



**WESTERN HEMISPHERE
RULE OF LAW INDEX AND ANALYSIS PROGRAM
ACCUSATORIAL TRANSITION
AND INMATE SURVEY FINDINGS:
HONDURAS**

**FINAL REPORT
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EXECUTIVE SUMMARY

Honduras drastically changed the way in which criminal proceedings took place with the implementation of a new criminal procedure code (Decree No. 9-99 E) in 2002. The new code introduced a mixed model of criminal prosecution that followed accusatorial principles, with the aim of improving access to justice, and to modernize and increase the efficiency of its criminal justice system. Like many other countries in Latin America, Honduras moved away from legal proceedings that followed an inquisitorial model of criminal prosecution (characterized by written, non-public proceedings), towards a more accusatorial or adversarial model of criminal prosecution (guided by the principles of contradiction, publicity, and orality).

With funding from the Bureau of International Narcotics and Law Enforcement Affairs (INL) of the U.S. Department of State, our team assessed the compliance with accusatorial principles in criminal proceedings and the extent to which the prison system adheres to the rule of law. The findings presented reflect survey data, official statistics, and interview data. Our team traveled to Honduras between November and December of 2022 to interview people in prison, which represents the majority of the data presented in this report. In addition, our team conducted stakeholder interviews in February of 2023 to gather the information that allowed us to contextualize the survey and statistical data.

This is a graphical report that provides readers with a snapshot of the current state of the criminal justice system and the perceptions of individuals in prison in Honduras. We hope the findings of this report will help stakeholders, policymakers, and donors identify the areas where the system is doing well and where it can be improved, with an emphasis on upholding the principles of an accusatorial model and improving prison conditions.

Purpose and Organization of the Report

The findings that we present in this Accusatorial System and Inmate Survey Report aim to provide baseline systemic knowledge on the current state of the criminal justice system in Honduras. Thus, in this project we focused on the following objectives: (1) to explore prisoners' experience of the criminal justice system and with the rule of law, (2) to identify weaknesses and obstacles that criminal justice operators face in the implementation of accusatorial principles, and (3) to assess the overall functioning of the system through performance indicators.

This project offers two important contributions. First, we developed a new survey tool, the *Inmate Perceptions of Procedural Justice and Correctional Standards of Care Survey*, that measures both experiences with criminal proceedings and life in prison. The survey is unique as it incorporates items that aim to measure perceptions on procedural justice and compliance with rule of law within prisons. Second, following the Accusatorial System Assessment Framework, we identify areas of compliance with the accusatorial principles in the criminal justice system. It must be noted that three topics were not studied in this project: the police, the juvenile system, and victims of crime.

This report is organized as follows. In Chapter 1, we review the importance of rule of law in the region, followed by a summary of the methodological and conceptual framework in Chapter 2. In Chapter 3, we provide an assessment of the implementation of various accusatorial principles using the Accusatorial

System Assessment Framework, which aims to provide baseline information for stakeholders to be able to evaluate, over time, the performance of the various institutions herein reviewed. Next, we describe the findings of our *Inmate Perceptions of Procedural Justice and Correctional Standards of Care Survey*. The results from the survey are divided into two chapters. In Chapter 4, we review the prisoners' experiences with the criminal proceedings and their perceptions on procedural justice. Then, in Chapter 5, we discuss the prisoners' experiences living in prison, and we analyze how the penitentiary system upholds Rule of Law indicators in their treatment to individuals in prison. Finally, we conclude the report with evidence-based recommendations.

Results in Brief

Since the implementation of a model of criminal prosecution that follows accusatorial principles in 2002 (Decree No. 9-99 E), Honduras fundamentally transformed the way justice is served. However, criminal justice operators still face various challenges. An accusatorial model of criminal prosecution should improve efficiency, transparency, and access to justice. The rule of law as a "lived experience" should also be perceived as improving among operators as well as users (victims and defendants). In this report, we hope to shed light on how the criminal justice system in Honduras is complying with accusatorial principles and show, through prisoner survey results, the overall experiences with criminal proceedings and life in prison. If the system is working as expected, our findings should reflect improvements in how operators perceive the operation of their system, as well as how defendants experience justice. Our findings show there has been progress in some areas, but there are still many challenges that must be addressed.

In Chapter 3, our team attempted to gather data to following the Accusatorial System Assessment Framework. Although data for most indicators was unavailable, this chapter provides a general overview of performance and capacity data based on publicly available data. We found that for the year 2022, most judicial decisions took place at the pretrial stage. Compared to the inquisitorial system, criminal proceedings are shorter, and the number of delayed files has decreased considerably since 2016. However, the majority of judicial decisions made in 2022 were for cases admitted in previous years and not for that calendar year (with the exception of appellate courts). We identified insufficient physical and human resources in the criminal justice system, particularly in the judiciary and the Public Defender's Office which results in heavy workloads. Our study also found that, even though there have been improvements with the transition to an accusatorial system, criminal justice operators observed various challenges in the consolidation of five key accusatorial principles: contradiction, orality, publicity, equality, and due process. The most important challenges observed were to the principles of orality, equality, and due process. We found resistance to oral litigation due to an inquisitorial culture and a lack of training and capacitation. There are also important challenges to the principle of equality due to an unequal distribution of resources across institutions and across regions in the country. And finally, probably the most serious concerns were related to due process, with the resistance to reduce the use of pretrial detention, the persistence of judicial backlog, and poor inter-institutional communication that results in prisoners getting "lost" in the prison system or to spend more time in prison due to mistakes in their sentencing term (*cómputo de pena*).

In Chapters 4 through 6, we include our findings from the *Inmate Perceptions of Procedural Justice and Correctional Standards of Care Survey*, which was completed by 1,898 individuals in 24 prisons in Honduras. The Survey included 242 questions and allowed us to create two different indices. First, we created the

Procedural Justice Index, which includes indicators that measure perceptions of fairness in decision-making and perceptions of fair treatment in criminal proceedings. And second, we created a Rule of Law Index, a composite measure that includes four prison indices (Performance; Capacity; Integrity, Transparency, and Accountability; and Treatment of Vulnerable Groups) based on the United Nations' Rule of Law Indicators that measure "the strengths and effectiveness of correctional institutions" (The United Nations Rule of Law Indicators, 2011, p. v).

Chapter 4 provides a summary of defendants' experiences with criminal proceedings. Overall perceptions of procedural justice are low in Honduras (0.45). After their arrest, defendants were more likely to be informed of their right to remain silent than to be informed of their right to an attorney. Close to a third of the respondents experienced some form of abuse (denied access to food, water, or communication with relatives, asked for a bribe, or threatened with false charges) or mistreatment (being blindfolded, forcibly undressed, beaten up, or to suffer an asphyxiation attempt). The top three abuses experienced by respondents were threat of false charges, beatings, and the denial of communication with relatives. More than half of the respondents were informed that they could obtain a reduced sentence for pleading guilty, and about a third of them felt coerced into accepting guilty. About a third of respondents felt that judges listened to them, but fewer felt judges explained proceedings or created conditions for the defense to explain their case. The overall quality of defense was relatively positive (0.58), but experiences were reportedly better with private attorneys when compared to public defenders. The average amount of time between an arrest to seeing a judge for the first hearing was 7 days, and the average amount of time between arrest and conviction was 20 months. The impact of the COVID-19 pandemic was also felt among individuals in prison, who reported a decrease in the presence of family and friends in their hearings, negatively impacting the transparency and publicity of proceedings.

In Chapter 5, we report survey findings focused on the prisoners' experiences living in prison. Overall, we found that adherence to rule of law, based on all four indices, was 0.63. Ratings were highest on the Prison Staff Integrity, Transparency, and Accountability index, which includes items related to respect for prisoner's rights, absence of reported corruption, and prison staff accountability (0.73). The ratings on the other three indexes were lower. The Prison Capacity index, which assesses if the prison system has enough material and human resources and its structural condition, was rated 0.65. The Treatment of Vulnerable Groups index score was also 0.65 and includes ratings on how the prisons handle discrimination and address the specific needs of women. The Performance Index score was 0.55, the lowest score of the four indexes. This index included questions about prison safety, prisoner well-being, healthcare and rehabilitation programming. Finally, the survey revealed large differences in prisoners' perceptions and experiences across the prisons. For instance, prisoners surveyed in La Ceiba, Ocotepeque, and Puerto Cortés were generally more satisfied with their prison experience than those at Siria, PNFAS, and Morocelí.

Summary of Recommendations

Our report provides various recommendations based on our visits to prison sites, interviews with stakeholders, official statistical data, and the analysis of survey data. We identified the following key areas that need increased funding across institutions to support the consolidation of accusatorial principles and expand access to justice: increase human resources (particularly among public defenders and sentencing judges), implement a technological infrastructure that allows inter-institutional coordination for electronic

case file management, notification, and scheduling, and expand training across institutions. In addition, we provide recommendations targeted by institution, particularly to improve the protection of defendants' rights and due process.

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1. INTRODUCTION: RULE OF LAW AND THE TRANSITION TO THE ACCUSATORIAL SYSTEM

In this introductory chapter, we first define the rule of law and explain the importance of the reforms towards an accusatorial model in the Latin American region, highlighting the importance of procedural justice in shaping citizens perceptions on access to justice and their relationship to the rule of law. Next, we provide background information on the accusatorial system in Honduras and the rights it provides to defendants. In the last section, we briefly introduce the penitentiary system.

Rule of Law and Procedural Justice in an Accusatorial Model

An efficient criminal justice system should uphold the rule of law, balance the demands between parties, and safeguard human rights. The rule of law requires equal treatment of all people before the law, which ideally translates into an experience that is free of rights-violations for victims and defendants. Thus, adherence to the rule of law should be assessed in every institution of the criminal justice system, from the police to prisons. Constitutional democracies with a strong rule of law should ensure that people cannot be imprisoned without due process, that the rights of prisoners are respected, and that correctional institutions are secure and effective in preventing recidivism.

Since the 1990s, countries across Latin America have implemented ambitious reforms to improve access to justice, and to modernize and increase the efficiency of their criminal justice systems. In 1999, Honduras joined many countries in the region and introduced a criminal procedure code that moved away from an inquisitorial model (characterized by written, non-public proceedings), towards an accusatorial or adversarial model of criminal prosecution (guided by the principles of contradiction, publicity, and orality).

The consolidation of the accusatorial model of criminal prosecution in Latin America should improve the efficiency and transparency of the criminal justice system, and overall perceptions of access to justice and rule of law among victims and defendants. Adversarial systems tend to increase perceptions of fairness in criminal proceedings (Thibaut & Walker, 1975; Walker, et al., 1979) and this, in turn, is associated with improved perceptions of rule of law (Baker, et al., 2014). In this report, we provide an overview of the current criminal justice system and bring to light the experiences of prisoners with the rule of law and their perceptions of procedural justice in Honduras.

The Accusatorial Criminal System in Honduras

After its transition to democracy, in 1982 Honduras began a comprehensive overhaul of its justice system. In 1985 a criminal procedure code was enacted, but it remained inquisitorial in nature. It was until 1999 when a new criminal procedure code (Decree No. 9-99 E) introduced a model of criminal prosecution based on key accusatorial principles such as contradiction, immediacy, orality, publicity, and equality (See Appendix A for a Glossary of Legal Terms in English and Spanish). The criminal procedure code entered into force on February 20, 2002, enhancing the rights of all parties (victim, defendant, and public prosecutor) and

providing a clear separation of roles between the prosecutor, who gathers evidence, and the judges, who adjudicate cases (ICJ, 2014).

Courts in Honduras, by geographic region (criminal jurisdiction only)

Supreme Court of Justice					
4 Chambers (1 Penal Chamber)					
Appeal Courts					
Central Western	Central Eastern	Northwestern	Northeastern	Western	South
1	8	4	2	1	1
Sentencing Courts					
4	3	4	3	2	1
Trial Courts					
2	6	4	5	4	2
Pretrial Courts					
6	13	13	6	6	4
Peace Courts					
61	77	58	32	70	29

Source: data from Boletín Estadístico Judicial 2022, Unidad de Estadísticas, CEDIJ. It only covers courts with criminal jurisdiction.

Criminal proceedings

Since the entry into force of the criminal procedure code in 2002, the criminal process in Honduras consists of four stages: investigation, pre-trial, trial, and sentencing as detailed below and on the figure in the following page (which also details the possible resolutions a case may face in each stage):

1. **Investigation stage.** As indicated, the criminal process begins when a crime is reported or a complaint is made to the police or the Public Prosecutor’s Office. During the investigation stage (*etapa preparatoria*), the Public Prosecutor’s Office (*Ministerio Público*), supported by the Police (*Policía Nacional*), investigates the crimes. A case becomes *judicialized* once sufficient evidence has been gathered by a public prosecutor to file in a pretrial court a summons against a defendant, usually following a search or an arrest warrant. During an imputation hearing, the defendant is notified that he is under criminal investigation and, thus, the case moves to pretrial stage.
2. **Pretrial stage.** A pretrial Judge (*Juez de Letras*) is responsible for overseeing that the rights of the victim and the defendant are protected throughout in the pretrial stage (*etapa intermedia*). The pretrial judge is most notably responsible for evaluating the legality of the evidence gathered. Cases

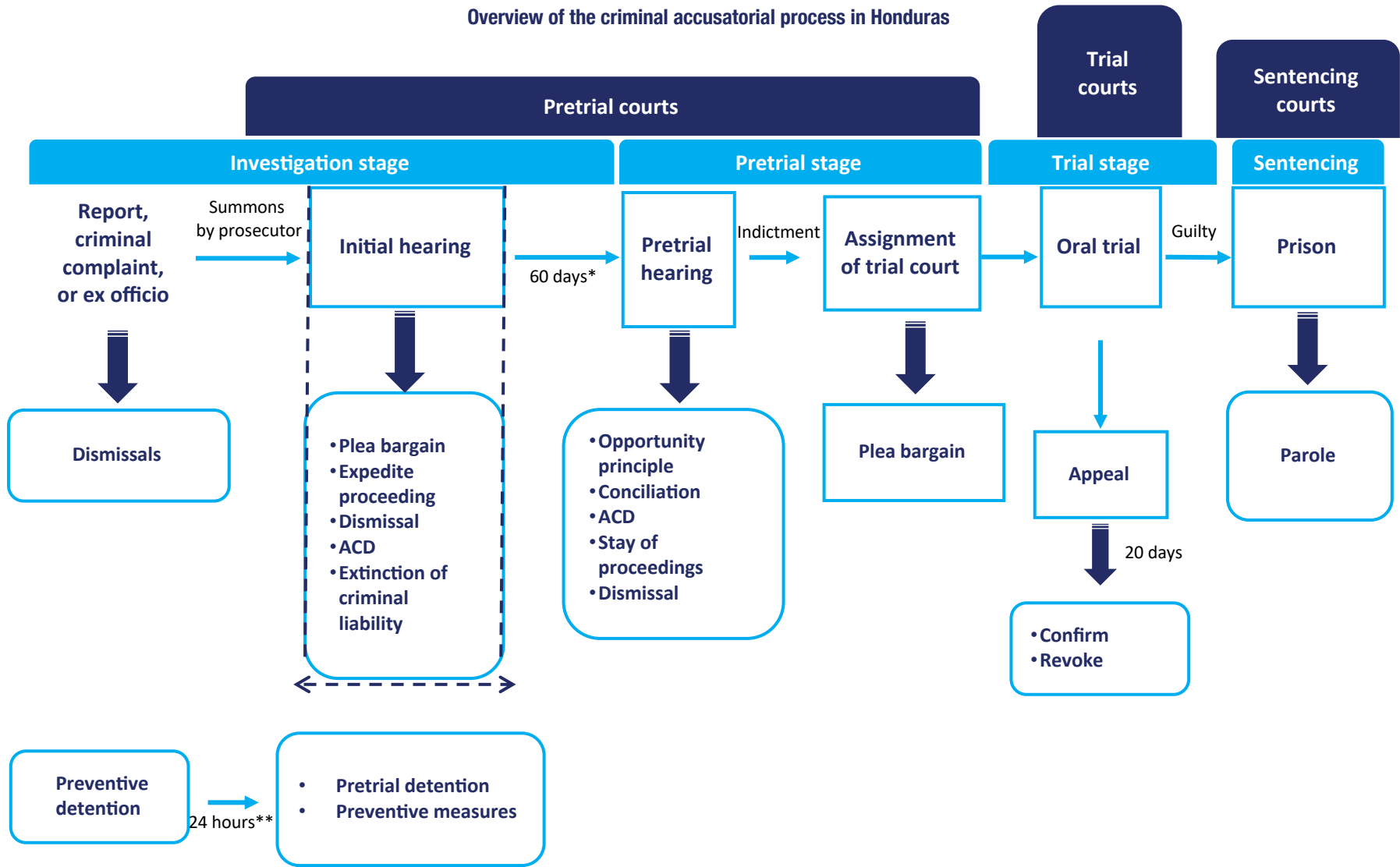
can be dismissed or diverted during this “intermediate” stage. Conciliation (*conciliación*) is the only alternative conflict resolution measure regulated by the criminal procedure code, which can be required by a judge in exclusive private action proceedings (*procedimientos de acción privada*).¹ In Honduras, since 2013 (Decree No. 74-2013), the law allows for prosecutors to request an expedite proceeding in cases when the defendant was arrested *in flagrante*. If approved by a judge, then the case is adjudicated in an expedite trial which takes place in a pretrial court within 30 days (Decree No. 9-99, E, Arts. 440A-440O). In addition to the expedite trial, which applies only to *in flagrante* cases, the criminal procedure code also allows, during the pretrial stage, for the prosecutor and the defense to jointly request an abbreviated procedure or plea bargain (*procedimiento abreviado*) (Decree 9-99 E, Art. 403-404). Any case that is not dismissed or adjudicated during the pretrial stage advances to the trial stage.

3. **Trial Stage.** During this stage (*etapa de debate*), cases are heard in a trial court (*tribunal de sentencia*) which is responsible for adjudicating the case. In general, a trial court is composed of a panel of 3 judges (and a substitute judge), and all decisions require a majority vote.
4. **Sentencing Stage.** This stage is overseen by a sentencing judge (*juez de ejecución*) who is responsible for protecting the rights of all individuals in prison, whether as a result of pretrial detention or a conviction. Sentencing judges are also charged with overseeing the punishment and rehabilitation and those who have been convicted.

In Honduras, after an arrest is made a pretrial judge must decide if the accused can be allowed to have freedom, or decide whether to accept the prosecutor’s request for a preventative measure, including pretrial detention (*prisión preventiva*). Pretrial detention must be issued by a pretrial judge within 24 hours after an arrest is made. In Honduras a prosecutor may also request the “preventive detention” of a suspect, but the accused must also be presented to a judge within 24 hours (or 48 hours maximum in complex cases) (Decree 9-99 E, Art. 176). Pretrial detention is the only preventative measure allowed in the most violent crimes (including homicide, kidnapping, illicit association, drug trafficking, and extortion) (Decree 9-99 E, Art. 184).

¹ In Honduras, there are extrajudicial methods for conflict resolution such as the mediation (*mediación*), arbitration (*arbitraje*) and negotiation (*negociación*) (Ley de Conciliación y Arbitraje, Decree 161-2000).

Overview of the criminal accusatorial process in Honduras



Based on the Criminal Procedure Code of Honduras (Decree No. 9-99 E).

*With the possibility to request another extension.

** It can be 48 hours in complex cases.

Victim and defendants' rights

The transition to an accusatorial system improved both the rights of victims and the rights of the accused in Honduras. Victims have various rights including the right to be heard, the right to participate in proceedings as private prosecutor, and to appeal the dismissal of the case (Decree 9-99 E, Art. 16).

Defendants' rights are protected in the Honduran criminal procedure code (Decree 9-99 E, Art. 101). These include the right to information, the right to remain silent, and the right to an attorney. Honduras has also expanded its obligations to protect the rights of defendants and individuals in prison through the implementation of domestic monitoring mechanisms and the adoption of various international treaties and agreements. For example, after the transition to democracy, in 1982 the Human Rights National Commission (*Comisionado Nacional de Derechos Humanos*) was created to protect the rights of vulnerable individuals. Furthermore, Honduras is a party to the Convention Against Torture and in 2006 became a party to its Optional Protocol. In 2011, the Honduran government created the National Prevention Committee Against Torture (MNP-CONAPREV), which has become the main domestic monitoring mechanism for the protection and respect of the rights of individuals in prison.

The Prison System

At the time of the study, the National Police was responsible for overseeing the National Penitentiary Institute (*Instituto Nacional Penitenciario*, or INP), which included 25 prisons throughout the country with a combined average daily prisoner population of 19,458 in 2022 (Subsecretaría de Seguridad en Asuntos Policiales, 2023). The National Police managed the prisons from March 10, 2022, to June 21, 2023. The prisons were located in 17 of Honduras's 18 Departments and housed prisoners of all security levels. The INP employed approximately 1,197 correctional officers and has an annual budget of USD\$48,655,000 (Subsecretaría de Seguridad en Asuntos Policiales, 2023; Tribunal Superior de Cuentas, 2022). The Penitentiary System Law (Acuerdo 002-2020) of 2021 governed the country's prison system (La Gaceta, 2021, January 30). The system was overseen by the Secretariat of Security and the INP was headed by a director who was appointed by the President Castro's administration. Since the end of June 2023, the administration of the INP was returned to the military police.

Map of geographical regions and prisons



The Current Study

The current study is designed to improve our understanding of the state of the criminal justice system in Honduras through a “systemic” lens. Thus, in this project we focused on the following objectives: (1) to learn about the experiences of individuals in prison with the criminal justice system and with the rule of law (2) to identify weaknesses and obstacles that criminal justice operators face, and (3) to assess the overall functioning of the system through performance indicators. Our report has various limitations. Given the time of the implementation of the accusatorial system in Honduras, we could not compare the experiences of individuals in prison with the inquisitorial and accusatorial system of criminal prosecution. Instead, we focus on comparisons across judicial regions and prisons. This report was organized using the “Accusatorial System Assessment Framework,” which aims to identify how well the system upholds the principles of an accusatorial system as described in the following chapter. However, we could not obtain all the necessary official data for various indicators to be able to provide a thorough assessment. Furthermore, our study does not focus on victims, the police, nor forensic services.

2. METHODOLOGY

This chapter provides a summary of the various methodologies that we followed to support the findings included in this report. Our report draws on official statistics, qualitative interviews with stakeholders, and survey interviews with individuals living in prison.

Official Statistics

We made various data requests in 2022 and 2023 directly to the Judiciary, the Public Prosecutor's Office, and the prison authorities for the period 2011-2021. The Public Defense provided a summary of statistics, but the data requests made to other institutions were not answered. Thus, this report draws mostly from publicly available data.

Stakeholder Interviews

We conducted a total of 23 semi-structured interviews. Using a snowballing sampling technique, we recruited participants who had experience in both the inquisitorial and the adversarial systems as attorneys, public prosecutors, judges, or public defendants. Our final sample included 5 public prosecutors, 7 judges, 5 public defenders, and 6 NGO observers. All interviews were in person and were conducted in Tegucigalpa between January 31 and February 3, 2023. Interviews were conducted in public spaces. In addition to interviews, we also met with various academics and human rights observers to gain background knowledge.

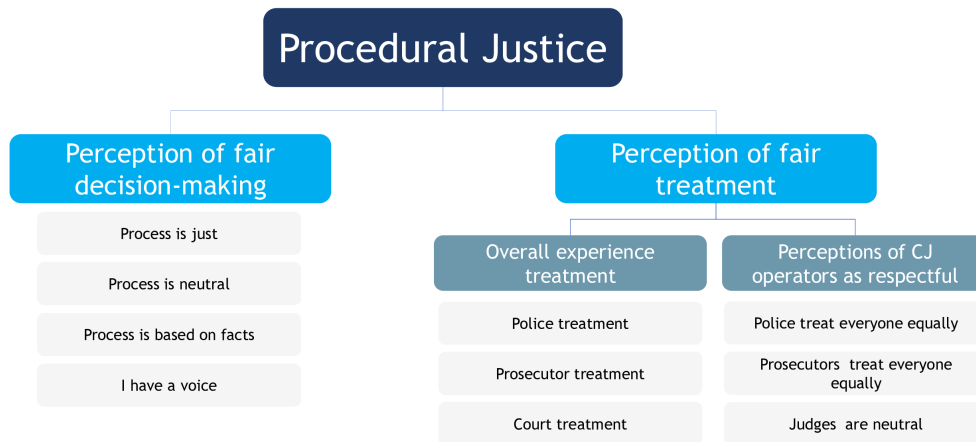
Survey Development and Design

We developed a culturally congruent survey to capture prisoners' perceptions of procedural justice and rule of law, to gather background characteristics, and to measure perceptions of the criminal justice system, including arrest, court, and prison. The survey was based on a review of the academic literature on prison climate surveys, procedural justice measures, and rule of law indicators. We sent a draft of the survey for peer review to a panel of subject matter experts, including criminal justice operators (i.e., judges, correctional administrators), and regionally based researchers who have previously implemented prison surveys in Central America. They were asked to review item quality, relevance, phrasing, and potential biases. We pretested a second draft of the survey with a focus group consisting of seven (n = 7) formally incarcerated individuals in El Salvador. Their feedback led to the inclusion of new items, changes in wording and order of some items. The final survey included 242 questions and was approved by the City University of New York's Institutional Review Board.

Procedural Justice Index

An individual's perception of proceedings as being fair can have an impact on their overall perception of rule of law and access to justice. For this reason, our survey includes indicators designed to measure perceptions on procedural justice. The Procedural Justice Index is based on perceptions of a fair decision-making process and fair treatment during the proceedings. These indicators were developed using behavioral and perceptual questions regarding their experiences with criminal proceedings from the time of arrest. Fair decision-making is a composite measure that includes (1) how fair or just a process is perceived to be, (2) if the decision-making is perceived as neutral and not biased, (3) if decision-making is considered to be based on facts, and (4) if an individual perceives that she/he has a voice in the process.

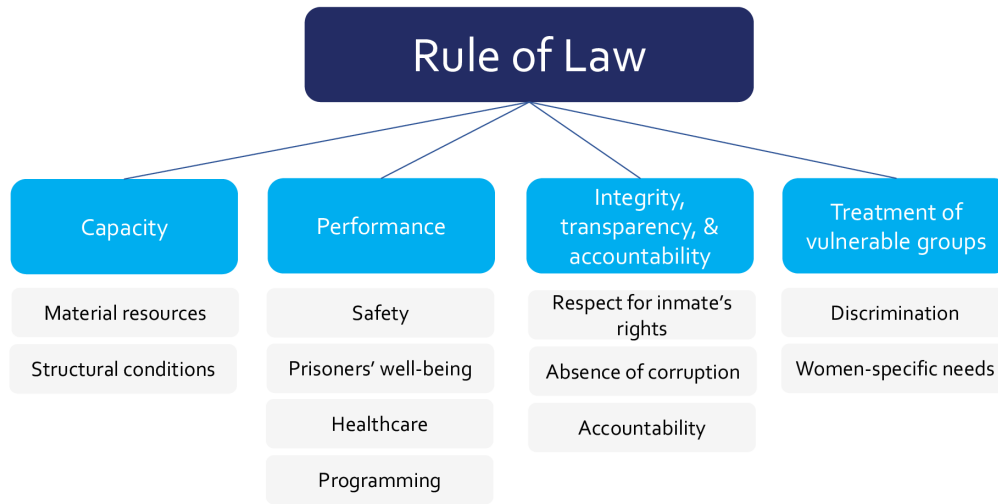
Conceptual map of Procedural Justice



Rule of Law Index

To identify and monitor Honduras's adherence to the principles of Rule of Law in the administration of penitentiary justice, we adopted the United Nation's Indicators Framework (see United Nations, 2011). The indicators are designed to measure four major dimensions of rule of law: *performance; capacity; integrity, transparency, and accountability; and treatment of members of vulnerable groups*. Following the UN's conceptual framework of Rule of Law, we generated indicators that are: (1) consistent with international standards of human rights and the treatment of prisoners, and (2) comparable with other Rule of Law Indexes. These indicators were measured through the use of behavioral and perceptual questions regarding prison conditions and experiences.

Conceptual map of Rule of Law



Data Analysis

Stakeholder interviews were coded and analyzed using NVIVO, a software package for qualitative data analysis. Survey responses were processed and analyzed using STATA version 17, a statistical software package. Univariate and bivariate analyses were used to describe and test for differences in prisoners' characteristics, beliefs, and experiences in the criminal justice system. The Rule of Law and Procedural Justice Indexes are additive scales based on indicators measuring specific sub-factors, which were then aggregated to measure factors. To create the indices, variables were normalized between 0 and 1, with values closer to 1 indicating greater adherence to the rule of law or higher perceptions of procedural justice.

Survey Implementation

Data collection

Interviews were conducted in public spaces, including churches, visitation areas, and pavilions. These spaces were often semi-outdoor spaces and generally separated from administrative offices. Correctional officers were assigned to oversee the data collection process in some (n=16) prisons. Throughout the data collection period, access to where prisoners were located was largely governed by sector leaders as opposed to the prison administration. Participating prisoners had the option to give verbal responses or point to answers on the questionnaire to ensure confidentiality and safety of the participants.

Sample

In March 2022, the administration of the INP was transferred to the Secretariat of Security, and Commissioner Otoniel Lemus Castillo was appointed as the first civilian director of the INP. In coordination

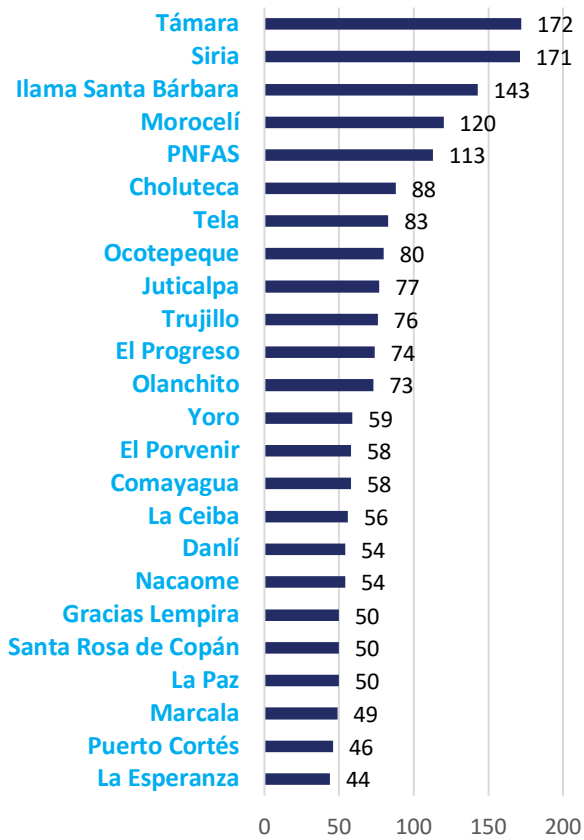
with INP leadership, the research team was granted access to prisons (See Appendix B for the official prison names and the abbreviations used for the tables and figures in the report). The research team visited each prison in advance of the data collection efforts to gain access and approval at the prison level. During these visits, information about the project was provided to key correctional staff and prisoner leaders, and potential barriers or limitations to the data collection process were addressed. Prisons that chose to participate received incentives including hygiene supplies for prisoners and coffee for officers. A final interview schedule was reviewed and approved by INP prior to the survey implementation, which took place between November 7 until December 17, 2022.

Prisoners were interviewed in 24 of the 25 facilities as transportation and weather issues prevented conducting the survey at Centro Penitenciario de Puerto Lempira, La Mosquitia. Efforts were made to draw a sample that was proportionally equivalent to the national prison population (N=19,458 in 2022) based on the population count, legal status, and sex. Women were oversampled because they only account for approximately 6% of the total prison population. Convenience sampling was used throughout the prisons. The process for sampling differed across the sites, but was largely dependent on either security staff or prison leaders identifying eligible participants. Where possible, the survey and consent process were described to large groups within a given sector or pavilion. Interested individuals being paired with an interviewer who would ask for verbal informed consent. A total of 1,938 individuals consented to participate. Of these, 34 interviews were terminated early. Reasons for early termination included the length of the survey, mental health or physical disabilities, and choosing to withdraw consent. In one prison, interviews were terminated early because the staff asked our team to leave and, in a second prison, interviews were halted because of an electrical failure and subsequent security issues. The final sample consisted of 1,898 respondents. Next, we describe the characteristics of the final sample.

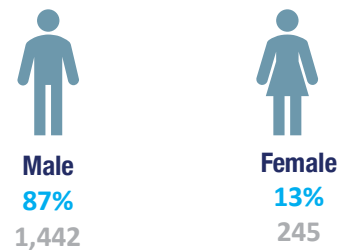
Sample Characteristics: Demographics

Respondents were asked several questions related to their demographics and background. The typical survey respondent was male, who had not entered high school, and was single or cohabitating at the time of their arrest. Nearly 20% of the respondents were housed in Támara or Siria at the time of the survey and all but two of the prisons had overcrowding. Consistent with the general population, over 50% of the sample reported being Evangelical, followed by Catholic, with nearly 20% indicating they did not have a religion. The majority of respondents reported having children and financial dependents.

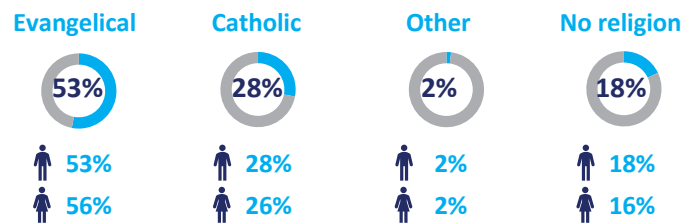
Sample size by facility (N = 1,898)



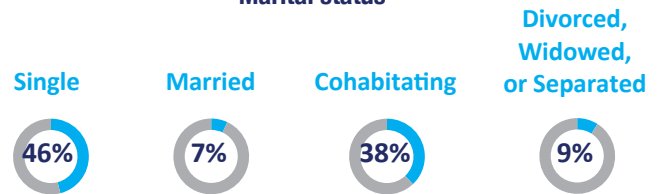
Sex



Religion



Marital status

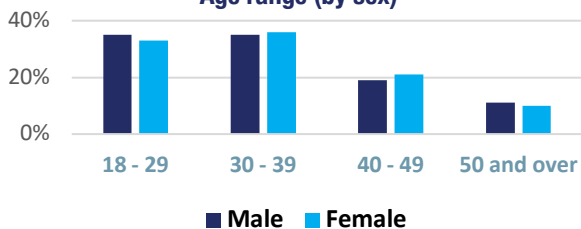


Age

Median age: 33 years old



Age range (by sex)



Children and dependents

79% have children

Median number of children: 2



86% have financial dependents

Median number of dependents: 2



Although respondents tend to be undereducated, nearly all of them reported being able to read and write. A very small number (n=40) speak a native language. Among them, the most common language was Garifuna, spoken by 57% of male and 67% of female respondents. Similarly, a very small number (n=52) of respondents reported being foreign-born. Respondents were also asked about their employment status at the time of their arrest. Only 3% reported being unemployed at the time of their arrest. The most common occupations for men were related to agriculture, labor, and crafts and trades. Among women, the most common occupations were business owners, service and sales, and working for a private company. Twelve percent of women reported they were housewives prior to their arrest.

Highest grade completed

Education level	Total	♂	♀
8 th grade or less	76%	77%	65%
Some high school	12%	11%	18%
High school diploma	7%	6%	11%
Some college	4%	4%	3%
College degree+	2%	2%	2%

Literacy

87% can read and write

♂ 87% ♀ 89%

Nationality

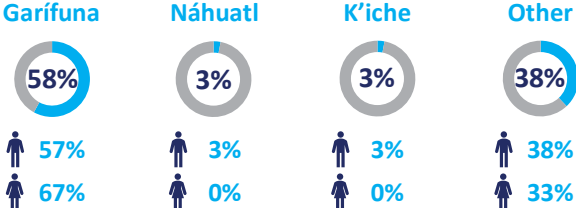
99% Honduran

1% Foreign

Native Language

2% speaks native language

♂ 2%
♀ 1%

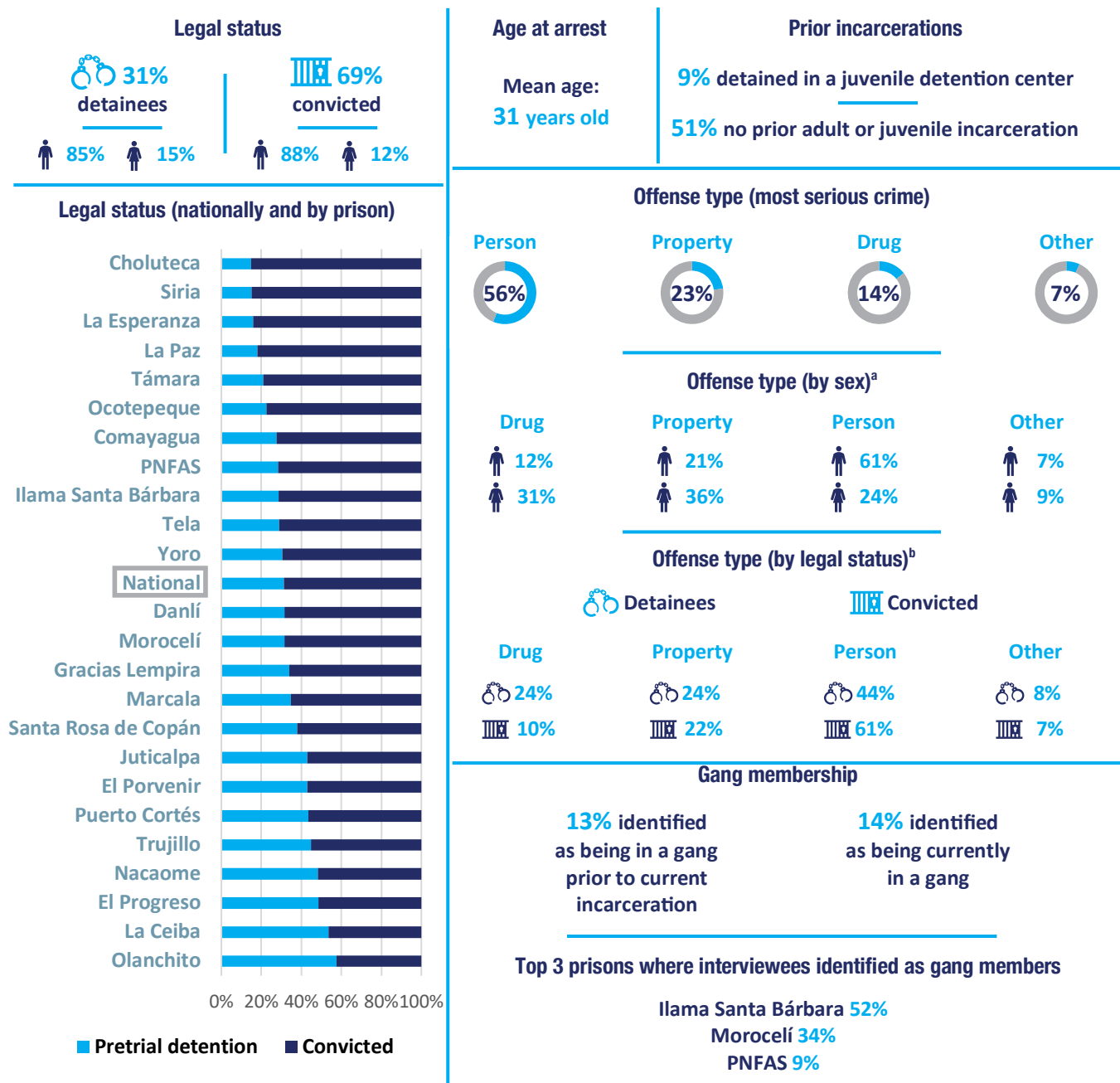


Occupation prior to incarceration, by sex

Occupation	Total	♂	♀
Skilled agricultural, forestry and fishery workers	24%	27%	3%
Elementary occupations	18%	20%	6%
Craft and related trades workers	17%	18%	5%
Business owners	10%	8%	26%
Employee of a private company	10%	10%	11%
Service and sales workers	7%	5%	20%
Professionals	5%	4%	6%
Armed forces occupations	4%	4%	0%
Unemployed	3%	2%	5%
Retired/Housewife	2%	0%	12%
Other	2%	1%	5%
Plant and machine operators and assemblers	1%	1%	0%

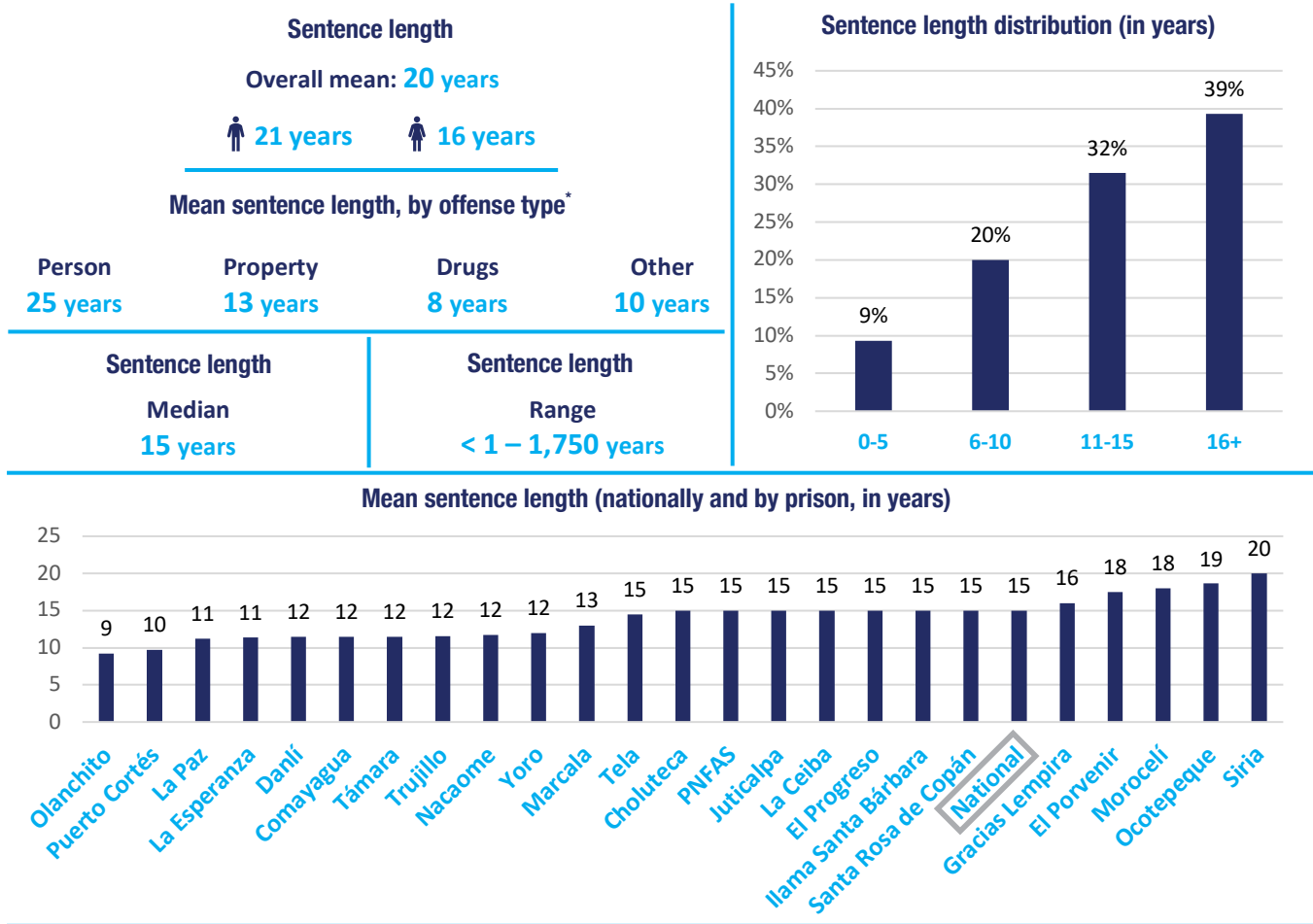
Sample characteristics: Legal factors

Nearly 15% of the respondents reported either prior or current gang affiliation. Current gang members in the sample were dispersed across 12 prisons with the majority in Ilima Santa Bárbara, Morocelí, and PNFAS, the women’s prison. Samples in 12 prisons did not include any self-identified gang members. Pretrial detainees were underrepresented among the respondents, with 69% of respondents serving a sentence at the time of the interview. Women in the sample were slightly more likely to be held pretrial compared to men. Among male respondents, 61% were in prison because of person-related offenses (for example, homicide, sex crimes). In contrast, female respondents were more likely to be in prison for property (36%) or drug crimes (31%). Nearly a quarter of women were in prison because of person-related charges. Just over half of the respondents indicated this was their first incarceration.

