the Atlantic coastal smuggling route from Gracias a Dios department on the eastern border with Nicaragua to northern Cortés department). See Insight Crime, Valles, undated. For example, http://www.insightcrime.org/honduras-organized-crime-news/vallles (date accessed: 1 April 2016); and Insight Crime, Cachichos, undated, http://www.insightcrime.org/honduras-organized-crime-news/cachichos-profile (date accessed: 1 April 2016). Other recently prominent groups have reportedly included the Hermanos AA (‘AA Brothers’), Cartel del Sur (‘South Cartel’), the Olancho Cartel, the Juticalpa Cartel, and Valle de Sula Cartel. However, from 2014, the US and Honduran governments are reported to have actively pursued the ‘kingpin’ leaders of these larger structures and succeeded in capturing a number of them and confiscating their assets; in some cases they have been extradited to the United States. La Prensa, Cae jefe de cartel que asumió liderazgo de los valle Valles, 31 January 2016, http://www.laprensa.hn/sucesos/924931-410/cae-jefe-de-cartel-que-assoim%C3%B3-liderazgo-de-los-valle.


of these structures are reported to have close links with larger regional drug-trafficking organizations, particularly the Mexican Sinaloa cartel, which hire them to receive, store and transport drugs through Honduras. Although drug trafficking is a lucrative source of income for these smuggling structures, many of which are reported to have a history of involvement in cattle-rustling, car theft, marijuana-trafficking and other forms of cross-border smuggling.

Drug smuggling structures in Honduras are reported to be relatively complex structures, usually comprised of horizontal networks of connected persons. Especially in the case of larger and more powerful drug smuggling structures, the leadership is reportedly often comprised of a tight-knit nucleus of members of a single family or a few linked or cooperating families, many of which are reported to carry out their own separate criminal activities such as selling arms, trafficking girls and women, carrying out hired killings, and appropriating cattle and land by force.

Many of the other activities undertaken by the drug smuggling structures, such as transportation and security, appear to be contracted out by the leadership to other smaller local groups. Similarly, each network reportedly has an armed wing that carries out enforcement and security operations as required. Despite their integration into the relevant drug smuggling structure, these armed elements are reported to vary in the extent to which they maintain a distinct identity as violent criminal bands (bandas) and carry out their own separate criminal activities such as selling arms, trafficking girls and women, carrying out hired killings, and appropriating cattle and land by force.


It should be noted that there are also other drug smuggling structures that appear to be much smaller and more ad hoc operations.\textsuperscript{210} Notwithstanding their size, the activities of these groups reportedly have the potential to generate considerable conflict and violence in the regions where they operate.\textsuperscript{211} Among these smaller operations are the widely present and violent drug-stealing groups (tumbadores) that operate by stealing drugs shipments from other drug smuggling structures to then sell on to rival operators.\textsuperscript{212}

Due to the nature of their trade, Honduran drug smuggling structures, especially the larger ones, are generally reported to be more sophisticated and disciplined organizations than the street gangs.\textsuperscript{213} They are reported to rely primarily on corruption and bribery of local and national political, police and judicial authorities to secure protection for their activities,\textsuperscript{214} although direct use of violence is also reported where this is deemed necessary.\textsuperscript{215} In general, assassinations and threats by these organizations appear to be limited largely to disputes or punishments of those involved in the structures, or others who are deemed to pose a risk.\textsuperscript{216} However, small and medium landowners in these zones who refuse to sell their lands to these groups are also reported to face violence,\textsuperscript{217} as may other members of the community who refuse to collaborate.\textsuperscript{218} Usually, though, these structures reportedly buy the tolerance of the local population by investing in local businesses and creating

narcotraficantes, 27 April 2012, http://www.laprensagrafica.com/el-salvador/loledella/260142-nicaragua-investiga-compra-ninas-indigenas-por-narcotraficantes. For example, in Olancho department, members of one such banda rebelled against the parent drug smuggling structure and became involved in a violent dispute, but eventually were forced to flee to Colón department, where they began to work with the Cachiros and, after that cartel began to be dismantled, they went to La Ceiba, Atlántida department, where they continue to operate. See El Heraldo, Carteles de Juticalpa y Cataracas disputaron el control de Olancho, 10 July 2015, http://www.elheraldo.hn/sucesos/858061-219/carteles-de-juticalpa-y-cataracas-disputaron-el-control-de-olancho.


employment in job-scarce regions; some inhabitants also act as lookouts and informants or store merchandise for the structures. Within these territories, the well-armed drug smuggling structures and their contacts in the local authorities reportedly impede outside gangs and common criminals from establishing themselves, giving inhabitants a sense of relative security.

In the early 2000s, the six major structures apparently agreed to respect a territorial division of drug-trafficking routes in the country. However, from 2014, the capture of the leaders of these structures by the authorities has reportedly thrown the drug smuggling structures into flux. Even so, elements of the large drug smuggling structures are reported to remain active and have adapted new trafficking strategies, although infighting among family members for control of the business is reportedly producing internal fragmentation. At the same time, some structures are reported to be pushing into territory formerly dominated by other groups, suggesting that the agreement between the drug smuggling structures no longer holds. Also, emerging groups are reportedly using the chaos to stake their own claims in these regions. All of these disputes are reportedly pushing new dynamics of

violence in those territories, which in turn has an impact on the population in the areas concerned.\(^\text{228}\)

c) State Security Forces

Originally a dependency of the military, the 14,000-strong civilian police force is now located under the Security Ministry (Secretaría de Seguridad), which oversees such institutions as the National Police, National Preventative Police Division, Transit Police Division, National Special Units Division and the reconstituted Police Investigation Division.\(^\text{229}\) In 2013, a new elite armed police unit called the TIGRES (Tropa de Inteligencia y Grupos de Respuesta Especial de Seguridad) ("TIGERS": Intelligence Troops and Special Security Response Groups) was created to fight organized crime using high-technology investigative and intelligence capabilities; it began to operate under the control of the Security Ministry during 2014.\(^\text{230}\) In late 2014, General Julian Pacheco was appointed as Security Minister, the first time an active military official had been appointed to lead the Security Ministry and national police.\(^\text{231}\)

The Armed Forces (Fuerzas Armadas) of Honduras are ultimately subject to civilian control through the Ministry of National Defence (Secretaría de la Defensa Nacional).\(^\text{232}\) In 2014, the national Army, Air Force and Navy reportedly comprised around 10,550 troops.\(^\text{233}\) From 2011, alongside their national defence function, they were reportedly used to support the police and other State institutions dealing with the security situation inside Honduras, especially in zones affected by organized criminal groups.\(^\text{234}\) In 2013, a new branch of the Armed Forces was created – the Public Order Military Police (Policía Militar de Orden Público, PMOP).\(^\text{235}\) This institution is reportedly formed of soldiers specialized in police functions and is tasked to take rapid action to combat organized crime and re-establish security in gang zones.\(^\text{236}\)


237 Proceso Digital, Congreso Nacional aprueba decreto que crea la Policía Militar, 22 August 2013, http://www.proceso.hn/component/k2/item/16204.html. During 2014, the PMOP was estimated to number between 1,900 and 5,000 troops, and its numbers were reportedly set to be increased further during 2015. United States Department of State, 2014 Country Reports on
The security forces are reported to have contributed directly to the current dynamics of violence in the country. Since the early 2010s, a key component of the security strategies adopted by the Honduran government has reportedly been the increasing militarization of the provision of internal security.\[238\] This is reported to be partly a response to the severity of the challenges that the government faces in this sphere but also in part due to the failure of successive attempts to reform the country’s highly corrupt national police force.\[239\]

However, the civilian authorities are reported to have sometimes failed to maintain effective control over the security forces.\[240\] The police and armed forces are reported to engage in extrajudicial killings of habitual criminals and suspected gang members.\[241\] Reportedly, these killings by the security services are sometimes passed off as gang infighting.\[242\] Moreover, children and youths living in poor areas reportedly tend to be regarded as gang members by the security forces and are therefore subjected to abusive and discriminatory treatment; in some case, such children reportedly also fall victim to extrajudicial killings by the security forces, even when they were not known to be involved in criminal activity.\[243\] In general, the use of military personnel to conduct police operations has reportedly led to an increase in reports of human rights violations by soldiers since 2012, including murders, torture and arbitrary detentions.\[244\] The practice by the military police of operating with their faces covered and without visible identification has also reportedly allowed such troops to act with impunity.\[245\] From 2009 to 2015, in the Aguan region of Colón and Yoro departments, there have been reports that the security forces tortured, abused and mistreated peasant inhabitants in the context of their operations.\[246\]

Moreover, since the early 2010s, reports have emerged suggesting the existence of police death squads and vigilante groups with possible connections to the security forces engaging in the extrajudicial killing of suspected gang members and other youths in poor areas of Honduras.\[247\] In the

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See below Section II.C.2. The most recent manifestation of the increasingly central role of the military in national is the initiation of a new programme implemented directly by soldiers of the Armed Forces that is called Guardián de la Patria (‘Guardians of the Homeland’). This programme is directed at promoting a closer relationship with the values of the Armed Forces as a means of preventing Honduran children living in marginal urban zones from joining the gangs by promoting a closer relationship with the values of the Armed Forces. Inter-American Commission on Human Rights, Situation of Human Rights in Honduras, 31 December 2015, http://www.refworld.org/docid/5729910b4.html. pp. 105-106; AFP, Honduran Army Races Gangs to Reach Child Trash-Pickers, 3 March 2015, https://honduprensa.wordpress.com/2015/03/03/honduran-army-races-gangs-to-reach-child-trash-pickers/.