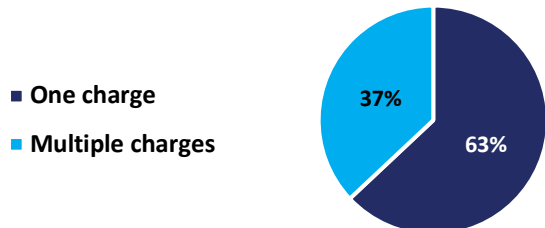


Sample characteristics: Sentenced respondents

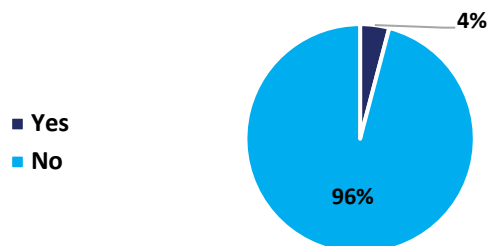
Among those convicted of crimes, the mean sentence length was 20 years with a median of 15 years. The range of sentences varied considerably with 8 respondents reporting sentences in excess of 100 years and four respondents indicating sentences of less than 3 years. Those convicted of person-related offenses were serving significantly longer sentences (25 years) compared to those convicted for property, drug, or other offenses. The majority (39%) of respondents reported a sentence length over 15 years. Nine percent reported sentences that were 5 years or less. Male respondents were serving longer sentences than female respondents. Despite the length sentences, only 16% reported being convicted of multiple charges. While in prison, only 4% of respondents reported acquiring new charges.



Number of criminal charges



Any new charges acquired during incarceration



*p<.05








3. THE ACCUSATORIAL CRIMINAL SYSTEM: AN OVERVIEW

In this chapter our goal was to provide an assessment of the criminal justice system in Honduras based on the Accusatorial System Assessment Framework, which requires data on three interrelated categories:

- **Performance.** Indicators of performance are the cases received (input) and the resolutions produced (output) by the judicial system. These indicators provide a snapshot of the type of resolutions given to criminal cases across the various stages of the criminal process.
- **Capacity.** Indicators of capacity show the human and financial resources available for institutions to perform their basic duties. These indicators are workload, budget, and personnel.
- **Consolidation of Accusatorial Principles.** The criminal justice system must operate supporting and respecting key accusatorial principles. These are the principles of contradiction, orality, publicity, equality among parties, and due process. With this framework, we do not aim to measure indicators of all principles established in the criminal procedure code of Honduras (Decree 9-99 E, Arts. 1-23), but only focus on those that are characteristic of an adversarial or accusatorial model.

Given the lack of data availability for most indicators, in Honduras we were not able to measure Performance and Capacity in depth, nor over time. For this reason, this chapter instead offers a general overview of related measures that were based on publicly available data. The richness of this chapter comes from interview data with criminal justice operators, which allowed us to assess the lived experiences with accusatorial principles in the criminal justice system. Our goal is that the framework described here can be used in the future for assessment and evaluation purposes.

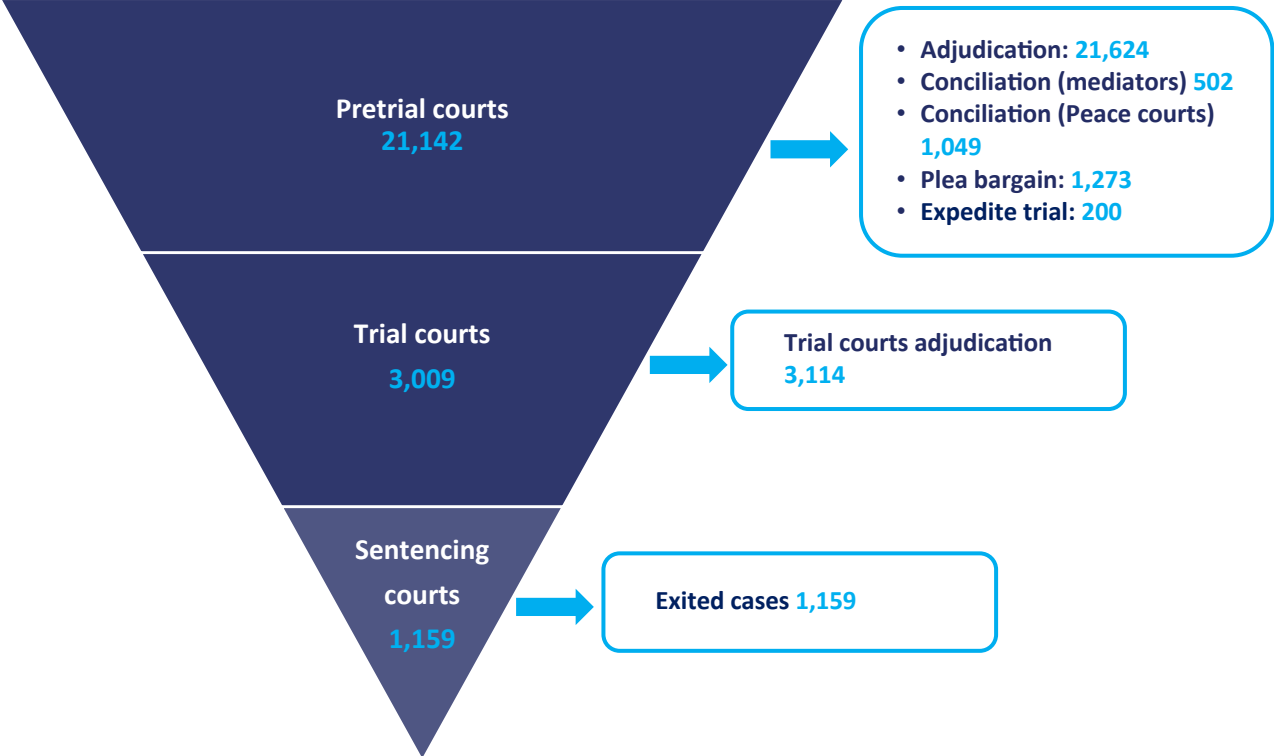
Accusatorial system assessment framework

System Indicators				
Category		Definition	Indicators	Source
Performance		Input and output of cases across the system	Cases judicialized Judicial resolutions	Public data Interviews
Capacity		Budget and personnel adequately support the demands on the system	Budget Personnel Workload	Public data Interviews
Consolidation of Accusatorial Principles				
Category		Definition	Indicators	Source
Contradiction		All parties can present evidence or contradict evidence before a judge, who decides with evidence at hand	Appeals Length of hearings	Public data Interviews
Orality		Judges decide on evidence introduced in hearings by all parties. Parties present their arguments in oral form during hearings. Use of audio/video records	Length of hearings Type of recording	Public data Interviews Survey data
Publicity		Transparency of proceedings Open hearings	Open hearings Public attendance	Interviews Survey data
Equality		Parties have equal protection under the law	Public Defense Victims' Defense	Interviews Survey data
Due Process		Respect for rights Reasonable time Absence of formalisms and simplification of proceedings	Control of Violations Time between stages Cancellation of hearings Alternative measures	Public data Interviews Survey data

Performance of the Criminal Justice System

In the flow chart below, we illustrate the number of cases that entered the courts and number of judicial decisions made in 2022. It does not discuss appellate courts (which are reviewed later). On the output side, the chart reports only judicial decisions made, as we could not obtain data disaggregated by type of resolution.

Input (cases) and output (adjudication) of criminal cases in Honduras for 2022



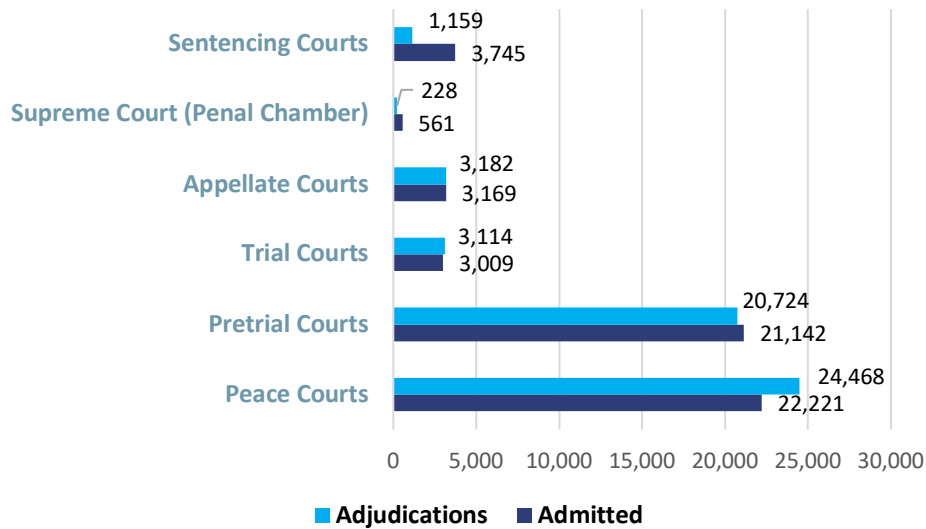
Source: Boletín Estadístico Judicial 2022, Unidad de Estadística, CEDIJ. Conciliation data is for criminal cases only. Convictions in plea bargain include only those in expedite proceedings for *in flagrante* cases, and cases of domestic violence, femicide, and sexual violence against women.

In 2022 at the pretrial stage, judges made 21,624 decisions related to criminal cases. Some cases were referred to conciliation by mediators or peace courts. At the pretrial stage, some cases ended with an expedited trial (200) and plea bargain agreements. Plea bargains resulted in at least 1,273 convictions (this data only includes *in flagrante* cases and violent crimes against women). Data on the type of adjudication in each stage was unavailable, including types of verdicts in trial courts. There were 3,009 criminal cases that entered the trial stage, and 3,114 adjudications. A total of 1,159 cases entered the sentencing stage, and a total of 1,159 cases exited.

Input/output

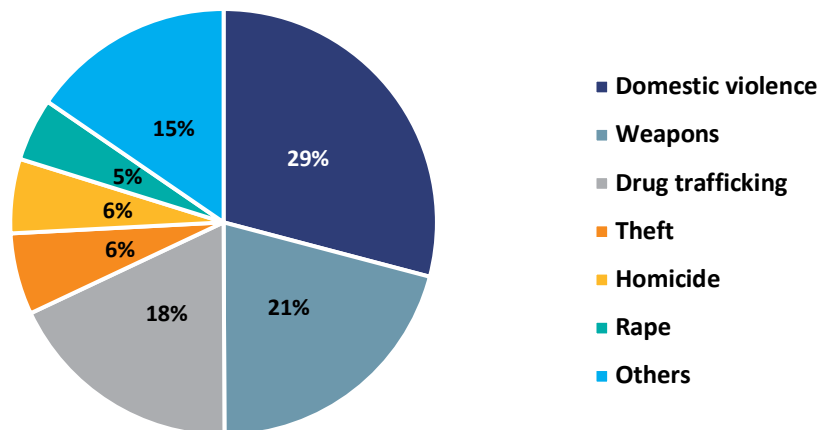
In an accusatorial system, we do not expect many cases to reach a trial court. Instead, we expect most cases to conclude with an investigation that provides some form of conflict resolution. In 2022, the vast majority of criminal cases admitted and adjudicated were at the pretrial stage, in peace courts and pretrial courts. Peace courts have jurisdiction over misdemeanors and minor offenses. Not surprisingly, few cases reach the trial stage. The top three crimes that are judicialized and get to pretrial courts are: domestic violence (29%), weapons (21%) and drug trafficking (18%).

Total cases admitted and adjudications in 2022 (by stage, nationally)



Source: Poder Judicial, 2022b. Only criminal cases (including extortion, corruption, and domestic violence).

Percent distribution of cases admitted in pretrial courts in 2021 (by type of crime, nationally)

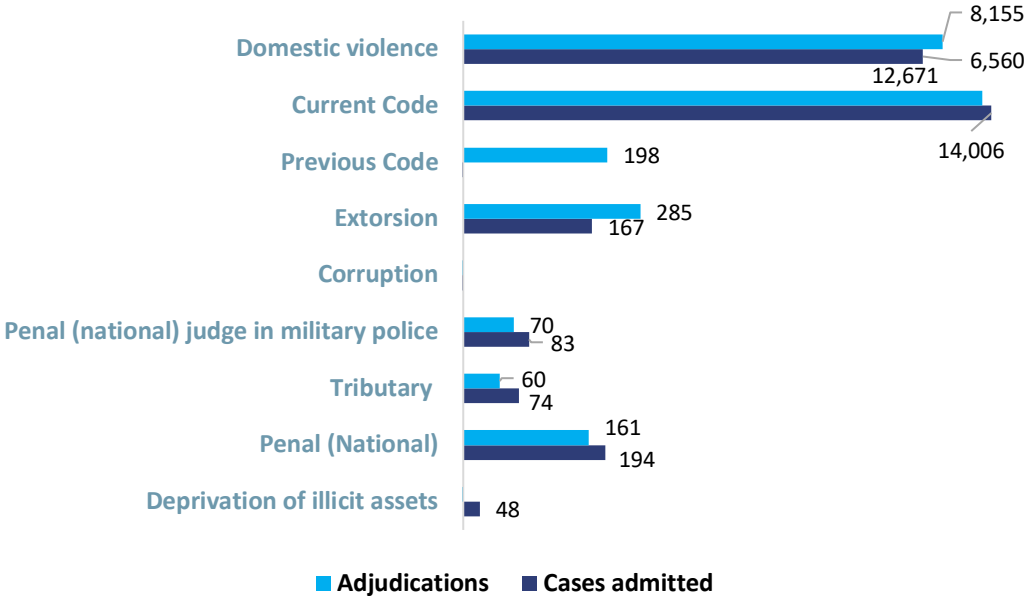


Source: Poder Judicial, 2021.

Pretrial courts

In 2022, there were 21,142 criminal cases admitted in pretrial courts. That same year, pretrial judges issued 21,624 adjudications. Most of the cases admitted and most of the adjudications were related to crimes under the current code, followed by domestic violence cases, and extortion. Only 9 cases of corruption were admitted (with 7 adjudications in that area). Also, from all criminal cases admitted in pretrial courts, 2,049 were *in flagrante* cases that were adjudicated in expedite proceedings or with a plea bargain. Most of these (1,927) were adjudicated that year. From those, 907 were plea bargain agreements, and 200 were convictions in expedite proceedings.

Cases and adjudications in pretrial courts in 2022 (by type of jurisdiction, nationally)



Source: Poder Judicial, 2022b.

Plea bargain and expedite proceedings in pretrial courts in 2022 (nationally)

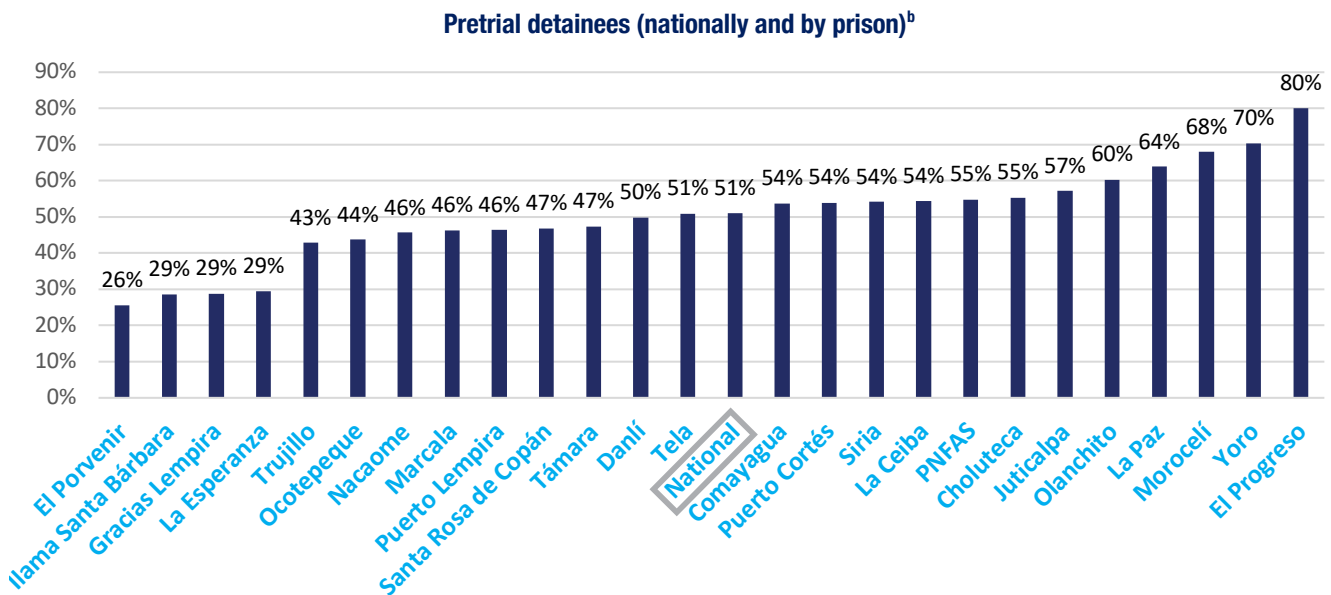
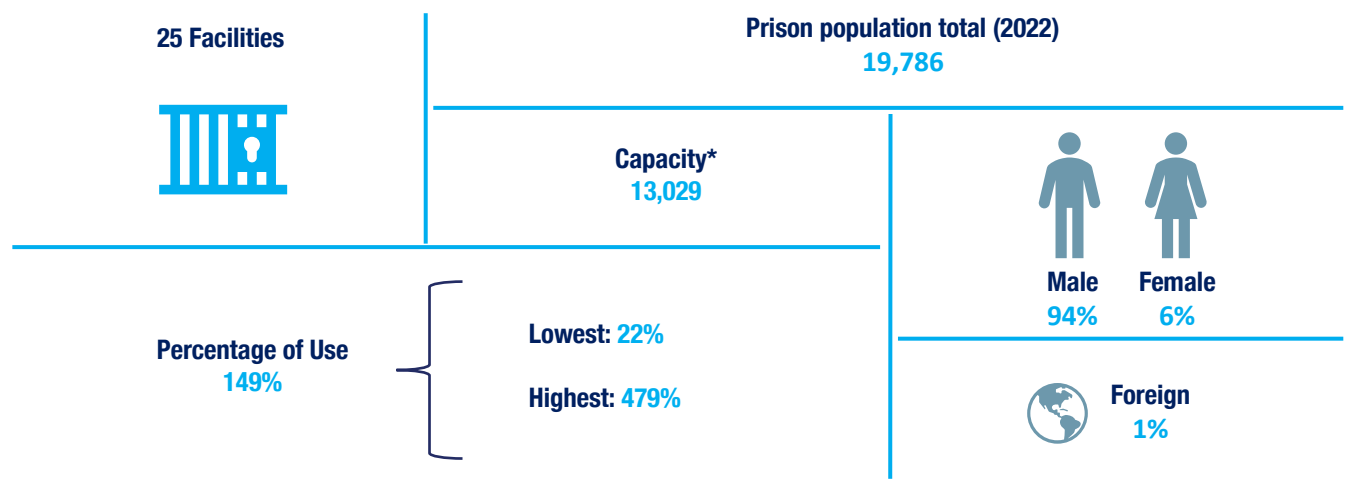
Pretrial courts	2022
Total cases admitted	2,049
Plea bargain	907
Convictions (expedite)	200
Non guilty	216
Dismissal	180
Conciliation	71
Adjournment	284
Other	69

Source: Poder Judicial, 2022b.

The prison system

By the numbers

Honduras has 25 facilities with a total prison population of 19,786 in 2022. One was classified as National Penitentiary and 24 as Prisons (see Appendix B). Prisons are classified as minimum, medium and maximum secure facilities; *prisión preventiva* for pretrial detainees, *régimen de seguridad mixto* for the sentenced population, and *régimen de máxima seguridad* for the sentenced population who require a maximum-security setting. Despite these differences, in practice the majority of the prisons house both detainees and sentenced together. As in many Central American countries, the prison population exceeds prison capacity, with 149% overcrowding rate (Subsecretaría de Seguridad en Asuntos Policiales, 2023). The majority of prisoners are male and 51% are pretrial detainees.

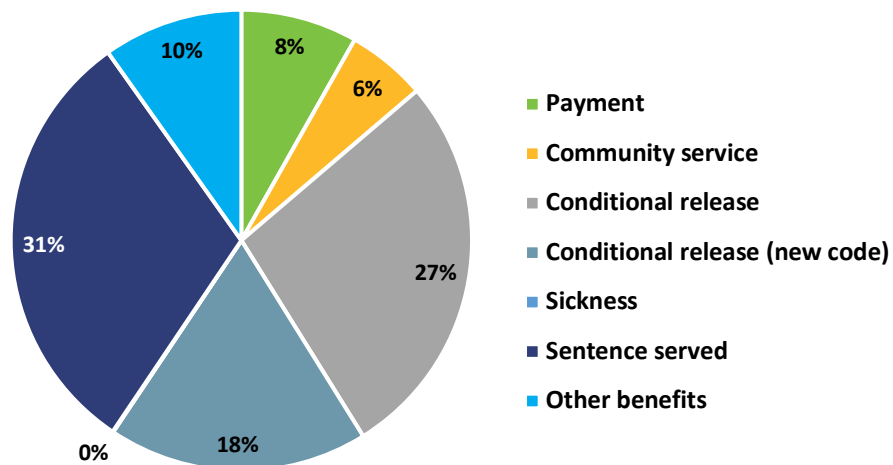


Source: El Heraldo, 2023, INP, 2022, and Subsecretaría de Seguridad en Asuntos Policiales, 2023.
1er Batallón excluded from capacity calculation.

Classification

The prison system classifies sentenced prisoners using progressive phases. The classification system includes 4 phases with the benefits available to prisoners varying by level. The four phases include Observation (*Observación*), Ordinary confinement (*Aislamiento celular nocturno y de régimen común diurno*), Pre-Release (*Preparación para la libertad, con vida común diurna y nocturna*), and Supervised Release (*Libertad condicional*). Moving from one phase to the next is largely dependent on prisoner behaviors and length of time served, relative to the sentence length. In 2022, 4,215 prisoners were released from prison having met various eligibility requirements. Forty-five percent were released to parole, 31% completed their sentence, 14% had their sentenced commuted by either paying a fine (8%) or doing community service (6%), with less than 1% receiving compassionate release for a terminal illness, An additional 10% were released for other benefits not specified.

Release from penitentiary system in Honduras in 2022 (by type of exit, nationally)*



Source: Poder Judicial, 2022a.

Capacity of the Criminal Justice System

In this section, we review the capacity of the various institutions that constitute the criminal justice system in Honduras, excluding the police force or forensic services. We include a summary of capacity indicators for the Public Prosecutor’s Office, the Judiciary, the Public Defense, and the penitentiary system from various sources. As noted earlier, limited data were available but, available public information is presented to highlight how funding and personnel have an impact on the work of criminal justice operators and the services they provide to victims and defendants alike.

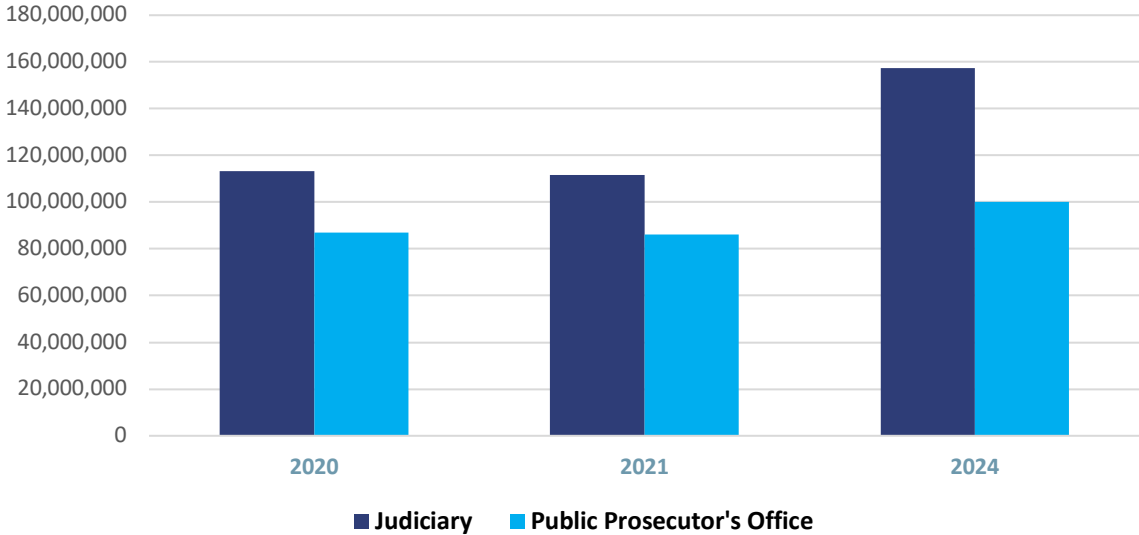
Budget and personnel in the criminal judicial system in Honduras

	Prosecutors	Judges	Public defenders	Prison system
Budget (2021)	86 million USD	112 million USD	N/A	71 million USD
Personnel (2017)	10.8 Prosecutors per 100,000 habitants	7 judges per 100,000 habitants	3 public defenders per 100,000 habitants	16 prisoners per 1 security prison staff (2023)

Source: Budget data for the Public Prosecutor’s Office and the Judiciary from La Prensa, 2024. Data for prison Budget from Tribunal Superior de Cuentas, 2022. Personnel data from WOLA, 2019. Data for prison staff from Subsecretaría de Seguridad en Asuntos Policiales, 2023.

For decades, it has been noted that Congress has allocated less resources to the criminal justice system from what the Constitution establishes (CEJA, 2004, p. 79; FOSDEH, 2020). Among the institutions reviewed, the Judiciary had the largest budget for 2021 followed by the Public Prosecutor’s Office. By 2024, these two institutions saw an increase in their budgets (though still below constitutional mandate). The operating budget for the prison system for 2021 was \$71 million USD.

Approved budget by institution in Honduras (in USD)



Source: Data for 2021 and 2024 from La Prensa, 2024, January 28 and data for 2020 from FOSDEH, 2020.

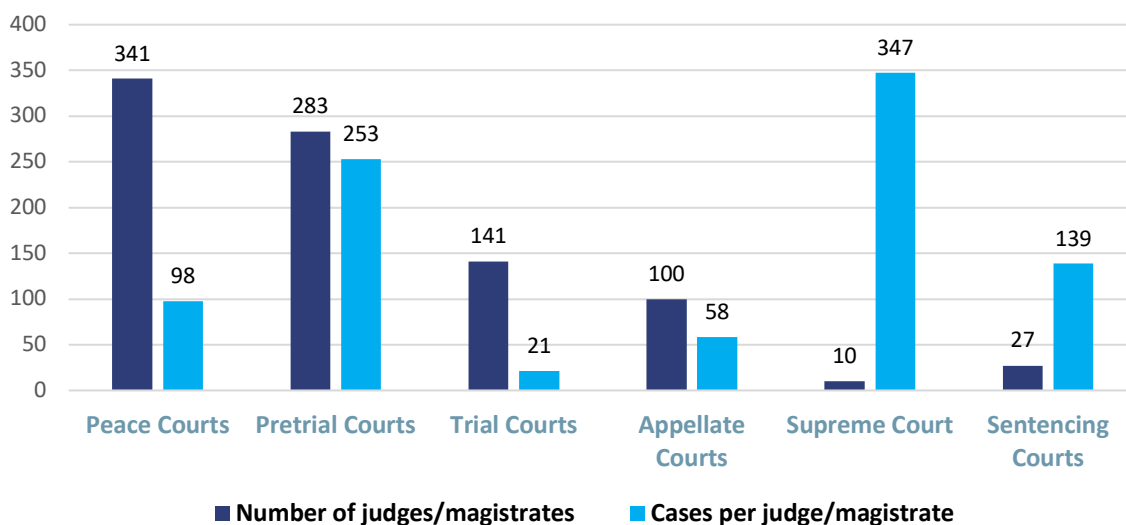
Workload in the justice system

A widespread concern that criminal justice operators expressed in interviews was the lack of human and material resources for the system to operate properly, which some described leads to a “vicious cycle” between heavy workload and delays in proceedings. We were not able to obtain official workload data from each institution (with the exception of the Public Defense), so we contextualize the concerns expressed in our stakeholder interviews with available public data.

Judges

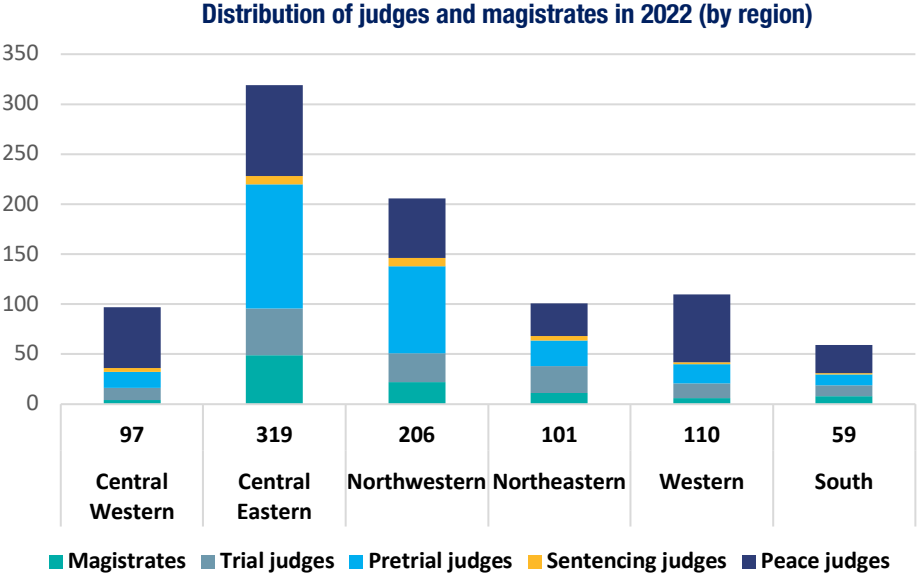
In 2022, there were a total of 902 judges and magistrates in Honduras. We calculate an approximate measure of workload dividing the number of admitted cases by the number of judges available in each stage (pretrial, trial, or sentencing). This measure does not reflect pending cases. Using this measure as a proxy for workload, the number of cases per judge varies widely across different instances. Supreme Court justices have an average of 347 cases per justice, followed by 253 cases for each pretrial judge, and sentencing judges have each an average of 139 cases. This data in part explains reports from criminal justice operators who expressed the judiciary has important delays at the sentencing stage (to determine duration of sentence) and the appellate stage (in particular, resolutions from the Supreme Court). Future research should try to gather data to accurately distinguish workload for judges by stage, type of court, and compare workload across regions to better assess workload differences across the jurisdictions.

Average number of cases per judge, 2022 (nationally)



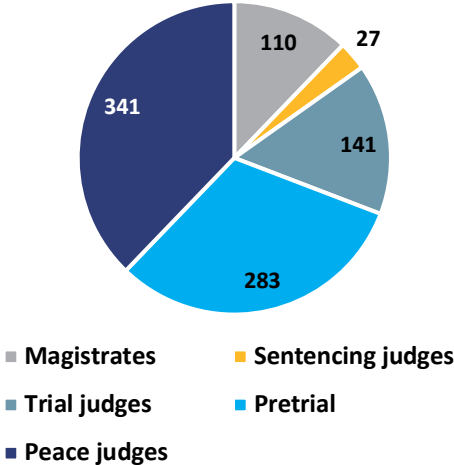
Source: Poder Judicial, 2022b. Includes all cases admitted to courts in all jurisdictions (civil and criminal).

Most human resources of the judiciary are concentrated in the Central Eastern region, where the capital city is located. From a total of 902, most judges and magistrates (319) are assigned in the Central Eastern region. The region with the least number of judges is the South (with 59 judges, 8 of which are magistrates).



Sources: Poder Judicial, 2022b. Includes all judges and magistrates in courts of all jurisdictions (civil and criminal).

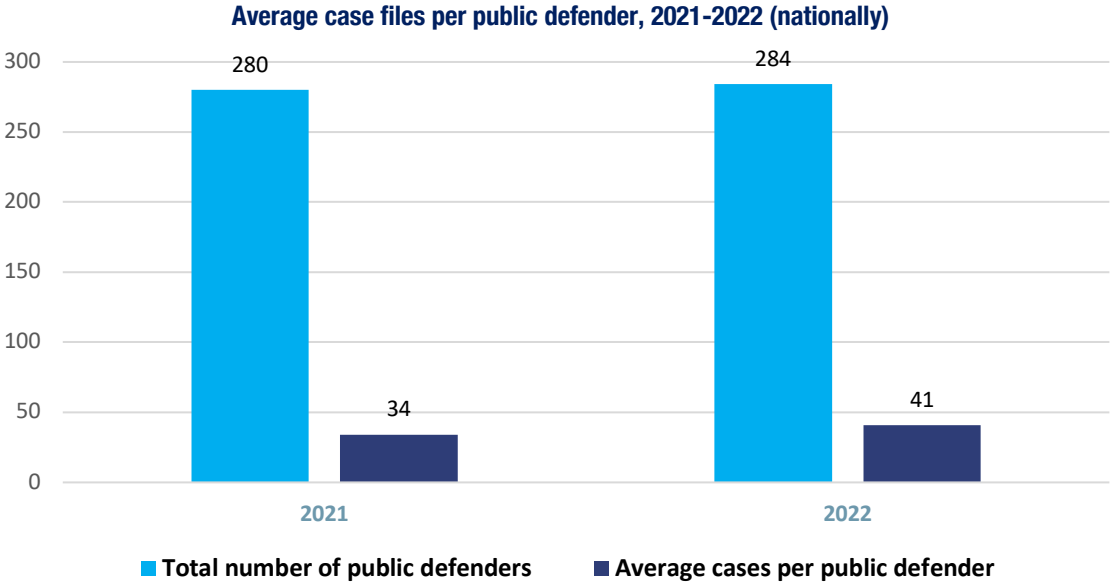
Total number of judges per stage, 2022 (nationally)



Sources: Poder Judicial, 2022b. Includes all judges and magistrates in courts of all jurisdictions (civil and criminal).

Public defenders

Most interviewees agreed that public defenders are among the justice operators with the heaviest workload and the least amount of resources, which can negatively impact the principle of equality. The number of public defenders has increased over the years for which we found data. In 2014, there were 248 public defenders across the country, an average of 3 public defenders per 100,000 habitants (IUDPAS, 2016, p. 12). By 2022, the number had increased to 284 public defenders. Despite the increase, the estimated workload has increased. According to the Public Defense in 2022 each public defender was responsible for an average of 41 cases. Most public defenders are assigned in the Central Eastern region. Future research should find if there is workload variation across procedural stages and across regions.



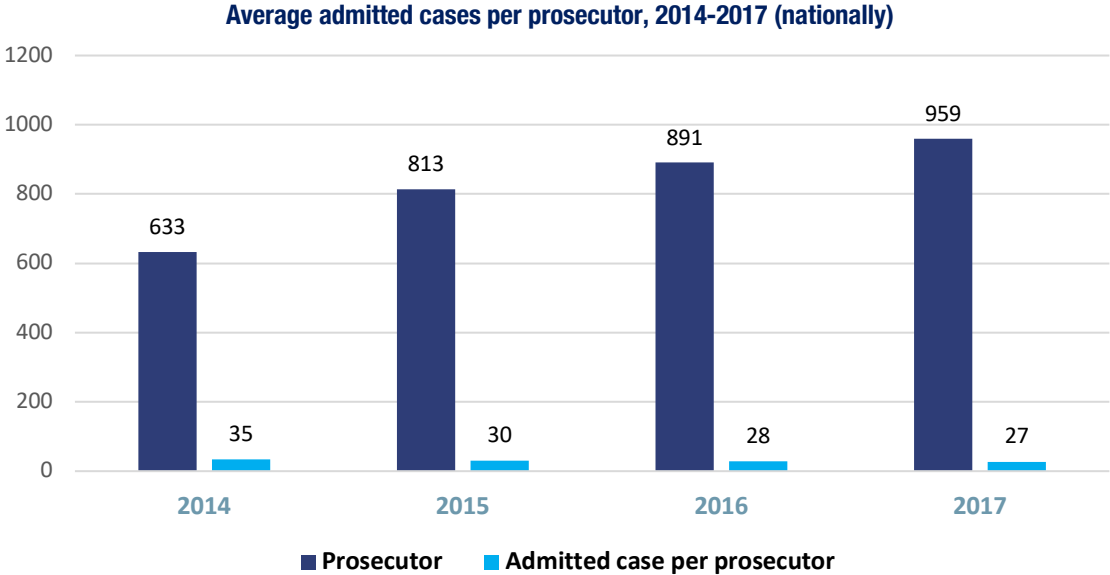
Total number of public defenders in 2022 (by region)

Region	2022
Western	22
Northwestern	83
Northeastern	33
Central Western	25
Central Eastern	109
South	12
Total	284

Sources: Defensa Pública, Informe Estadístico Anual, 2021 and Poder Judicial 2022b.

Prosecutors

We found data on prosecutors' workload for the 2014-2017 period. During this time, the Public Prosecutor's Office increased its human resources, particularly the number of prosecutors. Based on this data, we created a measure of workload by dividing the number of cases admitted in pretrial courts by the number of prosecutors. Note that this measure of workload does not reflect ongoing or pending cases, the number of non-judicialized case files, or differences in workload between lead and auxiliary prosecutors. This workload measure shows that for the period 2014-2017, the increase in the number of prosecutors decreased the overall average of judicialized case files assigned to prosecutors.



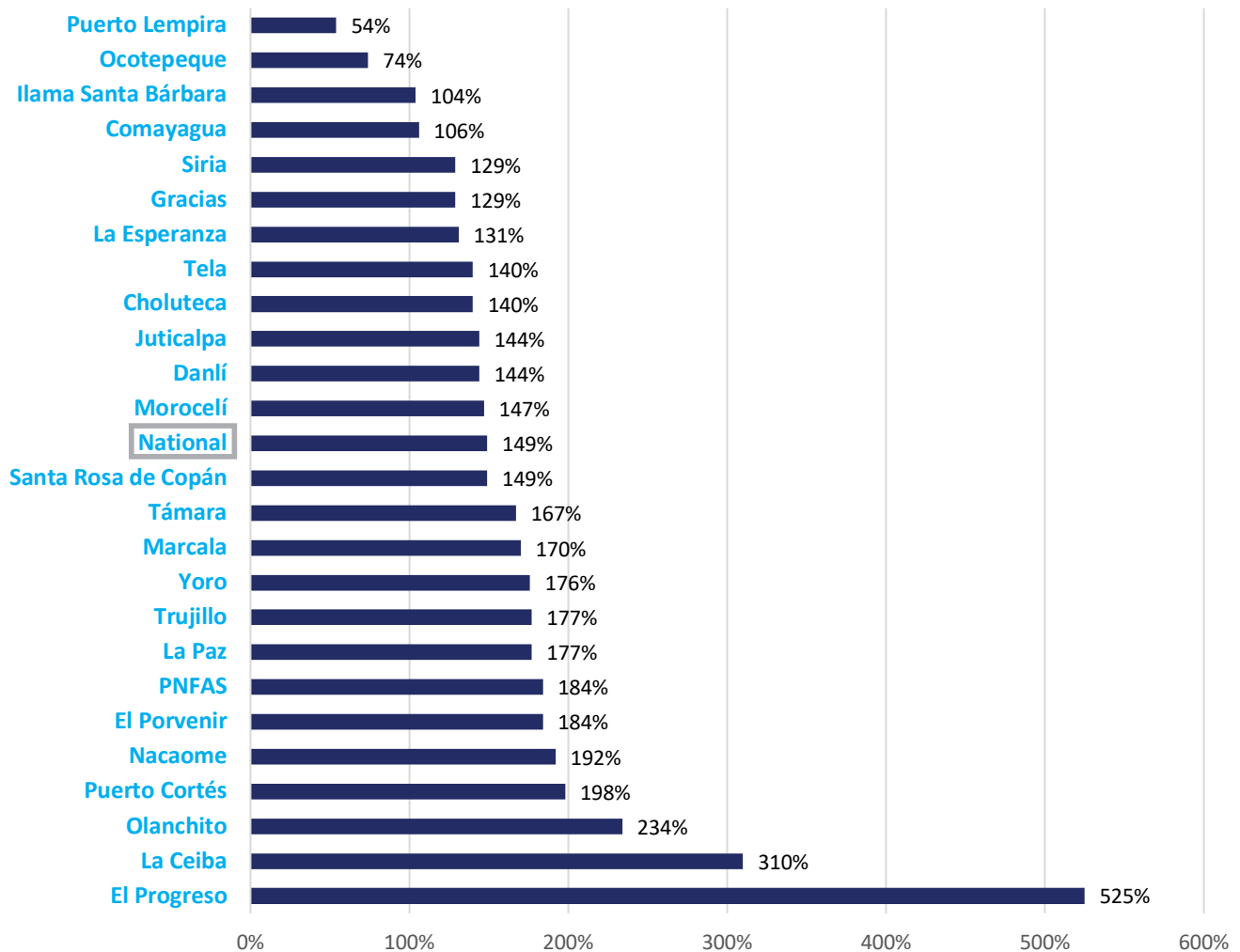
Sources: Data on number of prosecutors from WOLA, 2019. Workload was calculated using data on cases admitted to pretrial courts (only those with criminal jurisdiction), from Boletín Estadístico Judicial for the years 2017, 2016, 2015, and 2014, Unidad de Estadística, CEDIJ.

The prison system

Structural capacity

As noted, the prison system in Honduras is operating at overcapacity. As indicated in the figure below, the average occupancy level is 149% nationally, with two institutions operating below their maximum capacity. Operating at overcapacity poses challenges for the safe management and treatment of prisoners. For example, prison overcrowding is associated with increased health issues and, in some instances, higher rates of violence among prisoners. At the same time, overcrowding can lead to higher levels of stress and turnover among correctional officers.

Percent occupancy level nationally and by prison based on official capacity (2023)^a



Source: El Heraldo, 2023 and Subsecretaría de Seguridad en Asuntos Policiales, 2023.

^a 1er Batallón removed from calculations.

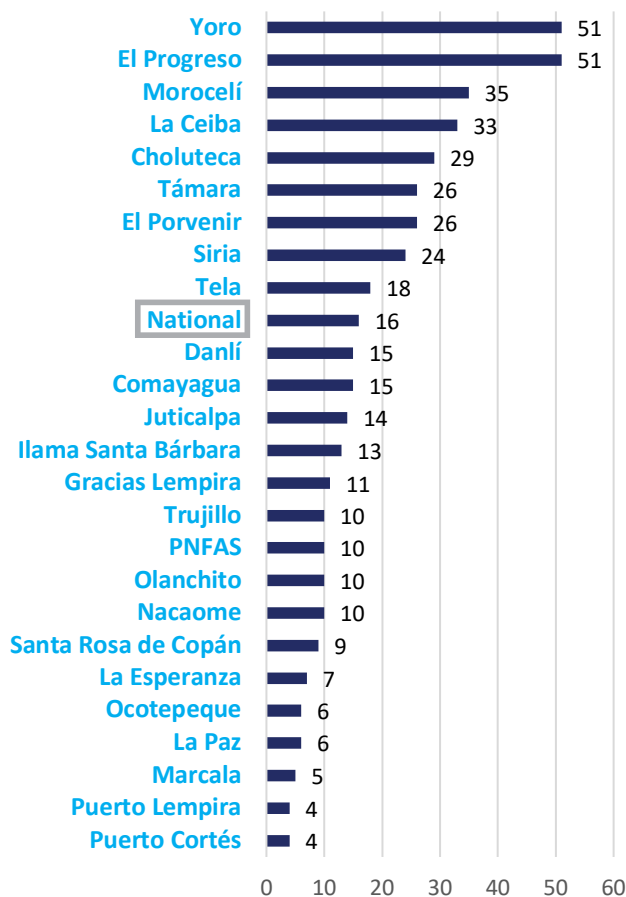
The prison system: Staffing

The ratio of prisoner to staff varies across the prisons with the overall ratio of prisoners to correctional officers 16 to 1. Though there is not an “ideal” ratio, it is important that there are sufficient corrections officers to manage the number of prisoners in a safe and secure manner. Similarly, there should be sufficient medical staff to provide the necessary health services. Nationally, the prisoner to medical staff ratio is 88 to one.