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three years between 2010 and 2013 alone, it was reported that Honduran prosecutors received 150 formal complaints about death squad-style killings in Tegucigalpa and at least 50 more in San Pedro Sula.248 Corrupt police officials, including those of the PMOP, have also been reported to be involved in extortion, kidnapping and other abuses and crimes against the local population.249

**d) Private Security Forces**

The most recent estimates, relating to 2013, suggest that there are between 60,000 and 70,000 armed private security guards in Honduras, i.e. more than double the number of officers in the police and armed forces; the vast majority are thought to be unregistered.250 Many ex-police and ex-military officers reportedly run private security agencies, taking advantage of their training and contacts.251 Moreover, organized criminal groups are reported to have created private security agencies as a cover to facilitate their purchase and trafficking of arms.252 The proliferation of private security agencies in Honduras is said to reflect the high level of insecurity in the country and a lack of faith in the State security apparatus.253

Members of these private security agencies, along with members of the State security forces, were reported to be involved in carrying out violence against members of indigenous, Afro-Honduran and peasant communities engaged in rural land disputes with large landowners or corporations, such as in the region of the Bajo Aguán, Colón and Yoro departments, and elsewhere in Honduras.254

**C. Ability and Willingness of the State to Provide Protection**

**1. State Response to Gang Violence and Organized Crime**

Honduras was reportedly the first country in Central America to adopt anti-gang measures in law,255 reforming Article 332 of the Penal Code in 2003 to allow gang members to be fined and imprisoned for the crime of ‘illicit association’.256 This provision contains no criteria to define who should be considered to be a gang member; as a result, the provision has reportedly been used by the police to target “members of the region of the Bajo Aguán, Colón and Yoro departments, and elsewhere in Honduras.”257

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In July 2015, further reforms to Article 332 of the Penal Code were adopted that increase the fine and term of imprisonment to between 20 and 30 years for gang members (increased by two-thirds for gang leaders), which is further increased by one-third for persons who use vulnerable persons such as children or who attack State officials. However, gang members who cooperate with investigations by the authorities may have their prison term reduced by up two-thirds, a possibility not open to leaders. Shortly after adopting this new ‘anti-mara law’, Honduras was also reported to be considering following El Salvador in legally designating gangs as ‘terrorist organizations’. Honduras has also adopted other laws directed at combatting organized crime more generally. For instance, to disrupt extortion and other activities carried out from the prisons by gangs, *bandas* and other criminals, a law blocking mobile phone signals in the vicinity of prisons was adopted in 2013 and extended and expanded in 2015. In January 2012 Honduras began reforms to its Constitution in order to allow Honduran citizens to be extradited to face charges of drug trafficking, terrorism or organized crime. Moreover, in 2014 Honduras also adopted a law to allow airplanes entering its airspace to be shot down if suspected of involvement in drug-trafficking.

Moreover, in recent years the Honduran government has created special structures bringing together different State institutions to deal more effectively with the security challenges posed by organized crime. Since 2014, the cornerstone of the strategy adopted by the Hernández administration has reportedly been the National Interagency Security Taskforce (Fuerza Nacional de Seguridad Interinstitucional, FUSINA), which is comprised of police, armed forces, prosecutors, judiciary and other institutions under the oversight of the President’s National Defence and Security Council in order to carry out coordinated operations against organized criminal groups within the framework of Operación Morazán (‘Operation Morazán’). Another such structure, created by the previous administration, is the National Anti-Extortion Taskforce (Fuerza Nacional Antixtorsión, FNA), which facilitates a coordinated response to the problem of extortion in Honduras.

These efforts by the government have reportedly had a tangible impact on organized crime in Honduras. Most crucially, from 2014, and with the assistance of the United States, the authorities are reported to have severely disrupted the main Honduran drug smuggling structures and trafficking routes, as well as the Sinaloa cartel network in Honduras, and also reportedly extradited a number of their leading figures and linked politicians to stand trial for drug-related offences in the United States.


States. During 2014, the authorities also reportedly captured and imprisoned a number of gang leaders, especially from the Chirizos and their derivative gangs. During 2015, the security services claimed to have detained over 500 gang members and managed to dismantle several notorious bandas and smaller gangs. In early 2016, Operación Avalancha (‘Operation Avalanche’) reportedly led to the capture or surrender of a number of leading MS members.

However, the police reportedly do not have a permanent presence in all of the urban zones where gangs operate and, where they are present, they are reportedly not usually seen as offering a sufficient form of protection for residents who are threatened by gangs. Mass displacements by local residents due to threats by the gangs often take place despite an increased presence in the community by the security forces. Similarly, where the security forces carry out operations to provide security to gang-affected neighbourhoods without a permanent police presence, inhabitants reportedly know that the gangs will return once the temporary State presence is removed. Often the most that police are able to do for those who have received threats is to temporarily shelter them in the local police station and help them to leave the area. Even police officials who live in areas where the gangs operate are reported to acknowledge their fear at the inability of the State to protect them from assassination when they are off-duty.

Between 2010 and 2013, only 3.7 per cent of the homicides investigated at the national level were reported to have resulted in convictions, with this figure dropping to one per cent for those in Tegucigalpa, San Pedro Sula and Comayagua. Moreover, the reported persistent failure of prosecutors to produce sufficient evidence to lay charges has reportedly resulted in many repeat offenders – including gang members – being repeatedly arrested for alleged crimes but never prosecuted, even in straightforward cases such as those involving extortion. It was estimated by the Honduran authorities in 2014 that around 85 per cent of extortion victims refrain from lodging a complaint.

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272 Insight Crime, ‘Operation Avalanche’ (‘Operation Avalanche’) reportedly led to the capture or surrender of a number of leading MS members.
complaint with the police, due to threats by gangs and the gangs’ practice of killing those who do report them to the authorities.\textsuperscript{276}

Impunity for violence against women and girls remains a serious problem; stigma, fear of retribution and further violence, and lack of confidence in the justice system reportedly dissuades many women from reporting sexual or domestic violence.\textsuperscript{277} Despite improvements to the legal framework for the protection of vulnerable groups in Honduras from 2015 onwards,\textsuperscript{278} impunity is reported also to be a particularly acute problem in relation to violence and other crimes committed against a range of other sectors of society, such as human rights defenders; legal and judicial professionals; indigenous and Afro-descendant populations; children and adolescents; individuals of diverse sexual orientations and/or gender identities; journalists and other media workers; and peasant communities particularly in the Bajo Aguán region.\textsuperscript{279} Moreover, there are reports of criminal law provisions such as ‘incitement to violence’ being frequently used by the authorities as a means of intimidating and harassing members of these same sectors of society.\textsuperscript{280}

In 2007 Honduras adopted a law to create a framework for the provision of protection and support to protected witnesses,\textsuperscript{281} which was first implemented through a programme of the Public Ministry from 2012.\textsuperscript{282} In 2015, the programme reportedly provided financial support to about 130 protected witnesses, including a number of criminal ‘turncoats’, along with some 400 family members of these protected witnesses. However, the witness protection scheme is reported to be inadequately resourced and cases have been reported of protected witnesses being attacked or murdered.\textsuperscript{283}

Conditions in the Honduran prison system are reported to be harsh and life threatening due to overcrowding, unhygienic conditions, violence, abuses by prison officials, and the influence of0


organized crime in prisons. Although the official prison capacity is for around 8,600 to 10,500 detainees, the prison population at the end of 2014 was reported to be between 14,800 and 16,000 persons, of whom more than half were in pre-trial detention. Despite efforts on the part of the Honduran authorities to begin overhauling the prison system in 2014, prison riots, killings and violent confrontations between imprisoned members of rival gangs and between imprisoned gang members and the wider prison population are reported to be frequent.

2. Corruption and Human Rights Violations by State Agents

As noted above, the police and the armed forces, including the PMOP, have also been accused of involvement in serious criminal activities and human rights abuses (see Section II.B.2.d). The police force is reported to be one of the most corrupt and mistrusted in Latin America. While there have been numerous attempts by the Honduran government to reform and purge the police, these efforts at reform are reported to have largely failed, with internal reports in 2015 showing few cases where crimes involving police officers have been prosecuted. Moreover, a number of officials — including higher-ranking officers — reportedly remain part of the police force despite having links to organized criminal groups that are responsible for serious crimes including drug-trafficking, murder and kidnapping.