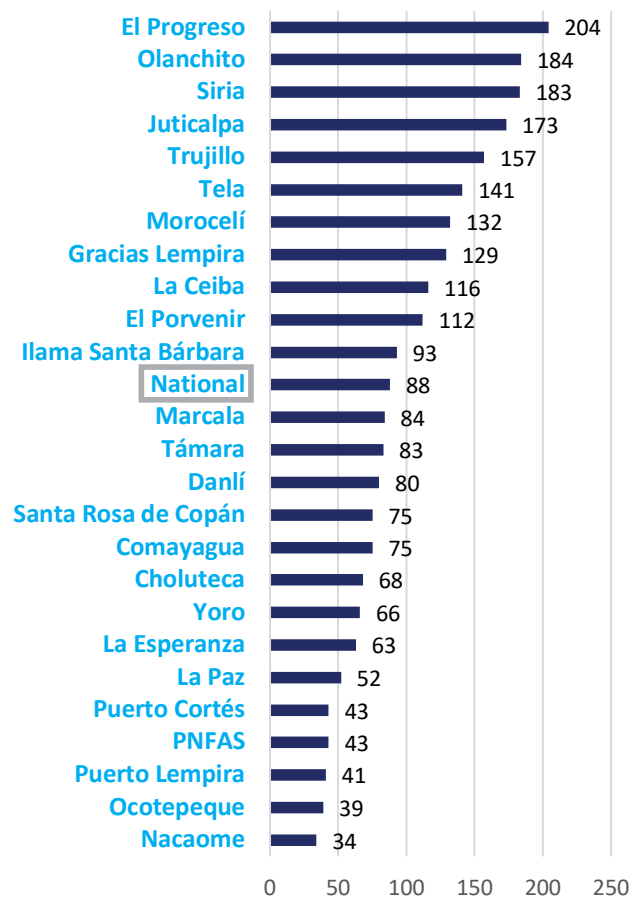
Ratio of prisoners per staff (nationally, 2022)

Year	Prisoner-total staff	Prisoner-correction officers	Prisoner-administrative staff	Prisoner-treatment staff	Prisoner-medical staff
2022	NA	16	NA	NA	88

Ratio of prisoners per correction officers (nationally and by prison, 2022)



Ratio of prisoners per medical staff (nationally and by prison, 2021)



Source: Subsecretaría de Seguridad en Asuntos Policiales, 2023.

Compliance with accusatorial principles

A key component of the Accusatorial System Assessment Framework is to assess how the system respects and protects key principles that constitute the pillars of an accusatorial model of conflict resolution. Our data requests for official statistical data that would allow us to measure compliance with these principles were not successful. Thus, in this chapter we draw mostly on interview data, and where available, on public resources to assess compliance with key accusatorial principles: contraction, orality, publicity, equality, and due process.

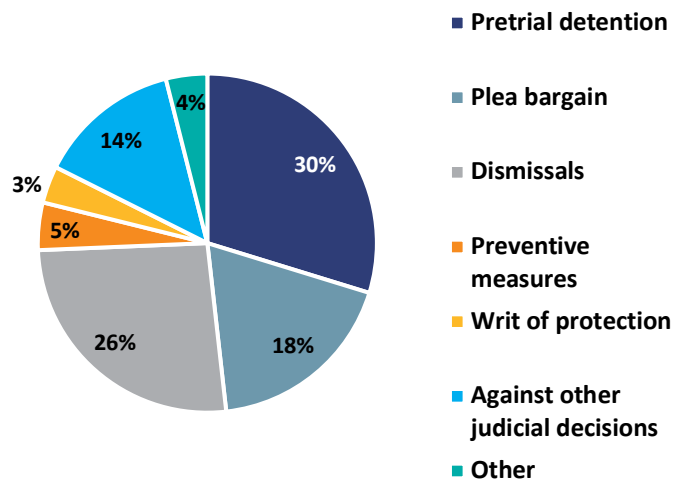
In general, criminal justice operators expressed important improvements since the implementation of the criminal procedure code that introduced an accusatorial model of prosecution in 2002. For instance, everyone agreed that the proceedings are considerably faster than they were in the inquisitorial system. However, criminal justice operators in Honduras recognized that there are still important challenges in terms of compliance with various accusatorial principles.

Contradiction

The principle of contradiction enables parties to present evidence, challenge decisions, and file appeals. The criminal procedure code in Honduras describes three different appeals available to all parties (Decree No. 9-99 E, Art. 352-463). These are: reversals (*recurso de reposición*) a request to reverse judicial decisions, appeals (*recurso de apelación*) which are against judicial decisions made in pretrial courts (including pretrial detention and plea bargain), the motion to vacate (*casación*) an appeal against verdicts made by a trial court. Another important constitutional right is the writ of protection (*amparo*) which protects individuals against government actions or omissions.

Some evidence of contradiction is thus seen in the use of appeals. In 2022, 2,891 appeals were admitted to the appellate courts of Honduras. The top three appeals admitted were against pretrial detention orders (30%), against dismissals (26%), and against plea bargain agreements (18%). About 5% were against other preventive measures and 4% were writs of protection.

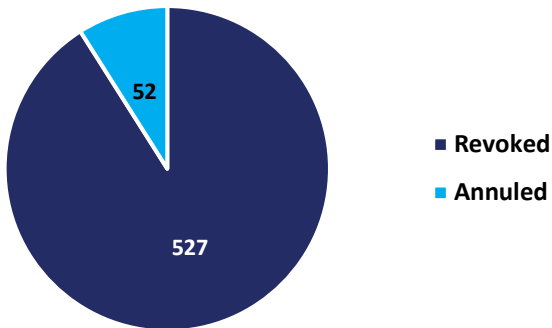
Percent distribution of appeals admitted to appellate courts in 2022 (nationally, by type of appeal)



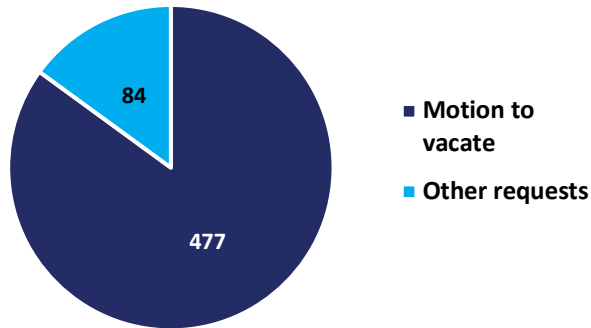
Source: Poder Judicial, 2022b.

In 2022, there were a total of 2,891 appeals admitted to appellate courts. Among the 2,911 resolutions made that year by appellate judges, 527 involved revoking an appeal and 52 annulling an appeal. The motion to vacate, which is an appeal against sentences by trial courts, was also used in Honduras. In 2022, 561 appeals were admitted by the Penal Chamber of the Supreme Court, 477 involved motions to vacate. That same year, there were a total of 228 judicial decisions made by the magistrates, 112 involved motions to vacate. Only 8 motions to vacate were granted.

Number of appeals revoked or annulled in appellate courts in 2022 (nationally)



Appeals admitted to the Supreme Court (Penal Chamber) in 2022

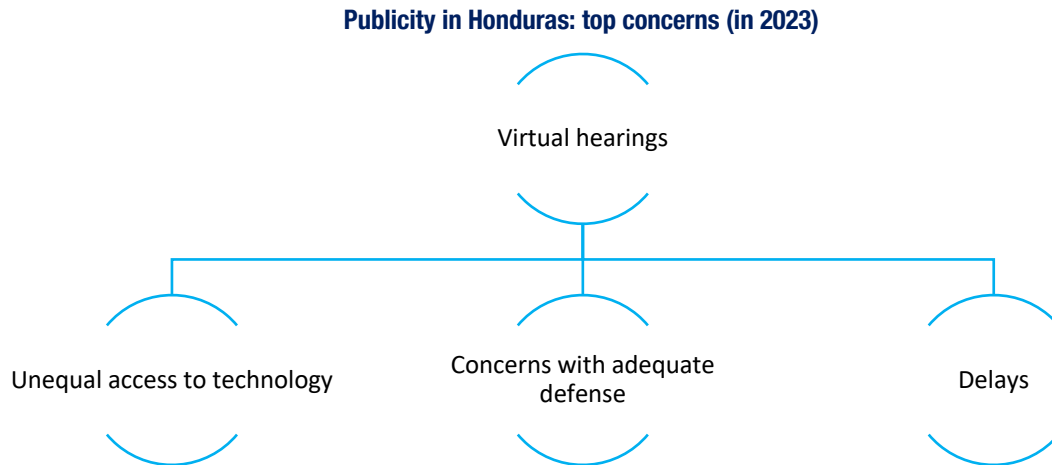


Source: Poder Judicial, 2022b.

Some interviewees noted that the fact that the Supreme Court is the only court with the jurisdiction to decide on motions to vacate (casación), contributes to an unmanageable workload among magistrates and produces delays.

Publicity

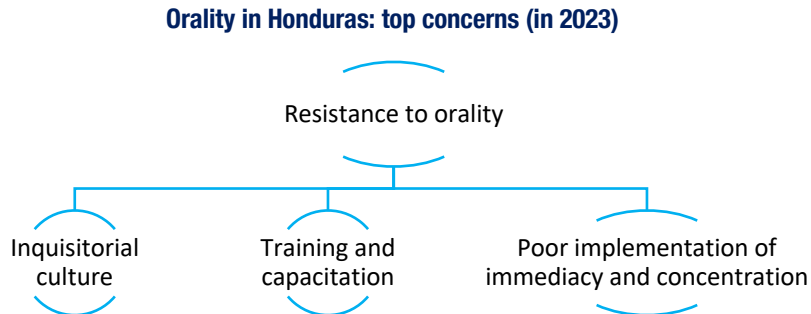
The principle of publicity is fundamental to support the transparency and impartiality of proceedings. It requires that courts allow open hearings in which public attendance is allowed. Only when impartiality cannot be guaranteed with public hearings (like in high profile cases), closed hearings are advised. In interviews, criminal justice operators reported that in rare instances hearings are closed to the public, like when the profile of the victim or defendant impose security concerns. However, like every country in the world, the global COVID-19 pandemic and the introduction of virtual hearings did impose challenges to the principle of publicity.



After a national absolute curfew was imposed in March 2020, the judiciary in Honduras moved towards virtual hearings. At the time of our interviews, criminal justice operators reported that not all defendants had access to the technology to participate in virtual hearings. This continues to be particularly true for individuals in prison as the technological infrastructure is not available in all penitentiary centers. Introducing virtual hearings also reduced the opportunity that some relatives and friends had to attend hearings. More importantly, the introduction of virtual hearings also had a negative impact on equality and due process. For example, interviewees reported that it was normal in some places for the internet to fail or a party to be unable to connect remotely, and for the hearings to be canceled, producing unnecessary delays. Despite its challenges, virtual hearings continue. In 2022, the judiciary reported that there were a total of 5,092 virtual hearings and trials (in every area of law: penal, juvenile justice, domestic violence, family, labor, administrative, and civil law). In addition, there were 88 trials aired live through the Judiciary's portal (Poder Judicial, 2022a, p. 25).

Orality

In an accusatorial system, the principle of orality plays a crucial role in guaranteeing transparency, efficiency, and immediacy. All parties must present their arguments orally, and the debate should take place within a hearing, which ensures that the process is speedy and fair. Pretrial hearings should be concise, while hearings during an oral trial may last for days or even months, depending on the severity or complexity of the case.

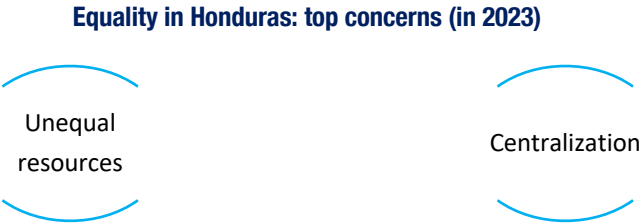


In Honduras, criminal justice operators noted that there have been many improvements since the criminal procedure code in 2002 required all decisions to be made in hearings with all parties present. However, many also noted that the majority do not “verbally litigate” in compliance with the principle of orality, which some attributed this to a persistent “inquisitorial paper culture” and a continued dependence on written arguments. For example, a trial judge may refuse to give their reasoning for a verdict at the end of a trial, and instead prefer to send their reasoning in writing later. This not only goes against the principles of immediacy and concentration, but can result in delays as parties only have three days to appeal a verdict. It was noted that usually the reasoned verdict is usually sent after those three days. Other interviewees believed part of this reliance on paper stems from insufficient training in proper litigation techniques for all criminal justice operators.

Equality

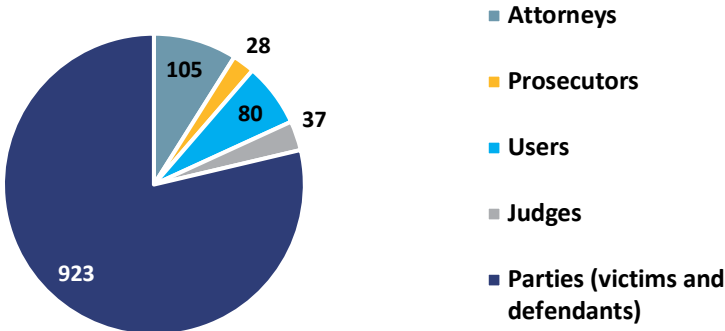
An accusatorial model should give all parties involved in a conflict a seat at the table. This means creating the conditions for an equal opportunity to participate and have access to resources. In terms of equality, our research found important improvements but also considerable challenges.

In interviews, many criminal justice operators stressed that probably the most important challenge to the principle of equality is the difference in human and material resources across institutions, in particular the disadvantaged position in which the Public Defense has to operate. This inequality negatively impacts the capacity of the Public Defense to represent their clients. The Public Defense does not have staff (like psychologists or investigators) or material resources to conduct investigations and produce exculpatory evidence. Also, the Public Prosecutor’s Office refuses requests from defenders to produce such evidence (though rarely requested). There is also a centralization of resources in the capital area, increasing challenges for most jurisdictions.



Probably the best effort to improve equal access to justice has been the creation of Electronic Judicial File System (*Sistema de Expediente Judicial Electrónico, SEJE*). Implemented in 2021, by 2022 the SEJE was already operating in 13 criminal jurisdictions, and 133 attorneys were registered (Poder Judicial, 2022a, p. 25). Although, it is still in its early stages and far from working in all jurisdictions, if SEJE is used as a tool to provide access, efficiency, and transparency, then it has the potential to greatly improve equality in the long term.

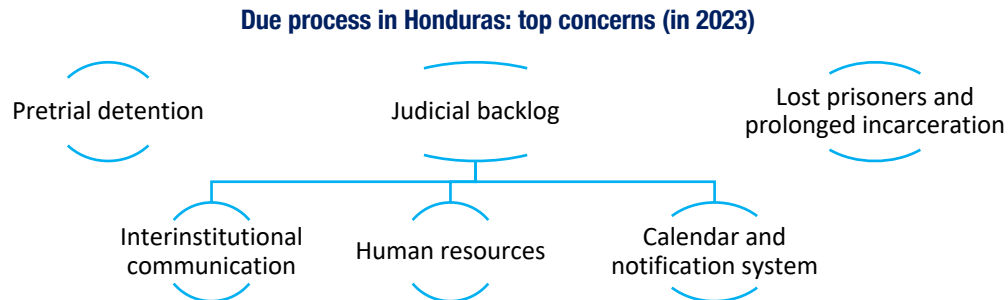
Equality in Honduras: Use of SEJE by type of user (2022, nationally)



Source: Poder Judicial, 2022a.

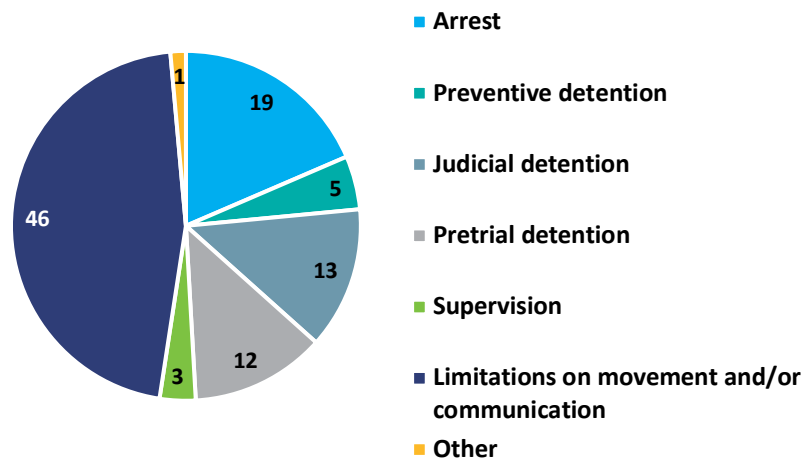
Due process

The fundamental concept behind the principle of due process is that the entire legal process should be just and free from any unnecessary delays. Among the most urgent concerns expressed among our interviewees were related to due process rights.



Many criminal justice operators agreed that pretrial detention is used more than it should be in Honduras. This in part results from penal law which makes pretrial detention mandatory for some of the most common serious crimes in Honduras. Official statistics do show that 49% of judicial decisions related to preventive measures involved restraining an individual in jail or prison (arrest, preventive detention, judicial detention, and pretrial detention).

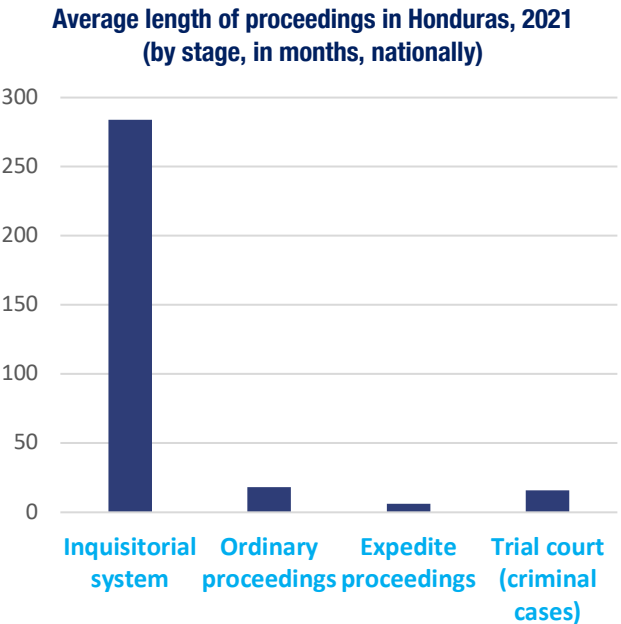
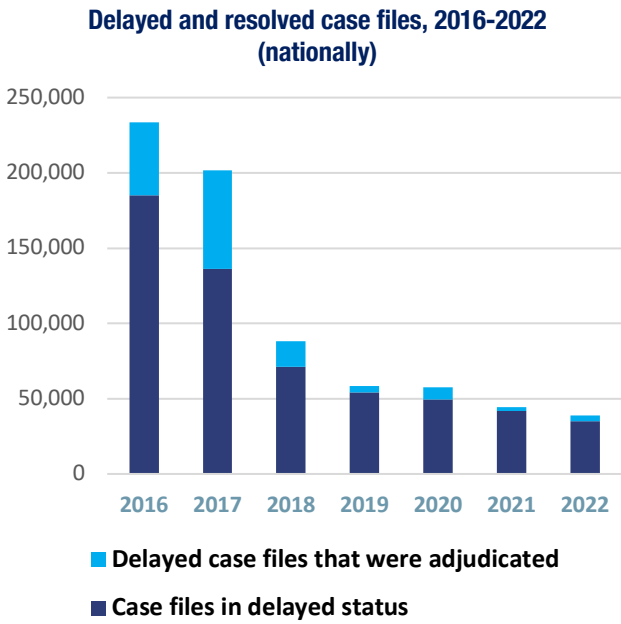
Judicial decisions related to preventive measures in pretrial courts in Honduras, 2022 (nationally)



Source: Boletín Estadístico Judicial 2022, Unidad de Estadística, CEDIJ.

Grave violations to due process emerge when judicial backlogs extend beyond what is meant to be a temporary situation, and become an indefinite detention leaving defendants in legal uncertainty for months or years. Some interviewees reported that this is further aggravated when an prisoner is moved from one prison to another and, due to a lack of interinstitutional communication and poor case management, this individual is left unaccounted for. Similarly, after completing their sentence, interviewees noted that it was not uncommon for convicts to stay in prison longer than their sentence required because of delays or mistakes in the determination of their sentencing term. Therefore, all these issues burden the system with unnecessary delays and costs for all parties involved, but particularly for the accused.

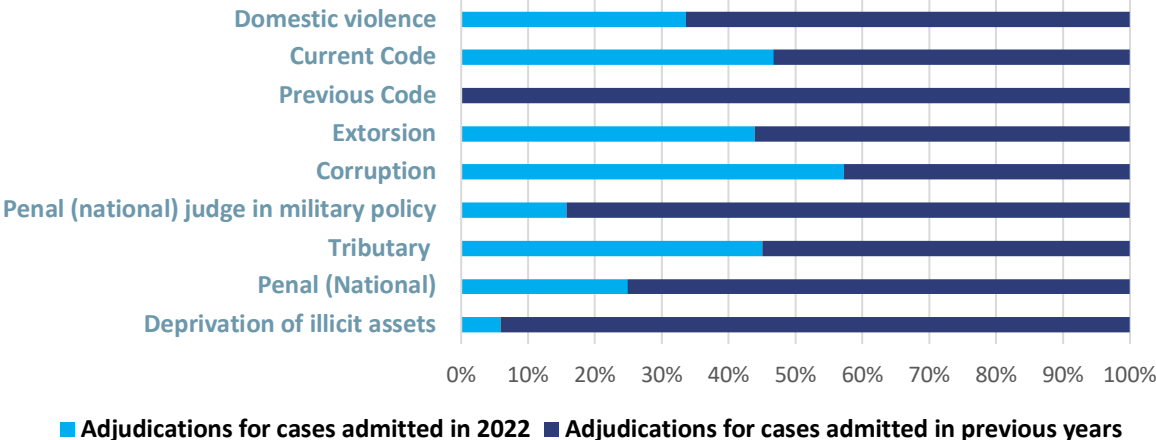
Looking at official statistics it is clear that moving towards an accusatorial model of criminal prosecution did decrease the average time of proceedings. A case in the inquisitorial system could take, on average, 284 months, compared to 16 months a criminal case that reaches a trial court. Furthermore, the total number of cases in delayed status has decreased over time.



Source: Poder Judicial, 2022a.

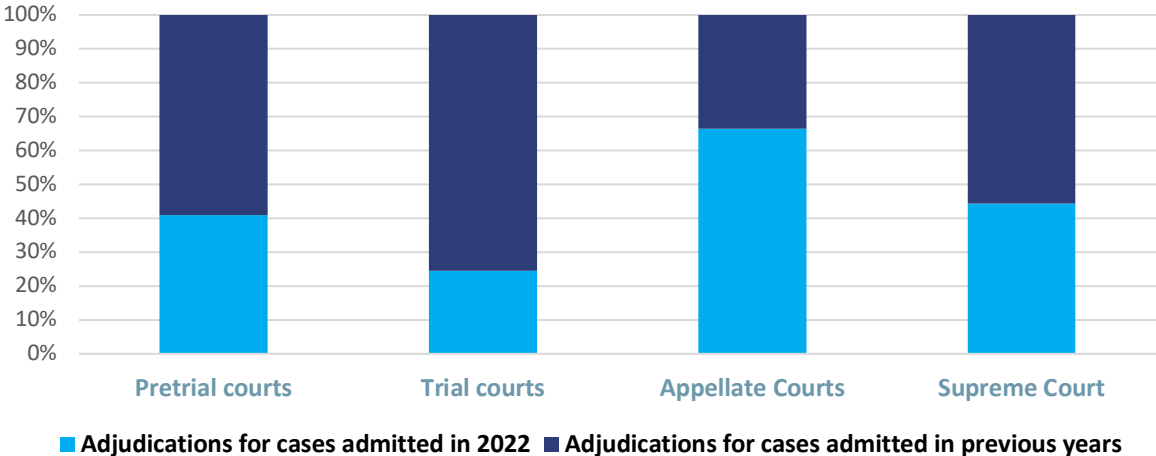
Despite these important improvements, there are still some backlogs and delays. Looking at the pretrial courts, most adjudications in 2022 were related for cases admitted in previous years, though there are important variations by type of crime. Some interviewees attributed judicial backlog in part to a scarcity of human resources and to the lack of a coordinated and efficient calendar and notification system. Hearings are canceled for many reasons including lack of notification to parties or lack of transportation for the defendant from the prison to the court. Virtual hearings, as noted earlier, were reported also canceled for lack of proper technological infrastructure. This has serious consequences for prisoners as they are thus forced to wait months (or years) to get released or convicted.

Adjudications in pretrial courts in 2022, by year the case was admitted and type of jurisdiction (nationally)



Source: Boletín Estadístico Judicial 2022, Unidad de Estadística, CEDIJ.

Percent distribution of adjudications in 2022, by stage and by year the case was admitted (nationally)



Source: Estadístico Judicial 2022, Unidad de Estadística, CEDIJ (only criminal cases, including extortion, corruption and domestic violence).

4. PRISONERS’ EXPERIENCES WITH THE JUSTICE SYSTEM AND PERCEPTIONS OF PROCEDURAL JUSTICE

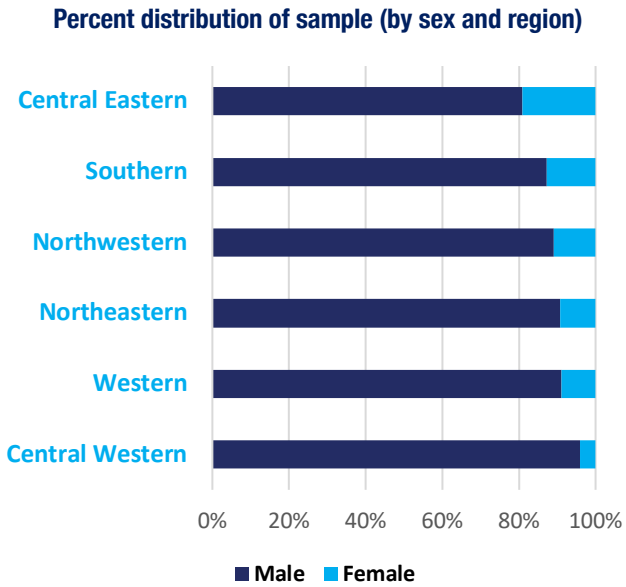
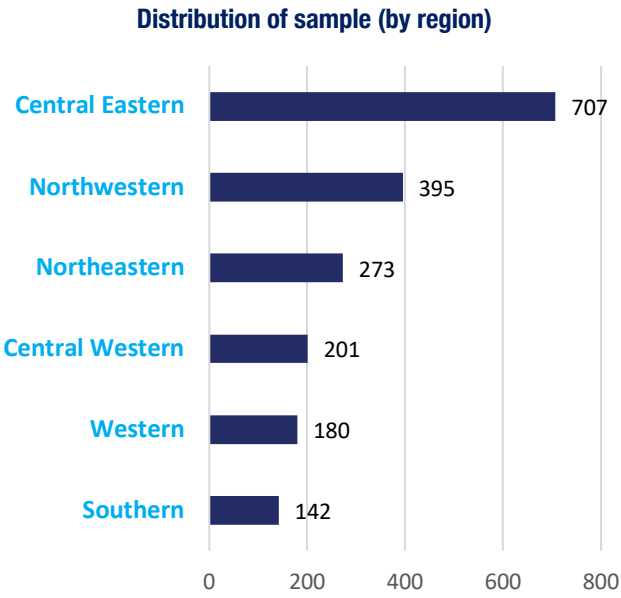
This and the following chapter review our findings from the *Inmate Perceptions of Procedural Justice and Correctional Standards of Care Survey* in Honduras. This chapter focuses on the experiences with the criminal justice system, from the moment of arrest to detention and conviction. Although we wanted to compare experiences with the inquisitorial and the accusatorial criminal system in Honduras, the number of respondents that had experienced the inquisitorial system was quite small (n=21), making such a comparison impossible. Therefore, we focus our comparisons on experiences with the justice system across geographical regions. This chapter first provides a description of the survey sample by region, followed by a review of the prisoners’ reported experiences with the criminal justice system.

Distribution of Sample by Region

In this chapter, we compare findings at the regional level. Six geographical regions cover the 18 departments in which the national territory is divided. Each region has at least one penitentiary center. The largest region, the Central Eastern region, has six penitentiary centers.

Region	Department	Penitentiary Center
Western/ Occidental	Ocotepeque	Ocotepeque
	Copán	Santa Rosa de Copán
	Lempira	Gracias Lempira Puerto Lempira
Northwestern/ Noroccidental	Cortés	Puerto Cortés
	Santa Bárbara	Ilama Santa Bárbara
	Yoro	El Progreso
		Olancho
Northeastern/ Nororiental	Atlántida	El Porvenir
		La Ceiba
		Tela
	Colón	Trujillo
Central Western/ Centro Occidental	Intibucá	La Esperanza
	Comayagua	Comayagua
	La Paz	La Paz Marcala
Central Eastern/ Centro Oriental	Francisco Morazán	PNFAS
		Siria
		Támara
	El Paraíso	Danlí
	Olancho	Morocelí
Southern/ Sur	Choluteca	Juticalpa
	Choluteca	Choluteca
	Valle	Nacaome

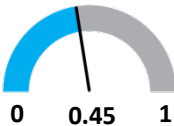
As discussed earlier, our sample consisted of 1,898 individuals in prison. We asked participants to identify the department in which their court proceedings took place. About 37% of the individuals interviewed experienced proceedings in departments within the Central Eastern region. The majority of the sample were males. The Central Eastern region had the largest percentage of females interviewed (19%) when compared to respondents in other regions.



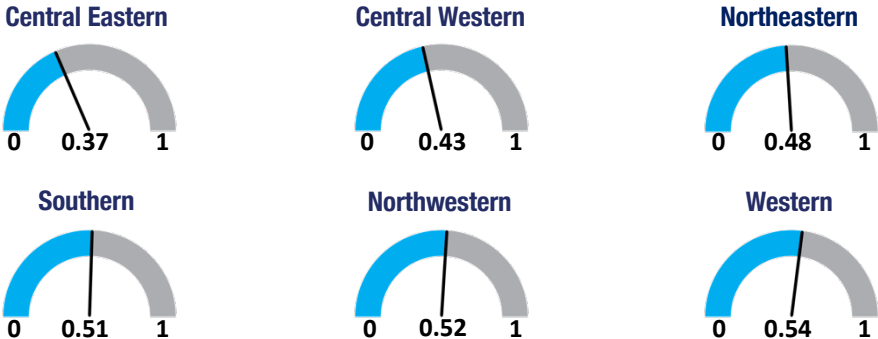
Perceptions of Procedural Justice

Perceptions of access to justice and trust in the rule of law are shaped by individual experiences with the justice system. The Procedural Justice Index below reports the overall extent to which defendants perceived the criminal proceedings as fair and just. It is important that individuals perceive that the process is fair, neutral and based on facts, and that they have a voice in the process, as this can lead to an increase in overall trust in the justice system. Regardless of outcome, this can also lead to more satisfaction with the process. However, individuals must also have positive experiences with the various actors they interact with and, in particular, they must feel respected. Mistreatment can negatively impact satisfaction with judicial outcomes, and at the same time it erodes overall trust in the criminal justice institutions and in the rule of law. Our Procedural Justice Index ranges from 0 to 1, with numbers closer to one indicating better perceptions of procedural justice. Overall, we found that perceptions of procedural justice are low in Honduras (0.45), with slightly better experiences reported with the justice system in the Western region (0.54) and worse experiences in the Central Eastern region (0.37).

Procedural Justice Index (nationally)



Procedural Justice Index (by region)



Perceptions of fair decision-making and fair treatment

In Honduras, the perception of fair decision-making is moderate (0.56), but slightly higher among respondents in the Northwestern region (0.66), when compared to those in Central Eastern (0.48). The perception of fair treatment is low (0.33), with higher perceptions among respondents in the Western region (0.45) when compared to respondents in the Central Eastern region (0.26). The majority of respondents feel that proceedings are unfair. However, a larger percentage of detainees (64%) felt the proceedings were unfair when compared to convicted respondents (58%). Regardless of legal status, respondents in the Central Eastern region had the worst perceptions on fairness of proceedings.





**Perception of fair decision-making
(nationally and by region)**





Region	Mean
Central Eastern	0.48
Central Western	0.50
National	0.56
Northeastern	0.62
Western	0.63
Southern	0.65
Northwestern	0.66

**Perception of fair treatment
(nationally and by region)**

Region	Mean
Central Eastern	0.26
National	0.33
Northeastern	0.33
Central Western	0.36
Southern	0.37
Northwestern	0.38
Western	0.45

Criminal proceedings are fair (by legal status, nationally and by region)

 Region			
Central Eastern	21%	9%	70%
Central Western	22%	10%	67%
Northwestern	27%	9%	64%
National	26%	10%	64%
Southern	23%	15%	62%
Northeastern	30%	9%	61%
Western	37%	17%	46%

 Region			
Central Eastern	8%	28%	64%
Northeastern	11%	31%	59%
National	12%	30%	58%
Northwestern	16%	29%	55%
Central Western	13%	34%	53%
Western	18%	30%	51%
Southern	17%	33%	51%



Detained



Convicted



Very fair



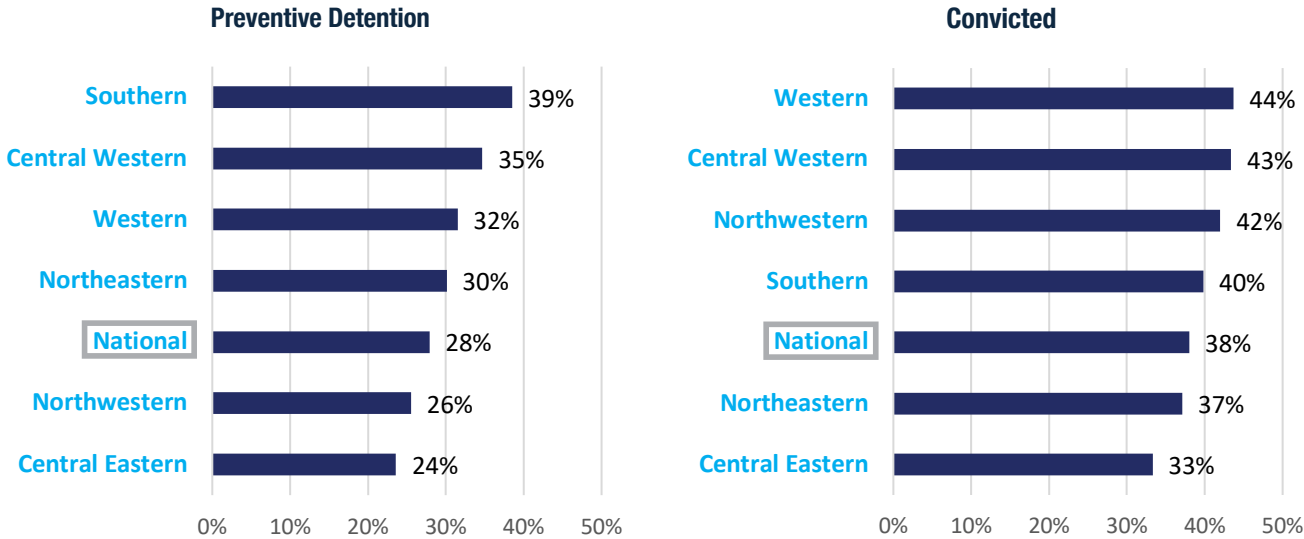
A little fair / Somewhat fair



Not at all fair

The majority of respondents did not feel like they could express their point of view during proceedings. Only 28% of detainees agreed they were able to express their point of view during legal proceedings, compared to 38% of convicted respondents. Respondents in the Central Eastern region, regardless of legal status, had lower rates of agreement compared to other regions. Detainees in the Southern region (39%) and convicted individuals in the Western region (44%) were most likely to report they could express their view.




Percent respondents that were able to express their point of view (by legal status, nationally and by region)






Understanding

Overall perceptions of procedural justice can be negatively impacted by an individual’s understanding of proceedings. Very few respondents indicated they understood the proceedings. Thirty-six percent of respondents indicated they did not understand the proceedings at all and 47% reported that they had little understanding of the proceedings. Understanding can somewhat be determined by a respondent’s educational background, as we found a statistically significant difference between individuals with higher education who were more likely to report that they understood the proceedings “a lot”, compared to those with less education.

Understanding of proceedings (nationally and by region)

Region	 A lot	 A little / Somewhat	 Not at all
Southern	23%	41%	36%
Northwestern	20%	47%	33%
National	17%	47%	36%
Central Eastern	17%	45%	38%
Western	14%	55%	31%
Central Western	13%	45%	42%
Northeastern	12%	51%	37%

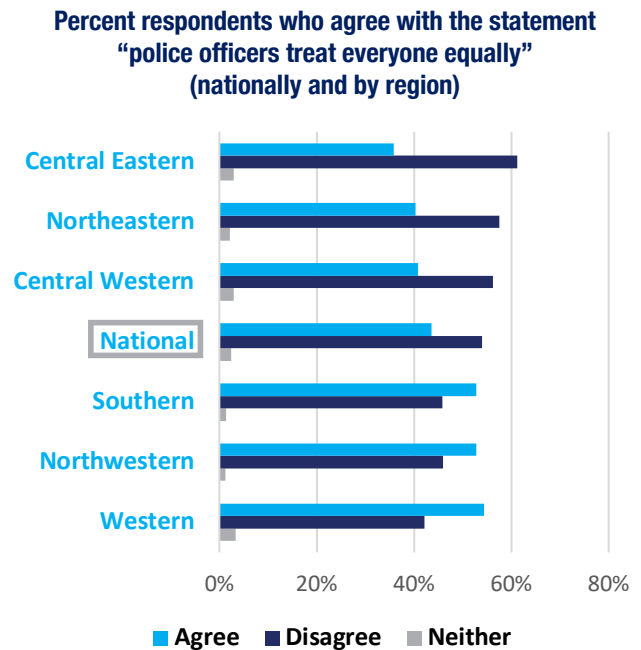
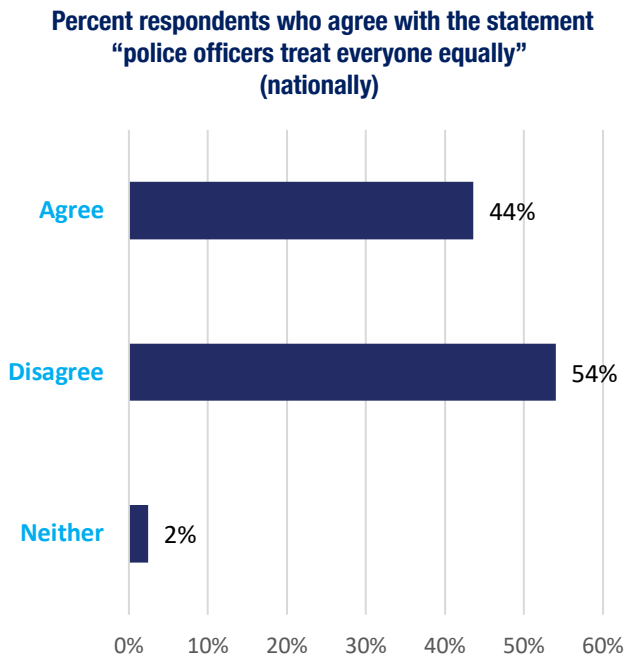
Understanding of proceedings (by level of education)

Level of education	 A lot	 A little / Somewhat	 Not at all
8th grade or less	16%	46%	38%
Some high school	17%	54%	30%
High school diploma	16%	48%	36%
Some college	27%	43%	30%
College or more	48%	28%	24%

* p < .032

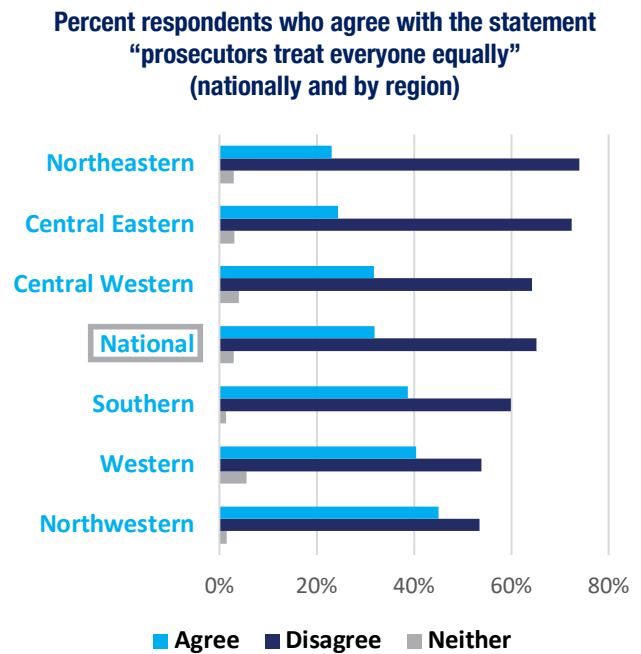
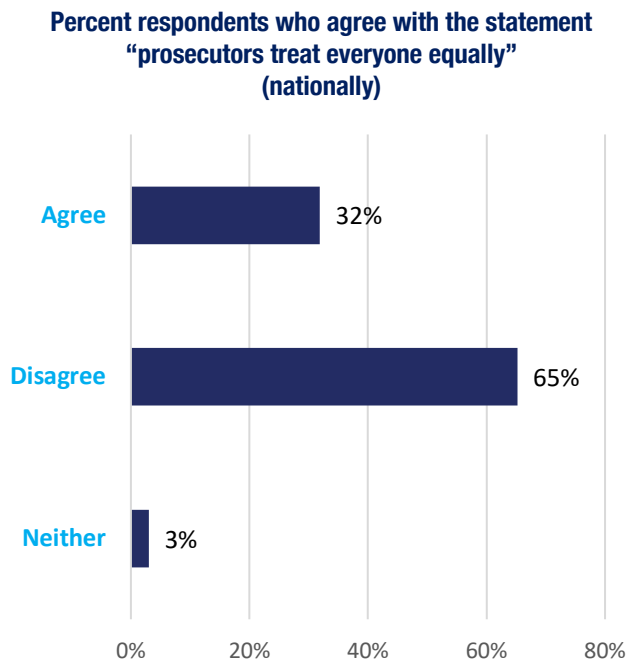
Opinion of police

Perceptions of fair treatment are partially shaped by opinions about how criminal justice actors treat citizens in general. The majority of respondents (54%) disagreed with the notion that police officers provide equal treatment to all citizens. However, there were important variations across regions. Respondents processed in the Western region were slightly more favorable in their responses, with 54% of respondents agreeing that police officers provide equal treatment to citizens, whereas only 36% in the Central Eastern region felt the same way.



Opinion of prosecutors

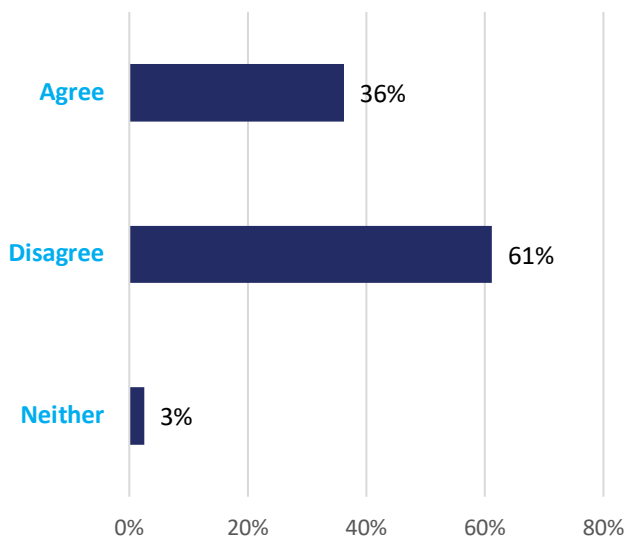
The majority of respondents (65%) also disagreed with the notion that prosecutors treat everyone equally. Interestingly, more respondents in the Northwestern region (45%) agreed with this statement, when compared to those in the Northeastern region (23%).



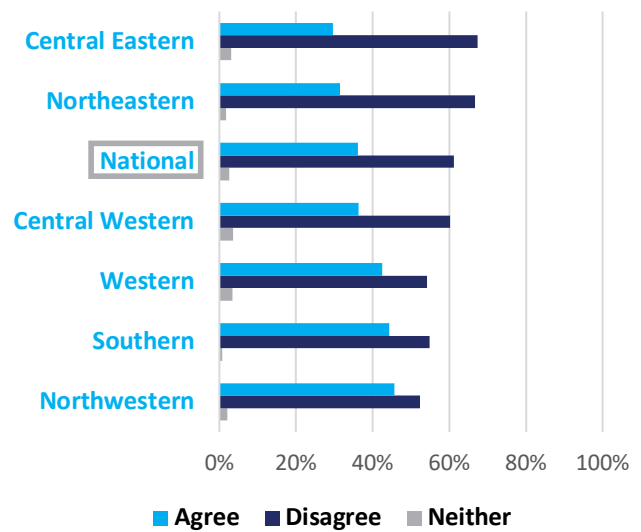
Opinion of judges

The perception of neutrality is an important component in an individual’s perception of procedural justice. Because of this, the judge is key in an accusatorial system. Neutrality in the judicial function is also necessary for the rule of law. Overall, about a third of respondents (36%) agreed that judges treat everyone equally. However, there are also variations across regions. About 46% of respondents in the Northwestern region agreed that judges treat everyone equally, compared to 30% of those in the Central Eastern region. Respondents generally agreed that judges protect the rights of individuals in prison. In the Western region, 64% respondents agreed that judges protect the rights of incarcerated people compared to 40% of respondents in the Central Eastern region.

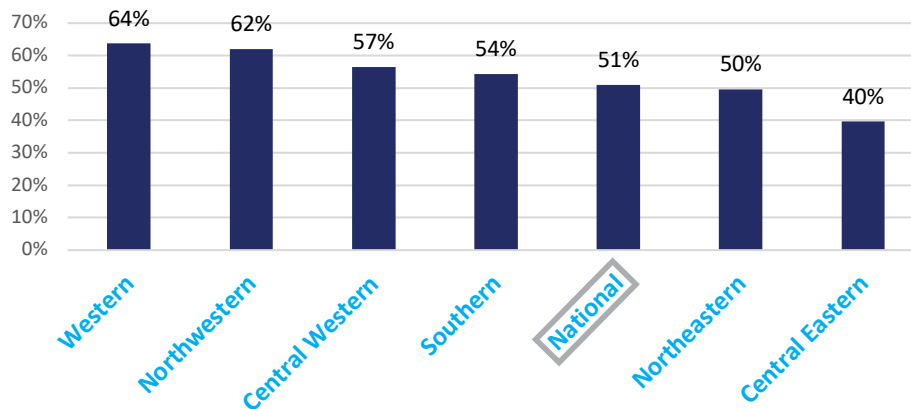
Percent respondents who agree with the statement “judges treat everyone equally” (nationally)



Percent respondents who agree with the statement “judges treat everyone equally” (nationally and by region)







Percent respondents who agree with the statement “judges protect the rights of the individuals that are in prison” (nationally and by region)







Experiences During Arrest

Procedural justice, and in particular, perceptions of fairness in treatment, is also shaped by the various experiences individuals have from the moment of arrest and throughout criminal proceedings. In Honduras, 40% of respondents were arrested with an arrest warrant or in flagrante (34%) (that is, at the crime scene). About 14% of respondents reported they had been arrested during a police raid. Individuals processed in the Western region were more likely to have been arrested as the result of a warrant, whereas those in the Northeastern region (38%) were more likely to be arrested in flagrante. The vast majority of the respondents (85%) were immediately sent to jail after their arrests and about 5% were sent to a court.

**How was the respondent arrested?
(nationally and by region)**

Region	 Arrest warrant	 Crime scene	 Police raid	 Other
Western	61%	26%	8%	5%
Central Western	45%	30%	9%	16%
Southern	40%	35%	12%	13%
National	40%	34%	14%	16%
Northeastern	39%	38%	13%	12%
Northwestern	38%	33%	19%	11%
Central Eastern	35%	36%	16%	13%

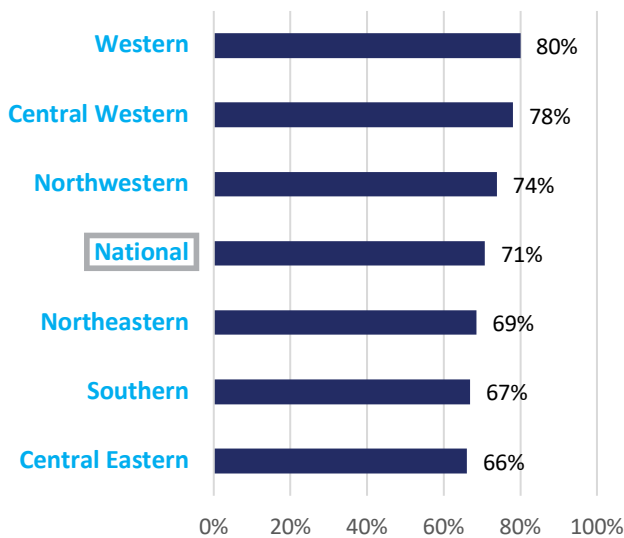
**Where was the respondent held in custody after arrest?
(nationally and by region)**

Region	 Police station	 PPO	 Court	 Other
Northeastern	88%	6%	3%	3%
Northwestern	87%	4%	5%	5%
Southern	87%	4%	2%	7%
Western	86%	7%	2%	5%
National	85%	5%	5%	5%
Central Western	84%	6%	7%	4%
Central Eastern	83%	5%	7%	6%

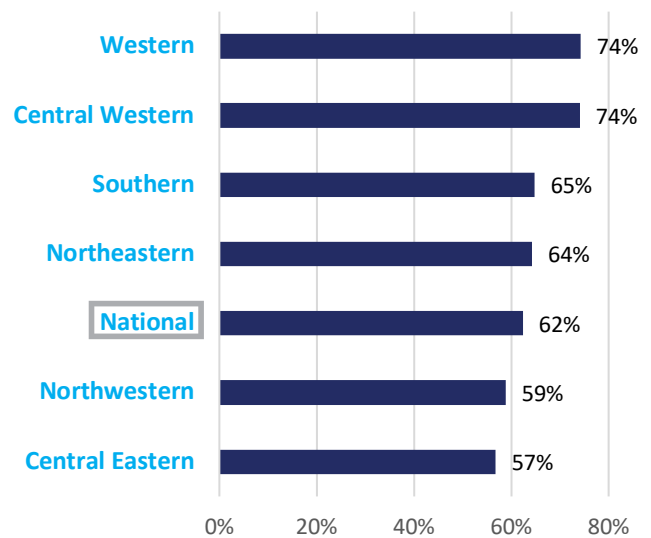
Due process rights

In Honduras, the accused have the right (1) to be informed about the act of which they are being accused, (2) to know the identity of who is arresting them, (3) to have legal counsel, (4) to withhold from speaking or declaring without it being held against them, and (5) to be taken to a judge as soon as possible (Art. 101, Decree 9-99 E). The majority of participants were informed of their rights after their arrest. However, more respondents reported they were informed of their right to remain silent (71%) compared to their right to an attorney (62%). The most common setting for giving their initial testimony was in the police station (39%). The majority did not feel heard by the police at the moment of arrest (61%).

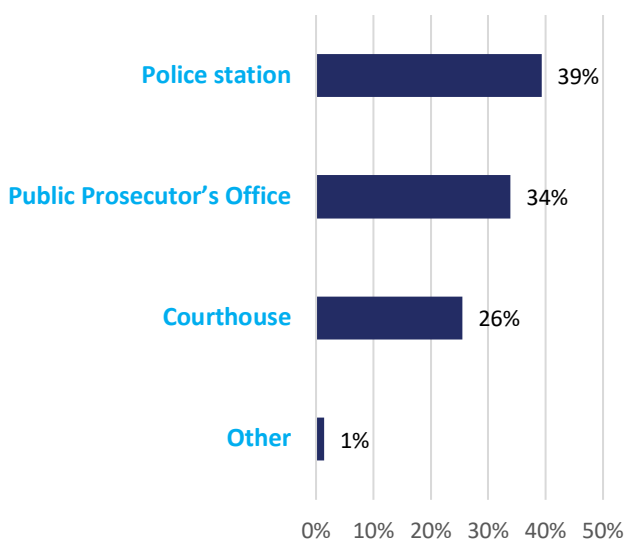
Percent respondents informed of their right to remain silent (nationally and by region)



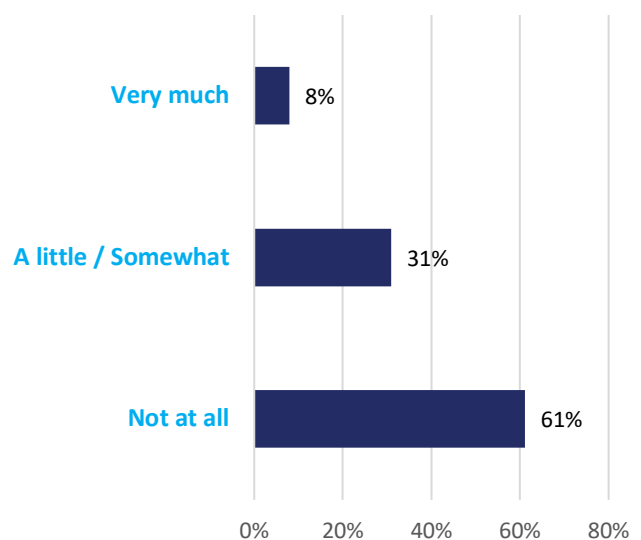
Percent respondents informed of their right to an attorney (nationally and by region)



Location of the initial testimony



At the time of arrest, how much did the police listen to you?

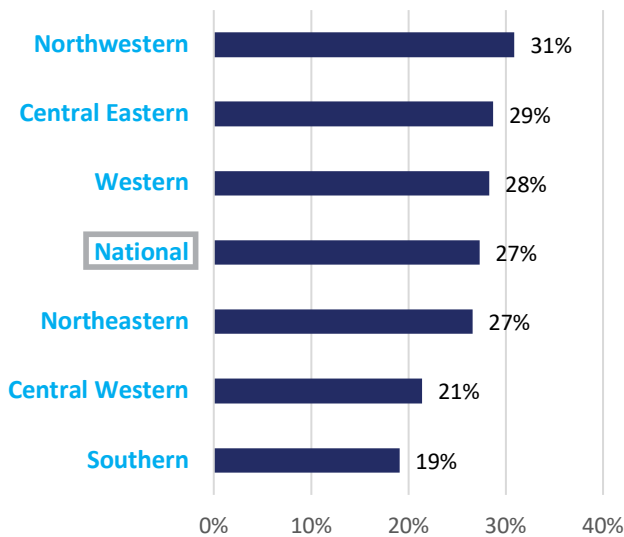


Among respondents, the top crimes that individuals were charged with after their arrest involved crimes against public order (1%), weapons (5%), drugs (14%), property (23%), and against the person (54%). There are interesting variations to highlight across regions. In the Western region, 82% respondents were charged with crimes against the person (this includes violent crimes such as crimes against life, domestic violence, and sex crimes), more than the national rate. In the Southern region, 25% reported being charged drug crimes, also above the national rate. Twenty-seven percent of all respondents were accused of possessing a firearm at the time of arrest, and 23% were accused of using a firearm during the commission of the crime.

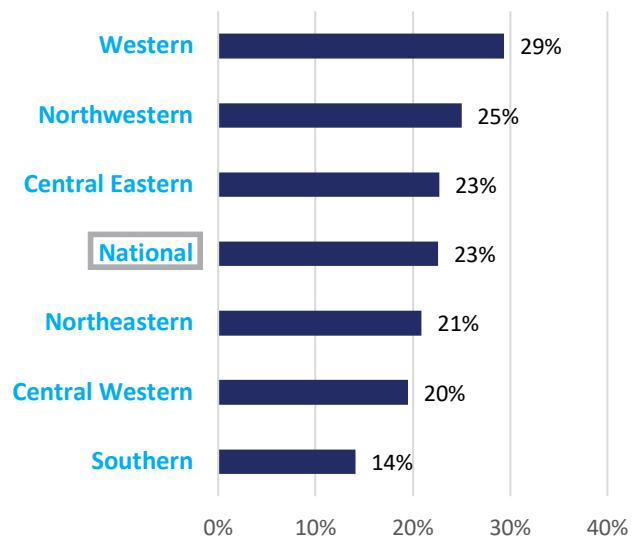
Top 5 crimes accused of at the time of arrest (nationally and by region)

Region	Public order	Weapons	Drugs	Property	Person
Central Eastern	2%	5%	5%	28%	46%
Western	1%	1%	7%	8%	82%
National	1%	5%	14%	23%	54%
Northwestern	1%	8%	14%	24%	50%
Southern	1%	6%	25%	20%	48%
Central Western	0%	5%	17%	14%	62%
Northeastern	0%	4%	12%	25%	56%

Percent respondents accused of possessing a firearm during crime (nationally and by region)



Percent respondents accused of using a firearm during crime (nationally and by region)



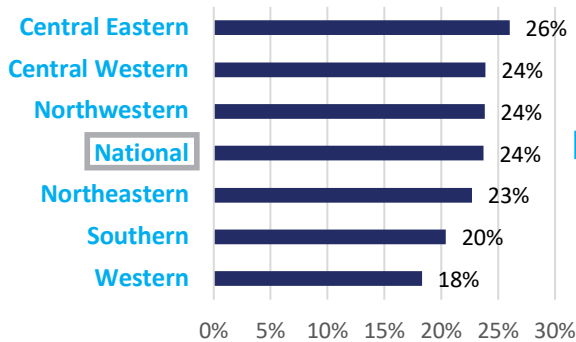
Experiences of Mistreatment After Arrest

Treating individuals who are in custody, following an arrest, with dignity and respect can shape their perceptions of access to justice and procedural justice. In Honduras, a significant number of individuals reported important abuses or mistreatment while in the custody of authorities after their arrest. The abuses that were most widely reported relate to due process rights (threats with false charges and denial of communication), physical integrity rights (experiencing beatings or being forced to undress), and economic rights (access to food and water). Respondents most often identified the police as the responsible party. In most cases, respondents indicated that they did not report abuse or mistreatment because they were not allowed to report it or because they feared retaliation.

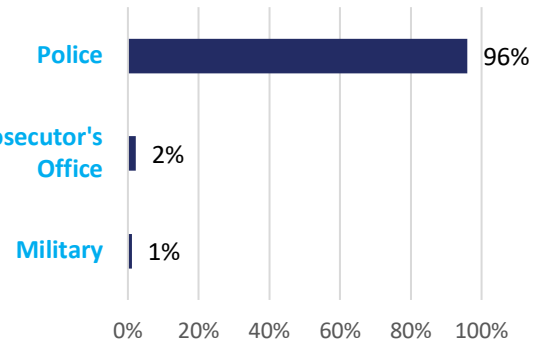
Access to food

About 24% of our sample was denied access to food while in custody after their arrest. Twenty-six percent of respondents from the Central Eastern region stated that they were denied access to food. The police were identified as the primary party responsible for denying access to food. Nationally, about 15% reported to authorities this denial, with a larger proportion reporting the abuse in the Northwestern region. Those who did not report indicated they were not allowed to report or feared retaliation.

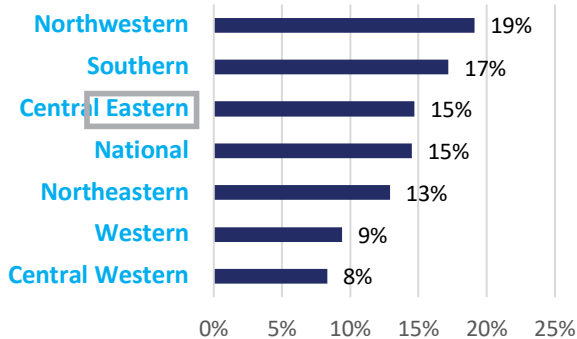
Percent respondents who were denied access to food after arrest (nationally and by region)



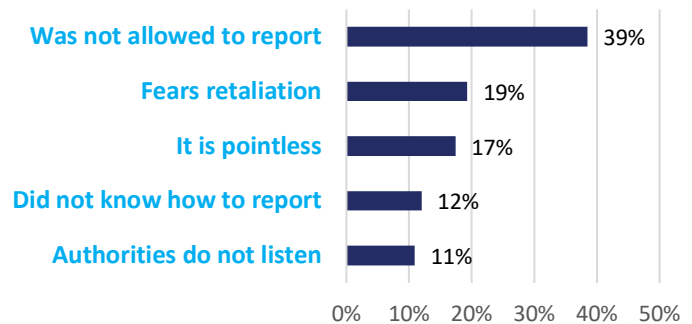
Percent respondents identifying the following actors as responsible (nationally)*



Among respondents who were denied food, percent who reported it (nationally and by region)



Top 5 reasons for not reporting having been denied access to food (nationally)*

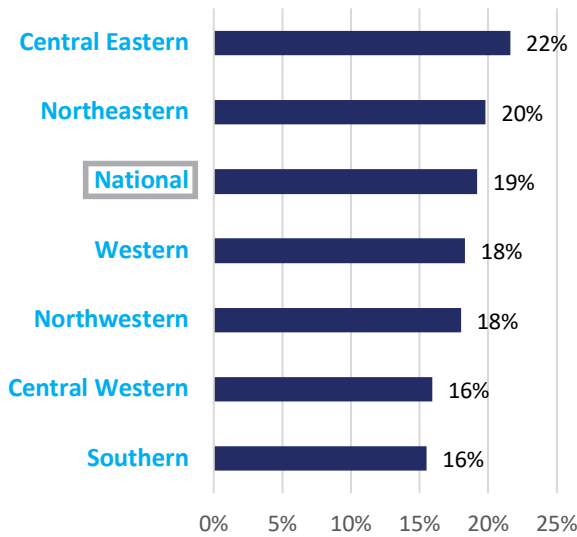


* Respondents could answer more than one item.

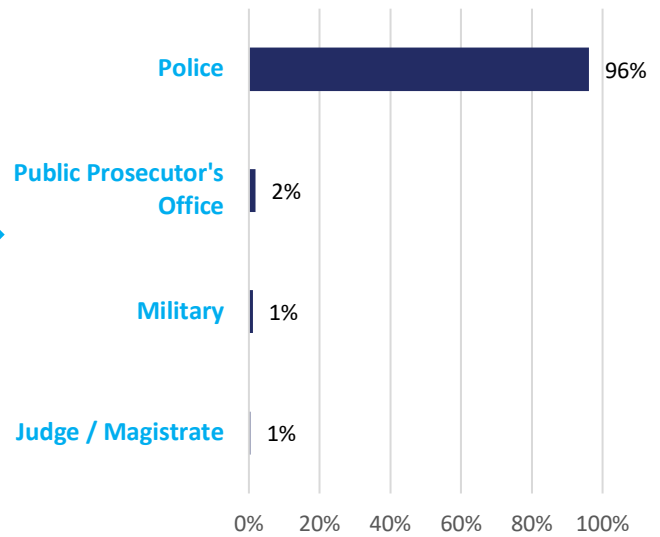
Access to water

Nationally, 19% of respondents were denied access to drinking water while in custody. The Central Eastern region had the largest percentage of respondents who reported denial of water. Most identified the police as the party responsible for denying access to water. About 13% of those respondents who were denied water reported it to an authority. More respondents in the Northwestern region reported this type of abuse compared to the other regions. The majority of those who did not report this abuse indicated they were not allowed to report this or that they feared retaliation.

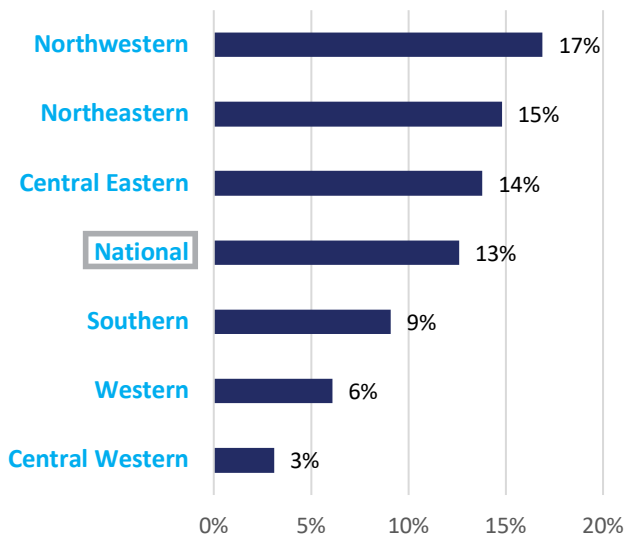
Percent respondents who were denied access to water after arrest (nationally and by region)



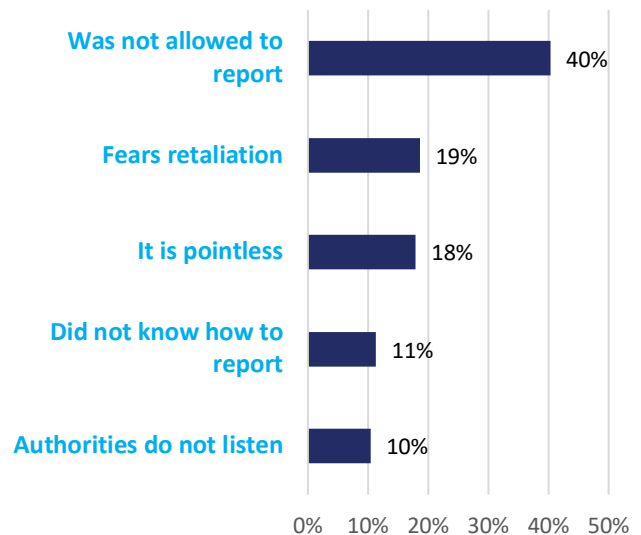
Percent respondents identifying the following actors as responsible (nationally)*



Among respondents who were denied water, percent who reported it (nationally and by region)



Top 5 reasons for not reporting having been denied access to water (nationally)*

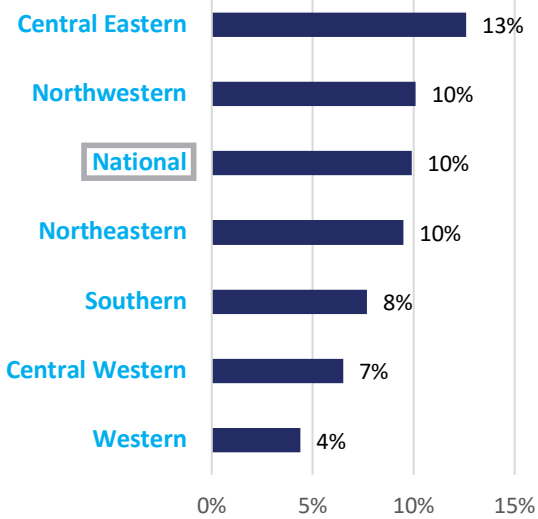


* Respondents could answer more than one item.

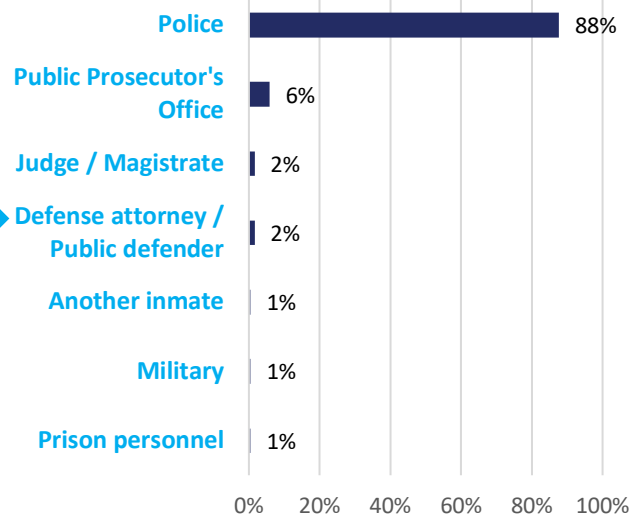
Bribes

About 10% of respondents were asked for money or a bribe by a state authority after their arrest. The percentage of respondents that were asked for bribes was slightly higher in the Central Eastern region (13%), compared to the other regions. The majority of respondents identified the police as responsible for asking for a bribe, followed by members of the Public Prosecutor’s Office. The Western region had the largest percentage of respondents (38%) that reported this behavior to an authority. As with other abuses, respondents indicated they were not allowed to report this, or that they feared of retaliation as the primary reasons for not reporting it.

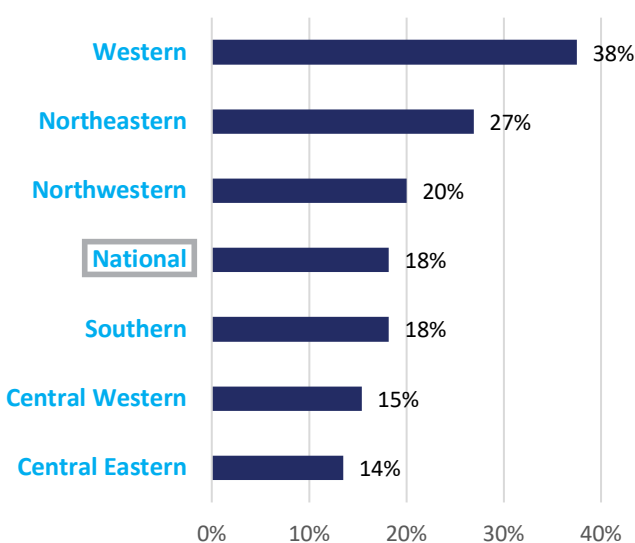
Percent respondents who were asked for a bribe after arrest (nationally and by region)



Percent respondents identifying the following actors as responsible (nationally)*



Among respondents who were asked for a bribe, percent who reported it (nationally and by region)



Top 5 reasons for not reporting having been asked for a bribe (nationally)*

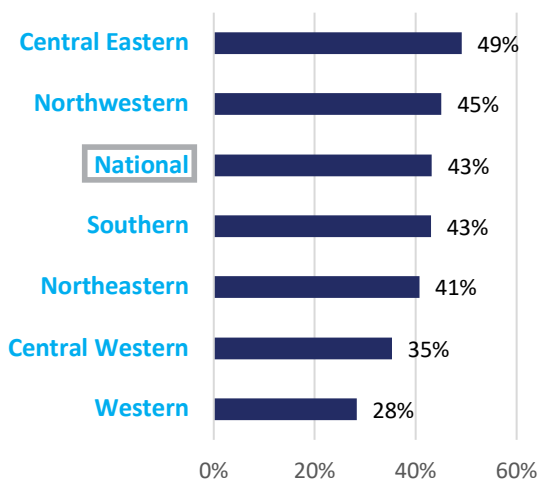


* Respondents could answer more than one item.

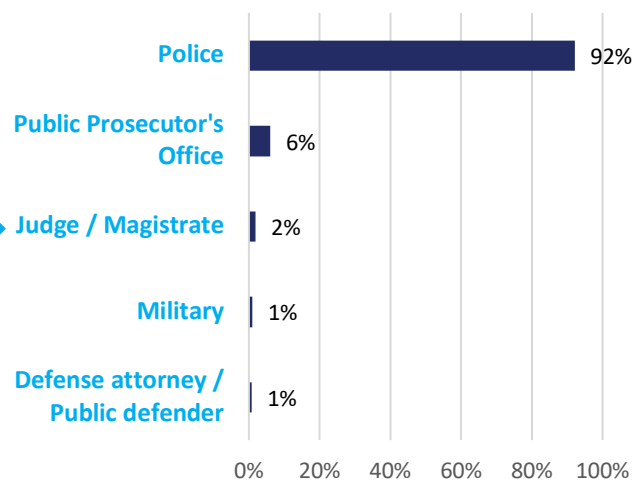
False charges

The most likely type of abuse or mistreatment experienced by respondents involved being threatened with false charges following an arrest. Forty-three percent of respondents, nationally, experienced such threats. Forty-nine percent of respondents processed in the Central Eastern region experienced such threats, compared to 28% of respondents in the Western region. Almost all (92%) identified the police as the primary source of these threats. Among those respondents who experienced threats with false charges, those in the Southern region were more likely to report the behavior to authorities. As with other types of abuse, fear of retaliation and not being allowed to report it were among the main reasons for not reporting the threats.

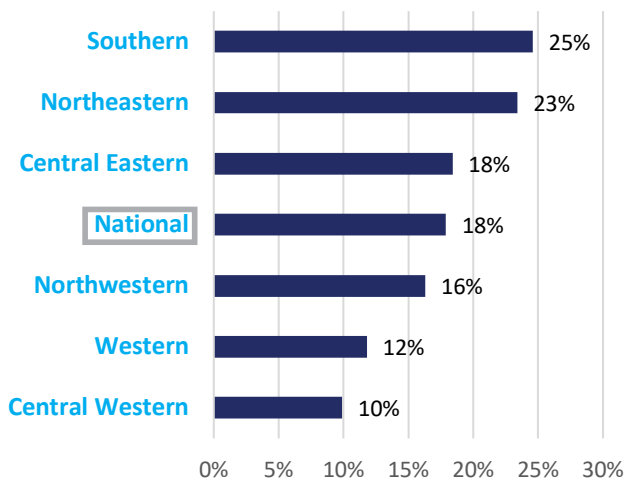
Percent respondents who were threatened with false charges after arrest (nationally and by region)



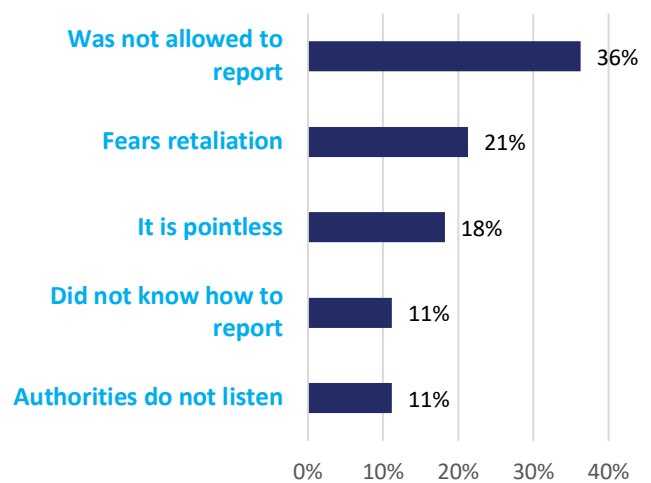
Percent respondents identifying the following actors as responsible (nationally)*



Among respondents who were threatened with false charges, percent who reported it (nationally and by region)



Top 5 reasons for not reporting having been threatened with false charges (nationally)*

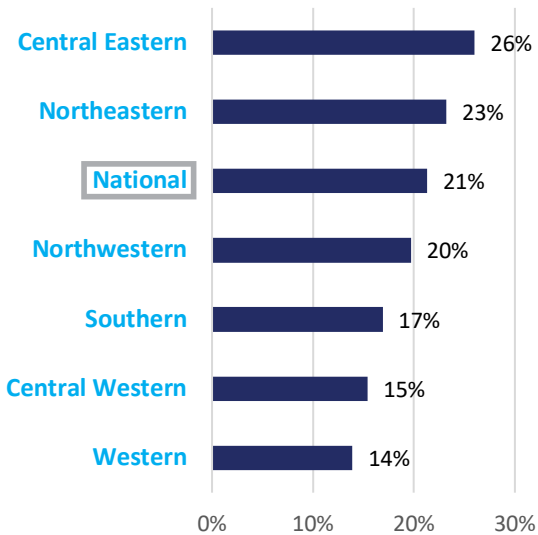


* Respondents could answer more than one item.

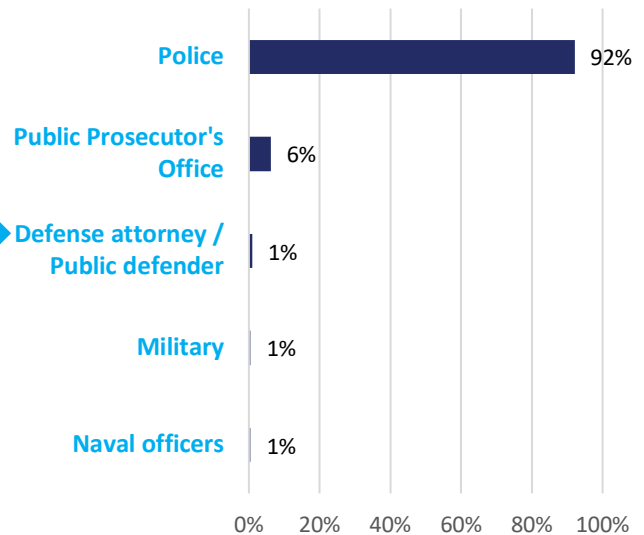
Coercion to implicate others

About 21% of respondents indicated they had felt pressured or coerced to implicate others in the crime. This perception was reported by 26% of respondents in the Central Eastern region, compared to 14% of respondents in the Western region. As with other types of mistreatments, the police and the Public Prosecutor’s Office were identified as the main source of these threats. Among those who experienced this type of coercion, about 15% reported this form of abuse. The reasons for not reporting included not being allowed to do so and fear of retaliation.

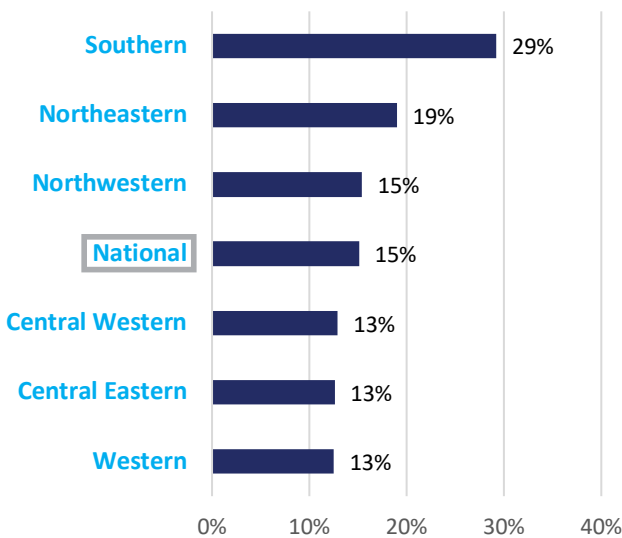
Percent respondents who were coerced to implicate others after arrest (nationally and by region)



Percent respondents identifying the following actors as responsible (nationally)*



Among respondents coerced to implicate others, percent who reported it (nationally and by region)



Top 5 reasons for not reporting having been coerced to implicate others (nationally)*

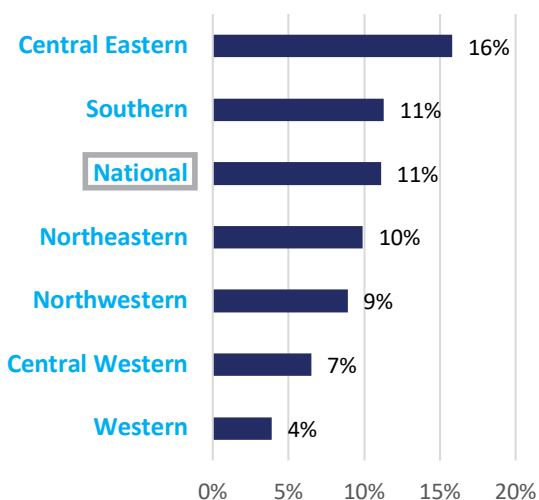


* Respondents could answer more than one item.

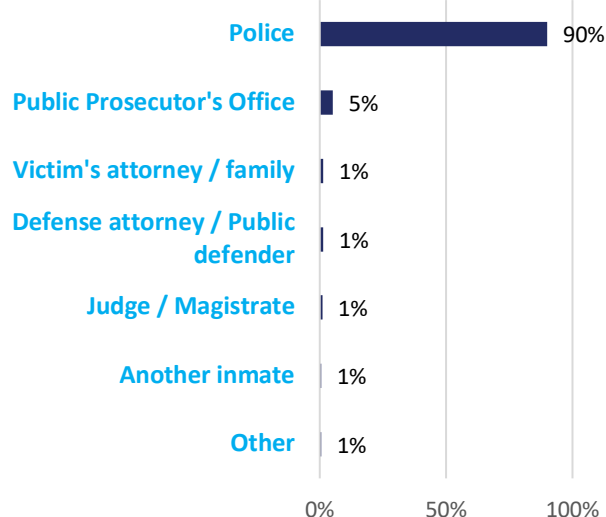
Threats against family

About 11% of those interviewed received threats against their family while in custody after their arrest. The Central Eastern region had the largest percentage of respondents experiencing this type of abuse, when compared to other regions. Among those who were threatened, the police were identified as responsible for making these threats by 90% of respondents. Among those who suffered these threats, those in the Southeast region were more likely to report this type of abuse when compared to other regions. The top reason for not reporting was fear of retaliation.

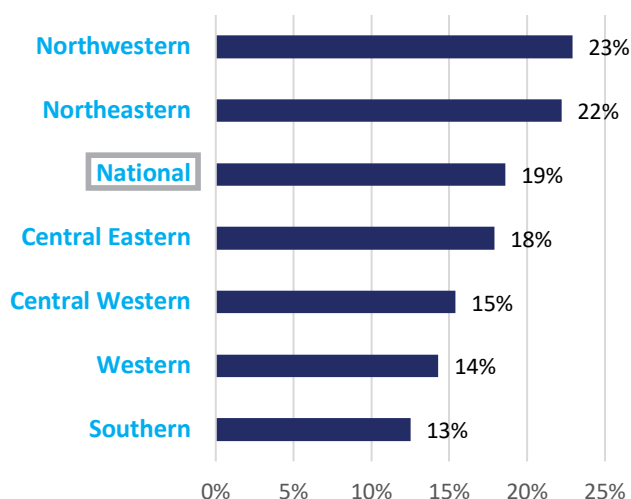
Percent respondents who suffered threats against family after arrest (nationally and by region)



Percent respondents identifying the following actors as responsible (nationally)*



Among respondents whose family was threatened, percent who reported it (nationally and by region)



Top 5 reasons for not reporting having had family threatened (nationally)*

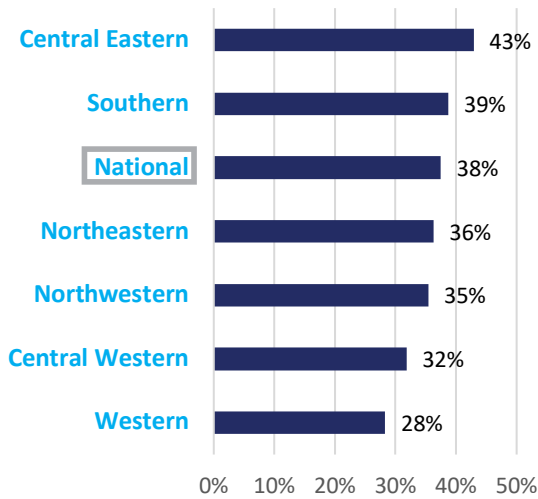


* Respondents could answer more than one item.

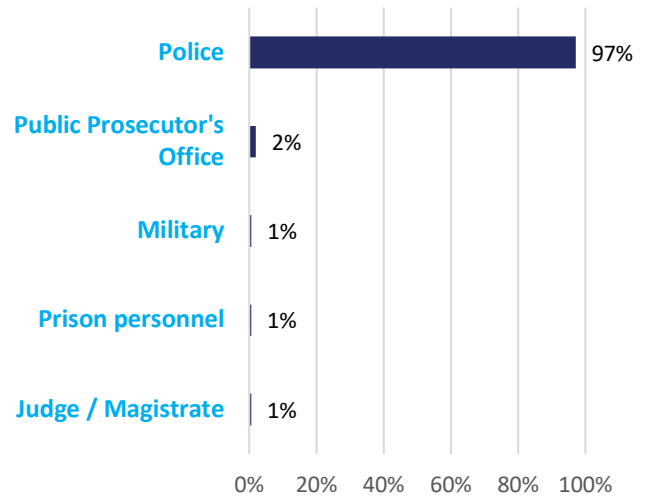
Denial of communication

Thirty eight percent of respondents indicated that they were denied communication with their relatives while in custody after their arrest. These instances were reported slightly more among individuals processed in the Central Eastern region (43%) compared to those in the Western region (28%). Most respondents who were denied communication identified the police as the institution most responsible for this behavior. Among those that reported this experience, those in the Southern region were more likely to do so when compared to other regions. Among the top reasons for not reporting this behavior to authorities were not being allowed to do so, fear of retaliation, and feeling that it was pointless.

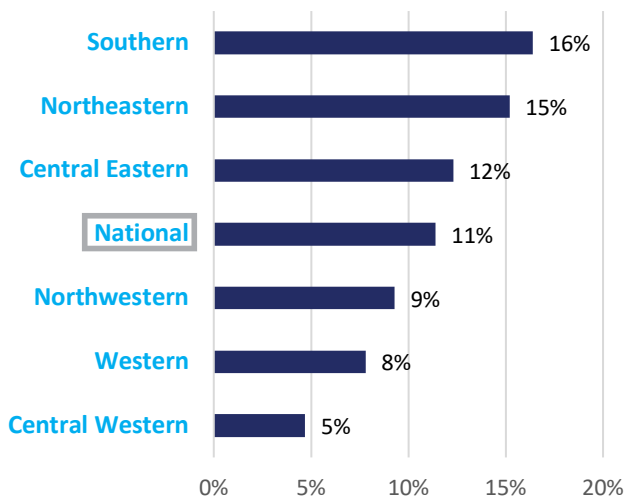
Percent respondents who were denied communication with family after arrest (nationally and by region)



Percent respondents identifying the following actors as responsible (nationally)*



Among respondents who were denied communication, percent who reported it (nationally and by region)



Top 5 reasons for not reporting having been denied communication with family (nationally)*

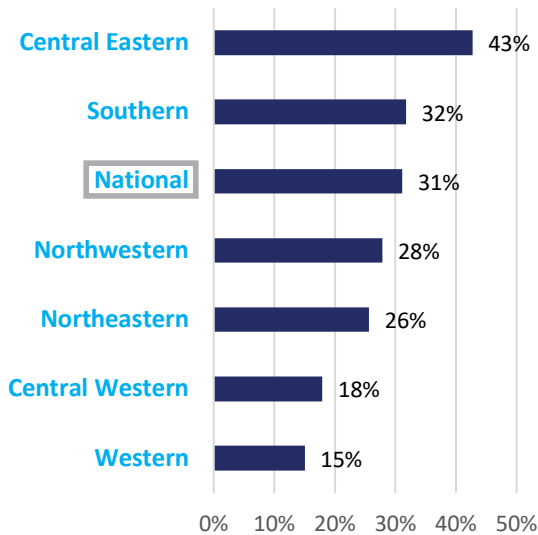


* Respondents could answer more than one item.

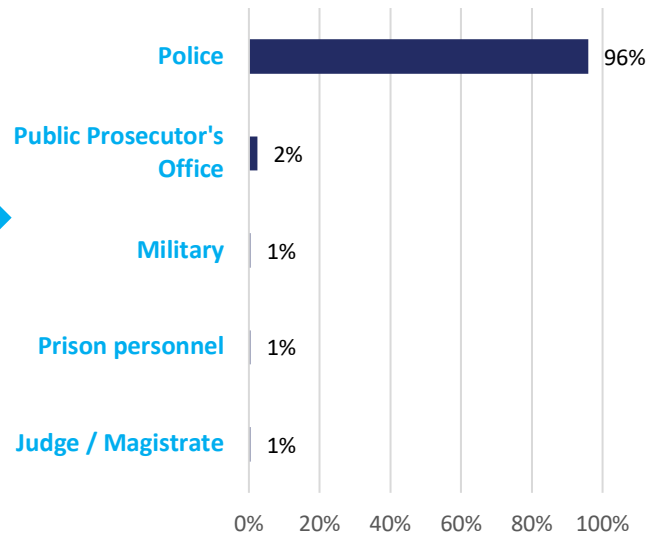
Forced to undress

A total of 31% of respondents indicated they were forced to undress while in custody. The Central Eastern region had the largest percentage of respondents (43%) reporting this experience. Most identified the police as the institution responsible for this behavior. Among those who experienced being forced to undress, 12% reported it to an authority. Respondents in the Southern region were more likely to report this experience, when compared to other regions. The primary reasons for not reporting this experience were not being allowed to report it, fear of retaliation, and feeling it was pointless to do so.