Honduran drug smuggling structures are reported to have significant influence in the security forces and the judicial system, while political candidates supported by, or linked to, these structures have reportedly entered Congress and have become mayors and entered important posts in the Executive. Corruption and impunity in the security forces are thus reported to continue to


288 For instance, in June 2013, all 1,400 officers from the police’s National Criminal Investigation Branch (Dirección Nacional de Investigación Criminal) were suspended indefinitely over alleged corruption and ties to organized criminal groups. In 2014, another 700 police officers were dismissed as part of an ongoing effort to purge the ranks of corruption, an exercise that between May 2012 and December 2014 resulted in 1,350 police officers being dismissed and another 1,570 resigning. See El Heraldo, Anuncian barrida de 700 policías, 10 December 2014, http://www.elheraldo.hn/alcalzada/775333-209/honduras-anuncian-barrida-de-700-polic%C3%ADas; Noticias24, Suspenden a 1,400 policías en Honduras por sospechas de corrupción, 5 June 2013, http://www.noticias24.com/internacionales/noticia/61366-suspenden-a-1-400-policías-en-honduras-por-sospechas-de-corrupción.


contribute to widespread impunity for crimes committed by members of drug smuggling structures and gangs, State officials and other individuals in Honduras.\textsuperscript{294}

Moreover, gangs such as MS are reported to have connections within the police that pass on information about operations by the security forces to the gangs and assist the gangs in other ways.\textsuperscript{295} Collusion between gangs and the police in extorting the population is also reported to take place, with the police being paid off to allow gangs to extort without interference or even sometimes collecting extortion money for the gangs.\textsuperscript{296} There have apparently been regular attempts by the gangs and other organized criminal groups to infiltrate the ranks of the police with their own members.\textsuperscript{297} The specialized FNA is reportedly perceived by the general population as not having been successful in dismantling gang structures; by only capturing individual low-level members who are sent to pick up the extortion money, the FNA actions are in fact perceived to have led to an increase in extortion by gangs and bandas rather than a decrease.\textsuperscript{298} Indeed, a sharp increase in the murders of workers has been reported in the heavily-extorted public transport sector in 2014 and 2015, i.e. after the FNA was created.\textsuperscript{299}

The judicial system is reported to be particularly inefficient and subject to intimidation, corruption, patronage and political interference, which in turn is reported to contribute to high levels of impunity for crimes in Honduras.\textsuperscript{300} In 2013, an evaluation system implemented in the judiciary reportedly resulted in the dismissal of almost one-fifth of the judges reviewed, with several arrested and imprisoned for taking bribes from drug-traffickers.\textsuperscript{301} In November 2015, an independent investigation into candidates for the Honduran Supreme Court alleged that over one-fifth of the 197 judicial candidates were connected to illicit activities, particularly organized crime and drug-trafficking.\textsuperscript{302} In late 2015 a national judge from the special court system for high profile cases against gangs and organized criminal groups was reportedly convicted of accepting bribes, whilst by early 2016 other judges, prosecutors and the Vice-President of the National Judicial Council were reported to be under investigation on similar charges.\textsuperscript{303}

\begin{itemize}
\item La Tribuna, MS-13 le subió a ‘renta’ y trajo a negociadores de El Salvador, 14 March 2016, \url{http://www.latribuna.hn/2016/03/14/ms-13-le-subio-renta-trajo-negociadores-salvador/}.
\item La Tribuna, Hondurans and criminal organized quisieron infiltrarse en la ATIC, 7 July 2015, \url{http://www.latribuna.hn/2015/07/07/maras-y-crimen-organizado-quisieron-infiltrarse-en-la-atic/}.
\item La Tribuna, Detectan grupos de “policías pandilleros”, 21 March 2015, \url{http://www.latribuna.hn/2015/03/21/detectan-grupos-de-policias-pandilleros/}.
\item El Heraldo, En EE UU indagan a 40 aspirantes a magistrados, 19 November 2015, \url{http://www.elheraldo.hn/inicio/902999-465/en-ee-uu-indigan-a-40-aspirantes-a-magistrados}.
\item El Heraldo, Investigan a cuatro jueces por nexos con la MS-13, 1 March 2016, \url{http://www.elheraldo.hn/pais/935440-466/honduras-investigan-a-cuatro-jueces-por-nexos-con-la-ms-13}; Insight Crime, Honduras Guilty Verdict Shows Something is Working, 8 December 2015, \url{http://www.insightcrime.org/news-briefs/honduras-guilty-verdict-shows-something-is-working}.
\end{itemize}
D. Trends in Internal and External Displacement and Returns

In 2013, the Honduran government inaugurated a permanent Inter-Agency Commission for the Protection of Persons Displaced by Violence (Comisión Interinstitucional para la Protección de las Personas Desplazadas por la Violencia, CIPPDV) comprised of representatives of designated State entities and civil society organizations, and serviced by an operational secretariat. The CIPPDV’s objective is to promote the formulation of policy and the adoption of measures to prevent forced displacement caused by violence and organized criminality and to provide protection and solutions to persons displaced by violence and criminality and to their family members. As at March 2016 the CIPPDV had reportedly not adopted any concrete policy measures responding to forced displacement or displaced persons. In November 2015, during his visit to Honduras on the invitation of the government, the UN Special Rapporteur on the Human Rights of Internally Displaced Persons emphasized the urgent need for the CIPPDV to begin taking concrete measures to address the situation of forced displacement in the country.

No government system exists to register internally displaced persons (IDPs) or to monitor internal displacement in Honduras. However, in November 2015 the CIPPDV published an official study profiling internal displacement in the country. Based on a household survey administered in 20 of the approximately 300 municipalities of Honduras (and spanning 11 of its 18 territorial departments), the results showed that 4 per cent of the total estimated number of households in those municipalities had been forced into displacement between 2004 and 2014 because of violence or insecurity, with 7.5 per cent displaced twice and 2.1 per cent displaced three times. The twenty municipalities were selected on the basis of being likely reception sites for persons displaced by insecurity and were estimated to be home to approximately 174,000 IDPs. The figures also show an apparent increase in the levels of internal displacement from 2008–2009 and again from 2013–2014.

According to the CIPPDV’s findings, displaced households are generally younger, larger and less well-educated than non-displaced households. Most interviewees reported that they had lost their house and their sources of income. Compared to non-displaced households, access to housing for displaced households is more precarious and with greater levels of overcrowding. Displaced households also suffer greater health problems but are less able to access health care due to lack of resources, and have a higher rate of unemployment and hold more unstable and informal jobs.

308 CIPPDV, Characterization of Internal Displacement in Honduras, November 2015, http://www.jips.org/system/cms/attachments/1050/original_Profiling_ACNUR_ENG.pdf. The study was carried out with the support of the Honduran National Institute of Statistics (NIS), UNHCR, Joint IDP Profiling Service (JIPS) and Jesuit Reflection, Investigation and Communication Team (ERIC-SJ).
310 Ibid, p. 12. The study confirms that internal displacement occurs not only as a result of belonging to an ‘unsafe community’ but often also after a member of the household has been the direct victim of violence (ibid, p. 48). The actor most frequently identified as the perpetrator of such acts of violence was ‘maras’ (28 per cent), followed by ‘ordinary criminals’ (18 per cent). However, in 46 per cent of cases, the displaced interviewee claimed not to know the perpetrator or did not answer the question, likely due to the sensitive nature of this information and the associated fear of reprisals from the gangs (ibid, p. 49).
311 Ibid., p. 10 and p. 12.
312 Ibid, p. 45.
According to the CIPPDV, 63 per cent of households are reportedly unable to cover basic needs and 32 per cent of households are unable to provide sufficient food for each of their members. 316

One of the reported reasons for multiple displacements is that displaced persons often have little choice but to relocate to areas that are also controlled by gangs. If they move to an area controlled by the same gang, their problems are likely to follow them to the new location; if they move to an area controlled by a different gang, they are likely to be challenged by this gang as rival gangs usually do not accept persons coming from areas controlled by other gangs settling in their home territory. 317

Where gangs and other criminal groups have serious problems with a person or believe that the person in question could represent an ongoing threat, they are reported to make efforts to try and track the person down even after they have fled their home. 318 As there is no government programme for assisting IDPs, each new displacement is reported to exacerbate the downward spiral in their living conditions. 319

Moreover, because persons who flee their homes due to threats or gang-related violence often have to do so rapidly, they usually incur substantial economic losses as they have little time to make arrangements to sell or rent their houses and businesses or even to collect all of their belongings. 320 Where gangs have specifically required such persons to leave, they are reported often to take over the house to use it for their own purposes or to destroy it to prevent the return of the family. 321 Even families who flee due to a perceived threat from the gang but without receiving a direct order to leave may reportedly still be prohibited by the gang from renting or selling their property and their property may even be destroyed to prevent its later recuperation. 322

Hondurans affected by the violence are also fleeing Honduras in increasing numbers to seek asylum outside the country. The number of asylum applications by Hondurans has increased significantly, with 8,022 applications lodged in 2014, almost twice the number of applications lodged in 2013 (4,016 applications) and almost five times the number of applications in 2010 (1,659 applications). 323

The overwhelming majority of claims for asylum by Hondurans are lodged in the United States. 324 Although many of these claims are lodged by adults, from 2011 onwards there was a sharp increase in the number of unaccompanied and separated children fleeing Honduras and the other Northern Triangle countries, many of whom applied for asylum. 325 Interview data from 2013 from Honduran children apprehended in the United States indicates that 44 per cent of the interviewed children from Honduras claimed to have left because of violence in society, with 34 per cent specifying organized

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316 Ibid, p. 15.
324 In 2014, for example, 6,798 of the 8,022 asylum applications lodged by Hondurans worldwide were made in the United States of America. The next largest numbers were in Mexico (768) and Canada (179); see UNHCR, UNHCR Statistical Yearbook 2014, 14th edition, 8 December 2015, http://www.refworld.org/docid/566d6f4b4.html, Annex, Tables 11 and 12.
criminal actors as the source of harm, while 24 per cent of the interviewed children mentioned domestic violence as a relevant factor.\textsuperscript{326}

Although some Honduran migrants have voluntarily returned to Honduras, the number of Honduran refugees voluntarily repatriating in recent years is negligible.\textsuperscript{327} However, a large and increasing number of Honduran nationals are reportedly deported each year from the United States and Mexico by air and land, either pursuant to a deportation order following conviction for criminal activities or due to their irregular migration status.\textsuperscript{328}

III. Assessment of International Protection Needs of Asylum-seekers from Honduras

A. Refugee Protection under the 1951 Convention

This Section outlines a number of potential risk profiles for asylum-seekers from Honduras. UNHCR considers that asylum-seekers from Honduras falling within one or more of these risk profiles may be in need of international refugee protection under Article 1A of the 1951 Convention relating to the Status of Refugees (1951 Convention), depending on the circumstances of the individual case. Potential risk profiles are based on UNHCR’s legal assessment of available country of origin information at the time of writing as referred to in Section II and the present section.

Examination of claims by asylum-seekers in this context should include a full analysis of applicable Convention grounds.\textsuperscript{329} In the particular context of Honduras, where gangs are reported to exercise high levels of social control over all aspects of life of members of the population in the areas under the gangs’ control (see Section II.B.2.a and II.B.2.b in particular), it would frequently be appropriate for applications for international protection from applicants who flee gang-related forms of persecution to be analysed in relation to the ground of (imputed) political opinion.\textsuperscript{330} The ground of political opinion needs to reflect the reality of the specific geographical, historical, political, legal, judicial, and socio-cultural context of the country of origin. In contexts such as that in Honduras, expressing objections to the activities of gangs may be considered as amounting to an opinion that is critical of the methods and policies of those in control and, thus, constitute a “political opinion” within the meaning of the refugee definition.\textsuperscript{331} For example, individuals who resist being recruited by a gang, or who refuse to comply with demands made by the gangs, such as demands to pay extortion money, may be perceived to hold a political opinion.\textsuperscript{332}

Not all persons falling within the risk profiles outlined in this Section will necessarily be found to be a refugee. Conversely, these risk profiles are not necessarily exhaustive. A claim should not automatically be considered as without merit simply because it does not fall within any of the identified profiles. There is no hierarchy implied in the order in which the profiles are presented. All claims by Honduran asylum-seekers need to be considered on their own merits in fair and efficient refugee status determination procedures and based on up-to-date country of origin information. There

\textsuperscript{326} In some cases, multiple motives were mentioned by the children interviewed. See UNHCR, Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection, 13 March 2014, http://www.refworld.org/docid/532180c24.html, pp. 36-37. See also: UNHCR, Arrancados de Raíz: Causas que originan el desplazamiento transfronterizo de niños, niñas y adolescentes no acompañados y/o separados de Centroamérica y su necesidad de protección internacional, November 2014, http://www.acnur.org/33/donde-trabaja/americana/mexico/arrancados-de-raiz/.

\textsuperscript{327} One Honduran refugee was recorded as voluntarily repatriating in 2014. UNHCR, UNHCR Statistical Yearbook 2014, 14th edition, 8 December 2015, http://www.refworld.org/docid/5666f34b4.html, Annex, Table 2.

\textsuperscript{328} Between 1997 and 2014, some 753,079 Hondurans were returned to Honduras from the United States and Mexico. In 2014 alone, 81,017 Hondurans were returned, with children making up approximately 10 per cent of the total. See UNHCR, Diagnóstico sobre la caracterización de la población hondureña retornada con necesidades de protección, April 2014, http://www.acnur.org/03/fileadmin/mt_recursos.php?file=03/fileadmin/Documentos/Publicaciones2015/10027.

\textsuperscript{329} See UNHCR, Guidance Note on Refugee Claims Relating to Victims of Organized Gangs, 31 March 2010, www.refworld.org/docid/4db21fafa0.html, in particular paras. 29-51 on relevant Convention grounds.

\textsuperscript{330} Ibid., paras 45-51.

\textsuperscript{331} Ibid., paras 46.

\textsuperscript{332} Ibid., paras 50-51.
is a certain degree of overlap between some of the profiles, and the particular circumstances of an individual asylum-seeker may mean that two or more profiles may apply.1,333

Where relevant, particular consideration should be given to any past persecution to which asylum-seekers may have been subjected.334 In light of the context of organized crime and human rights abuses in Honduras, the applicability of the exclusion clauses may need to be considered in certain cases.

1. Persons perceived by a gang or other organized criminal group as contravening its rules or resisting its authority

Gangs in Honduras are reported to perceive a wide range of acts by residents of the area under the gang’s control as demonstrating ‘resistance’ to their authority. Acts commonly construed as challenging a gang’s authority reportedly include but are not limited to: criticizing the gang; refusing a request or ‘favour’ by a gang member; arguing with or looking mistrustfully at a gang member; refusing to participate in gang activities or to join the gang; rejecting the sexual attention of a gang member; having (perceived) links with a rival gang or a zone controlled by a rival gang; refusing to pay extortion demands; wearing certain clothing, tattoos or other symbols; participating in civil, religious or other organizations viewed as undermining the gang’s authority; and passing on information about the gang to rivals, authorities or outsiders.335

Persons who live in localities that serve as ‘invisible’ boundaries between the territories of rival gangs, or where the control of one gang is being disputed by another gang, face a heightened risk of being perceived (sometimes by both sides) as having links with the rival gang.336 Civic leaders, and other formal and informal community leaders, who represent an alternative source of authority to the gangs or who oppose them, or are perceived by the gangs as doing so, are equally at risk of violent retaliation.337

The nature of retaliation for perceived acts of ‘resistance’ or ‘disloyalty’ by inhabitants is reported to vary to some degree depending on the ‘character’ of the local gang (and any wider gang structure with

333 Based on the specific country information relating to Honduras, these risk profiles develop those identified in general terms by UNHCR and its typology of victims of organized gangs. See UNHCR, Guidance Note on Refugee Claims Relating to Victims of Organized Gangs, 31 March 2010, www.refworld.org/docid/4bb21fa02.html, pp. 4-6.


which it is affiliated) and the form of ‘resistance’ involved. For instance, gangs with a violent internal ethos, such as those affiliated with B-18, are reported to be extraordinarily sensitive to ‘disrespect’ from the local population, such that even the misinterpretation of a friendly gesture by a community member is capable of drawing a violent reaction from gang members. Most perceived contraventions of gang-imposed rules are reportedly dealt with severely by the gangs of Honduras: individuals whom the gang members suspect of resisting their authority are reported often to be killed without prior warning, although sometimes the killing is reportedly preceded by threats and/or other attacks against the person concerned.

Persons living in areas where other organized criminal groups such as drug smuggling structures or rural *bandas* operate are also reported to face threats and attacks if they are seen as resisting the authority of the local group, for example, by refusing when required to collaborate or to sell lands to the group, or otherwise provoking or opposing the group.

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2. Persons in professions or positions susceptible to extortion, including: public transport workers; taxi and mototaxi (tuc-tuc) drivers; persons involved in informal and formal commerce as business owners, their employees and workers, or as street vendors;

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Exortion is reportedly widespread in Honduras and the regular extortion quotas for money, goods and services imposed by the gangs and *bandas* can be crippling. The transport sector is reported to be a principal target for this extortion and almost 1,000 public transport workers, including taxi and mototaxi (tuc-tuc) drivers, have reportedly been killed between 2010 and 2015, with a sharp increase in numbers in 2014 and 2015, the vast majority reportedly for resisting extortion. Owners, employees and workers in formal and informal businesses, including street vendors, are also reportedly to be frequently extorted in the territories where gangs and *bandas* operate. Many gangs and *bandas* are also reported to extort a wider range of inhabitants in the territories where they operate, particularly schoolchildren, teachers, children, children and adults who receive remittances from abroad, but also public sector employees such as nurses, teachers, judges, and police officials, as well as politicians, priests, and owners of homes and who are perceived to do so, are also reported to be an identifiable target for extortion by the gangs.

The level of extortion payments can reportedly take being paid weekly and without warning and by gangs and it is reportedly not unusual for victims to lose their livelihood due to excessive extortion demands by gangs. Some gang members reportedly take over and run the bankrupted bus and taxi cooperatives.

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Moreover, extortion victims reportedly may have to simultaneously pay extortion money to two or more gangs, especially where a business operates across one or more territories where these gangs practise extortion.352

Exortion is reported to be a principal source of income for most local gangs in Honduras and the refusal to pay exortion demands is usually construed by gang members as a serious act of resistance to the authority of the gang itself.353 Individuals who refuse to pay exorton demands – or who delay in meeting their ‘quotas’ because they are unable to pay – are reportedly subjected to threats and violence against them, as well as against their employees, business partners and family members. The threats and violence reportedly swiftly escalate with any continuing delay or refusal to pay, with persons in these circumstances reportedly commonly being killed by the gangs.354 Persons found by the gangs to have reported extortion demands to the authorities can reportedly expect severe retribution.355

Depending on the particular circumstances of the case, UNHCR considers that persons in professions or positions susceptible to exorton may be in need of international refugee protection on the basis of their (imputed) political opinion, or on the basis of their membership of a particular social group, or on the basis of other Convention grounds.356 Such persons include public transport workers; taxi and mototaxi drivers; persons involved in informal and formal commerce as business owners, their employees and workers, or as street vendors; school children; children and adults who receive remittances from abroad; public sector employees; politicians; priests; owners of homes; and certain returnees from abroad.

3. ‘Informants’, witnesses and victims of crimes committed by gangs and other organized criminal groups, or by members of the security forces

Witnesses and victims of crimes committed by gangs and other organized criminal groups in Honduras have reportedly been killed by the perpetrators to ensure their silence, even when they have not sought to formally denounce those crimes to the authorities. Those who do denounce the crimes, or who otherwise cooperate with the authorities against gangs or other organized crime groups as ‘informants’, are reportedly routinely pursued for their ‘betrayal’, often along with their family members, even when placed in a witness protection programme.

Persons giving evidence against corrupt members of the security forces have sometimes also reportedly been killed, even as protected witnesses.