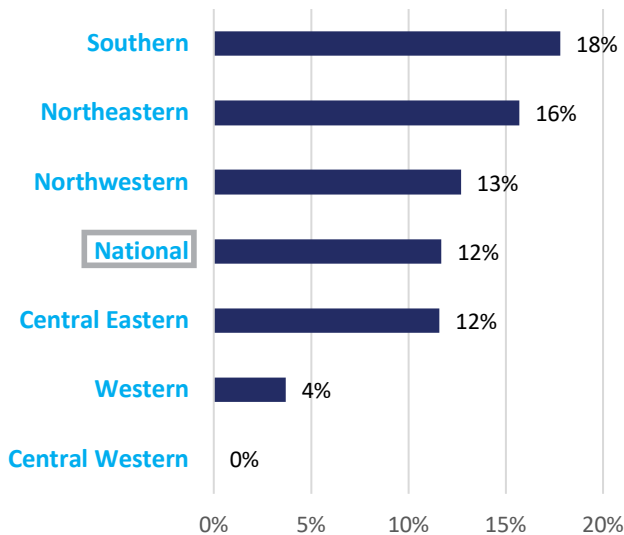
Percent respondents forced to undress after arrest (nationally and by region)



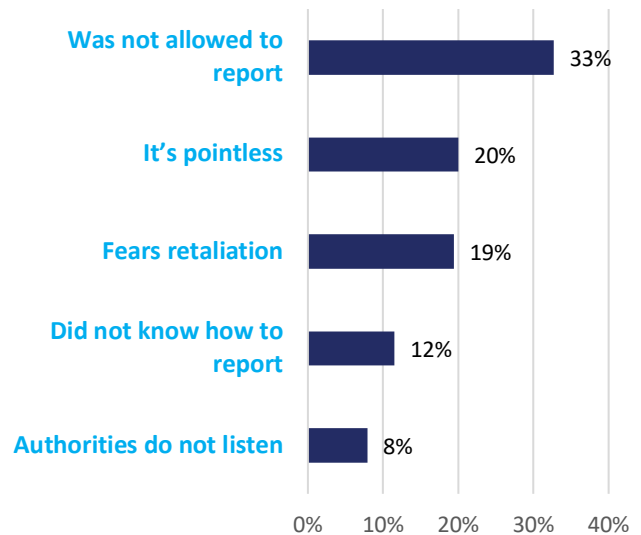
Percent respondents identifying the following actors as responsible (nationally)*



Among respondents who were forced to undress, percent who reported it (nationally and by region)



Top 5 reasons for not reporting having been forced to undress (nationally)*

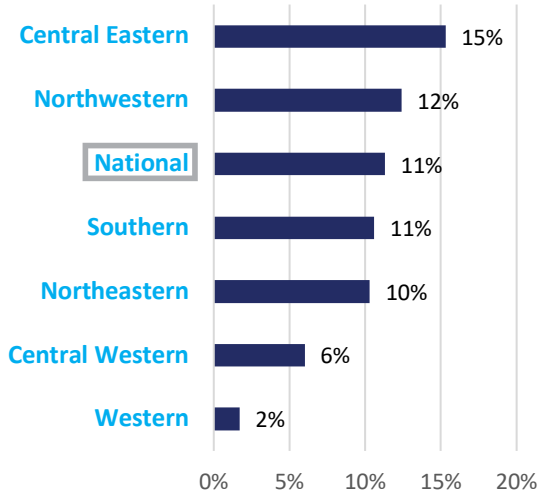


* Respondents could answer more than one item.

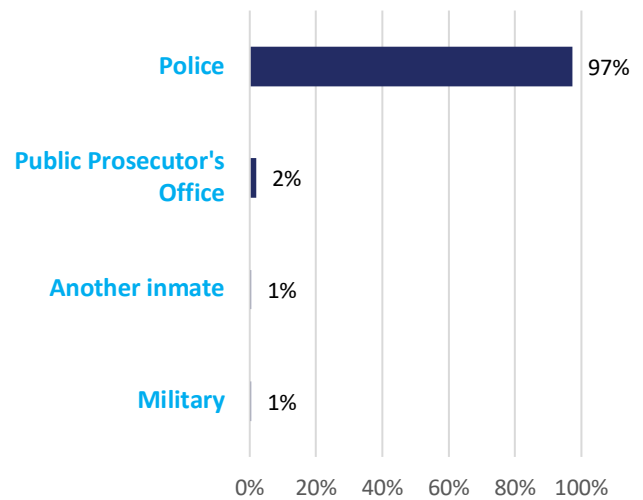
Bound or tied

About 11% respondents indicated that they were bound or tied with something other than handcuffs while in custody after their arrest. Among those who experienced this type of treatment, the majority identified the police as the actor responsible for it. Nationally, 17% of those who experienced this abuse reported it to an authority. Nineteen percent of those in the Central Eastern region reported this type of abuse to the authorities. None of the respondents that suffered this abuse in the Western region reported it. The main reasons for not reporting included not being allowed to report, feeling that it was pointless, and fear of retaliation.

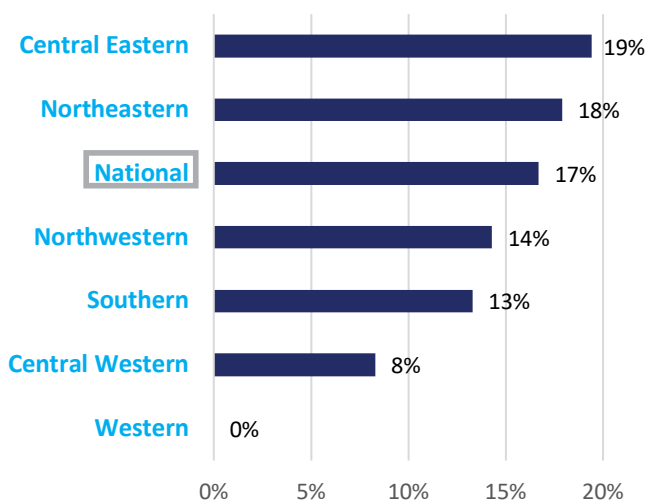
Percent respondents who were bound or tied with something other than handcuffs after arrest (nationally and by region)



Percent respondents identifying the following actors as responsible (nationally)*



Among respondents who were bound, percent who reported it (nationally and by region)



Top 5 reasons for not reporting being bound (nationally)*

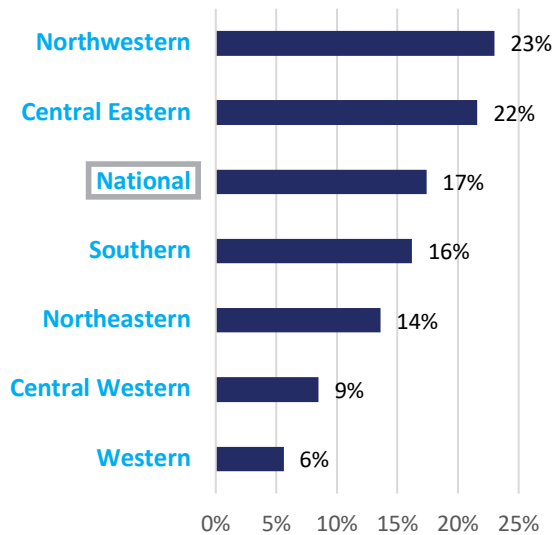


* Respondents could answer more than one item.

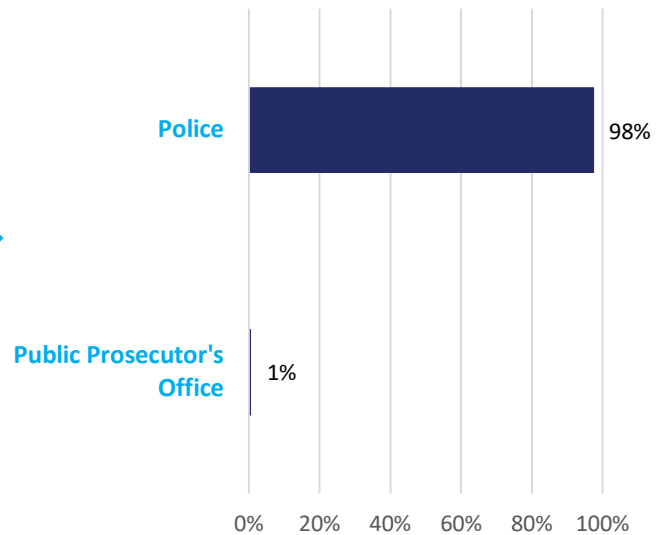
Blindfolding

Nationally, 17% of respondents said that they were blindfolded or had their head covered with a cloth while in custody after their arrest. The incidence of these reports was greater in the Northwestern region (23%) compared to the Western region (6%). As with other forms of mistreatment and abuse, the police were identified as the primary state actor responsible for this behavior. Among those who were blindfolded, only 15% reported this mistreatment to authorities. Reasons for not reporting it included not being allowed, fear of retaliation, or feeling it was pointless.

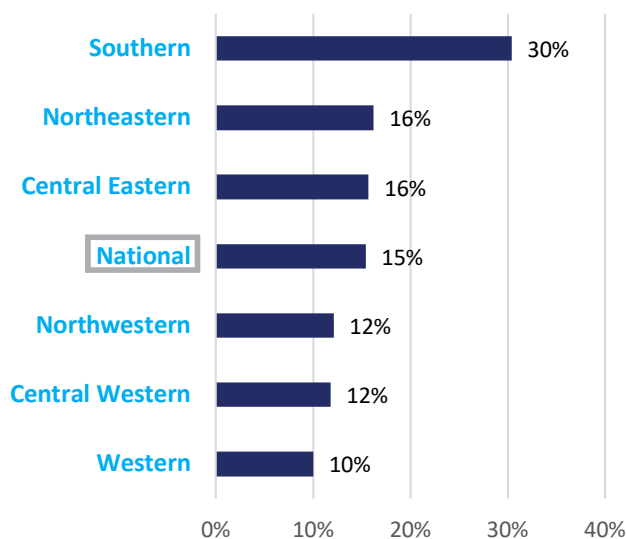
Percent respondents who were blindfolded or had their head covered with a cloth after arrest (nationally and by region)



Percent respondents identifying the following actors as responsible (nationally)*



Among respondents who were blindfolded, percent who reported it (nationally and by region)



Top 5 reasons for not reporting blindfolding (nationally)*

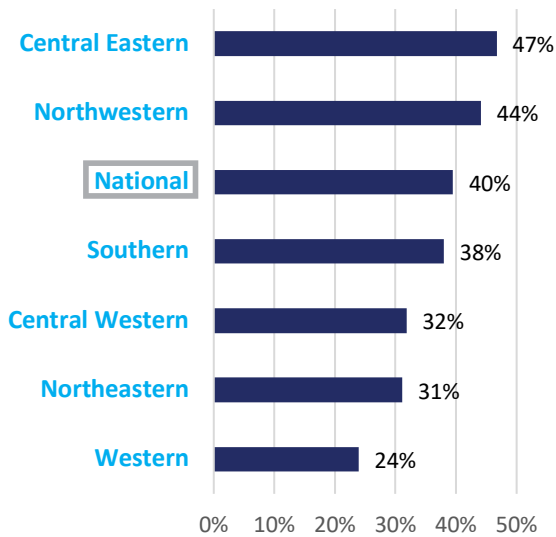


* Respondents could answer more than one item.

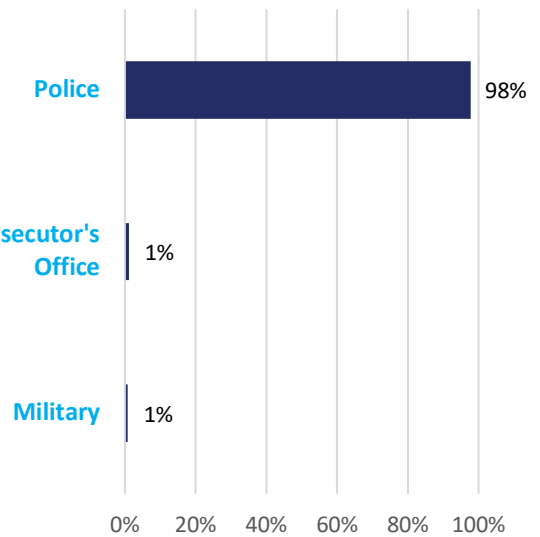
Beatings

Forty percent of respondents were beaten (punched, kicked, or pushed) while in custody after their arrest. Those in the Central Eastern region were more likely to experience this mistreatment. The police were almost universally identified as the actors responsible for this type of abuse. Among those who had been beaten, only 16%, reported the abuse to the authorities. Consistent with other abuses, main reasons for not reporting it included not being allowed, feeling it was pointless, and fear of retaliation.

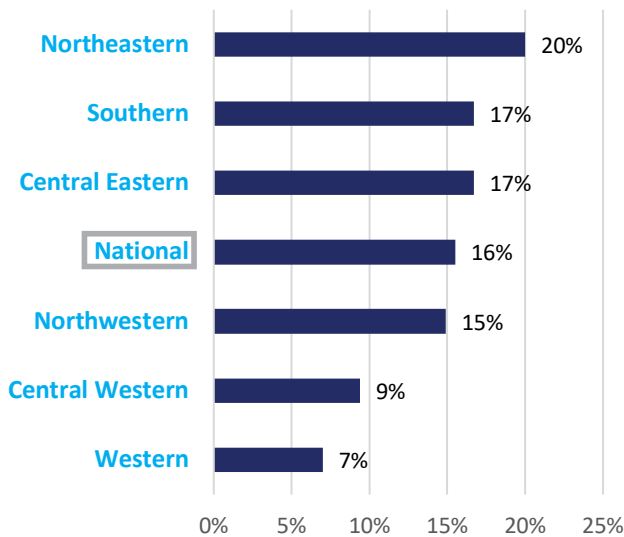
Percent respondents who were beaten after arrest (nationally and by region)



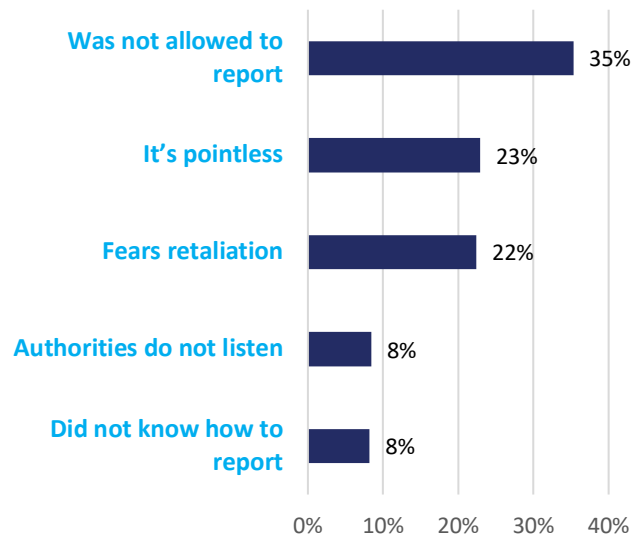
Percent respondents identifying the following actors as responsible (nationally)*



Among respondents who were beaten, percent who reported it (nationally and by region)



Top 5 reasons for not reporting beatings (nationally)*

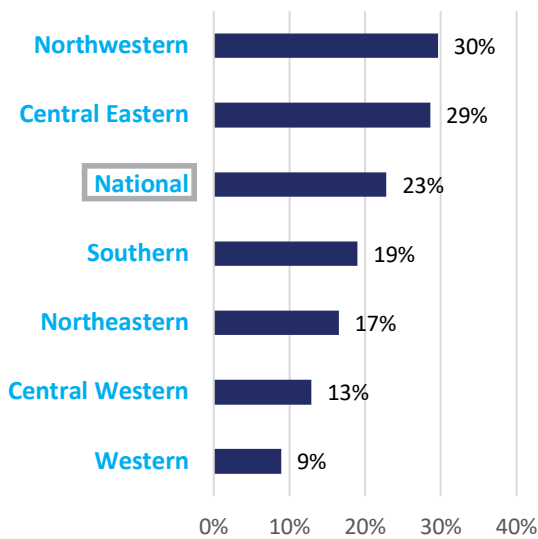


* Respondents could answer more than one item.

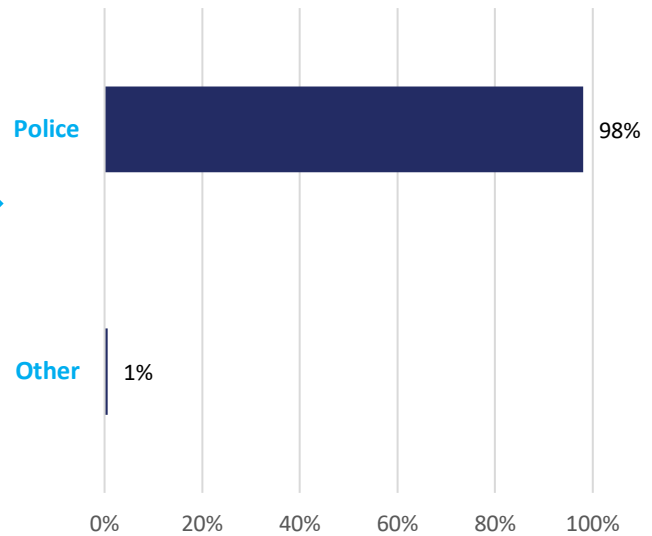
Asphyxiation

Twenty-three percent of respondents experienced an asphyxiation attempt after their arrest. The police were widely identified as the responsible party for this type of abuse. Among those who experienced asphyxiation, only 16% reported it. However, among those who experienced asphyxiation, 27% in the Southern region reported it to an authority, compared to only about 6% of respondents in the Western region. Reasons for not reporting included not being allowed to report it and feeling it was pointless.

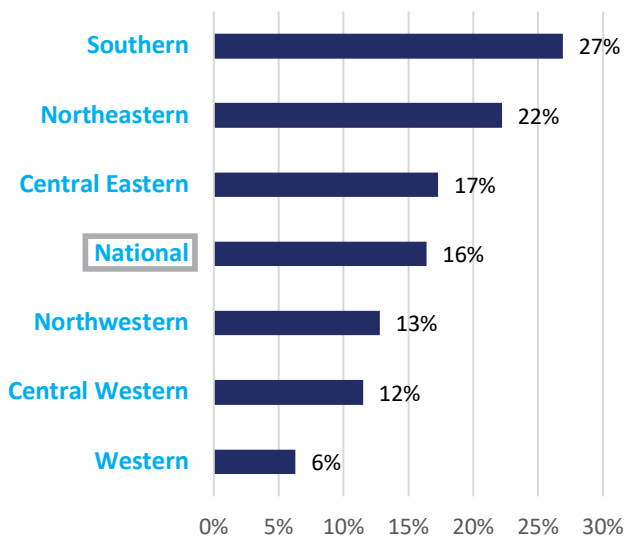
Percent respondents who suffered an asphyxiation attempt after arrest (nationally and by region)



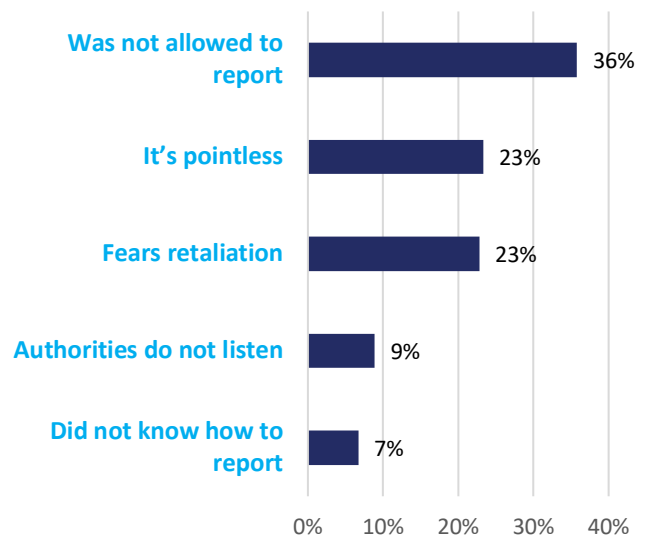
Percent respondents identifying the following actors as responsible (nationally)*



Among respondents who suffered an asphyxiation attempt, percent who reported it (nationally and by region)



Top 5 reasons for not reporting an asphyxiation attempt (nationally)

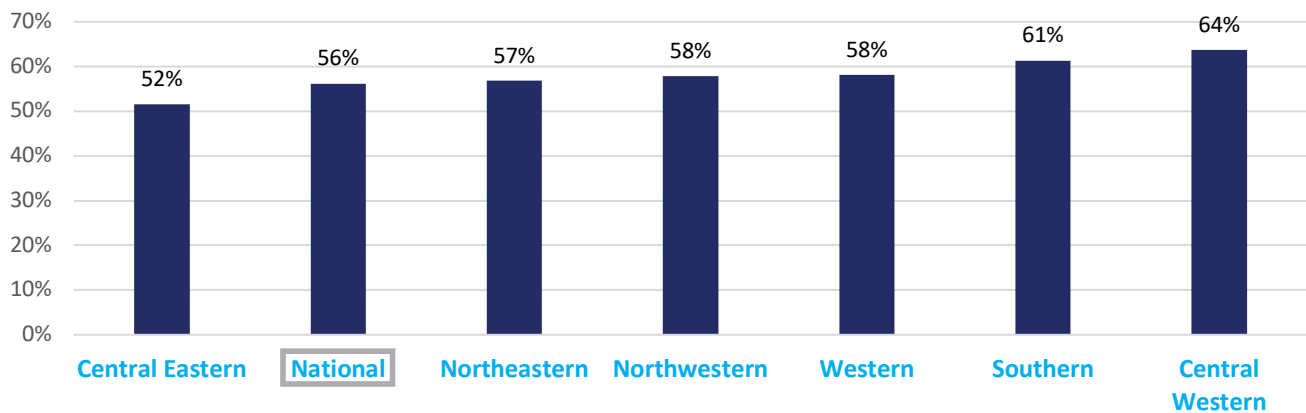


* Respondents could answer more than one item.

Experiences with Plea Bargain

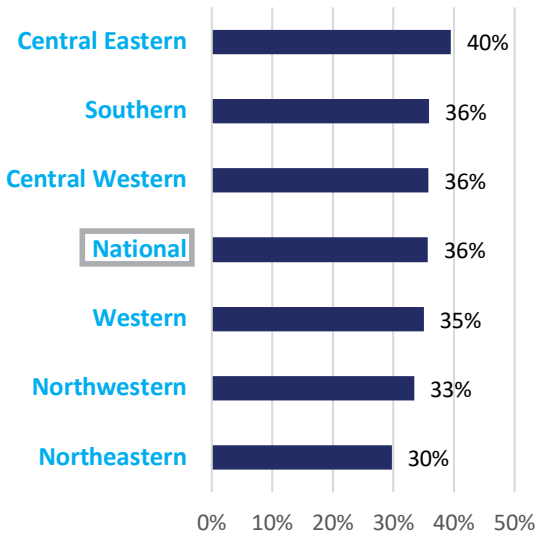
In Honduras, an abbreviated procedure, similar to plea bargains in the United States, is allowed for certain crimes (see Chapter 3). A plea bargain can be offered only to first-time offenders who agree to the facts described in the indictment. The pretrial judge must confirm that the defendant agrees and understands the consequences in accepting this proceeding in exchange of a reduction in punishment (Decree 9-99 E, Art. 403). Participating in a plea bargain is usually considered a mitigating factor because the defendant cooperates with the investigation. As a result of this concession, the pretrial judge adjudicates these cases, rather than sending them to a trial court. Our survey asked respondents if they were offered a lower sentence in exchange for accepting guilt. Over half (56%) of all respondents agreed that they had been offered a reduced sentence in exchange for accepting guilt.

Percent respondents who agree with the statement “after arrest, an authority explained that I could get a reduced sentence for accepting guilt” (nationally and by region)

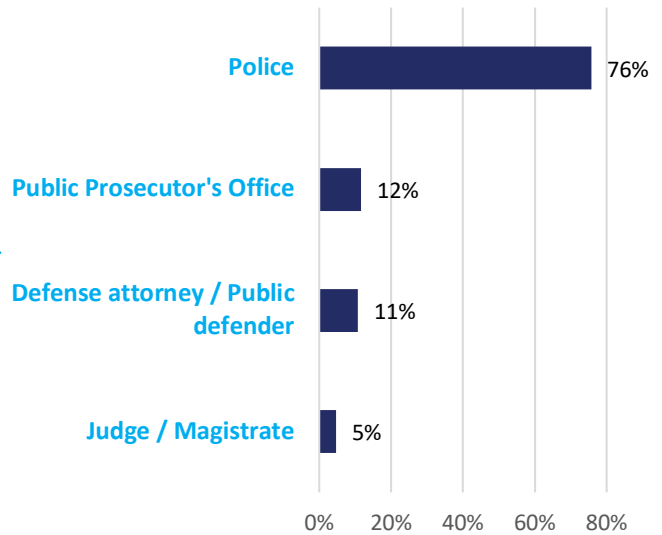


Respondents were also asked if they felt pressured or coerced into accepting guilt. Thirty six percent of respondents reported they had experienced pressure to accept their guilt. Among all regions, the Central Eastern region had the highest percentage of respondents feeling pressured (40%), and the Northeastern had the lowest percentage (30%). Most of the pressure to accept guilt was reported to come from the police (76%), although prosecutors and defense attorneys were also mentioned as a source of pressure or coercion. Among those who reported feeling pressured to accept guilt, about 15% reported it to authorities. Some reasons for not reporting this type of coercion included not being allowed to report it and fear of retaliation.

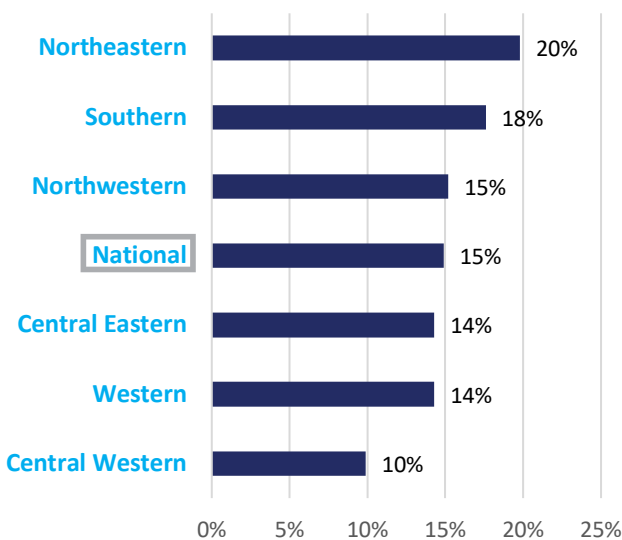
Percent respondents coerced into accepting guilt (nationally and by region)



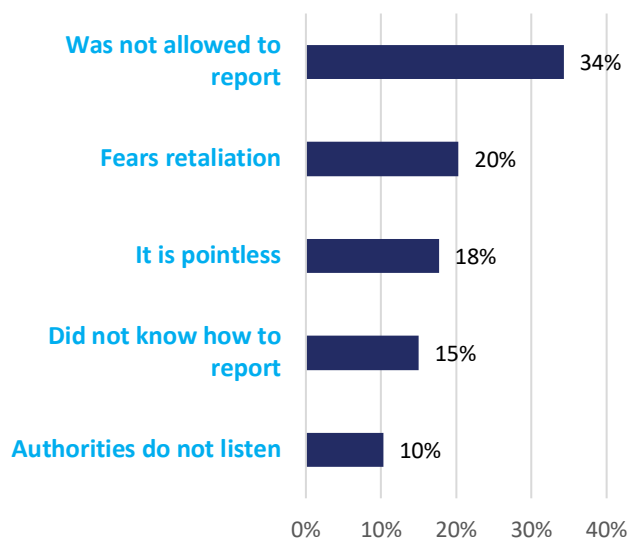
Percent respondents identifying the following actors as responsible (nationally)



Among respondents coerced into accepting guilt, percent who reported it (nationally and by region)



Top 5 reasons for not reporting coercion to plead guilty (nationally)






* Respondents could answer more than one item.




Experiences with Judges

Only 16% of respondents felt that the judge adequately explained proceedings to them, and 14% felt that the judge created fair conditions for the defense and prosecution to explain their case. There are interesting variations across regions. Twenty percent of respondents in the Northwestern agreed that the judge had explained proceedings to them, compared to only 9% in the Central Western region. Also, 20% of respondents that were processed in the Southern region felt the judge created conditions for the defense and prosecution to explain their case, compared to only 11% of respondents in the Central Western region. Nationally, 29% of respondents felt that judges listened to them. Thirty-two percent of those respondents in the Northeastern region felt that judge listened to them, compared to 23% in the Western region.




To what extent do you agree with the statement “the judge explained what was happening during proceedings” (nationally and by region)

Region			
Northwestern	20%	39%	41%
Southern	18%	44%	38%
Western	17%	41%	41%
Northeastern	17%	41%	43%
National	16%	40%	45%
Central Eastern	15%	39%	47%
Central Western	9%	37%	54%


To what extent do you agree with the statement “the judge created conditions for defense and prosecutor to have same chance to explain case” (nationally and by region)


Region			
Southern	20%	48%	33%
Northwestern	15%	44%	41%
Central Eastern	14%	39%	47%
Western	14%	47%	39%
National	14%	43%	44%
Northeastern	12%	46%	43%
Central Western	11%	38%	51%

To what extent do you agree with the statement “the judge listened to me” (nationally and by region)

Region			
Northeastern	32%	49%	20%
Southern	31%	52%	17%
Central Eastern	30%	44%	26%
Central Western	30%	48%	22%
National	29%	46%	25%
Northwestern	26%	43%	31%
Western	23%	50%	27%

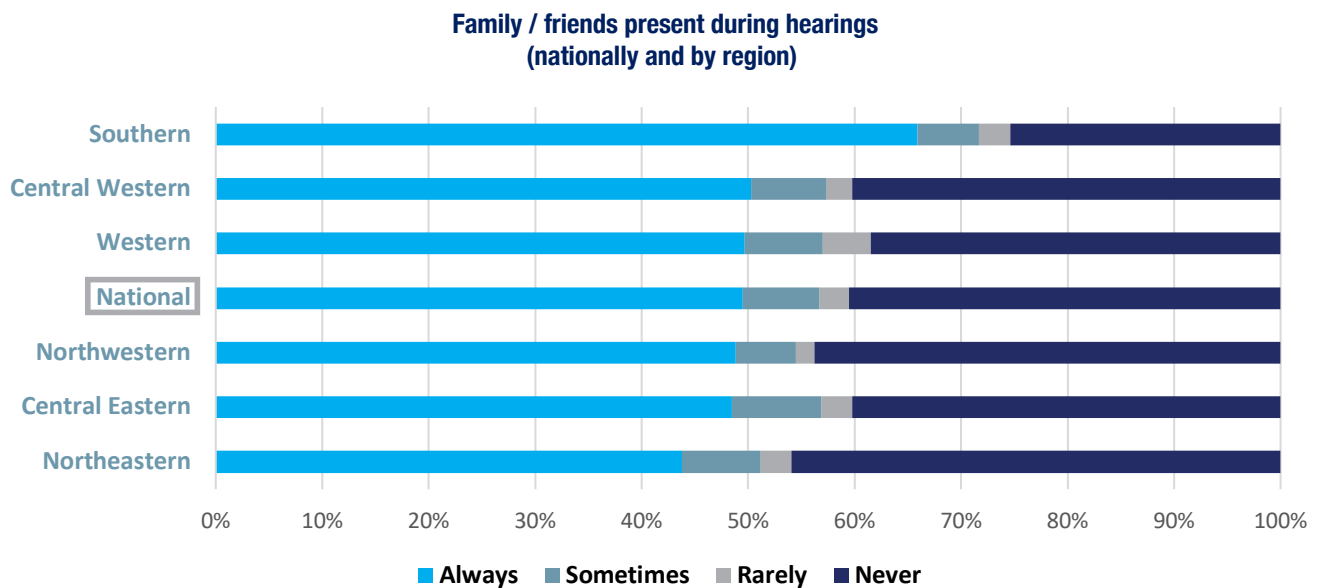
 A lot

 A little / Somewhat

 Not at all

Experiences with Orality and Transparency

In an accusatorial model of criminal prosecution, proceedings are designed to increase transparency and, for this reason, hearings are public.² Often, it is the family and friends of the victim and defendant who attend such hearings. In Honduras, 41% of respondents reported they never had family or friends at their hearings. The absence of family or friends was more common in the Northeastern region (46%) and less common in the Southern region, where 25% of the respondents indicated the same. In part, these findings may reflect the timing in which our survey took place (2022) and the impact the COVID-19 pandemic continued to have on the overall functioning of the courts.



It is important to assess the impact that the COVID-19 pandemic had on experiences with transparency and publicity by defendants. Thirty-seven percent of those who had their court proceedings before the pandemic reported they never had friends or family attend their hearings. In contrast, 46% of respondents whose proceedings took place after the pandemic reported never having family or friends in their hearings.

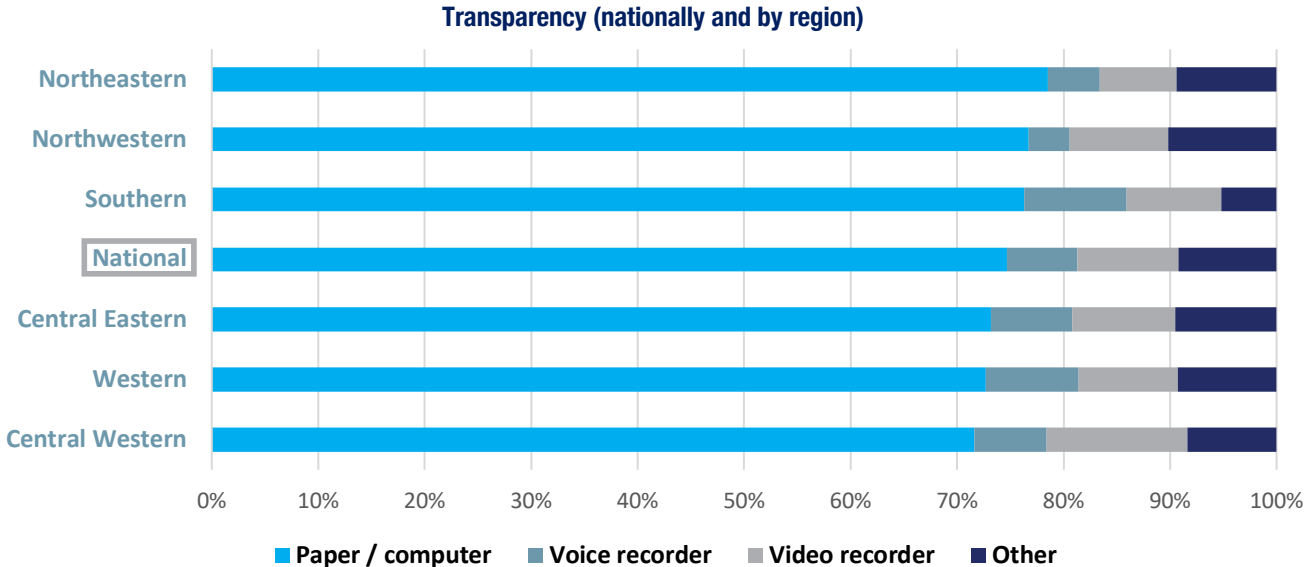
Transparency before and after the COVID-19 pandemic*

	Pre-March 2020, N = 1,713	Post-March 2020, N = 877
Family/friends present during hearings		
Never	37%	46%
Rarely	3%	2%
Sometimes	10%	7%
Always	50%	45%

* p < 0.05

² In rare instances, like high profile cases, judges may decide to close proceedings to the public.

Public proceedings and oral (not written) arguments are additional indicators of transparency in an accusatorial system. Recording key hearings is crucial to ensure transparency and to preserve the record of testimonies. In the US, a stenographer is usually used to record proceedings whereas in Latin America, recordings can include stenography, computer/typewriter, video, or audio. Respondents in Honduras indicated that paper recording was the most common method of recording court hearings (75%), followed by video recorders (10%), and voice recorders (7%). These findings were largely consistent across the regions.



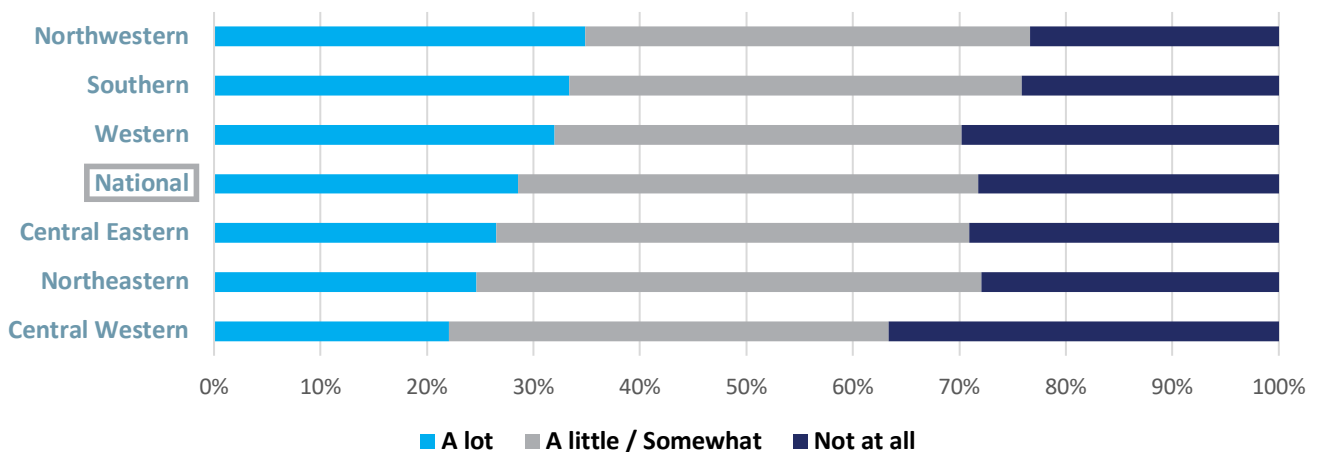
Experiences with Defense Attorneys

Respondents were also asked about their experiences with defense attorneys. Nationally, the majority of respondents agreed that their defense attorney spoke to them in private (63%), advised them prior to speaking in court (67%), explained proceedings to them (64%), and explained next steps (58%). Just under half (49%) reported that their attorney had introduced exculpatory evidence, with some variations across regions. Overall, 16% of respondents reported that their defense attorney asked them for money or bribes to speed up proceedings. This varied across regions; 20% of respondents in the Central Western region reported that experience, compared to 12% in the Northwestern region. Nationally, 29% of respondents agreed with the statement that their attorney listened to them “a lot,” with some variations across regions.

Percent respondents who agreed that their defense attorney... (nationally and by region)

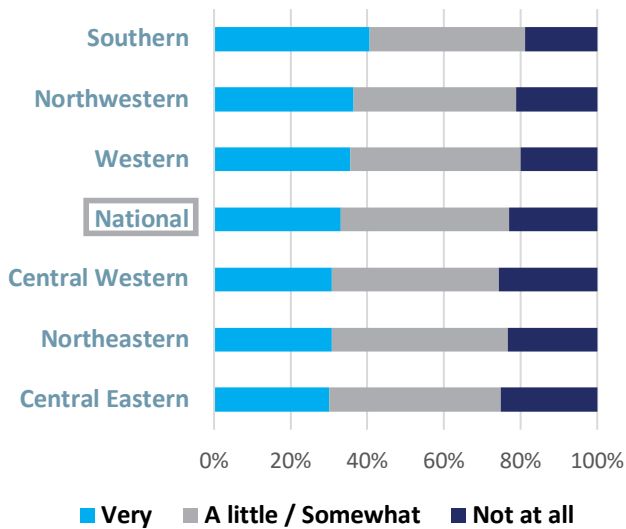
	National	Central Eastern	Central Western	Northeastern	Northwestern	Southern	Western
... spoke to them in private	63%	64%	57%	61%	62%	72%	66%
... advised them prior to speaking in court	67%	67%	66%	63%	70%	66%	72%
... explained proceeding to them	64%	63%	59%	60%	69%	68%	72%
... explained next steps	58%	55%	49%	54%	63%	66%	66%
... introduced exculpatory evidence	49%	46%	40%	52%	51%	54%	56%
... asked them for money	16%	16%	20%	17%	12%	18%	19%

Percent respondents who agreed with the statement “My defense attorney listened to me...” (nationally and by region)

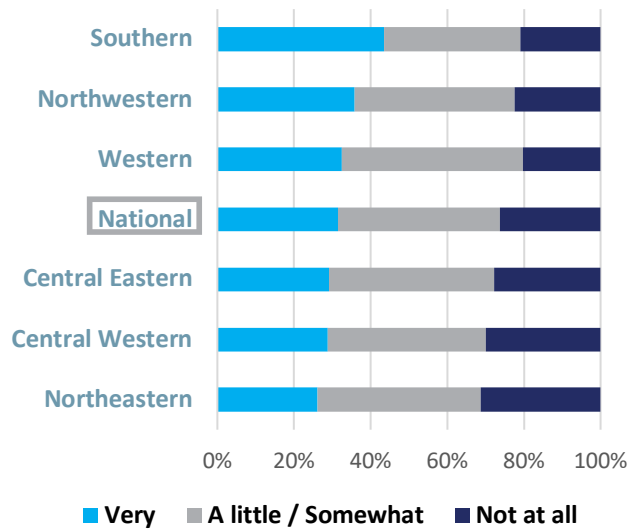


In general, about a third of the respondents reported feeling very well-defended at various points in the proceedings, with some slight variations across regions. As illustrated below, 33% felt very well-defended during their testimony to the police or the Public Prosecutor’s Office, and 31% of respondents felt very well-defended during their first hearing. Among those who had a police lineup, 34% of respondents felt that their attorney defended them very well at that moment. Finally, 32% felt they were very well-defended by their attorneys when the evidence against them was introduced.

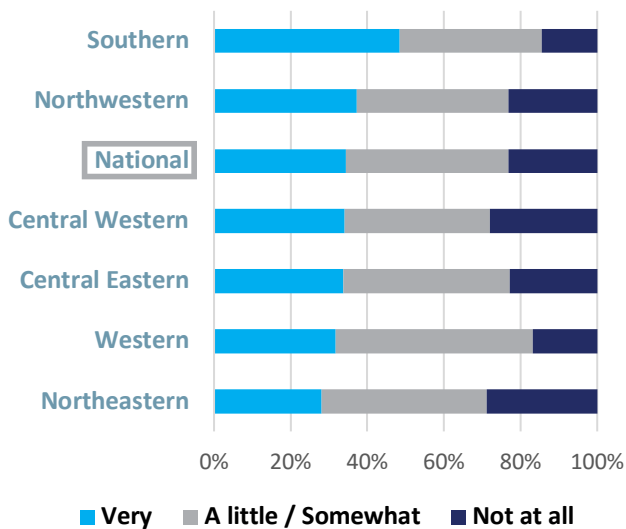
“How well defended did you feel when you gave your testimony to the police or the public prosecutor?” (nationally and by region)



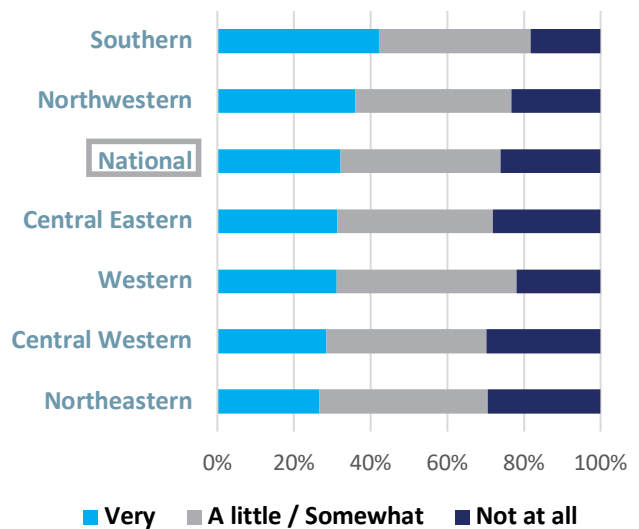
“How well defended did you feel during your first hearing?” (nationally and by region)



“How well defended did you feel during the police lineup?” (nationally and by region)

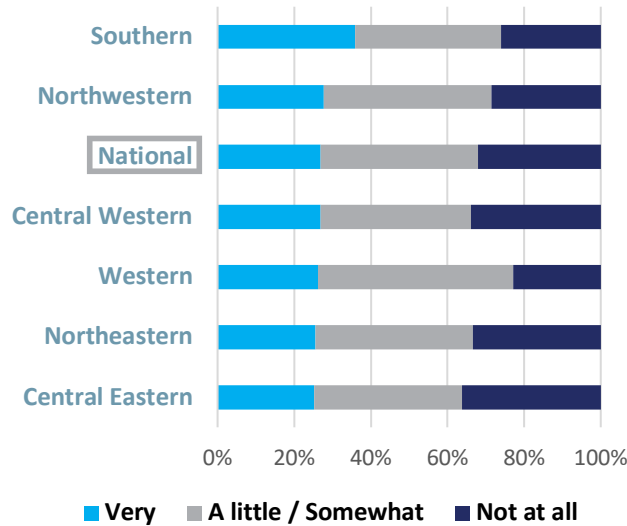


“How well defended did you feel at the moment that evidence against you was presented?” (nationally and by region)

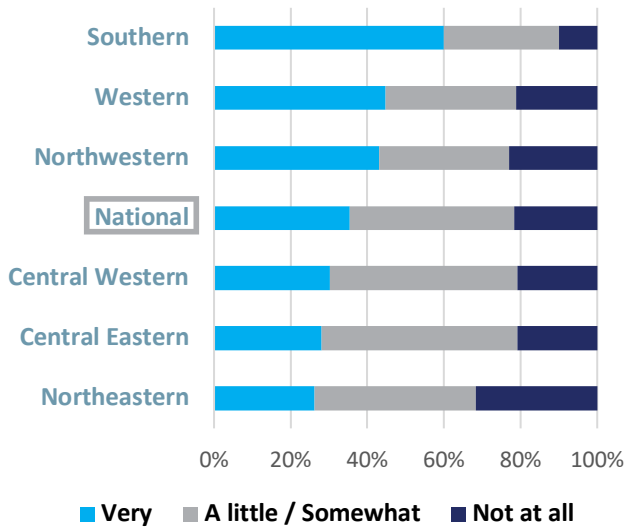


Individuals who had been convicted were asked about the quality of defense during trial and post-conviction. The findings were similar. Twenty-seven percent of convicted individuals reported feeling very well-defended by their attorneys during their trial. And, 36% of convicted individuals reported feeling very well-defended during post-conviction visits. Finally, 44% reported they felt very well defended when they had an appeal.