Depending on the particular circumstances of the case, UNHCR considers that ‘informants’, witnesses and victims of crimes committed by gangs and other organized criminal groups or by members of the security forces may be in need of international refugee protection on the ground of their (imputed) political opinion, or on the basis of their membership of a particular social group, or on the basis of one of the Convention grounds.


4. Family members, dependents and other members of the household of gang members or other organized criminal groups; inhabitants of areas where gangs operate; and others who are perceived to be affiliated with a gang

Persons suspected by one gang of supporting or having links with a rival gang or organized criminal group are reportedly subjected to threats and violence. Persons with a family member (or family members) in a gang or other organized criminal group, as well as other persons perceived to be affiliated with members of a gang or other organized criminal group, are reportedly treated with suspicion by rivals; there are reports of such persons having been attacked and killed. At the same time, there are also reports of young and male inhabitants of zones where the gangs operate and persons otherwise perceived – whether correctly or not – to be affiliated with the gangs by members of the security forces or by members of reputed death squads having been attacked and killed by these armed actors.

Depending on the particular circumstances of the case, UNHCR considers that family members, dependents and other members of the households of (actual or perceived) gang members may be in need of international refugee protection on the basis of their (imputed) political opinion, or on the basis of other Convention grounds. Inhabitants of areas where gangs are known to operate, and other persons perceived to be affiliated with gang members or members of other organized criminal groups, may also be in need of international refugee protection on the basis of their (imputed) political opinion, or on the basis of other Convention grounds.

5. Gang and criminal ‘traitors’ and former members; turncoats

Gangs and other organized criminal groups reportedly track down those whom they consider to have betrayed them. The gangs are reported to usually pursue and kill their own ‘traitors’, including not


only the so-called pecetas (turncoats) but also those who leave a gang without permission or otherwise seriously breach the rules of the gang.\textsuperscript{365} The family members of these ‘traitors’ are reportedly sometimes also the object of reprisals.\textsuperscript{366} At the same time, an individual who has left a gang with permission reportedly continues to face an undiminished risk of assassination by members of rival gangs, and by members of his/her own former gang if s/he refuses to collaborate with such demands as they may make from time-to-time of the ex-member.\textsuperscript{366} Drug smuggling structures are also reported to track down and kill those whom they consider to have betrayed them.\textsuperscript{368}

Depending on the particular circumstances of the case, UNHCR considers that deserters and former members of gangs and other organized criminal groups, including turncoats, may be in need of international refugee protection on the basis of their membership of a particular social group, or on the basis of their (imputed) political opinion, or on the basis of other Convention grounds.\textsuperscript{369}

Claims by persons of this profile may give rise to the need to examine possible exclusion from refugee status.\textsuperscript{370}


\textsuperscript{368} For further analysis on exclusion considerations, see Section II.D.3.
6. **Children and youths with certain profiles or in specific circumstances**

Children and youth suffer multiple types of violence in Honduras. Children may fall into any of the profiles listed in the Eligibility Guidelines. However, children in Honduras may also be at risk of child-specific forms and manifestations of violence. Domestic abuse of children, both boys and girls, is reported to be a serious problem in Honduras. Moreover, the homicide rate among children and adolescents is reported to be very high and appears to be largely the result of gang violence.

The fact that children, particularly those living in territories where the gangs operate, are frequently a target of gang violence is partly the result of the reportedly large numbers of youth in the gangs themselves. Indeed, some gangs in Honduras, such as the Chirizos and their derivatives, are predominantly comprised of children and youth. Recruitment by gangs of local children and youth is reported to start from an early age, with gangs reportedly viewing schools as fundamental to their organization and controlling many public schools in the urban areas where they operate with impunity. In some schools, opposing gangs reportedly control different parts of the school, resulting in situations where some students are unable even to deliver a textbook to certain classrooms because of the risk they face. Efforts by gangs since the late 2000s to recruit growing numbers of new members from among children and youth have reportedly intensified in 2015. Girls are reportedly

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377 http://www.latribuna.hn/2016/03/29/panico-o-alegr%C3%ADa-en-si-los-benjamins-y-el-combo-que-no-se-deja-reclutan-menores-de-


381 http://www.latribuna.hn/2016/03/29/panico-o-alegr%C3%ADa-en-si-los-benjamins-y-el-combo-que-no-se-deja-reclutan-menores-de-


targeted from a young age by gangs with demands to become “wives” or girlfriends of gang members. 380

Children and youth who have not been recruited by a gang but who live in territories where gangs operate reportedly find it difficult to avoid coming into contact with the local gang, its members and its activities (e.g. being asked to do the gang a ‘favour’, receiving the amorous attention of a gang member, etc.) or being (mis)taken for a member or affiliate of the local gang by rival gangs. 381

Students who go to school in an area that is controlled by a different gang than the gang that controls the area where they live are reportedly at risk of being targeted for violence by the rival gangs at school and while they travel to school. Children equally face such risks when they travel for example to visit relatives or attend a health centre in an area controlled by a different gang. 382

The refusal to join a gang or to collaborate with its members by a child or youth and/or their family is reportedly usually interpreted as a challenge to the gang’s authority or as a ground for suspicion of some rival affiliation, resulting in threats and violence directed against the child or youth and/or their family members.383 Even if the child leaves the area where the gang operates, family members who remain there reportedly may continue to face threats and violence. 383


There are reports of children who left Honduras and who subsequently returned, either voluntarily or involuntarily, having been killed very shortly after their return.\(^{387}\)

Depending on the particular circumstances of the case, UNHCR considers that children, in particular but not limited to those from areas where gangs operate or from social milieus where violence against children is practised, may be in need of international refugee protection on the basis of their membership of a particular social group, or on the basis of their (imputed) political opinion or in accordance with the UNHCR Guidelines on child asylum claims.\(^{389}\)

7. **Women and girls with certain profiles or in specific circumstances**

Discrimination and violence against women and girls is reported to be widespread and systematic in Honduras by members of gangs and other organized criminal groups, the security services and other individuals.\(^{390}\) The country has the highest recorded rate of femicides in Latin America,\(^{391}\) and also one of the highest rates of femicides among girls and adolescent girls in the world.\(^{392}\) The forced

organized, una aproximación a las principales formas de involucramiento y participación de niñas, niños y jóvenes en los grupos delictivos en el país de origen is available at: http://www.casa-alianza.org.hn/images/documentos/InformeEspeciales/infn/2014/1/informe%20niez%20y%20crimer%20organizad%20y%20fugazc.png


UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/00/08, 22 December 2009, http://www.refworld.org/docid/4b24f6d2.html. For further analysis on exclusion considerations, see Section III.D.


The homicide rate per 100,000 population in Honduras for children and adolescents aged 0-19 years was reported to be 11 for girls in 2012, making Honduras the country with the fifth highest level of such violence in the world. See UNICEF, *Hidden in Plain Sight: A Statistical Analysis of Violence Against Children*, 3 September 2014, http://files.unicef.org/publications/files/Hidden_in_plain_sight_statistical_analysis_EN_3_Sept_2014.pdf, pp. 37 and 197.
disappearance of women and girls in Honduras has reportedly increased significantly since 2008. The vast majority of victims reporting sexual violence are reported to be girls and adolescent girls. Large numbers of Honduran girls and women from both poor and middle-class families are also reported to be forced into prostitution in Honduras and trafficked into sex slavery in Mexico, Guatemala, El Salvador, the United States and elsewhere.

In the territories where the gangs operate, sexual and gender-based violence against women and girls is reportedly widespread, as is the forcible recruitment of girls to carry out tasks for the gangs.

Women and girls are reportedly sometimes forced into prostitution by the gangs. Women and girls perceived as being linked with a particular gang are reportedly also a target for vengeance by rival gangs and they and other women and girls are reportedly abused, raped and killed as part of gang initiation rites, or if they try to leave the gang to which they belong or with which they are affiliated, or if they are seen to resist its authority in other ways, including by rejecting the sexual advances of a gang member.

Women and girls may be seen by individual gang members as their partner, even when a woman or girl has never consented to being in a couple. Women and girls in this situation are reported to be subjected to persistent violence, while being unable to seek protection due to the authority exercised by their “partner” in the area controlled by the gang. Family members of women and girls who have problems with the gangs are also often targeted on the basis of their affiliation to the woman or girl in question.

Whereas only six such complaints were lodged before 2008, 91 were lodged in 2008 and this figure rose steadily year on year to 347 complaints lodged about forcibly disappeared females in 2013. See La Tribuna, Más de 1,200 mujeres están desaparecidas, 3 December 2014, http://www.latribuna.hn/2014/12/03/mas-de-1200-mujeres-estan-desaparecidas.

For each year between 2010 and 2015, women and girls reported the overwhelming majority of reported victims of sexual violence, representing between 84.7% and 92.6% of reported cases in the respective year. The vast majority of these female victims were in the age range of 10 to 19 years. See figures in the annual bulletins produced by IUDDPAS-UNAH and available here: http://www.iudpas.unah.edu.hn/salud/articulo/medicos-sin-fronteras-registro-593-casos-de-violenencia-sexual-en-2015, 16 March 2016, https://presencia.unah.edu.hn/salud/articulos/medicos-sin-fronteras-registro-593-casos-de-violenencia-sexual-en-2015.


Domestic violence against women and girls in Honduras is reported to be widespread, as is impunity for the perpetrators. Where gang members use domestic violence against their wives and other female members of their own household, the victims are often trapped as any attempt to report the violence or to escape the situation in the home would likely lead to targeting for violence by gang members, and may also put the woman’s family members at risk.

Depending on the particular circumstances of the case, UNHCR considers that women and girls, in particular but not limited to women and girls from areas where gangs operate or those from social milieus where sexual and gender-based violence against women and girls is practised, may be in need of international refugee protection on the basis of their membership of a particular social group, and/or their (imputed) political opinion, or on the basis of other Convention grounds.

8. Individuals of diverse sexual orientations and/or gender identities

Discrimination against individuals of diverse sexual orientation and/or gender identities is reportedly widespread in Honduras and such persons have consistently been targeted for abuse, assaults and murder by the security forces, the gangs and other organized criminal groups, and other sectors of society. Between 2009 and December 2014, there were 174 recorded violent deaths of individuals of diverse sexual orientations and/or gender identities, mainly in Cortés and Francisco Morazán department. 37 further deaths were reported in 2015, and these high levels of violence reportedly continue in 2016. The majority of these incidents are reportedly at the hands of the security services. However, the Honduran gangs are also reported to possess a strong macho ethos, which reportedly expresses itself on an everyday basis through their virulent hatred and ill-treatment of female members of their own household for reasons of the woman’s membership of such particular social groups as ‘married women living in domestic relationship’.

Recent US jurisprudence has also recognized domestic violence as a form of persecution based violence against women and girls is practised, may be in need of international refugee protection on the basis of their membership of such particular social groups as ‘married women living in domestic relationships that they cannot leave’. See United States Board of Immigration Appeals, Matter of A-R-C-G- et al., 26 I&N Dec. 388 (BIA 2014), 26 August 2014, http://www.refworld.org/docid/5400846f4.html.


persons based on their perceived sexual orientation and/or gender identity.\footnote{Transgender individuals, in particular transwomen, are reported to be at particular risk of violence.\footnote{Depending on the particular circumstances of the case, UNHCR considers that individuals of diverse sexual orientations and/or gender identities may be in need of international refugee protection on the basis of their membership of a particular social group, or on the basis of other Convention grounds.\footnote{It should be emphasized that individuals of diverse sexual orientations and/or gender identities cannot be expected to change or conceal their identity in order to avoid persecution.\footnote{9. Teachers and educators working in public schools and educational institutions Due to the youthful membership of the gangs in Honduras, gangs reportedly often seek to exert influence in and on public schools and educational institutions in the zones where they operate. Gang members may also be present as students in these schools and educational institutions. Teachers and other educators working in parts of the country where gangs are present reportedly often find themselves subject to extortion demands.\footnote{For example, in Tegucigalpa, it has been reported that more than 500 schools pay extortion to the gangs.\footnote{Moreover, those teachers and educators who represent an alternative source of authority or resist or oppose the gangs and their recruitment of local youths, or even just give gang members bad grades, have reportedly been threatened and killed by the gangs.\footnote{Between 2009 and 2014, 83 teachers and educators were reported to have been murdered in Honduras.\footnote{Depending on the particular circumstances of the case, UNHCR considers that teachers and educators working in public schools and educational institutions may be in need of international refugee protection.}}}}}}
10. Former members of the police and armed forces

Members of the police and armed forces, and their family members, have reportedly long represented a target for extortion, attack and assassination by gang members and other organized criminal groups, especially lower-ranking officials who often live in the same neighbourhoods as gang members. In the first two months of 2016, ten police officers and four soldiers were reportedly killed, while in 2015 52 police and 17 soldiers were reportedly killed by gangs. Moreover, police officials who report alleged crimes or improper activities of public interest to the relevant authorities have also reportedly been subject to threats and harassment. Even elite military officials working on high profile organized crime cases are reported to have received threats against them and their families.

Depending on the particular circumstances of the case, UNHCR considers that former members of the police and armed forces may be in need of international refugee protection on the basis of their membership of a particular social group, or on the basis of other Convention grounds.

In view of the need to maintain the civilian and humanitarian character of asylum, applications for international refugee protection by combatants should not be considered unless it is established that they have genuinely and permanently renounced military and armed activities.

Claims by persons of this profile may give rise to the need to examine possible exclusion from refugee status.


423 For further analysis of exclusion considerations, see Section III.D.

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11. Public officials, especially those engaged in investigating or confronting organized crime such as judges, prosecutors and attorneys

Judges, prosecutors and attorneys, especially those engaged in investigating or confronting gangs or other organized criminal groups, are reported to have frequently been threatened, attacked and killed. Between 2010 and September 2015, at least 102 homicides were reported of lawyers working as prosecutors and as attorneys in private practice, the vast majority in Francisco Morazán, Cortés and Yoro, three departments with a strong presence of gangs and other organized criminal groups.\(^425\) Lawyers working for the gangs may reportedly also face assassination if they try to leave the service of the gang.\(^426\)

Between 2013 and 2015, at least four judges were murdered and, in 2014 alone, at least 20 judges reported receiving death threats, principally due to their work on criminal cases.\(^427\) Moreover, judges were also reported to be subject to intimidation from political actors to prevent them from issuing ‘uncomfortable’ decisions, at the risk of falling victim to a ‘purge’ by the Council of the Judiciary (Consejo de la Judicatura).\(^428\) Similarly, it was also reported that corrupt prosecutors used the criminal charge of ‘prevarication’ (prevaricato) to intimidate judges who issued decisions that went contrary to their (private or political) interests.\(^429\)

Other public officials, including both local and national government employees, who are working in territories where the gangs operate have reportedly also been killed or threatened by the gangs due to their work.\(^430\)

Depending on the particular circumstances of the case, UNHCR considers that public officials, especially those engaged in investigating or confronting organized crime – such as judges, prosecutors and attorneys – may be in need of international refugee protection on the basis of their (imputed) political opinion, or on the basis of other Convention grounds.\(^431\)

12. Persons with certain political profiles

In the political campaigning leading up to both the primaries of 18 November 2012 and the general election of 24 November 2013 that led to the election of the current Hernández administration, threats, armed attacks and homicides were recorded against candidates for political office, leaders of political...
parties, political party activists and their family members.\textsuperscript{432} 13 such homicides were reportedly recorded for the 2012 primaries and 35 for the 2013 general election.\textsuperscript{433} Moreover, 9 further armed attacks against such persons were recorded for the 2012 primaries and 17 for the 2013 general election.\textsuperscript{434} This political violence reportedly affected all political parties, but particularly the LIBRE party and the Liberal Party,\textsuperscript{435} and was reportedly concentrated in those departments where organized criminal groups operate, potentially reflecting their interest in penetrating local and national politics.\textsuperscript{436}

There have been occasional reports of other death threats and killings of political office holders and mayors with an apparently political motive.\textsuperscript{437} However, other influential political office holders and political leaders have been murdered in circumstances that apparently suggest a link to organized criminal groups, including drug smuggling structures.\textsuperscript{438}

Depending on the particular circumstances of the case, UNHCR considers that persons with certain political profiles may be in need of international refugee protection on the basis of their (imputed) political opinion, and/or their membership of a particular social group, or on the basis of other Convention grounds.\textsuperscript{439}

Claims by persons of this profile may give rise to the need to examine possible exclusion from refugee status.\textsuperscript{440}

\section{13. Journalists and other media professionals, especially those working on issues relating to organized crime and corruption}

The general context of violence against journalists and other media workers reportedly worsened after the 2009 coup and persist to the present. As such, journalists and other media professionals, and their family members, especially those working on issues relating to organized crime and corruption in


\textsuperscript{433} IUDPAS-UNAH, Informe final de la conflictividad y violencia política electoral, June 2014, p. 20-22.

\textsuperscript{434} IUDPAS-UNAH, Informe final de la conflictividad y violencia política electoral, June 2014, p. 38. 19 death threats against candidates were also recorded for the 2013 general election, although this is likely to be a significant under-reporting. See ibid, pp. 49-54.

\textsuperscript{435} IUDPAS-UNAH, Informe final de la conflictividad y violencia política electoral, June 2014, pp. 24-25, 46, 55.

\textsuperscript{436} IUDPAS-UNAH, Informe final de la conflictividad y violencia política electoral, June 2014, p. 37.


\textsuperscript{438} Insight Crime, Murder of Two Political Elites Shakes Honduras, 14 April 2015, http://www.insightcrime.org/news-analysis/murder-of-two-political-elites-shakes-honduras/. Local and national political office holders and influential party figures in Honduras are reported to have been linked with organized criminal groups. Indeed, in 2015, the United States began to request the extradition of members of some of Honduras' wealthiest and most politically influential families. See Insight Crime, US Request Extradition of Hondurans Political, Economic Elite, 4 January 2016, http://www.insightcrime.org/news-briefs/us-requests-extradition-of-honduras-political-economic-elite. For instance, in April 2015 it was reported that at least 35 mayors and vice-mayors were under investigation for links to organized crime, Proceso Digital, Corrupción y sospechas de “narcos alcaldes” sacude a los gobiernos locales, 9 April 2015, http://www.proceso.hn/component/k2/item/1001/46-corrupc%20lon%20y-sospechas-de-%20narcos-alcaldes.%20Sacude-a-los-gobiernos-locales.html; La Tribuna, Marvin Ponce: “Me quedé corto al decir que hay 35 alcaldes narcos”, 13 March 2015, http://www.latribuna.hn/2015/03/13/marvin-ponce-me-quedo-corto-al-mencionar-que-hay-35-alcaldes-narcos/. Moreover, it is reported that a number of local and national politicians were involved in leading powerful drug smuggling structures, while others apparently facilitated the activities of these criminal groups. El Heraldo, El Heraldo muestra cómo carteles de la droga se distribuyeron el país, 27 May 2015, http://www.elheraldo.hn/altrense/8441/38-209/el-heraldo-muestra-c%C3%A1mo-car%C3%A9teres-de-la-droga-se-distribuyeron-el-pa%C3%ADs; 1. Moreno. ‘Así terminó el reinado del cartel de Los Cachiros’, Revista Enfo, No. 396, 2015, http://www.envio.org.ni/articulo/6973/.