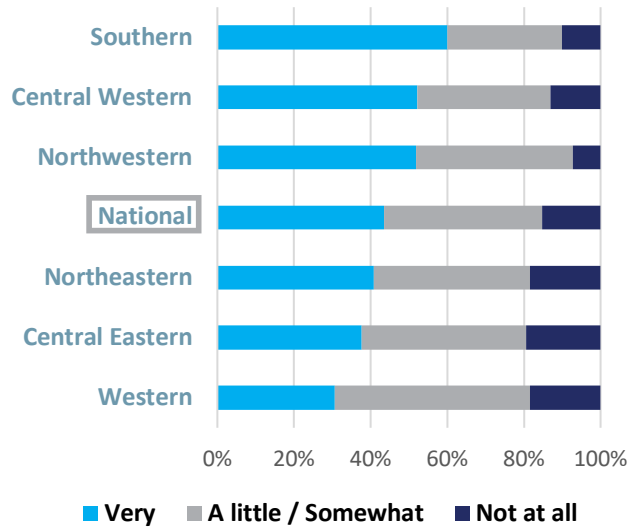
“How well defended did you feel during the trial?” (nationally and by region)



“How well defended did you feel during post-conviction visits?” (nationally and by region)



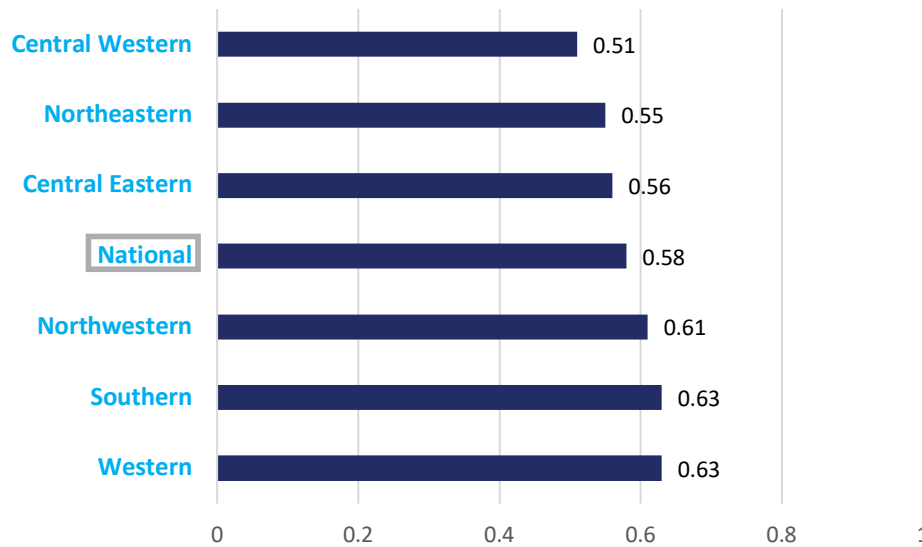
“How well defended did you feel during sentence appeal?” (nationally and by region)



Quality of Defense

We constructed a Quality of Defense Index to compare experiences with defense attorneys across regions. The Quality of Defense Index ranges from 0-1, with higher values reflecting better experiences with defense attorneys. This index allows for a better comparison across regions in terms of experiences with defense attorney. With a national average of 0.58, the scores range from the highest in the Southern region (0.63) to the lowest in the Central Western region (0.51).

Overall quality of defense (nationally and by region)



Experiences with the quality of defense also varied by type of defense. Respondents who were mostly defended by a public defender reported worse experiences with the quality of their defense (0.52) when compared with respondents that had a private attorney (0.66).

Quality of defense by type of defense*

Characteristic	Public Defender N = 1,131	Private Defender N = 717
Quality of defense normalized	0.52	0.66

* p < 0.05

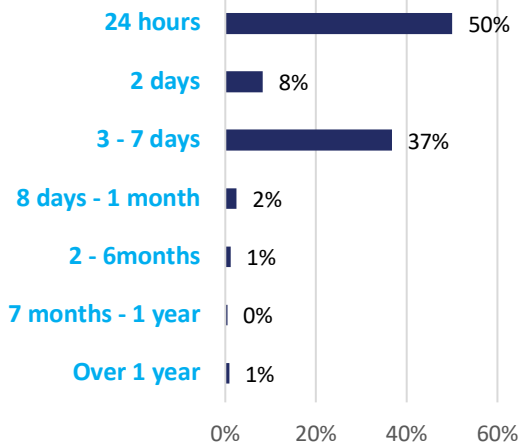
Experiences with the Right to a Speedy Trial

In Honduras, criminal proceedings must be fair, conducted in a reasonable time, while protecting due process rights. By law, the defendant must be brought to a judge within 24 hours following an arrest (in some instances the Public Prosecutor’s Office can provisionally detain a suspect up to 48 hours in complex cases, Decree 9-99 E, Art. 176). However, delays between the arrest and first hearing are common practice. Our findings show that, although 50% of respondents were seen by a pretrial judge within the legal timeframe of 24 hours, the average amount of time between an arrest and first hearing was 5 days. Twenty-four respondents reported they waited more than 7 months to see a judge. The region with the longest average time to first hearing was the Central Eastern region (9 days). The Western region had the shortest average (6 days).

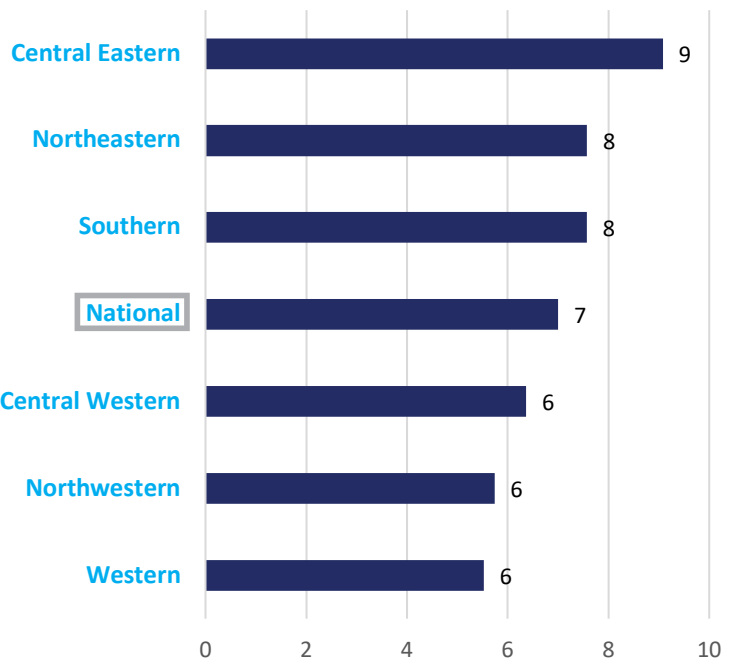
Time from arrest to first hearing (nationally)

National	
Mean	7 days
Mode	1 day

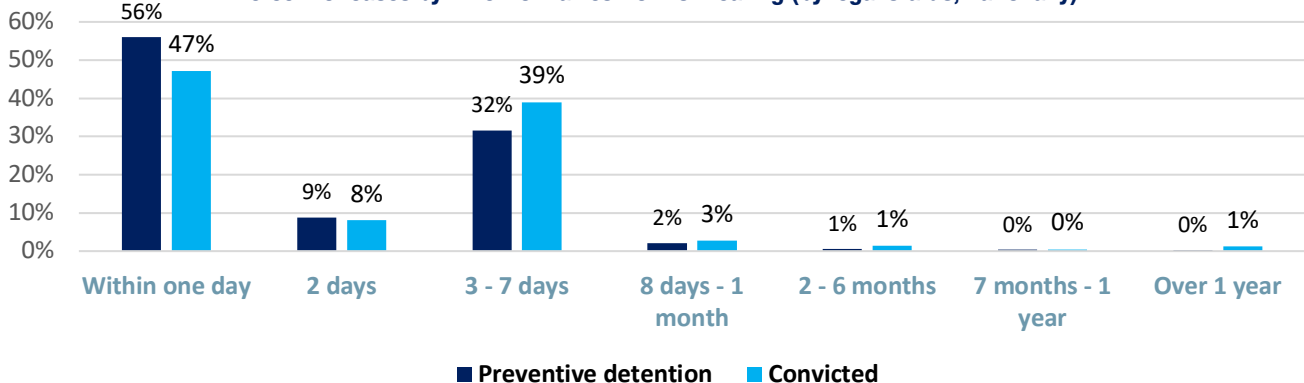
Percent of cases by time from arrest to first hearing (nationally)



Average time from arrest to first hearing (by region, in days)



Percent of cases by time from arrest to first hearing (by legal status, nationally)

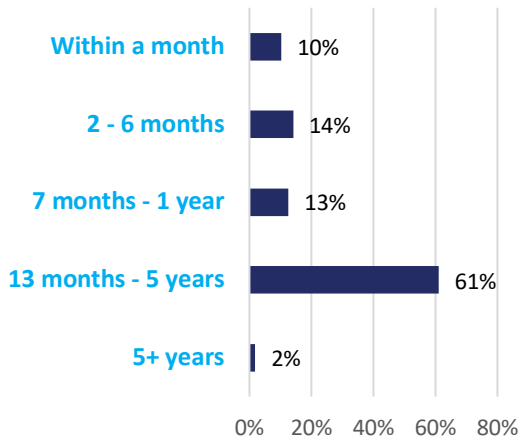


We also calculated the length of time respondents waited from the moment of arrest to the day they were convicted, using self-reported dates of arrest and conviction. The average time from arrest to conviction was 19 months. Individuals convicted of crimes related to weapons in the Northwestern region and of other crimes in the Northeastern region had the longest time for their case to reach a verdict (29 months and 30 months respectively).*

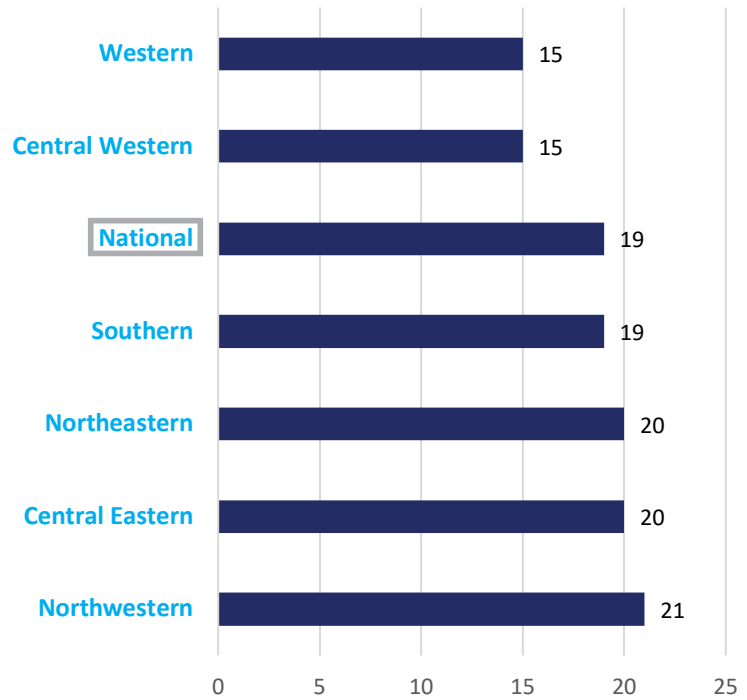
Time from arrest to conviction in months (nationally)

National	
Mean	19
Mode	26

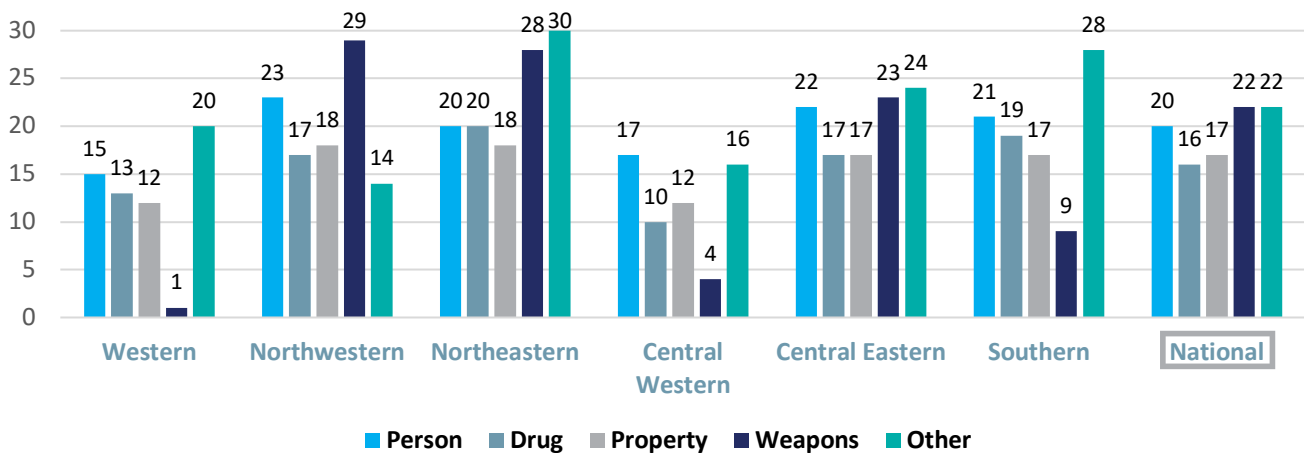
Percent of cases by time from arrest to conviction (nationally)



Average time from arrest to conviction (by region, in months)



Average time from arrest to conviction among top crimes (nationally and by region, in months)

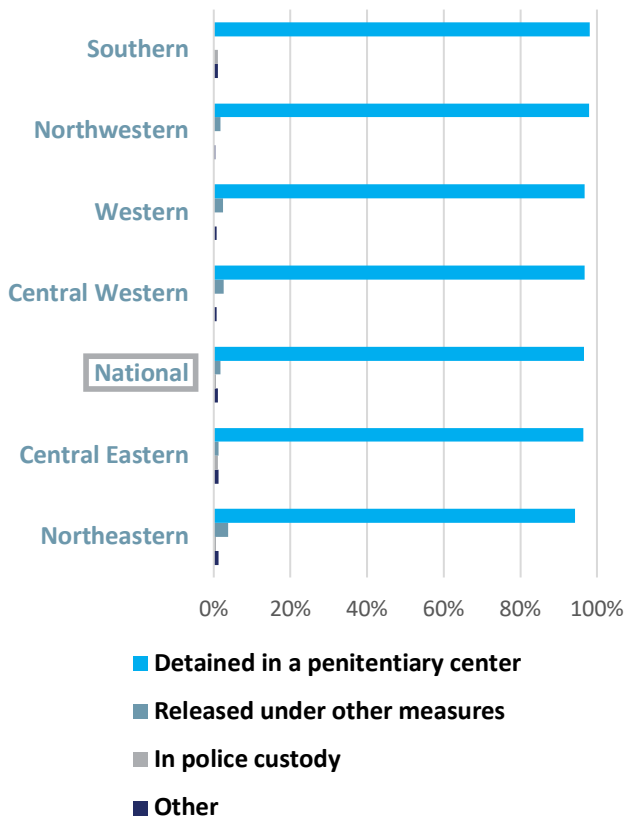


*Other included: crimes against public order, against the constitution, against public administration, against justice administration, and against public trust.

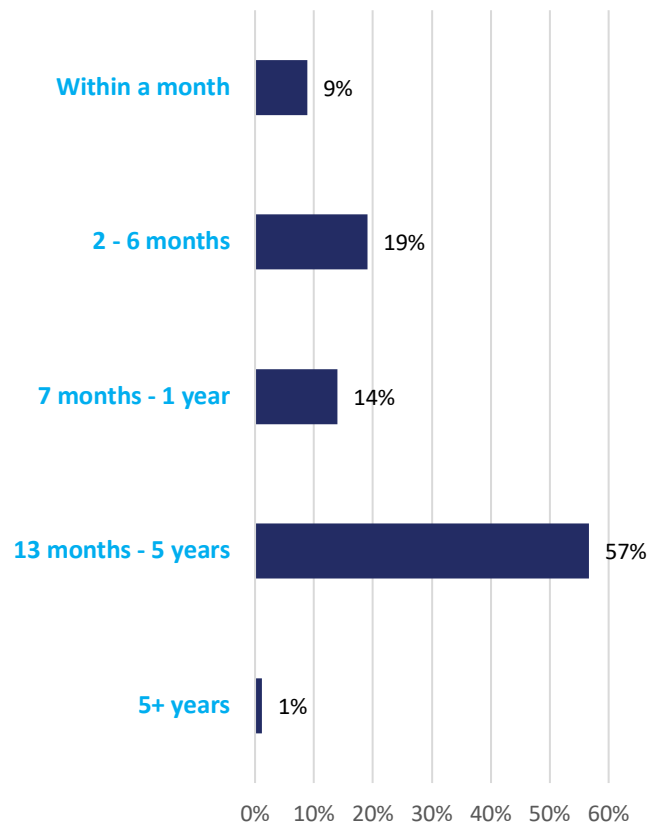
Experiences with Pretrial Detention

The vast majority of respondents (97%) had been detained in prison prior to sentencing and were in prison at the moment of conviction. Among convicted respondents, the length of pretrial detention ranged from less than a month to more than 5 years. The majority (57%) of respondents were detained between 13 months to 5 years prior to being convicted.

**If detained when sentenced, where?
(nationally and by region)**



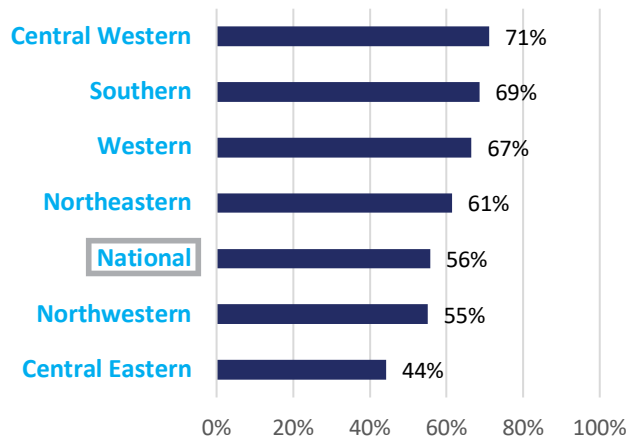
**Time detained at current penitentiary facility until
receiving sentence (nationally)**



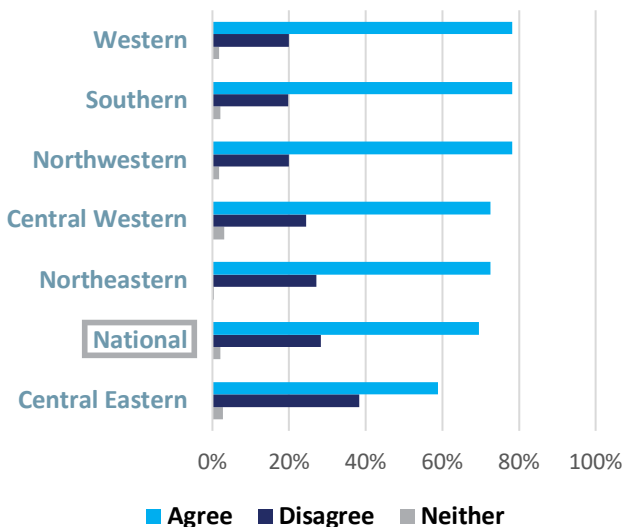
Experiences with Prison Staff by System

The majority of respondents reported that they were informed of their rights and obligations when being held in prison (56%). This was more likely in the Central Western region (71%) compared to the Central Eastern region (44%). The majority agreed that “prison staff treat all prisoners equally” and that “prison staff protects the rights of the incarcerated” although there were variations across regions. In the next chapter, we will review the respondents’ experiences of life in prison.

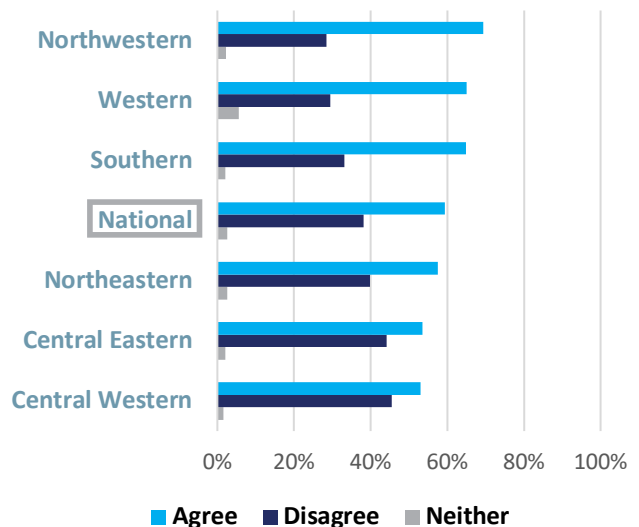
Percent respondents who agree with the statement “prison staff informed me of my rights and obligations” (nationally and by region)



Percent respondents who agree with the statement “prison staff protects rights of the incarcerated” (nationally and by region)



Percent respondents who agree with the statement “prison staff treats everyone equally” (nationally and by region)



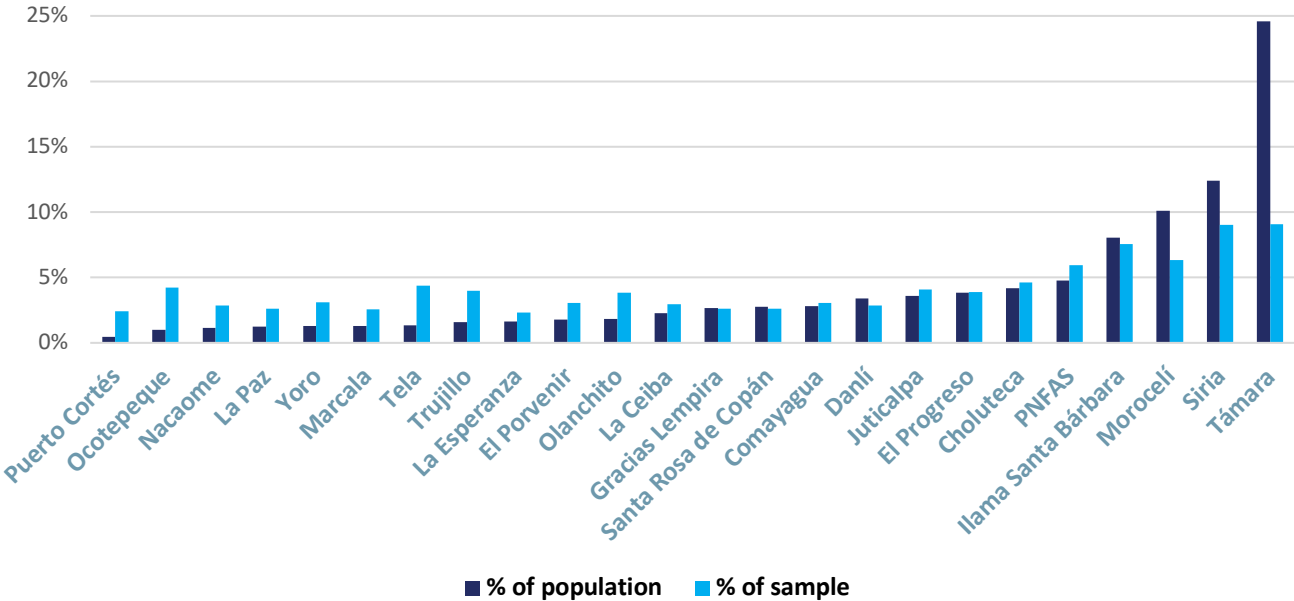
5. RULE OF LAW IN PRISON

As noted in the introduction, the experiences of individuals in prisons are of pivotal importance to the overall health of the rule of law in a country. For this reason, correctional systems should seek to develop policies, procedures and programs aimed at enhancing the rule of law in their facilities. Doing so is important for several reasons including: (1) Prisoners’ carceral experiences impact their belief in the criminal justice system and that of their families; (2) Order maintenance in prison is often dependent on how prisoners perceive the legitimacy of the staff and administration (Bottoms, Hay & Sparks, 1990); (3) Depriving prisoners of their basic needs and fundamental rights can promote violence; and (4) Safe, secure, and accountable staff are necessary to provide an environment conducive to rehabilitation and successful reintegration. In this chapter, we provide the survey results related to the treatment and experiences of people in prison. We begin with a comparison of the sample and prison population characteristics, followed by our findings on the Rule of Law indicators for the Honduran prison system. We conclude with a comprehensive overview of the survey results to provide a detailed description of prisoners’ perceptions and experiences of the correctional standards of care.

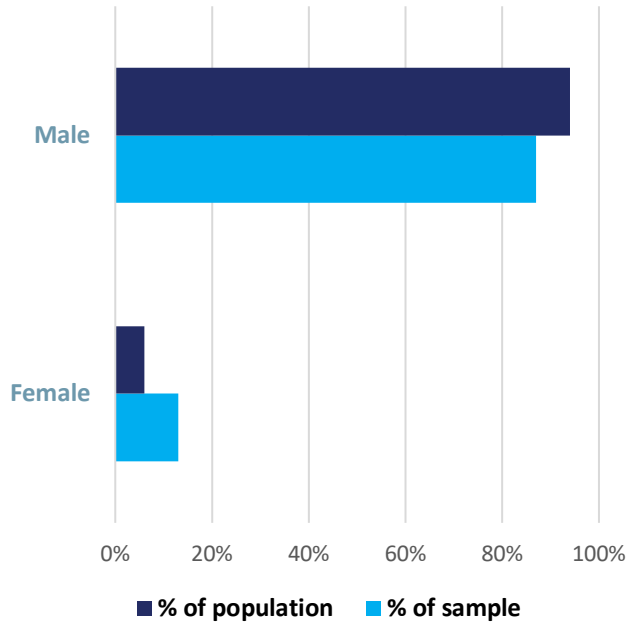
Comparison of Sample and Population Characteristics

As previously noted, the survey was implemented in 24 prisons in Honduras with a total of 1,898 interviews completed. Efforts were made to match the sample to the population on characteristics including legal status and prison; however, limitations to the sampling methods precluded this from happening. As illustrated below, although the sample generally resembles the population, significant differences exist, and caution should be taken about making inferences to the larger prison population. This is especially important in regard to sensitive issues, which may be more prone to bias.

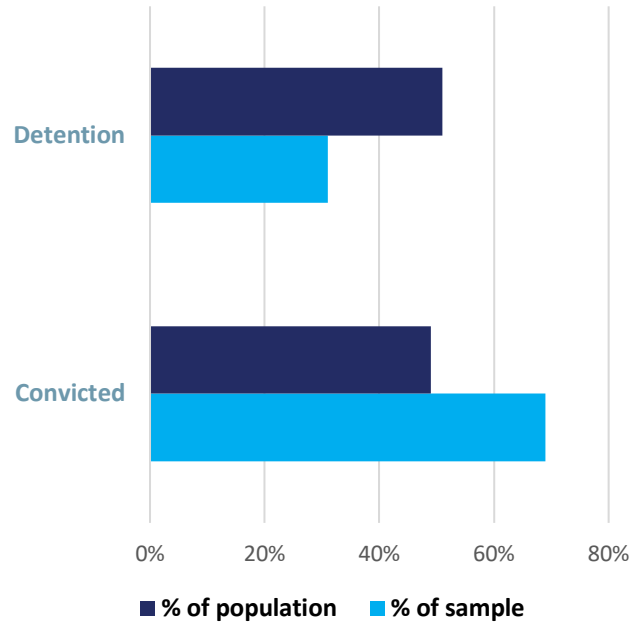
Comparison of sample and population (by prison)*



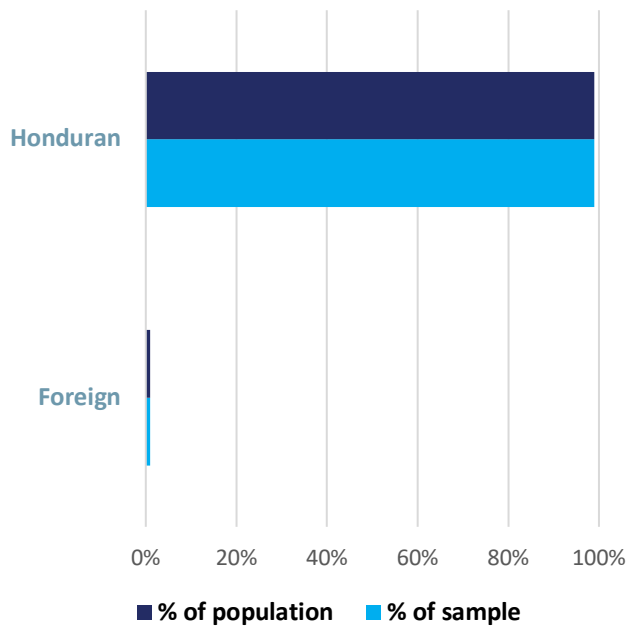
Sex*



Legal status*



Nationality

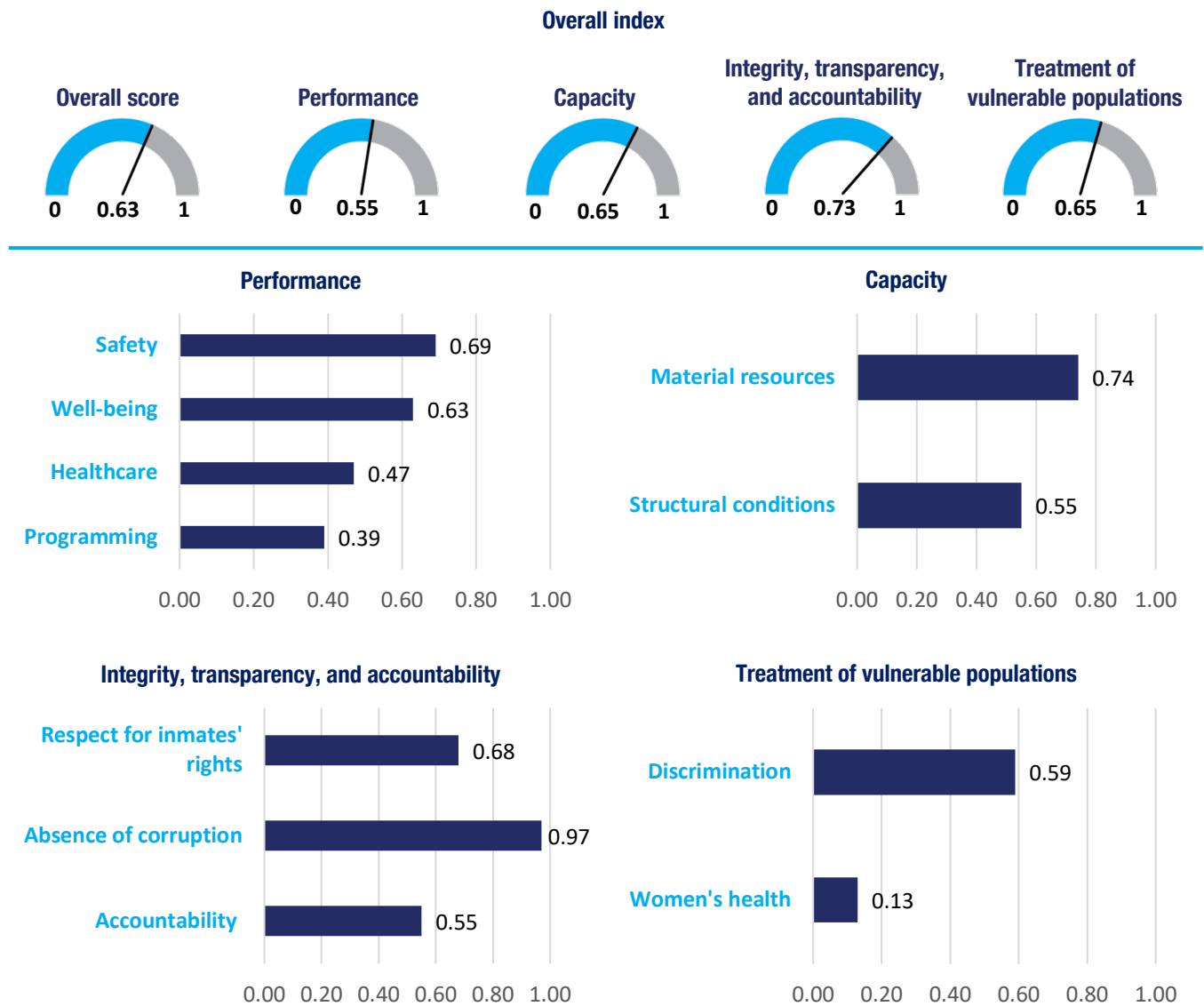


* $p < 0.001$

Source for national-level: INP (Instituto Nacional Penitenciario), 2022.

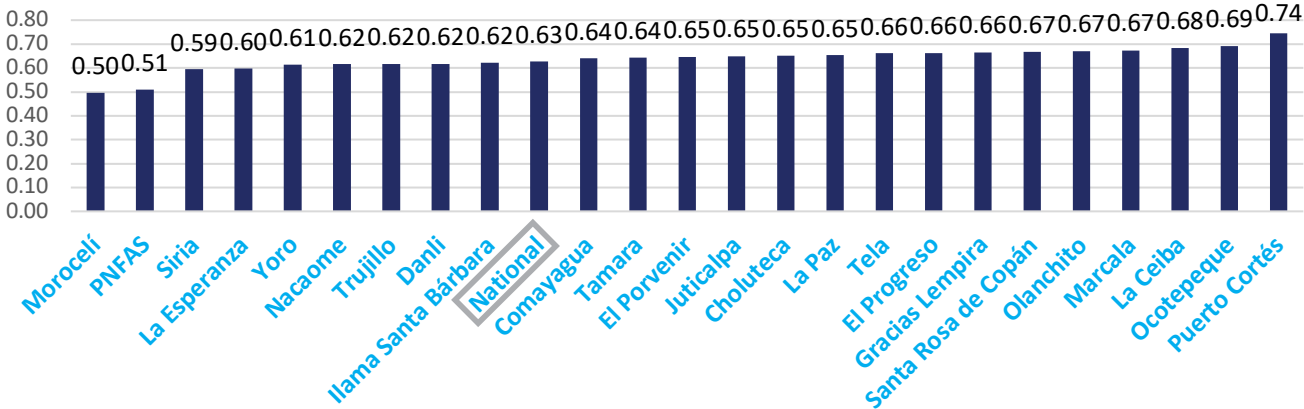
Rule of Law Indicators in Prisons

Adherence to the Rule of Law requires that prisons operate or perform in meaningful ways, have sufficient capacity, have integrity, transparency, and accountability, and are sensitive to the treatment of vulnerable groups. The index below reports the overall extent to which the survey results reflect each of these metrics (see Appendix C for the items included in the index). Scores closer to 1 indicate greater adherence to Rule of Law. Overall, prisoners reported that staff respect specific rights and do not threaten or bribe them. However, prison conditions and performance are in need of improvement. The index suggests the need for improving access to healthcare and programming, structural conditions, accountability, and women’s health. Below we report the overall results, and the dimensions within each domain.

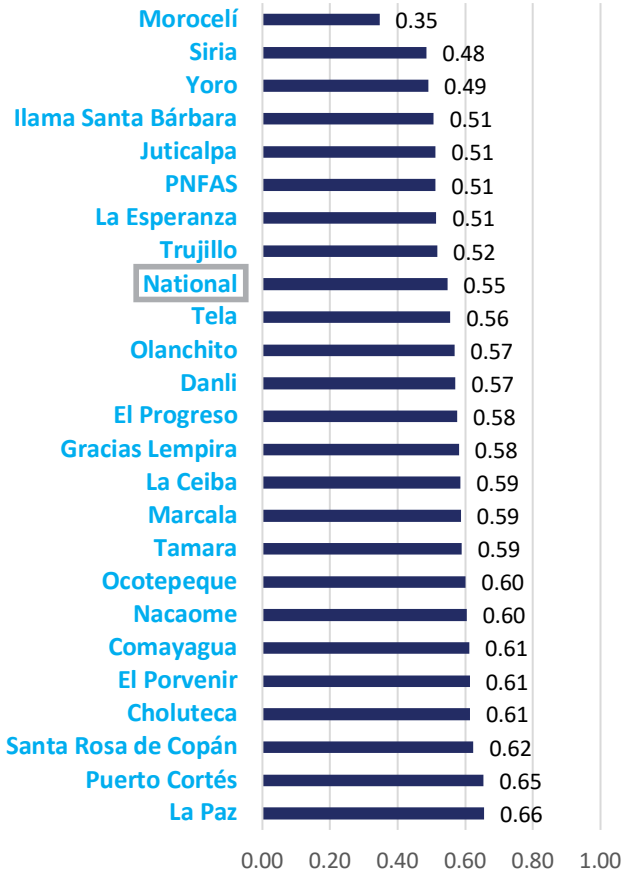


Index scores were calculated for each individual prison based on survey responses. It is important to take care in interpreting differences between the prisons as these may be reflective of bias in the sample. However, some clear trends emerge, namely that 5 out of the 9 prisons rated below the national average either housed males and females or only females. Also, the top 3 prisons where interviewees identified as gangs (Morocelí, Ilima Santa Barbar and PNFAS) rated below the national average. To better understand these trends, we report more detailed survey findings for each of the factors and subfactors below.

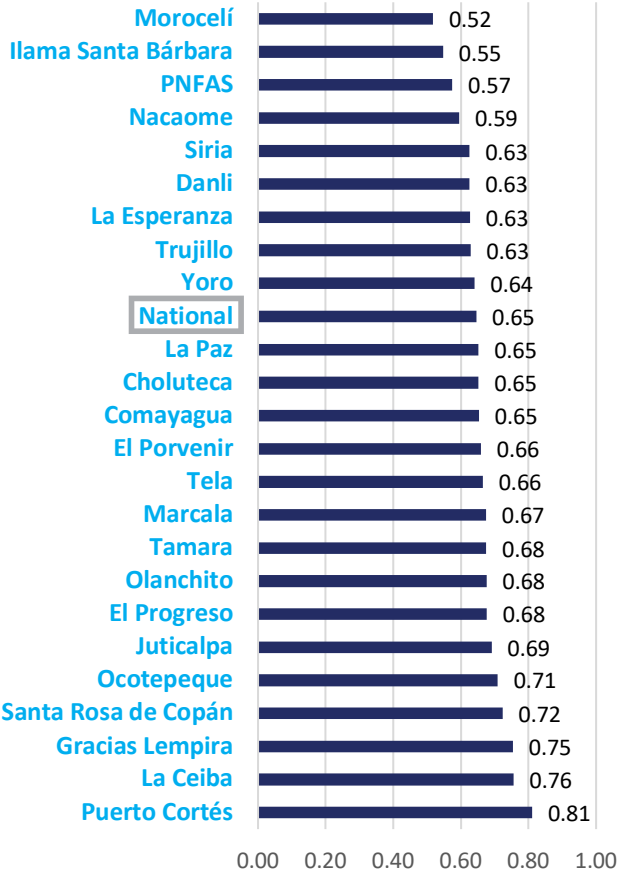
Overall index score (nationally and by prison)



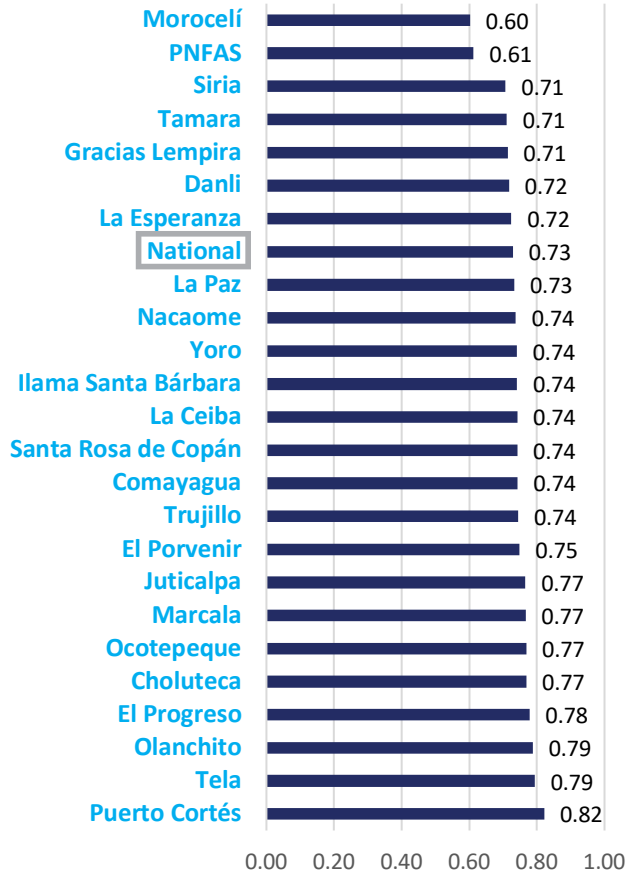
Performance score (nationally and by prison)



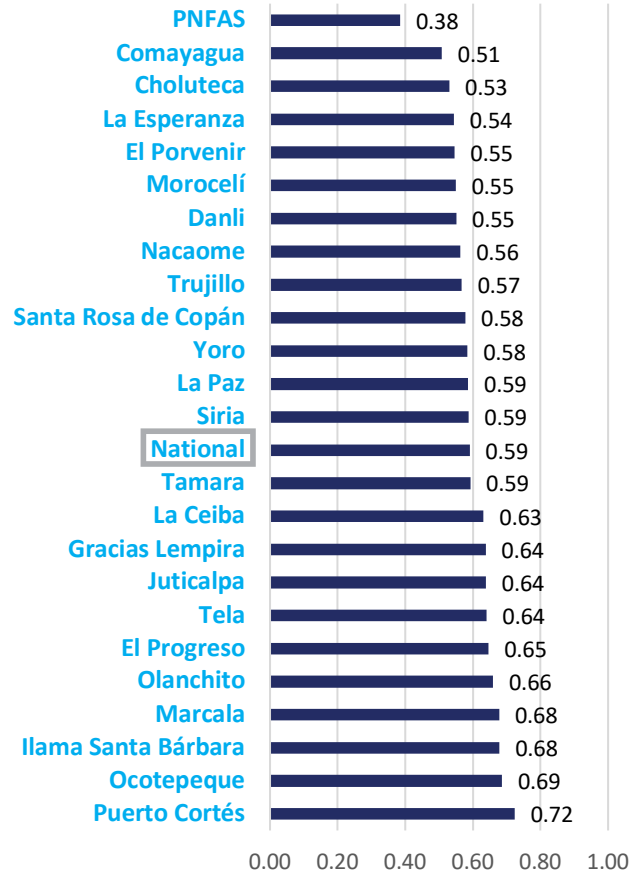
Capacity score (nationally and by prison)



**Integrity, transparency, and accountability score
(nationally and by prison)**



**Treatment of vulnerable populations score
(nationally and by prison)**



Performance

Perceptions of safety

Keeping people safe should be a core goal for any prison system and questions were asked about perceptions of safety. Nationally, close to 67% of respondents reported feeling “safe in this prison”. However, this rate varied considerably. Only 23% of those at Morocelí felt safe compared to 90% at La Paz. Twenty-seven percent of participants indicated it was common to see prisoners beating other prisoners and 13% felt it was easy to escape. Although respondents generally felt safe, only 44% felt that staff are accountable for mistreatment. Interestingly, 60% of respondents at El Progreso respectively agreed with this statement compared to 31% of respondents at Morocelí.

Perceptions of safety

28% do not believe that prison staff protect the rights of the prisoners



27% say it is common to see prisoners beating other prisoners



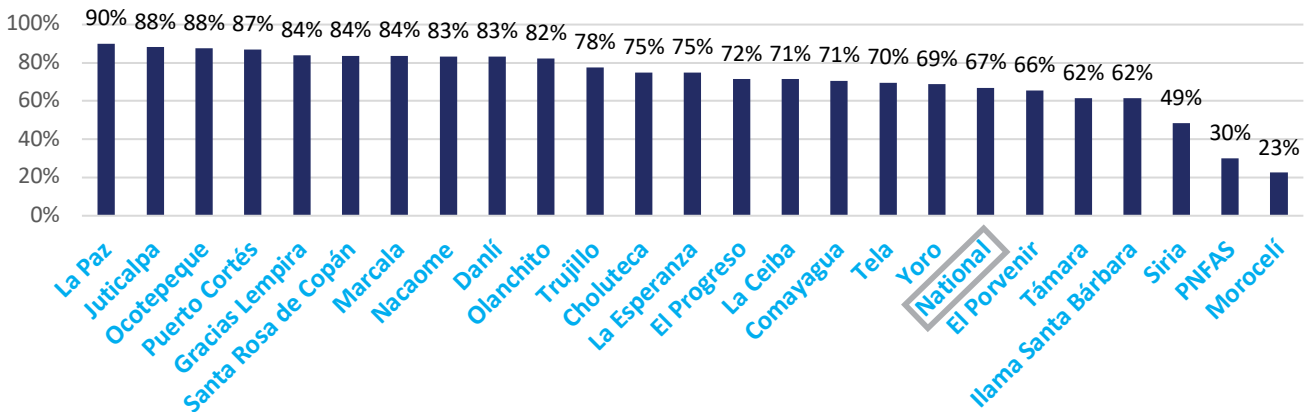
33% do not feel safe in their current prison



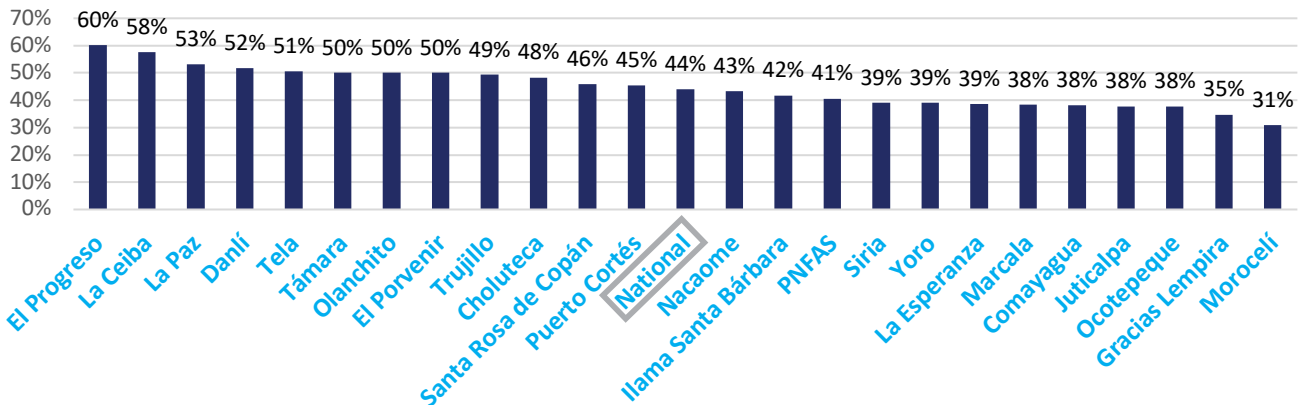
13% believe it is easy to escape from their current prison



Percent respondents who agree with the statement “I feel safe in this prison” (nationally and by prison)



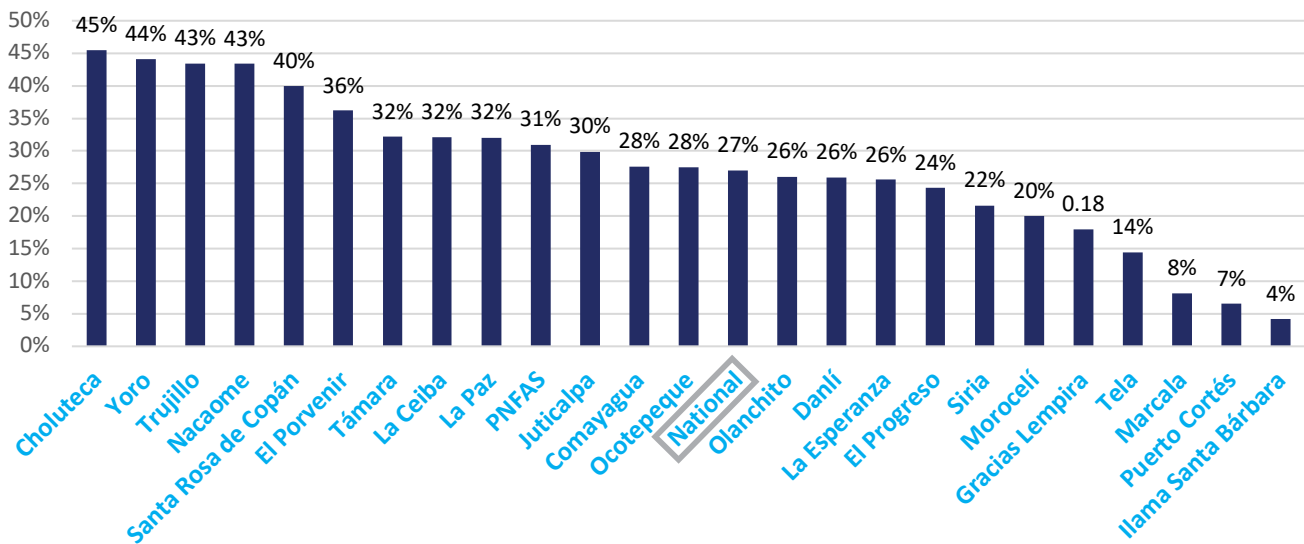
Percent respondents who agree with the statement “Staff are accountable for mistreatment” (nationally and by prison)



Potential for victimization

The potential for victimization can vary across different types of activities and reports of victimization are generally assumed to be underreported. Whether through witnessing or experiencing trauma, it is important to note that victimization is often associated with increased substance use, mental health disorders, and suicide attempts, along with poorer reentry outcomes. Twenty-seven percent of the respondents indicated they had observed physical fights between prisoners. Forty percent of the respondents or more at Santa Rosa de Copán, Nacaome, Trujillo, Yoro and Choluteca agreed with this statement, compared to less than 10% at Ilama Santa Bárbara, Puerto Cortés, and Marcala.

Percent respondents who agree with the statement “I have witnessed fights among prisoners” (nationally and by prison)



Perceptions of safety

Violence can occur in various areas within a prison setting. Respondents were asked about their feeling of safety during a number of routine daily activities including eating meals, showering, using the bathroom, and being in a cell during the night. As illustrated on the next two pages, roughly 85% of respondents reported feeling safe or very safe during these types of routine daily activities. However, twenty-five percent or more respondents in Choluteca, Morocelí, and Yoro, reported feeling unsafe in at least one of the following situations.

Considering the possibility of being attacked by another prisoner, how safe do you feel...?

...When food is distributed



Prison			
Yoro	71%	0%	29%
Choluteca	76%	0%	24%
Morocelí	73%	3%	24%
Comayagua	76%	3%	21%
El Progreso	82%	0%	18%
Nacaome	83%	0%	17%
Támara	82%	1%	17%
Danlí	82%	2%	17%
Trujillo	79%	4%	17%
Siria	83%	1%	16%
Tela	86%	0%	15%
Ilama Santa Bárbara	85%	0%	15%
National	84%	1%	15%
La Paz	84%	2%	14%
La Ceiba	88%	0%	13%
El Porvenir	86%	2%	12%
Ocotepeque	89%	0%	11%
Juticalpa	90%	0%	10%
Santa Rosa de Copán	84%	6%	10%
PNFAS	91%	0%	9%
La Esperanza	91%	0%	9%
Gracias Lempira	92%	0%	8%
Marcala	92%	0%	8%
Olanchito	90%	1%	8%
Puerto Cortés	100%	0%	0%

...While bathing



Prison			
Choluteca	75%	0%	25%
Morocelí	75%	0%	25%
Siria	81%	0%	19%
La Esperanza	80%	2%	18%
Támara	83%	1%	17%
Nacaome	85%	0%	15%
Danlí	85%	0%	15%
El Progreso	85%	0%	15%
El Porvenir	86%	0%	14%
La Ceiba	86%	0%	14%
National	87%	1%	13%
PNFAS	89%	0%	12%
Trujillo	88%	1%	11%
Tela	90%	0%	10%
La Paz	90%	0%	10%
Gracias Lempira	90%	0%	10%
Yoro	88%	2%	10%
Comayagua	91%	0%	9%
Ilama Santa Bárbara	92%	0%	8%
Marcala	90%	4%	6%
Juticalpa	95%	0%	5%
Ocotepeque	95%	1%	4%
Santa Rosa de Copán	94%	2%	4%
Olanchito	97%	0%	3%
Puerto Cortés	96%	2%	2%

Very safe / Safe

Neither safe or unsafe

Unsafe / Very unsafe

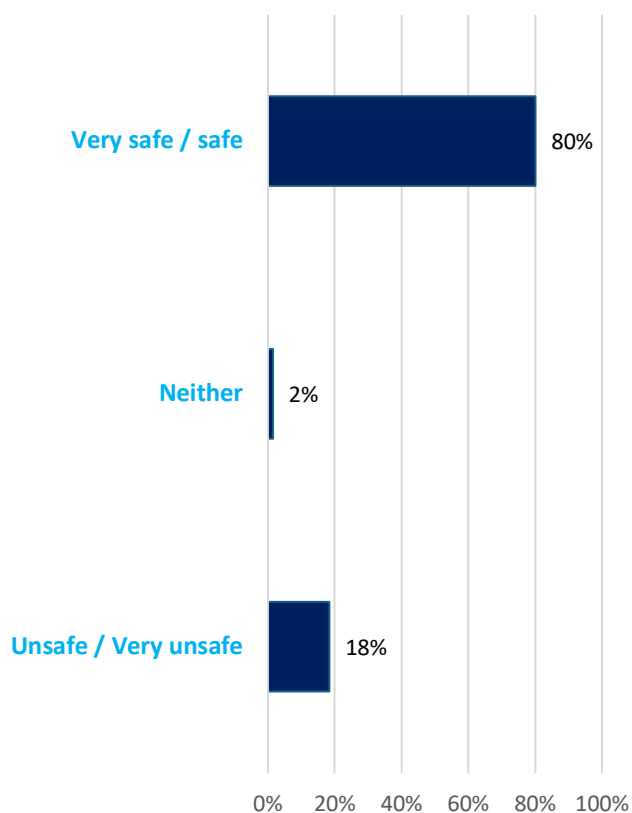
Considering the possibility of being attacked by another prisoner, how safe do you feel...?

...In the lavatory



Prison	😊	😐	😞
Choluteca	67%	0%	33%
Morocelí	78%	0%	23%
Támara	77%	0%	23%
El Progreso	78%	0%	22%
La Esperanza	80%	0%	21%
La Ceiba	79%	0%	21%
Danlí	82%	0%	19%
Nacaome	80%	2%	19%
PNFAS	82%	0%	18%
Siria	82%	0%	18%
El Porvenir	81%	2%	17%
National	84%	1%	15%
Yoro	86%	0%	14%
Comayagua	86%	0%	14%
Gracias Lempira	88%	0%	12%
Tela	89%	1%	10%
Juticalpa	91%	0%	9%
Trujillo	90%	1%	9%
La Paz	92%	0%	8%
Ocotepeque	91%	1%	8%
Santa Rosa de Copán	90%	2%	8%
Ilama Santa Bárbara	93%	1%	6%
Marcala	94%	2%	4%
Puerto Cortés	94%	2%	4%
Olanchito	93%	3%	4%

...In cell at night^a



😊 Very safe / Safe

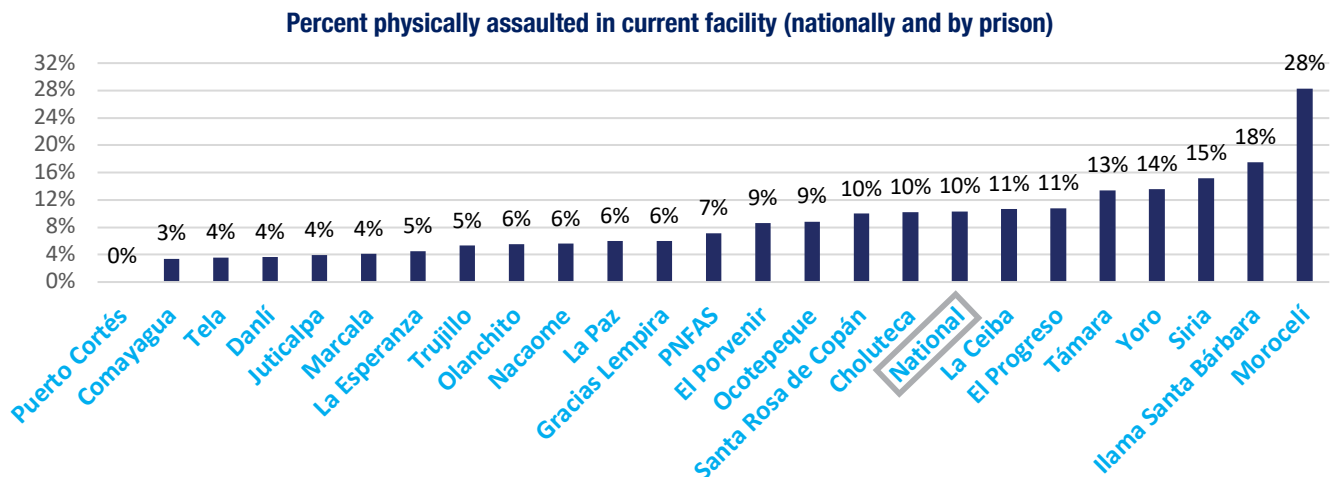
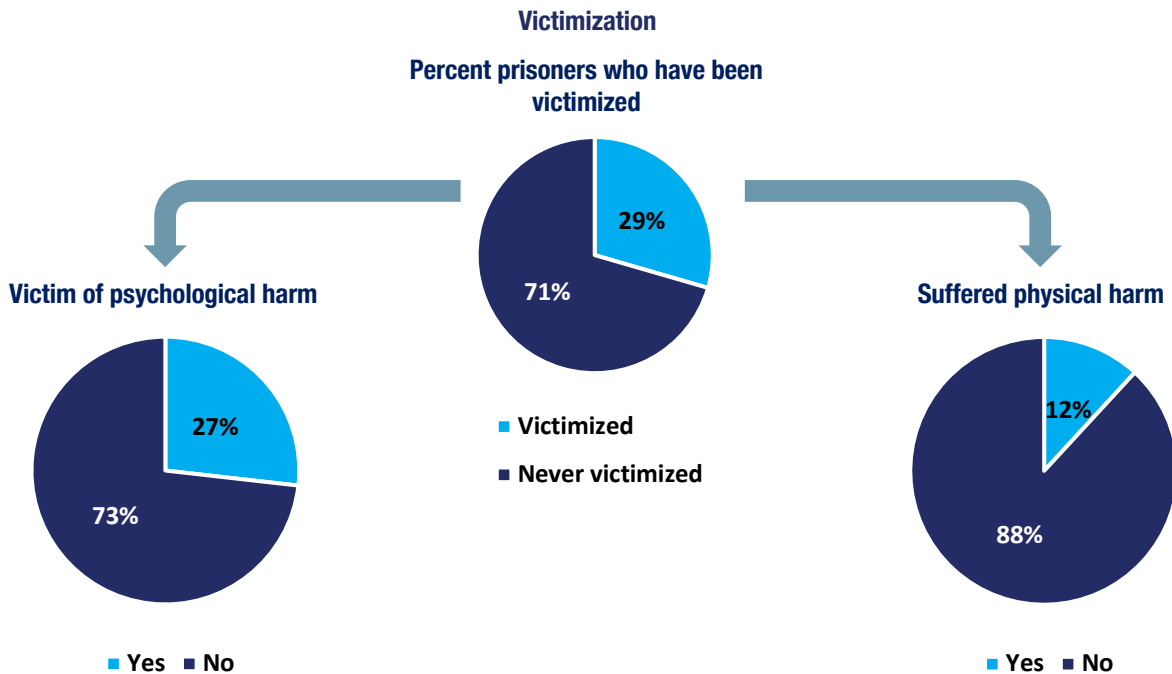
😐 Neither safe or unsafe

😞 Unsafe / Very unsafe

^a18 people reported sleeping in places other than cells. Among them, 13 indicated feeling safe or very safe, while 5 reported feeling unsafe.

Experience of victimization

Though respondents generally reported feeling safe, over a quarter reported being victimized while in prison. Among these individuals, 12% reported physical harm³ and 27% reported psychological harm⁴. Nationally, 10% of the respondents indicated being physically assaulted with respondents at Ilima Santa Bárbara (18%) and Morocelí (28%) reporting the highest rates. No respondents in Puerto Cortés reported having been physically assaulted. Victimization is generally underreported in prison-based surveys and the actual rates of victimization may be greater than reported by the respondents; therefore, caution should be taken when interpreting these results.



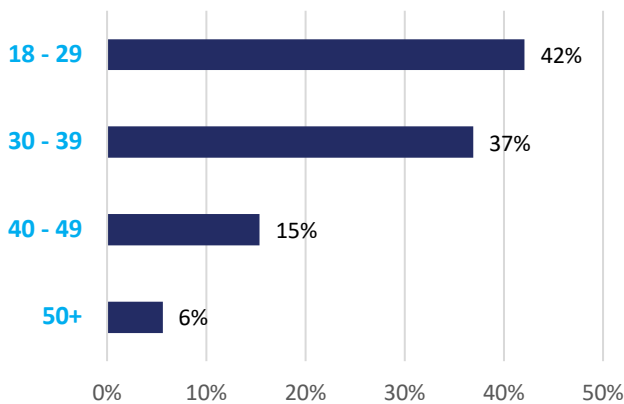
³ Physical harm includes assault, bounded, blindfolded, asphyxiated, and sexual assault.

⁴ Psychological harm includes -with false charges, food deprivation, violence against families, bribes, denied communication, denied visitors, and forced to undress.

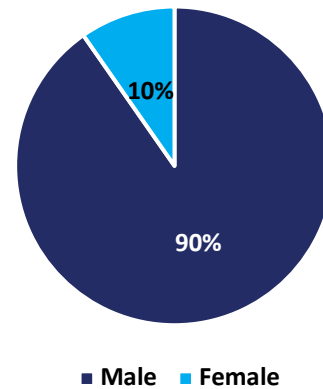
Physical victimization

As noted on the prior page, 12% of respondents indicated being physically assaulted during their current term of incarceration. To more fully explore this, we examined characteristics of those who reported being assaulted. The majority of those who indicated they had been victims of assault were between the ages of 18 and 29 and overwhelmingly male. Only 10% of those who were assaulted were women, which accounts for about 8% of the total sample of women. Roughly 11% of all men reported an assault, accounting for 90% of all those who reported an assault. No assaults for men were reported in Puerto Cortés nor for women in Nacaome, Danlí, El Porvenir, Tela, Santa Rosa de Copán, Marcala and La Esperanza.

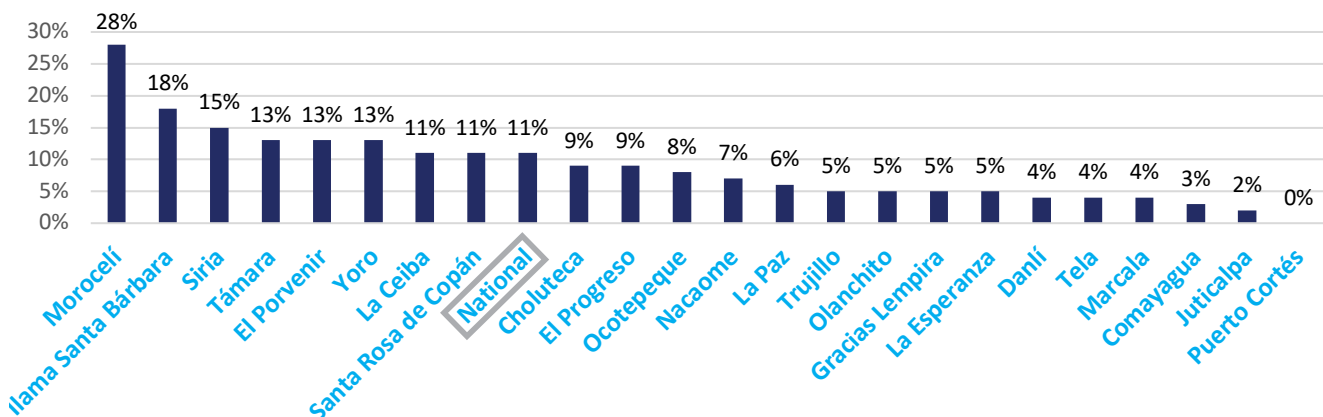
If physically assaulted, current age of respondent



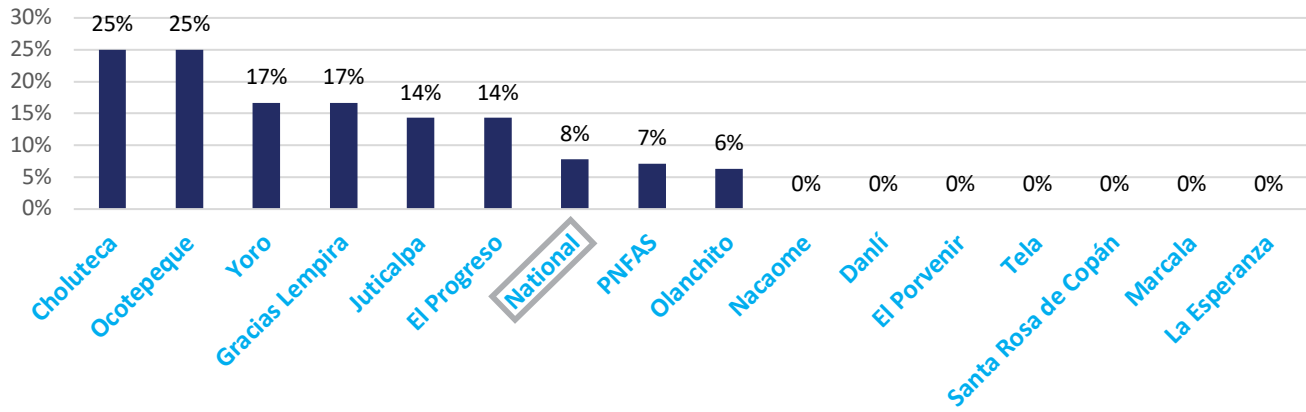
If physically assaulted, sex of respondent



Percent male prisoners physically assaulted in current facility (nationally and by prison)



Percent female prisoners physically assaulted in current facility (nationally and by prison)

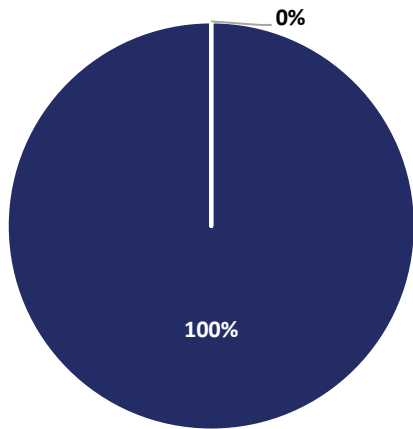


Prisoner Health, Welfare and Rehabilitation

Food

Access to adequate food is a basic right for those living in prison. Almost all the respondents reported receiving food three times a day and less than 1% reported receiving food only twice a day. The quality of food was consistently rated good. Across the country, only 15% of respondents rated the food as bad or very bad and 16% rated the food as regular. Nationally, 69% rated food as very good or good though 96% of La Paz prisoners rated the food quality positively. In comparison, 65% of the respondents rated food as bad or very bad at Morocelí.

How many times a day do you receive food?



■ Twice a day ■ Three times a day

Where do you eat?

75% of respondents say they eat in their cell



How would you rate the quality of the food served in this prison? (nationally and by prison)

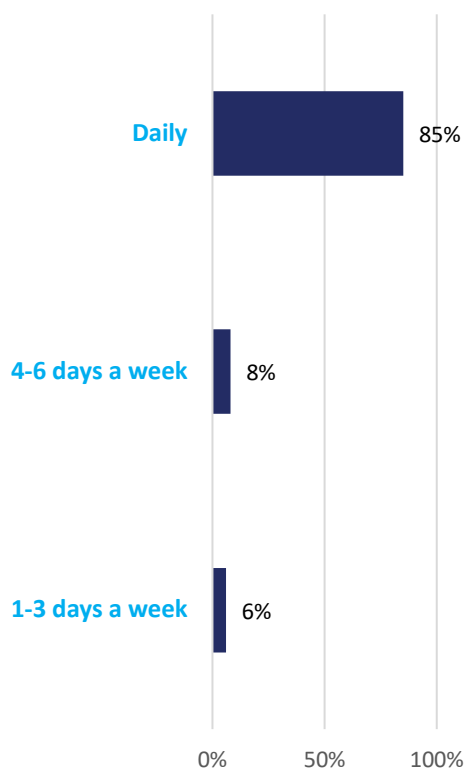
😊 Very good / Good 😐 Regular ☹️ Bad / Very bad

Prison	😊 Very good / Good	😐 Regular	☹️ Bad / Very bad
Morocelí	17%	18%	65%
Yoro	63%	12%	25%
El Progreso	59%	18%	23%
Siria	59%	21%	20%
Ilama Santa Bárbara	62%	21%	17%
Tela	65%	18%	17%
Támara	72%	13%	15%
National	69%	16%	15%
Trujillo	75%	13%	12%
Nacaome	61%	28%	11%
Choluteca	78%	11%	10%
Gracias Lempira	76%	14%	10%
Olanchito	77%	14%	10%
Danlí	78%	13%	9%
Comayagua	79%	12%	9%
Marcala	65%	27%	8%
Juticalpa	78%	14%	8%
La Ceiba	79%	14%	7%
Puerto Cortés	83%	11%	7%
Ocotepeque	78%	16%	6%
La Esperanza	86%	9%	5%
PNFAS	86%	10%	4%
Santa Rosa de Copán	82%	14%	4%
El Porvenir	81%	16%	3%
La Paz	96%	4%	0%

Water

In addition to food, prisoners should have access to drinkable water and be provided with the water necessary for hygiene. Only 9% of respondents indicated having sufficient water to meet their daily needs. Across the country, just under half rated the water as good or very good while 41% reported it as bad or very bad. The quality of water was varied widely across prisons with a 70% favorable rating in Olanchito compared to only a 6% favorable rating in Morocelí.

How often do you have water to cover your daily needs and to drink in this prison? (per week)



How would you rate the quality of the drinking water in this prison? (nationally and by prison)

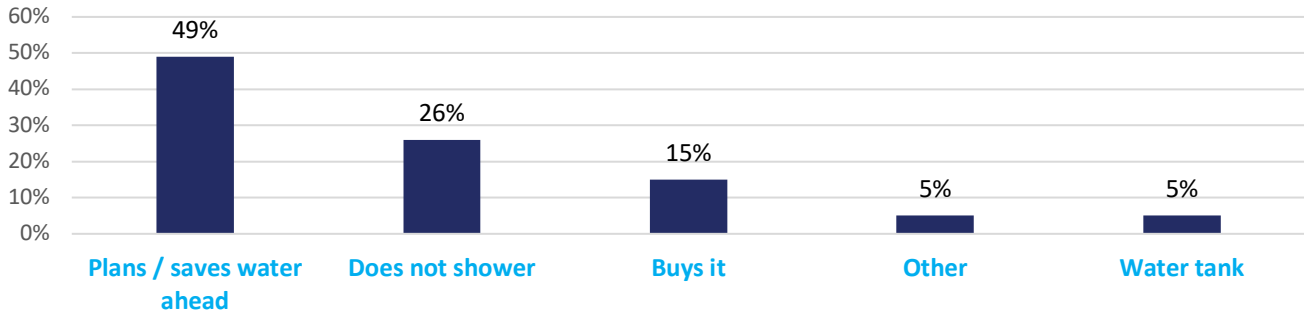
😊 Very good / Good 😐 Regular ☹️ Bad / Very bad

Prison	😊	😐	☹️
Morocelí	6%	3%	91%
PNFAS	22%	5%	73%
Ocotepeque	33%	5%	62%
Yoro	35%	7%	58%
Comayagua	26%	17%	57%
La Paz	34%	10%	56%
Juticalpa	37%	11%	53%
Támara	44%	14%	42%
National	49%	10%	41%
Tela	46%	14%	40%
Nacaome	47%	13%	40%
Trujillo	46%	14%	39%
Ilama Santa Bárbara	55%	8%	37%
Choluteca	57%	9%	33%
Danlí	54%	13%	33%
El Progreso	58%	8%	33%
Siria	63%	6%	31%
La Esperanza	59%	11%	30%
Gracias Lempira	68%	4%	28%
La Ceiba	75%	5%	20%
Marcala	63%	20%	16%
Santa Rosa de Copán	62%	22%	16%
Olanchito	79%	8%	12%
El Porvenir	74%	14%	12%
Puerto Cortés	78%	15%	7%

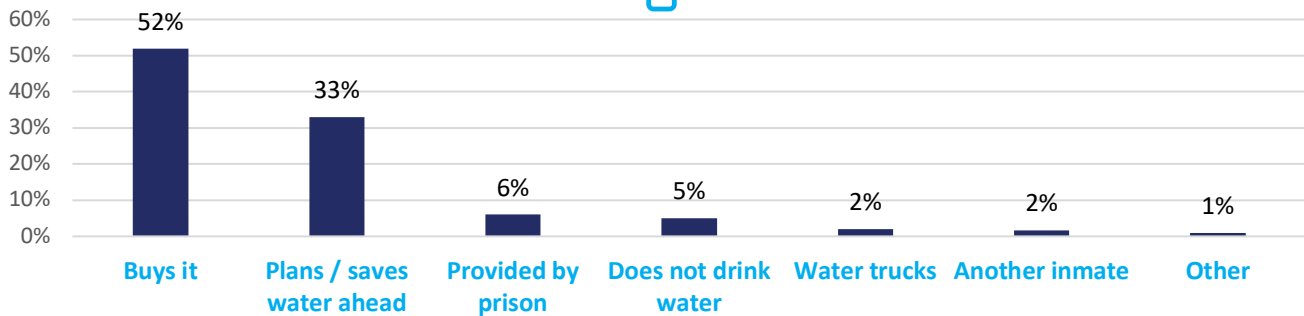
Water

Individuals who reported less than daily access to water were asked about strategies used to manage the limited access. At least 49% of the respondents reported buying water or planning ahead by saving water for bathing, drinking, or using the bathroom. Beyond purchasing or planning ahead, respondents reported simply not engaging in an activity which requires water or receiving water as gifts.

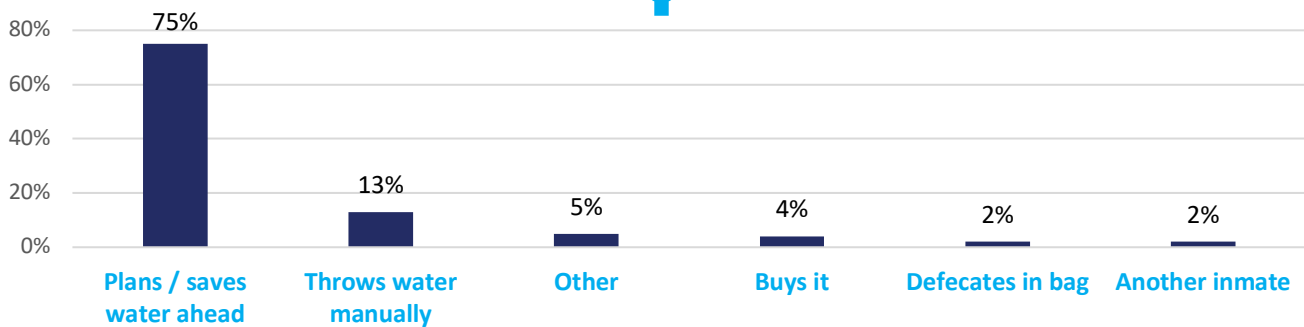
For respondents who have less than daily access to water, how do you bathe when there's no water?



For respondents who have less than daily access to water, how do you drink water when there's no water?

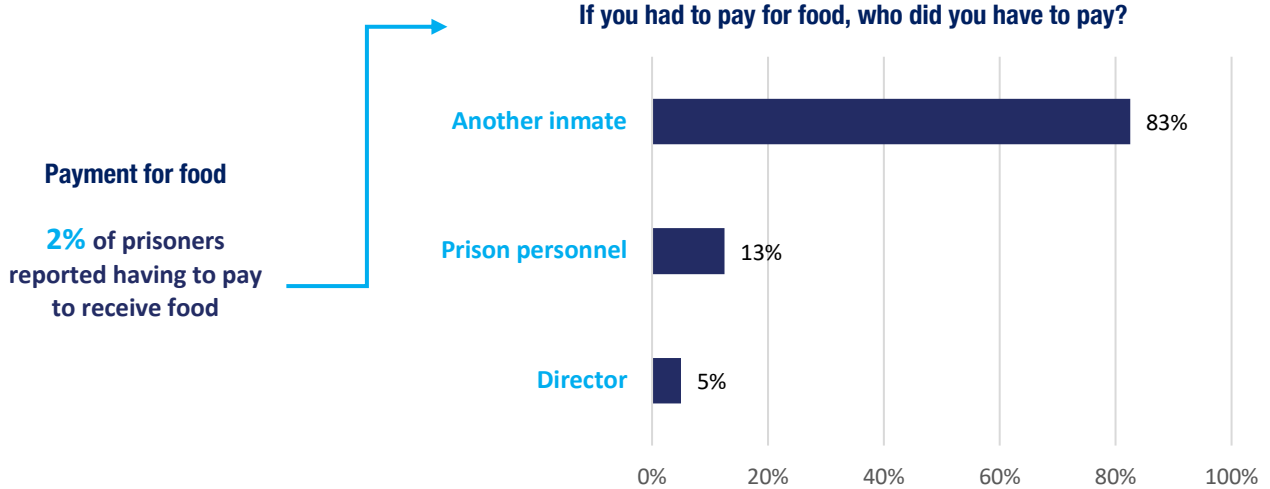


For respondents who have less than daily access to water, how do you use the restroom when there's no water?



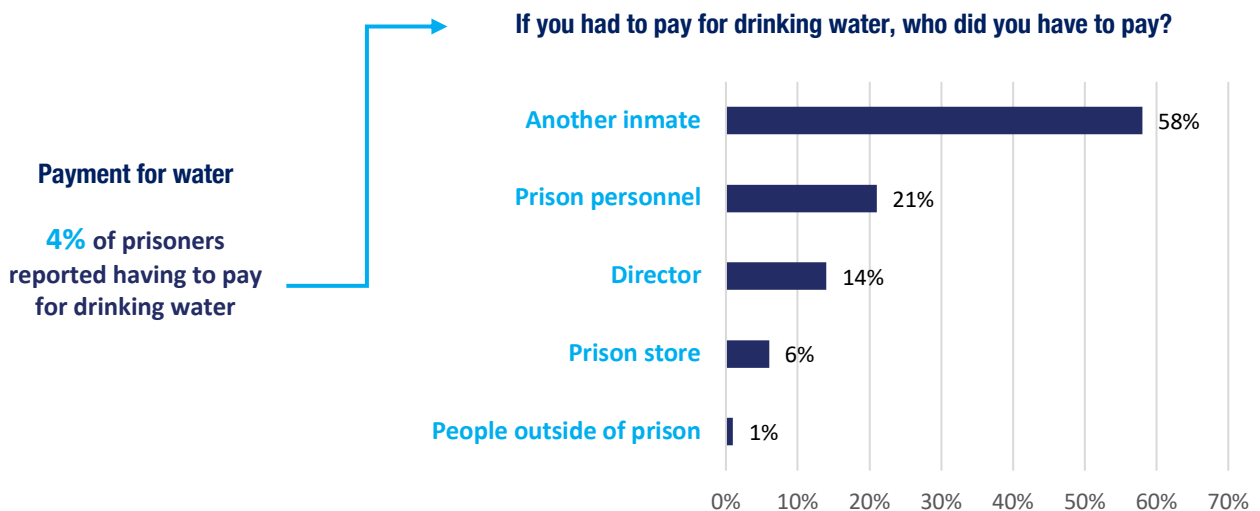
Payment for food

Although nearly all of the respondents reported receiving food three times a day, 2% (n=40) indicated they had to pay someone to receive food. Among these, the majority had to pay another prisoner, while 13% reported paying prison security, and 5% reported paying the Prison Director for food.



Payment for water

Like food, a small percentage of individuals reported having to pay for water. Specifically, 4% indicated they had to pay for water, and, as with food, it was most common to report paying another prisoner (58%), prison personnel (21%), or the Director (14%).



Accommodation: Ventilation and temperature

The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) indicate that living conditions and accommodations should be suitable for good health (UN General Assembly, 2016). This means, in part, having adequate ventilation and temperature in cells. Respondents were asked to rate the quality of their accommodations. Nationally, 42% of respondents reported having poor ventilation and 46% of respondents reported having poor temperatures. More than half of respondents in Comayagua, Nacaome, La Paz, La Esperanza, Ilima Santa Bárbara and Morocelí reported poor ventilation. More than 50% respondents rated the cell temperature poorly in La Paz, Comayagua, PNFAS, Siria, Choluteca, Trujillo, Nacaome, Ilima Santa Bárbara and Morocelí. Across the country, La Ceiba, Puerto Cortés, and Olanchito were rated most favorably in terms of ventilation and temperature.

How would you rate the ventilation you have in your cell?
(nationally and by prison)



Prison			
Morocelí	8%	4%	88%
Ilima Santa Bárbara	14%	5%	82%
La Esperanza	43%	0%	57%
La Paz	40%	8%	52%
Nacaome	32%	17%	52%
Comayagua	43%	5%	52%
Siria	43%	10%	47%
Yoro	49%	5%	46%
Tela	45%	11%	45%
PNFAS	47%	10%	43%
Trujillo	49%	9%	42%
National	50%	8%	42%
Choluteca	52%	8%	40%
Marcala	51%	12%	37%
Támara	56%	8%	36%
El Porvenir	62%	7%	31%
Gracias Lempira	64%	8%	28%
Ocotepeque	60%	13%	28%
Danlí	69%	6%	26%
Juticalpa	66%	9%	25%
El Progreso	69%	11%	20%
Santa Rosa de Copán	68%	12%	20%
Olanchito	82%	7%	11%
La Ceiba	96%	0%	4%
Puerto Cortés	94%	4%	2%

How would you rate the temperature that your cell usually has?
(nationally and by prison)



Prison			
Morocelí	11%	3%	87%
Ilima Santa Bárbara	14%	4%	83%
Nacaome	24%	13%	63%
Trujillo	33%	8%	59%
Choluteca	30%	13%	58%
Siria	39%	8%	53%
La Paz	36%	14%	50%
Comayagua	36%	14%	50%
PNFAS	42%	8%	50%
Tela	42%	8%	49%
La Esperanza	48%	7%	46%
National	45%	9%	46%
Yoro	53%	7%	41%
Juticalpa	49%	13%	38%
Danlí	56%	7%	37%
Marcala	49%	16%	35%
Támara	57%	10%	33%
El Porvenir	55%	12%	33%
El Progreso	57%	14%	30%
Ocotepeque	55%	19%	26%
Santa Rosa de Copán	64%	12%	24%
Olanchito	67%	10%	23%
Gracias Lempira	62%	18%	20%
Puerto Cortés	94%	2%	4%
La Ceiba	95%	4%	2%

Very good / Good

Regular




Bad / Very bad

Accommodation: Lighting and floor space

In addition, respondents were also asked to report on the lighting and overall space in their cell. Both were rated more favorably than ventilation and temperature. Nationally, 74% of the respondents rated lighting favorably with 19% reporting it as bad or very bad. Ratings of space were less favorable; with 27% of the respondents indicating negative perceptions of space. Ratings were most favorable at Juticalpa, Olanchito and Puerto Cortés with 80% or more rating lighting favorably.




How would you rate the light or lighting you have in your cell? (nationally and by prison)




Prison			
Siria	54%	7%	39%
Morocelí	55%	7%	38%
PNFAS	54%	12%	35%
Ilama Santa Bárbara	67%	7%	26%
Juticalpa	74%	1%	25%
Trujillo	70%	9%	21%
Nacaome	63%	17%	20%
Choluteca	77%	3%	20%
El Porvenir	72%	9%	19%
National	74%	6%	19%
Támara	73%	9%	18%
Yoro	78%	5%	17%
La Esperanza	80%	5%	16%
El Progreso	84%	1%	15%
Tela	77%	9%	15%
Comayagua	85%	3%	12%
La Paz	82%	10%	8%
La Ceiba	89%	4%	7%
Ocotepeque	89%	5%	6%
Marcala	88%	6%	6%
Santa Rosa de Copán	88%	6%	6%
Danlí	93%	2%	6%
Olanchito	92%	3%	6%
Gracias Lempira	92%	6%	2%
Puerto Cortés	100%	0%	0%


How would you rate the space that you have in your cell? (nationally and by prison)



Prison			
Morocelí	28%	6%	66%
Yoro	51%	9%	41%
PNFAS	52%	9%	39%
La Esperanza	55%	9%	36%
Nacaome	50%	17%	33%
Siria	59%	11%	30%
Danlí	67%	4%	30%
Trujillo	63%	8%	29%
Choluteca	68%	5%	28%
El Porvenir	59%	14%	28%
Ilama Santa Bárbara	67%	6%	27%
National	64%	9%	27%
Comayagua	66%	9%	26%
Marcala	61%	14%	25%
Santa Rosa de Copán	66%	12%	22%
Támara	70%	9%	21%
El Progreso	70%	10%	20%
La Ceiba	70%	13%	18%
La Paz	70%	14%	16%
Olanchito	81%	4%	15%
Tela	77%	8%	15%
Gracias Lempira	74%	12%	14%
Ocotepeque	74%	15%	11%
Juticalpa	86%	5%	9%
Puerto Cortés	80%	11%	9%

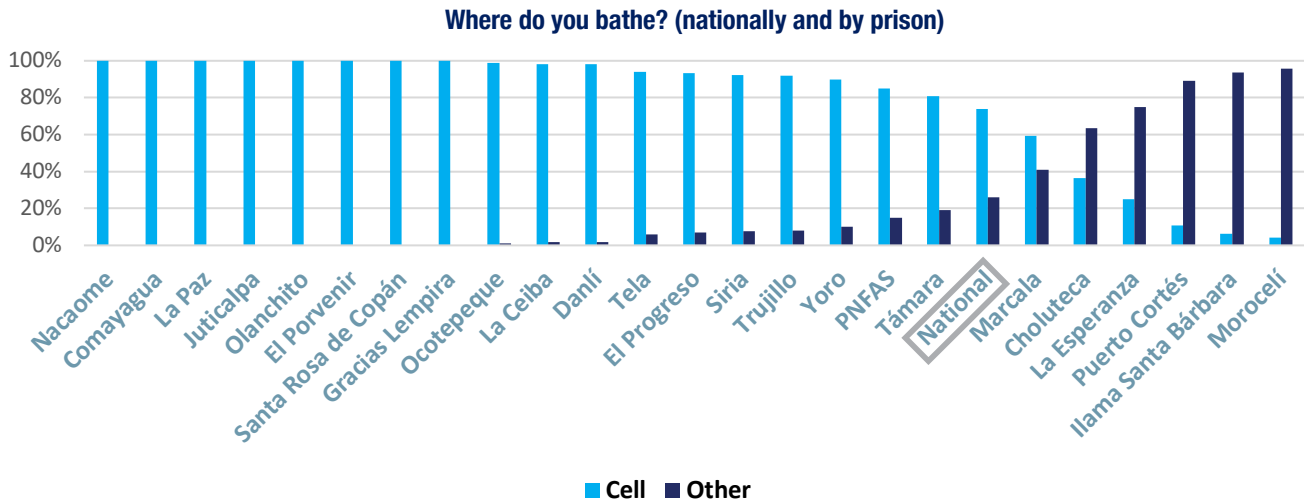
 Very good / Good

 Regular

 Bad / Very bad

Hygiene




The Nelson Mandela Rules recognize hygiene as an important consideration for those living in prison. This includes the ability to bath regularly and have clean living areas. Nationally, 74% of respondents reported bathing in their cells. This varied across the prisons. As illustrated below 100% of the respondents (100%) in 8 prisons indicated they bathe in their cells. In contrast, 25% or fewer of respondents in La Esperanza, Puerto Cortés, Ilima Santa Bárbara, and Morocelí indicated they bathe elsewhere. Individuals generally reported being able to bathe on a daily basis and, nationally, 67% of respondents indicate the area to be very clean. Respondents in a third of the prisons reported the bathing area as very clean whereas approximately 50% or more of the respondents in Morocelí, La Esperanza and Yoro had negative perceptions.