\textsuperscript{440} For further analysis of exclusion considerations, see Section III.D.
Honduras, are reported to have frequently been the subject of threats, attacks and murder by gangs, organized criminal groups and elements of the security services.\textsuperscript{441}

In 2015, Honduras was reported to be the country with the highest homicide rate for journalists in the whole of the Americas.\textsuperscript{442} It is reported that 50 journalists and media workers were murdered between 2003 and 2014, of whom ten were killed in 2014.\textsuperscript{443} In 2015 at least ten journalists were reported to have been murdered.\textsuperscript{444} Many of these murders were apparently related to reporting on organized crime, corruption and land disputes, and took place across the country, including in rural areas.\textsuperscript{445} A wide range of armed attacks and threats against journalists and media workers across different areas of Honduras have also been reported.\textsuperscript{446}

Depending on the particular circumstances of the case, UNHCR considers that journalists and other media professionals who are working on issues perceived to be sensitive by either State or non-State armed actors, including but not limited to organized crime and corruption, may be in need of international refugee protection on the ground of their (imputed) political opinion, and/or their membership of a particular social group, or on the basis of other Convention grounds.\textsuperscript{447}

14. Human rights defenders and other social and political activists

Human rights defenders, and other social and political activists who are working on issues perceived to be sensitive, and their family members, have reportedly been the subject of threats, attacks and killings by gangs, organized criminal groups, elements of the security services, including private security personnel and other individuals in Honduras.\textsuperscript{448} Those who are subject to such mistreatment reportedly include but are not limited to persons working for the defence of human rights in general, women’s rights activists, activists working on the rights of individuals of diverse sexual orientations and/or gender identities, trade unionists, indigenous and peasant rights activists, and land and environmental activists.\textsuperscript{449}

Between 2010 and 2014, it is reported that 22 human rights defenders were murdered, 14 of whom during the time when they were beneficiaries of precautionary measures by the Inter-American Commission on Human Rights.\textsuperscript{450} During the same period, human rights defenders in the country also reported two forced disappearances of their colleagues, 15 kidnappings, 88 cases of information theft, 53 cases of vehicle sabotage and 3,064 prosecutions allegedly initiated to intimidate human rights defenders through the misuse of criminal law provisions.\textsuperscript{451} In 2014 and for each of the four preceding years from 2010 to 2013, Honduras was the country with the highest per capita rate for murders of

\begin{itemize}
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land and environmental activists in the world.\textsuperscript{452} These trends apparently continued undiminished in 2015 and into 2016.\textsuperscript{453}

In 2015 and 2016, it was also reported that other activists participating in public protests concerning social and political issues, including those convened against the government by the Indignados (‘Indignant’) movement, had been threatened and killed.\textsuperscript{454}

Depending on the particular circumstances of the case, UNHCR considers that human rights defenders and other social and political activists who are working on issues perceived to be sensitive by either State or non-State armed actors may be in need of international refugee protection on the ground of their (imputed) political opinion, and/or their membership of a particular social group, or on the basis of other Convention grounds.\textsuperscript{455}

15. Members of indigenous, Afro-Honduran and peasant communities involved in land disputes

Members of indigenous, Afro-Honduran and peasant communities involved in rural land disputes are reportedly subjected to threats, evictions and violence by members of the security forces, private security forces and organized criminal groups. Land disputes in Honduras, including those tied to land reform and large-scale development projects such as hydro-electrical and mining projects, are reported to be a major source of political and social unrest in the country, as the interests of these communities in the land intersect with those of large landowners and corporations, or those of organized criminal groups wishing to use the lands for drug-trafficking.\textsuperscript{456} The long-running, and now simmering, conflict between peasants and large landowners over lands in the Bajo Aguán (Lower Aguán) region of Yoro and Colón departments, and its militarization by the authorities, is reportedly but one among many localized, tense and violent land disputes that exist in Honduras.\textsuperscript{457}


The indigenous, Afro-Honduran and peasant communities that are particularly affected by such land disputes represent sectors of the population that experience high levels of exclusion and poverty. Moreover, during land disputes in departments such as Colón, Yoro, Choluteca, Comayagua and La Paz, members of these communities are reported to have also been threatened, attacked, forcibly disappeared, tortured, detained, harassed, violently evicted and killed in operations by the security forces, private security forces and organized criminal groups, even where they benefited from precautionary measures. These dynamics have contributed to making Honduras reportedly the most dangerous country for land and environmental activists, with 111 such murders registered between 2002 and 2014, and these violent dynamics and killings apparently continue unabated in 2015 and 2016.

Depending on the particular circumstances of the case, UNHCR considers that members of indigenous, Afro-Honduran and peasant communities involved in land disputes may be in need of international refugee protection on the basis of their membership of a particular social group, their (imputed) political opinion and/or their race, or on the basis of other Convention grounds.

16. Family members, dependants and other members of the households of persons falling within the previous risk profiles

Family members, dependants, other members of the households of individuals with any of the profiles above can reportedly also be a target for attacks and assassination by gangs, organized criminal groups and elements of the security forces, sometimes even after the person who was initially targeted has fled or has already been killed.


individuals at risk for reason of their (imputed) political opinion, or on the basis of their membership of a particular social group, or other Convention grounds. 464

B. Refugee Status under UNHCR’s Broader Mandate Criteria, under the Cartagena Declaration or under Article I(2) of the 1969 OAU Convention and Protection on Other Grounds

The 1951 Convention forms the cornerstone of the international refugee protection regime. The criteria for refugee status contained in the 1951 Convention need to be interpreted in such a manner that individuals or groups of persons who meet these criteria are duly recognized and protected under that instrument. Only when an asylum-seeker is found not to meet the refugee criteria in the 1951 Convention, for example because the feared persecution is not for reason of a Convention ground, or the threshold for applying the 1951 Convention definition is not otherwise met, should broader international protection criteria contained in UNHCR’s mandate and regional instruments be examined. 465

1. Refugee Status under UNHCR’s Broader Mandate Criteria

UNHCR’s mandate encompasses individuals who meet the refugee criteria under the 1951 Convention and its 1967 Protocol, but has been broadened through successive UN General Assembly and ECOSOC resolutions to a variety of other situations of forced displacement resulting from indiscriminate violence or public disorder. 467 In light of this evolution, UNHCR’s competence to provide international protection to refugees extends to individuals who are outside their country of nationality or habitual residence and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from indiscriminate violence or other events seriously disturbing public order. 468

In light of the information provided in Section II above, UNHCR considers that most if not all violence in Honduran society is discriminate, targeting individuals or groups of individuals for specific reasons. Where these reasons are related to one or more of the 1951 Convention grounds, it is appropriate to consider eligibility for refugee status under the 1951 Convention.

While the need to consider eligibility for refugee status under UNHCR’s broader mandate on the basis of indiscriminate violence is thus unlikely to arise, there may be exceptional cases where it is necessary to assess the threat to life, physical integrity or freedom resulting from events seriously disturbing public order. In the exceptional circumstances of Honduras, relevant considerations in this regard include the fact that in certain parts of the country the Government has lost effective control to gangs and other organized criminal groups and is unable to provide protection to inhabitants. 469 In the

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465 Note in particular that in some armed conflicts or other situations of violence, harm may appear to be indiscriminate. However, the underlying causes, character and/or impact of the violence causing harm may reveal that it is in fact discriminate. UNHCR, Summary Conclusions on International Protection of Persons Fleeing Armed Conflict and Other Situations of Violence: Roundtable 13 and 14 September 2012, Cape Town, South Africa, 20 December 2012, http://www.refworld.org/docid/50d32e5e2.html, para 17.


469 See Section II.C and references therein.
context of Honduras, the available information indicates that the exercise of control over key aspects of people’s lives in areas controlled by gangs and some other organized criminal groups is repressive, coercive and undermines an ordre public based on respect for the rule of law and human dignity. Relevant indicators to assess the threat to life, physical integrity or freedom resulting from events seriously disturbing public order include: (i) high rates of murders, disappearances, attacks, kidnappings, sexual, gender-based and other forms of violence, particularly in areas where gangs are active (see Section II.B); and (ii) the number of people who have been forcibly displaced due to criminal violence, whether in urban or in rural settings (see Section II.D); (iii) the extensive measures of control, including social, economic, and political control, over local populations by gangs and certain other organized criminal groups in certain parts of the country, including by means of threats, intimidation and extortion, thereby seriously affecting the State’s ability to provide protection; (iv) the ability of gangs and other organized criminal groups and government officials to commit violent crimes, extortion and a range of human rights abuses with impunity; (v) the forced recruitment of youths and others by gangs; (vi) the impact of organized criminal violence on the humanitarian situation as manifested by poverty and the systematic undermining of livelihoods in urban and rural settings; and (vii) systematic constraints on access to education and other basic services as a result of insecurity.

Against this background, UNHCR considers that individuals who have been found not to meet the refugee criteria contained in the 1951 Convention and who originate from areas where organized criminal groups have a strong presence and are operating, may, depending on the individual circumstances of the case, be in need of international protection under UNHCR’s broader mandate criteria on the grounds of serious threats to life, physical integrity or freedom resulting from events seriously disturbing public order.

1. **Refugee Status under the Cartagena Declaration**

Honduran asylum-seekers who seek international protection in any of the countries that have incorporated the refugee definition included in the 1984 Cartagena Declaration on Refugees (Cartagena Declaration) into their national legislation may qualify for refugee status on the grounds that their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances that have seriously disturbed public order.

Following similar considerations as for UNHCR’s broader mandate criteria, UNHCR considers that individuals who have been found not to meet the refugee criteria contained in the 1951 Convention but who originate from areas in Honduras controlled by gangs or certain organized criminal groups, or where they otherwise have a strong presence and are operating, may, depending on the individual circumstances of the case, be in need of international protection under the terms of the refugee definition of the Cartagena Declaration, on the grounds that their lives, safety or freedom were threatened by one or more of the objective situations listed in that definition. Whether these criteria...

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470 See Sections II.B.2.a and II.B.2.b and references therein.
471 For general considerations (not specific to Honduras), see UNHCR, *Summary Conclusions on International Protection of Persons Fleeing Armed Conflict and Other Situations of Violence; Roundtable 13 and 14 September 2012, Cape Town, South Africa*, 20 December 2012, [http://www.refworld.org/docid/50d132e5e2.html](http://www.refworld.org/docid/50d132e5e2.html), paras 10-12.
472 *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984,* [http://www.refworld.org/docid/3ae8b366c.html](http://www.refworld.org/docid/3ae8b366c.html). Although the Cartagena Declaration is included in a non-binding regional instrument, the Cartagena refugee definition has attained a particular standing in the region, not least through its incorporation into 14 national laws and State practice. For guidance on the interpretation of the refugee definition in the Cartagena Declaration, see: UNHCR, *Summary Conclusions on the Interpretation of the Extended Refugee Definition in the 1984 Cartagena Declaration: Roundtable 15 and 16 October 2013, Montevideo, Uruguay*, 7 July 2014, [http://www.refworld.org/docid/53c52e7d4.html](http://www.refworld.org/docid/53c52e7d4.html). At the time of writing, the Cartagena refugee definition has been incorporated into the national laws of Argentina, Belize, Bolivia, Brazil, Chile, Colombia, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Uruguay. In addition, in September 2014 the Constitutional Court of Ecuador ordered the regional definition to be reinstated in the national legal framework: *Corte Constitucional, Sentencia No 002-14-SEN-CC*, 14 August 2014, [http://www.refworld.org/docid/578f56084.html](http://www.refworld.org/docid/578f56084.html).
473 *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984,* [http://www.refworld.org/docid/3ae8b35ec.html](http://www.refworld.org/docid/3ae8b35ec.html), para. III(3).
are met in a specific area needs to be assessed in each case at the time of adjudication.

2. **Refugee Status under Article I(2) of the 1969 OAU Convention**

For the same reasons as above, UNHCR considers that individuals who have been found not to meet the refugee criteria contained in the 1951 Convention but who originate from areas in Honduras where gangs or certain other organized criminal groups have a strong presence and are operating, may, depending on the individual circumstances of the case, be in need of international protection under the terms of Article I(2) of the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention).\(^{474}\)

3. **Eligibility for Subsidiary Protection under the EU Qualification Directive**

Persons originating from Honduras who seek international protection in Member States of the European Union and who are found not to be refugees under the 1951 Convention may qualify for subsidiary protection under Article 15 of the Qualification Directive (recast), if there are substantial grounds for believing that they would face a real risk of serious harm in Honduras.\(^{475}\)

In light of the information provided in Section II above, UNHCR considers that most if not all violence in Honduran society is discriminate, targeting specific individuals or groups of individuals for specific reasons. Where these reasons are related to one or more of the 1951 Convention grounds, it is appropriate to consider eligibility for refugee status under the 1951 Convention. In these circumstances, the need to consider eligibility for international protection under Article 15(c) of the Qualification Directive (recast) is unlikely to arise.

C. **Considerations Relating to the Application of an Internal Flight or Relocation Alternative**

Assessment of the possibility of the application of an internal flight or relocation alternative (IFA/IRA) requires an evaluation of the relevance as well as reasonableness of the proposed IFA/IRA.\(^{476}\)

1. **Relevance of IFA/IRA**

Where the claimant has a well-founded fear of persecution at the hands of the State and/or its agents, there is a presumption that consideration of an IFA/IRA is not relevant.

Where the agents of persecution are non-State agents, consideration must be given to whether the persecutor is likely to pursue the claimant in the proposed area of relocation. Considering the small territorial size of Honduras, and given the ability of the gangs and other organized criminal groups to operate country-wide, and indeed internationally – both independently and as part of international criminal networks, a viable IFA/IRA is unlikely to be available to individuals at risk of being pursued.

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\(^{475}\) Serious harm for the purposes of the Qualification Directive is defined as (a) the death penalty or execution; or (b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or (c) serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict. European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)*, 13 December 2011, [http://www.refworld.org/docid/4f06fa5e2.html](http://www.refworld.org/docid/4f06fa5e2.html). Articles 2(f), 15. In light of the information presented in these Protection Considerations, applicants may, depending on the individual circumstances of the case, be in need of subsidiary protection under Article 15(a) or Article 15(b) on the grounds of a real risk of the relevant forms of serious harm, either at the hands of the State or its agents, or at the hands of non-State armed actors.

\(^{476}\) The decision-maker bears the burden of proof of establishing that an analysis of relocation is relevant to the particular case. If considered relevant, it is up to the party asserting this to identify the proposed area of relocation and provide evidence establishing that it is a reasonable alternative for the individual concerned. See UNHCR, *Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative” Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, [http://www.refworld.org/pdfid/3f2791a44.pdf](http://www.refworld.org/pdfid/3f2791a44.pdf), paras 33-35.
by such actors. It is particularly important to note the operational capacity of certain organized structures, particularly the MS and Barrio 18 and the larger smuggling structures, to carry out attacks in any part of Honduras, irrespective of territorial control of the specific zone. Further consideration should be given to: (i) the reach and ability of organized criminal networks to trace and target individuals, both in rural areas and in urban centres, including in the cities of Tegucigalpa/Comayagüela, San Pedro Sula, La Ceiba and Comayagua, and including individuals who are covered by State-run protection programmes; (ii) the profile of the asylum-seeker and the existence of any reasonable grounds to believe that he or she will be traced and targeted; and (iii) the profile of the asylum-seeker and the existence of any reasonable grounds to believe that he or she will attract adverse attention and be targeted anew by organized criminal groups, especially gangs, that control the proposed area of relocation or which have a strong presence and operate there.

1. **Reasonableness of IFA/IRA**

Whether an IFA/IRA is “reasonable” is determined on a case-by-case basis, taking into account the personal circumstances of the applicant, including the impact of any past persecution.477 Other factors that must be taken into account include the safety and security situation in the proposed area of relocation; respect for human rights in that area, and the possibilities for economic survival,478 in order to evaluate whether the individual would be able to live a relatively normal life without undue hardship in the area of relocation, given his or her situation.

UNHCR considers that particular attention must be given to: the level of violence and general security conditions in the area of proposed relocation, including (i) the presence of organized criminal groups; the scale of forced displacement in the area of proposed relocation; (ii) the availability of basic infrastructure and access to essential services in the proposed area of relocation; (iii) the availability of housing in the proposed area of relocation; (iv) the presence of livelihood opportunities in the proposed area of relocation; (v) the general lack of government support and the absence of a relevant legal framework and protection mechanisms for persons displaced by the violence; (vi) the extent to which the applicant can expect to receive genuine support from any members of his or her (extended) family who may be living there and, for women and children, the possible impact of widespread domestic violence and abuse; and (vii) the overall sustainability of the relocation in light of the fact that displaced persons in Honduras are often forced to displace multiple times.

D. **Exclusion from International Refugee Protection**

Among nationals or habitual residents of Honduras seeking international protection, there may be individuals who have been associated with acts falling within the scope of the exclusion clauses provided for in Article 1F of the 1951 Convention.479 In the specific context of Honduras, exclusion considerations would be triggered, in particular, in cases involving possible participation in acts of violence, including extortion, robbery, murder, homicide, violent assaults, rape, prostitution, kidnapping and trafficking in people, drugs and arms, and other violent crimes. In all such cases, it will be necessary to examine carefully any issues of individual responsibility for crimes which may give rise to exclusion from international refugee protection. Given the potentially serious consequences of exclusion from international refugee protection, the exclusion clauses need to be interpreted restrictively and applied with caution. Mere membership in a criminal group or organization is not a sufficient basis to exclude. A full assessment of the circumstances of the individual case is required in all cases.480


478 Ibid., paras 24, 27-30.


480 In some cases, individual responsibility for excludable acts may be presumed if membership and participation in the activities of a particularly violent group is voluntary. Detailed guidance on the interpretation and application of Article 1F of the 1951 Convention can be found in UNHCR, Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees, HCR/GIP/03/05, 4 September 2003, http://www.refworld.org/docid/3f5857684.html; and Background
In view of the particular circumstances and vulnerabilities of children, the application of the exclusion clauses to children needs to be exercised with great caution. Where children associated with a gang or other organized criminal group are alleged to have committed crimes, it is important to bear in mind that they may be victims of offences against international law and not just perpetrators.


For further guidance on the application of the exclusion clauses to children, see UNHCR, Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, HCR/GIP/09/08, 22 December 2009, http://www.refworld.org/docid/4b2f4f6d2.html, paras 58-64.

The Paris Principles state: “Children who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offences against international law; not only as perpetrators. They must be treated in accordance with international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles”. See UNICEF, The Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, February 2007, http://www.refworld.org/docid/465198442.html, paras 3.6 and 3.7.