**How many times a week can you bathe?
(nationally and by prison)**

Prison	Less than daily	Daily or more
El Porvenir	0%	100%
Puerto Cortés	0%	100%
Ilama Santa Bárbara	0%	100%
Choluteca	3%	97%
Comayagua	3%	97%
Tela	4%	96%
Ocotepeque	4%	96%
Nacaome	6%	94%
Danlí	6%	94%
Morocelí	6%	94%
PNFAS	9%	91%
El Progreso	9%	91%
Olanchito	10%	90%
Marcala	10%	90%
La Ceiba	11%	89%
National	14%	86%
Trujillo	16%	84%
Támara	20%	80%
Yoro	20%	80%
Siria	23%	77%
Gracias Lempira	24%	76%
Juticalpa	27%	73%
La Paz	34%	66%
Santa Rosa de Copán	50%	50%
La Esperanza	70%	30%

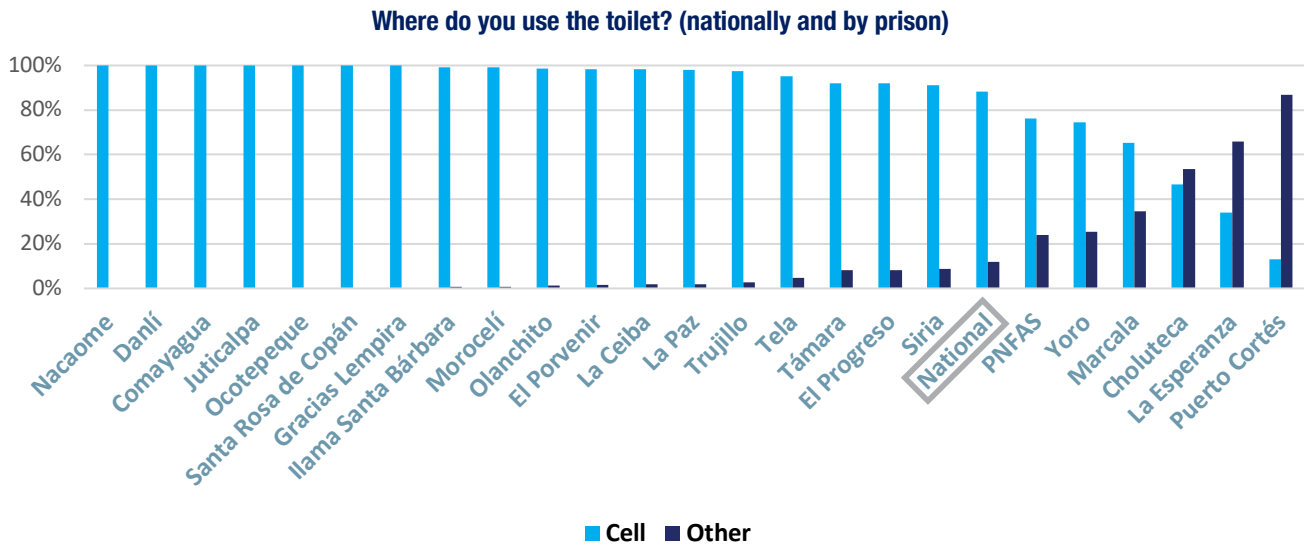
**How would you rate the cleanliness of the bathing area?
(nationally and by prison)**

Prison			
La Esperanza	48%	18%	34%
Yoro	32%	37%	31%
Morocelí	51%	23%	27%
Támara	59%	18%	23%
Nacaome	61%	19%	20%
Choluteca	58%	23%	19%
Comayagua	59%	22%	19%
Santa Rosa de Copán	66%	18%	16%
Trujillo	65%	20%	16%
Siria	59%	25%	16%
Juticalpa	65%	20%	16%
Marcala	65%	20%	14%
National	67%	19%	14%
Tela	72%	16%	12%
Ocotepeque	66%	23%	11%
El Progreso	80%	12%	8%
PNFAS	81%	12%	8%
La Paz	62%	30%	8%
Puerto Cortés	85%	9%	7%
Danlí	78%	17%	6%
Olanchito	82%	12%	6%
La Ceiba	82%	13%	5%
El Porvenir	83%	12%	5%
Ilama Santa Bárbara	82%	13%	5%
Gracias Lempira	80%	16%	4%

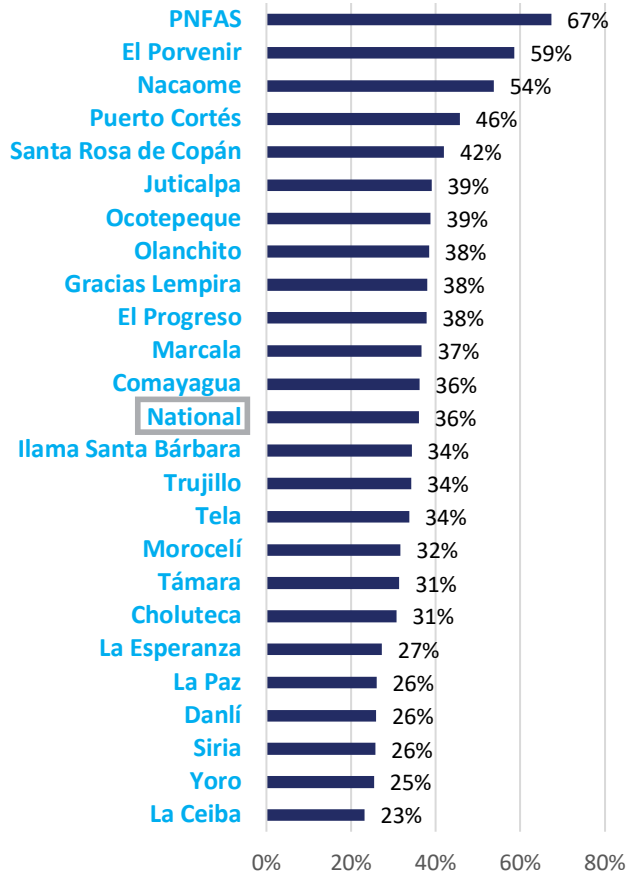
 Very clean  Hardly / Somewhat clean  Not at all clean

Hygiene

Respondents were asked about access to toilets and, as with bathing, the majority reported using the toilet (88%) in their cell. This was true across all of prisons except for Choluteca, La Esperanza, and Puerto Cortés where the majority of respondents indicating using a toilet elsewhere. Access to toilets was somewhat limited as only 36% of respondents reported having regular access to a toilet, defined as at least 3 times a day or “whenever I want.” This was an issue across almost all the prisons. The prisons with the highest rates of reported access included PNFAS (67%), El Porvenir (59%), and Nacaome (54%). Although cleanliness varied across the institutions, 68% reported the toilet area as very clean. Over 80% of respondents in La Ceiba, Puerto Cortés, Danlí and Olanchito rated the bathroom area as very clean as did 90% of those in Ilima Santa Bárbara.



Percent respondents who have regular access* to the toilet (nationally and by prison)



* “Regular” includes respondents who reported access to the toilet 3 or more times per day or “whenever I want.”

How would you rate the cleanliness of the toilet area? (nationally and by prison)

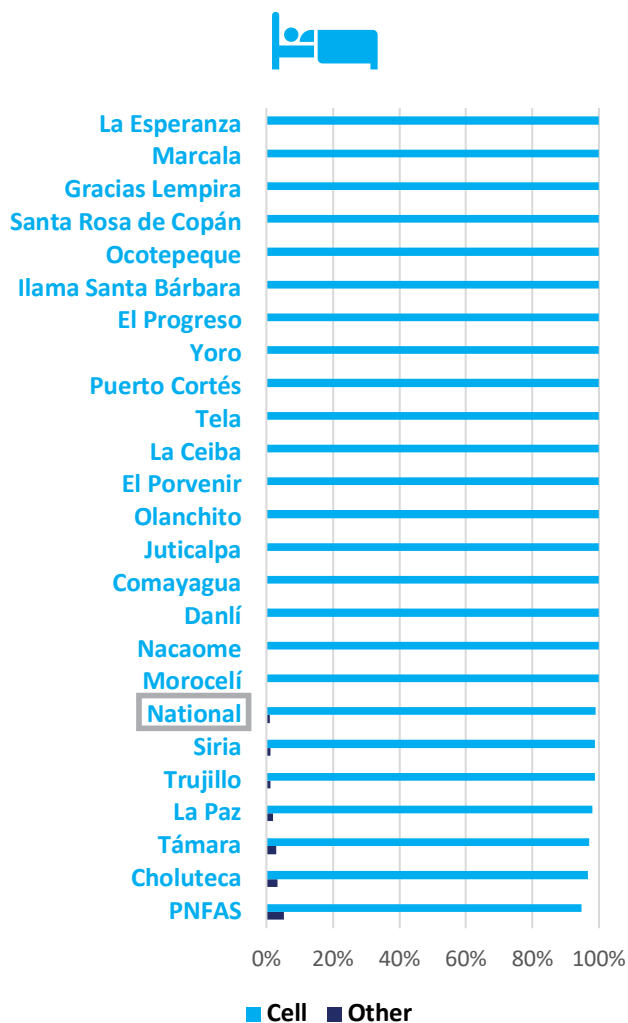
Prison	😊	😐	😞
Yoro	29%	27%	44%
La Esperanza	39%	27%	34%
Choluteca	53%	18%	28%
Comayagua	59%	19%	22%
Nacaome	59%	19%	22%
Ocotepeque	59%	24%	18%
Juticalpa	60%	23%	17%
Morocelí	65%	18%	17%
Trujillo	70%	15%	16%
Siria	61%	23%	16%
Támara	61%	24%	16%
National	68%	18%	15%
PNFAS	77%	9%	14%
Marcala	63%	25%	12%
Santa Rosa de Copán	70%	18%	12%
Puerto Cortés	84%	4%	11%
El Progreso	78%	11%	11%
Tela	72%	17%	11%
La Paz	64%	28%	8%
La Ceiba	80%	13%	7%
El Porvenir	72%	21%	7%
Olanchito	86%	7%	7%
Danlí	85%	9%	6%
Gracias Lempira	78%	18%	4%
Ilama Santa Bárbara	90%	8%	1%

😊 Very clean 😐 Hardly / Somewhat 😞 Not at all

Sleep

Individuals in prison should have safe and secure sleeping areas. The majority of respondents (99%) indicated they sleep in cells and almost all the respondents reported sharing their living space with other prisoners. Nationally, the mean number of cellmates was 41, with a range of 0 to 67, and the median number was 30. High occupancy levels are often associated with cramped living space, reduced privacy, poor hygiene, and less staff control. In some prisons, respondents reported sleeping in other locations including hallways and pavilions.

Where do you sleep?
(nationally and by prison)



Number of people with whom you share the sleeping area
(mean and median, nationally and by prison)

Prison	Mean	Median
Siria	99	120
La Esperanza	79	84
La Ceiba	65	72
El Progreso	64	60
Marcala	63	70
Comayagua	54	55
Choluteca	54	70
Trujillo	48	45
Yoro	47	60
Olanchito	43	27
National	41	30
Tela	40	43
Gracias Lempira	39	39
La Paz	35	40
Nacaome	34	37
PNFAS	34	20
Támara	33	40
Ocotepeque	29	31
Juticalpa	23	27
Santa Rosa de Copán	20	17
Danlí	17	18
Morocelí	14	15
Ilama Santa Bárbara	11	9
Puerto Cortés	11	10
El Porvenir	8	8

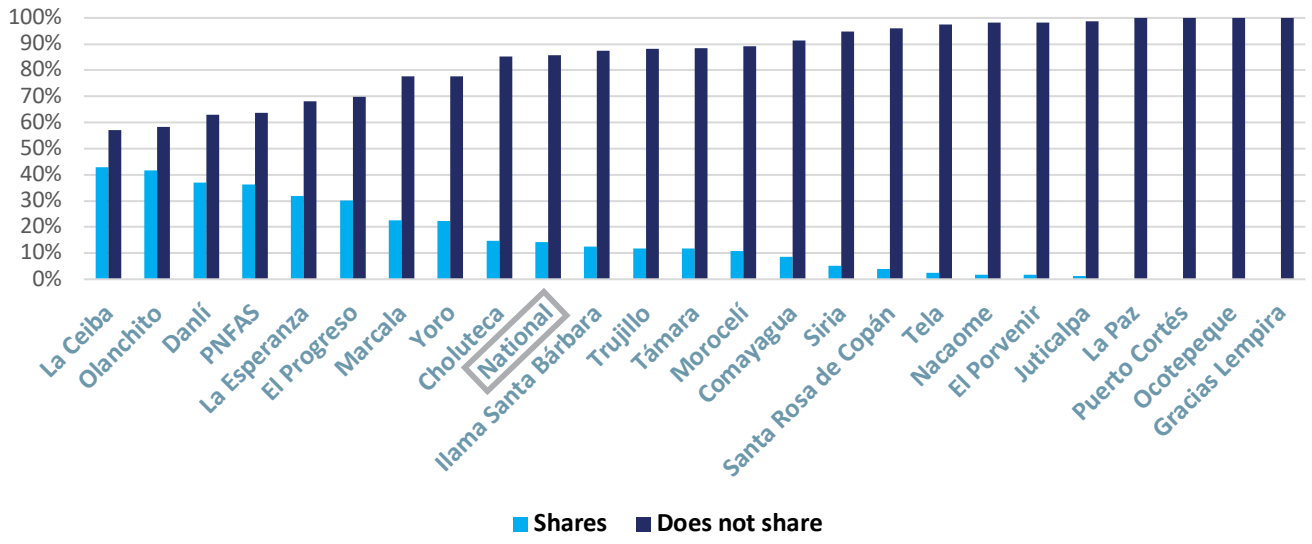
Sleep

Nationally, 77% of respondents reported sleeping in a bed, 4% reported sleeping in hammocks, and 8% reported sleeping on the floor. Just over 11% reported having other types of bedding including sleeping on a cement bed or slab. Almost 95% respondents from Gracias Lempira and Santa Rosa de Copán reported having a bed, while 44% of respondents in Nacaome reported using hammocks. Nationally, 14% of respondents reported sharing bedding with others. This rate exceeded 40% at Olanchito and La Ceiba. All the respondents at La Paz, Puerto Cortés, Ocotepeque and Gracias Lempira indicated they had their own bedding.

Type of bedding (nationally and by prison)

Prison	Bed	Hammock	Floor	Other
Santa Rosa de Copán	94%	0%	2%	4%
Gracias Lempira	94%	2%	0%	4%
Puerto Cortés	93%	2%	0%	4%
Juticalpa	92%	0%	0%	8%
La Paz	92%	0%	0%	8%
Ocotepeque	89%	0%	0%	11%
Comayagua	88%	2%	2%	9%
Siria	87%	3%	4%	6%
Trujillo	86%	3%	11%	1%
Tela	84%	1%	1%	13%
PNFAS	84%	0%	0%	16%
Choluteca	81%	11%	6%	2%
La Esperanza	80%	0%	11%	9%
Támara	79%	1%	8%	12%
National	77%	4%	8%	11%
La Ceiba	77%	2%	4%	18%
El Progreso	76%	1%	18%	5%
Ilama Santa Bárbara	69%	10%	13%	7%
El Porvenir	69%	0%	0%	31%
Marcala	67%	0%	8%	24%
Yoro	61%	0%	25%	14%
Morocelí	60%	13%	8%	19%
Nacaome	54%	44%	0%	2%
Olanchito	47%	4%	40%	10%
Danlí	35%	2%	31%	31%

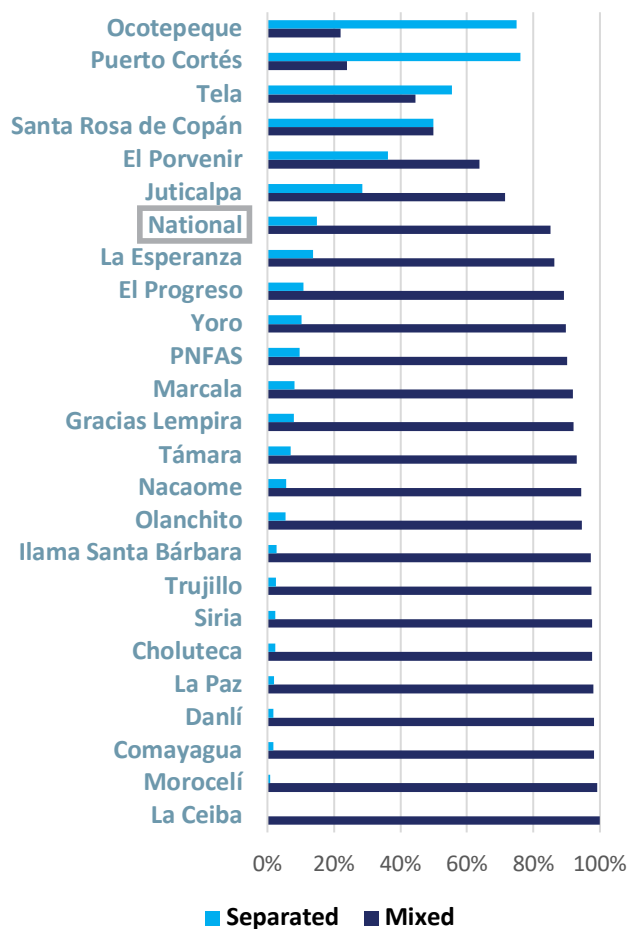
Percent respondents who share their bedding (nationally and by prison)



Sleep

The Nelson Mandela Rules indicate that pretrial detainees should be held separate from sentenced individuals and should sleep separately in single rooms unless climate and local customs dictate otherwise. Nationally, 85% of respondents indicated prisoners were mixed regardless of legal status, with respondents in only three prisons (Ocotopeque, Puerto Cortés, Santa Rosa de Copán) reporting that the majority of detainees and convicted individuals are housed separately. Despite the generally crowded conditions and sharing of space, 76% reported the sleeping area as very clean.

Are detainees and convicted individuals mixed in cells/dorms? (nationally and by prison)



How would you rate the cleanliness of the sleeping area? (nationally and by prison)

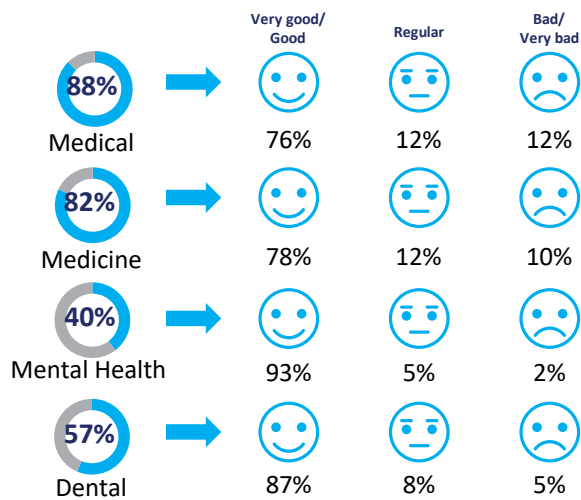
Prison	Very clean (😊)	Hardly / Somewhat clean (😐)	Not at all clean (😞)
Yoro	51%	24%	25%
Danlí	51%	24%	25%
Comayagua	53%	28%	19%
Nacaome	56%	26%	19%
Puerto Cortés	53%	28%	19%
La Esperanza	57%	25%	18%
Marcala	71%	16%	12%
Morocelí	72%	17%	12%
Siria	69%	19%	12%
Santa Rosa de Copán	70%	20%	10%
Támara	78%	12%	10%
Trujillo	78%	13%	9%
Choluteca	69%	22%	9%
Ocotopeque	78%	14%	9%
National	76%	15%	9%
Tela	81%	11%	8%
El Progreso	81%	11%	8%
Gracias Lempira	76%	16%	8%
Juticalpa	74%	21%	5%
El Porvenir	81%	14%	5%
Olanchito	86%	10%	4%
La Paz	72%	24%	4%
La Ceiba	88%	9%	4%
PNFAS	89%	9%	3%
Ilama Santa Bárbara	91%	7%	2%

😊 Very clean 😐 Hardly / Somewhat clean 😞 Not at all clean

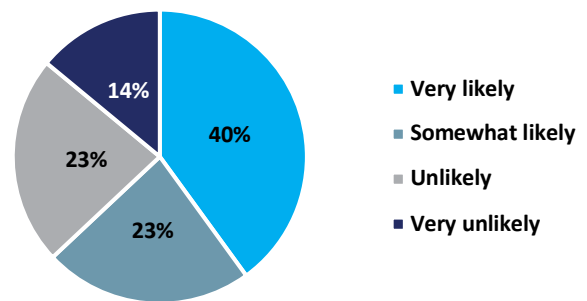
Medical care

Access to healthcare is a critical issue for those in prison. Eighty-eight percent of respondents reported receiving medical care and 92% had received medicine though less received dental care (57%) or mental health services (40%). Respondents were generally favorable about the quality of care. Among those who received services, 76% rated medical care favorably, with higher ratings for mental health (93%) and dental (87%) care. Almost three-quarters of respondents believed they would receive medical care if requested, though only 54% believed they would receive emergency medical care if needed. Nationally, 54% of respondents indicated they had a physical in prison; among this group, 60% reported having a physical in the last 12 months. Over 80% of the respondents in La Esperanza indicated they had received a physical.

Percent of prisoners who received medical care at current prison and perceived quality of service



How likely is it that you will receive emergency medical care?



Have you ever had a physical in prison? (nationally)



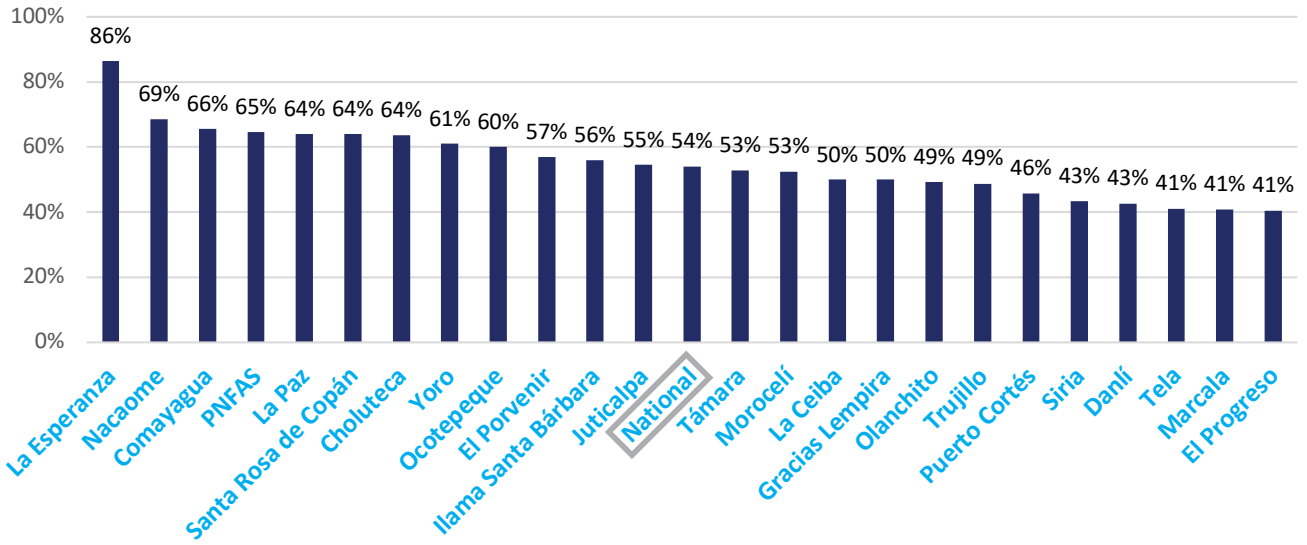
If you needed medical care, do you think it would be provided when you ask for it?



Months since last physical...



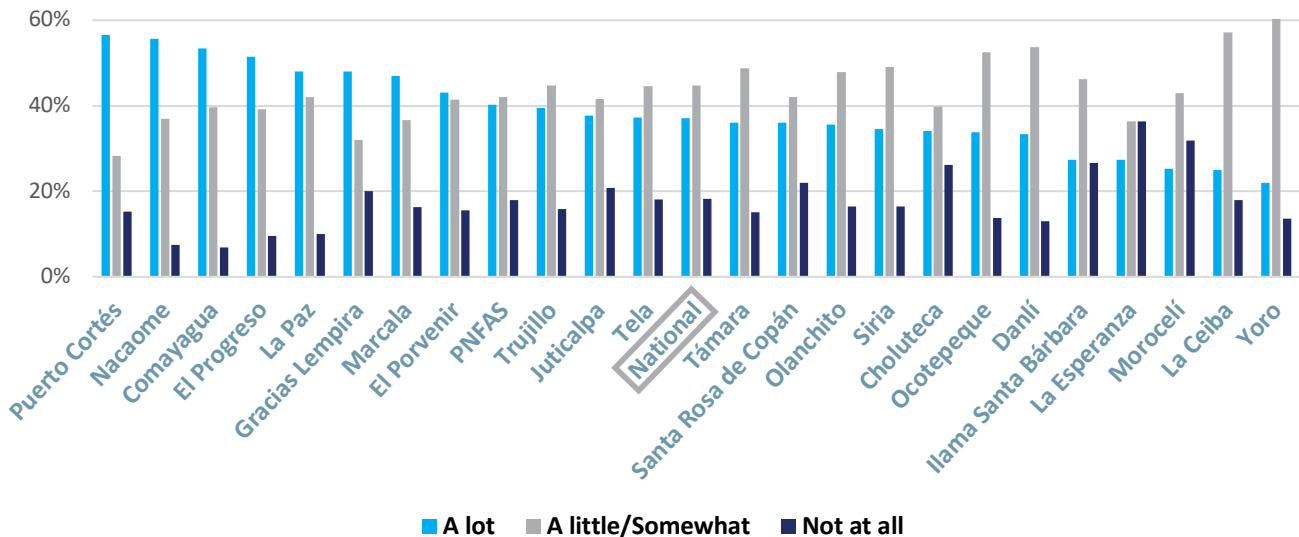
Percent respondents who have ever had a physical in prison (nationally and by prison)



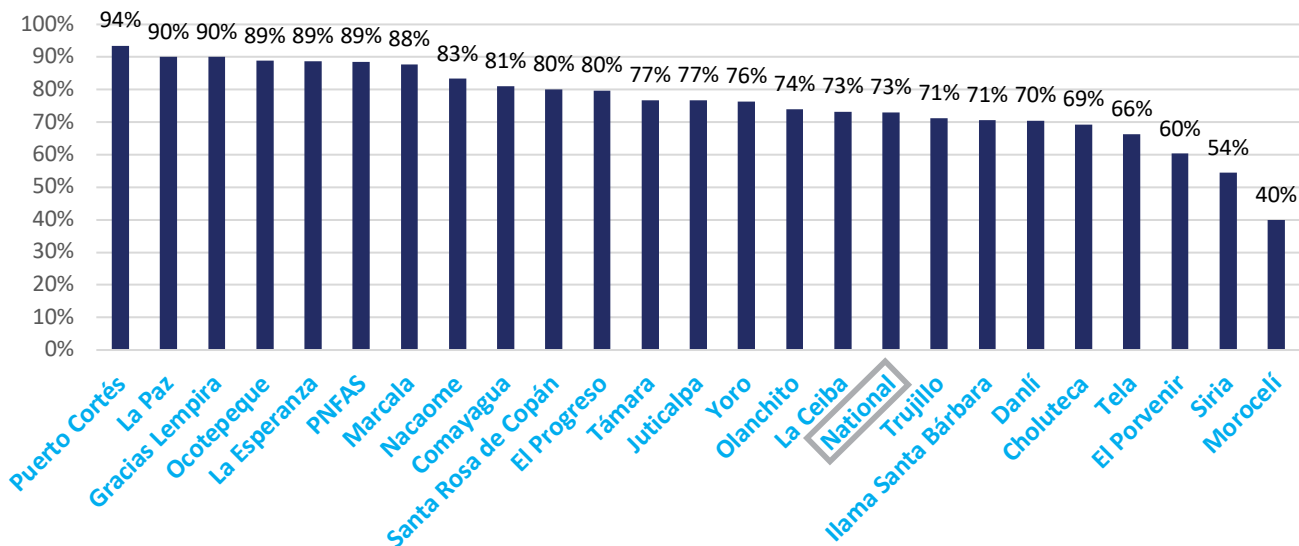
Medical care and Covid-19

Respondents were also asked about COVID-19. Nationally, 45% reported some knowledge of COVID-19, with 37% indicating they had a lot of knowledge. More than half of the respondents from Puerto Cortés, Nacaome, Comayagua, and La Paz reported having a lot of knowledge while over 30% reported not having any knowledge in La Esperanza and Morocelí. Access to masks varied across prisons. Nationally, 73% of respondents indicated prison staff provided them with masks. However, this number ranged from less than half in Morocelí to over 90% in La Paz, Gracias Lempira, and Puerto Cortés. When provided, they were generally provided for free, with fewer than 2% of respondents indicating they had to pay for masks.

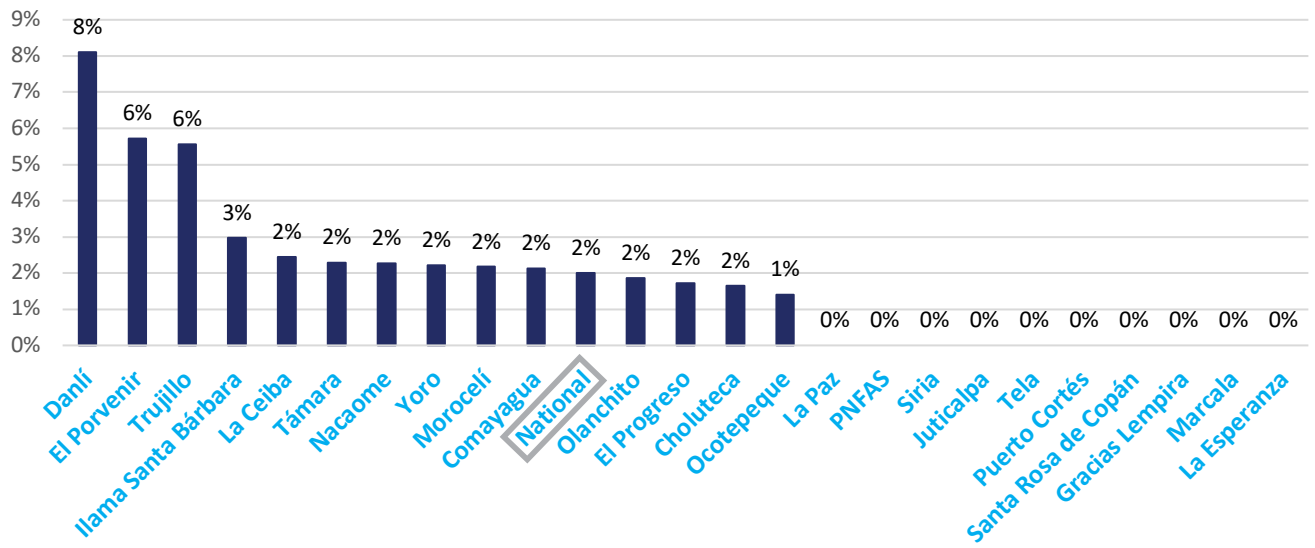
How knowledgeable are you regarding the COVID-19 pandemic? (nationally and by prison)



Percent respondents who reported that prison staff provided them with face masks (nationally and by prison)



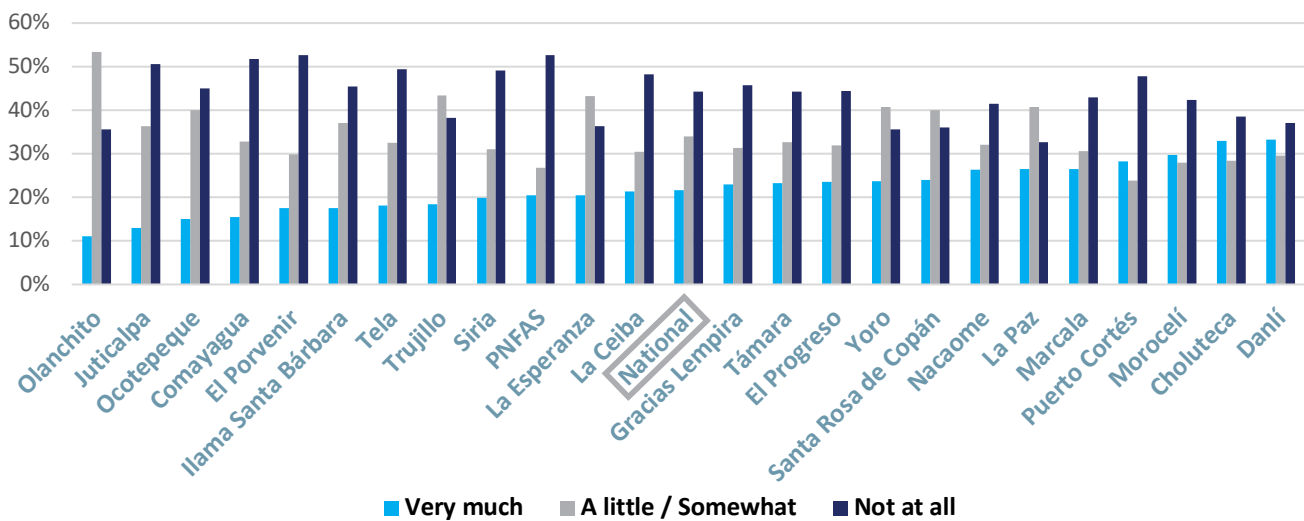
If prison staff provided face masks, percent respondents who had to pay for them (nationally and by prison)



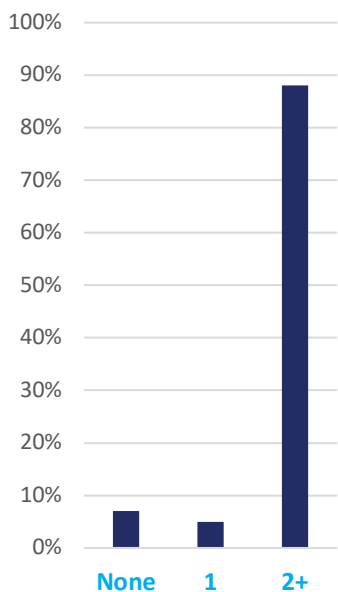
Medical care and Covid-19

Some respondents expressed concern about contracting COVID-19, with 34% indicating they were at least somewhat worried about contracting it. Forty-four percent indicated they were not worried at all. This group included 8 people who had previously been diagnosed with COVID-19. The level of concern varied across the prisons. Interestingly, there was no significant difference between respondents in prisons with higher ratings regarding ventilation when it came to being concerned about contracting COVID-19. Prisoners began having access to Covid-19 vaccines in 2021 and 88% of the respondents reported they were fully vaccinated (defined as having two doses) at the time of the survey. Fewer than 80% of respondents in Morocelí, Olanchito, and Juticalpa were fully vaccinated. However, over 90% of respondents were vaccinated in 12 prisons, including PNFAS (96%) and La Esperanza (96%).

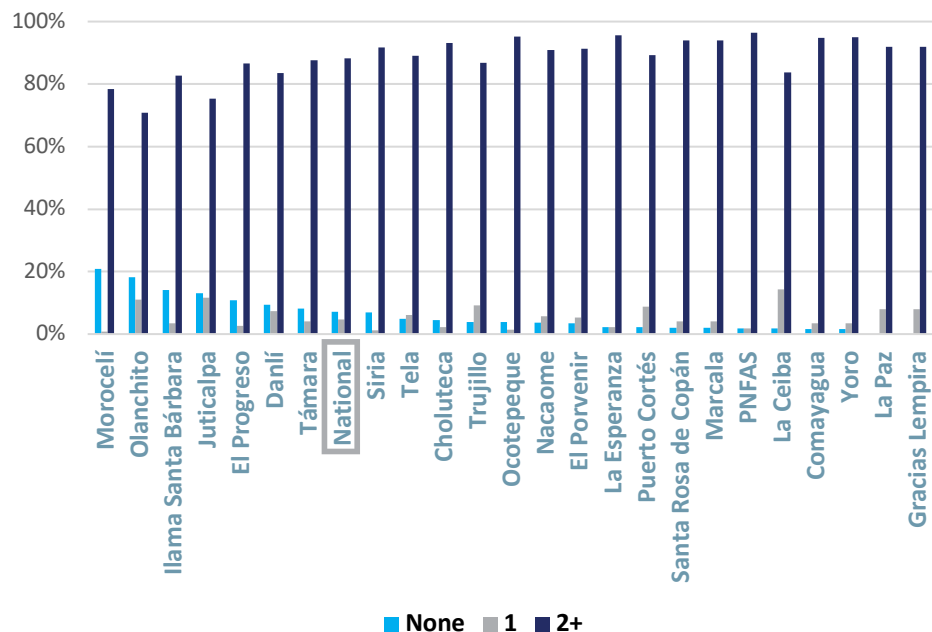
How worried are you about contracting COVID-19? (nationally and by prison)



Number of COVID-19 vaccines received



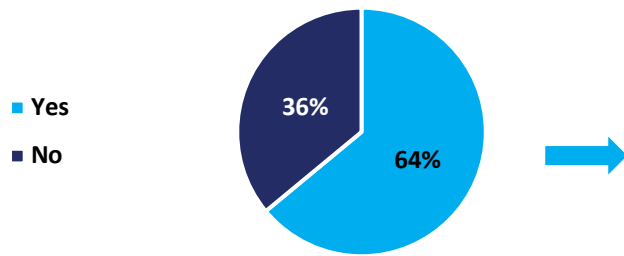
Number of COVID-19 vaccines received (nationally and by prison)



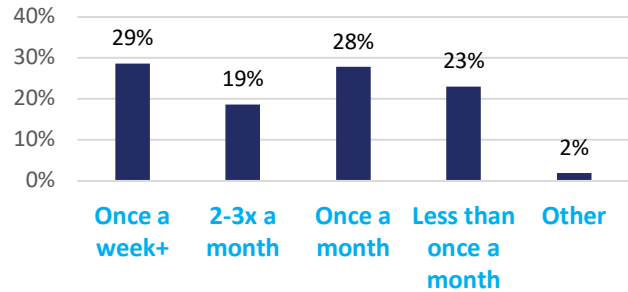
Family/visitation: Pre-Covid

Regular communication and visits with family and friends is important. In addition to the Nelson Mandela Rules, research is clear that visitation and communication is associated with improved health, behavior, and reentry outcomes. Sixty-four percent of respondents indicated having family visits prior to the COVID-19 pandemic, and 48% had more than monthly visits. Visitation did not vary significantly by sex, but citizens were less likely than foreign prisoners to have visits.

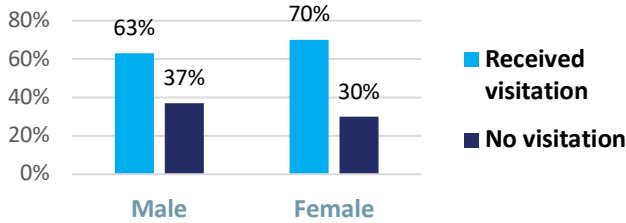
Before the COVID-19 pandemic, had you received a family visit in this prison?



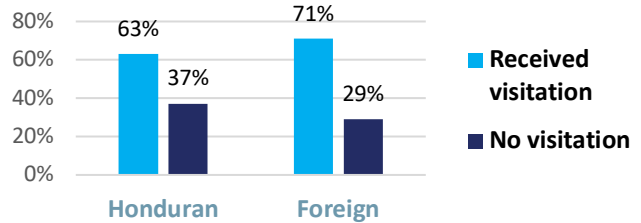
If yes, how often did you receive family visits?



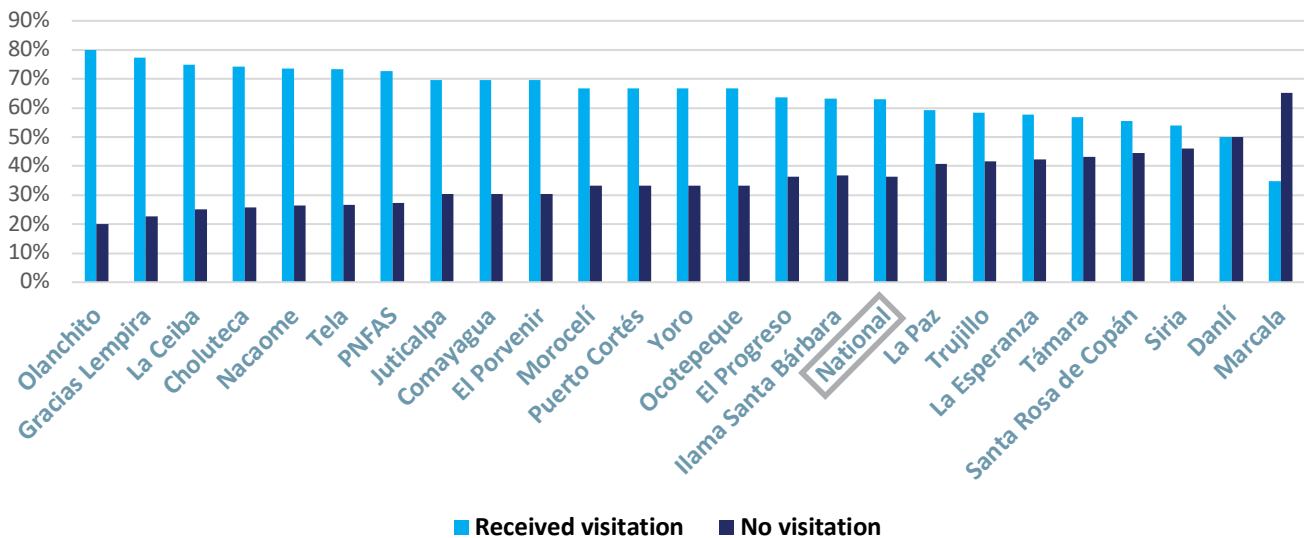
Visitation status (by sex)



Visitation status (by nationality)



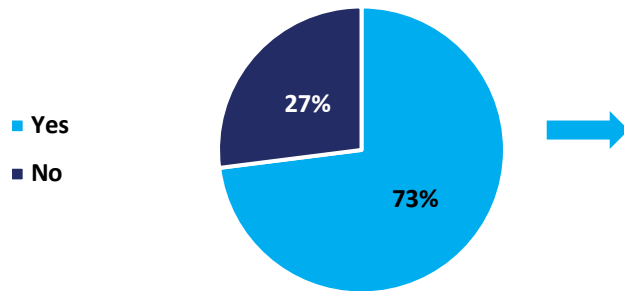
Visitation status (nationally and by prison)



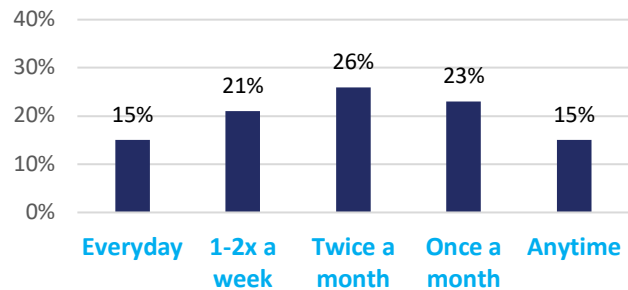
Family/visitation: after Covid pandemic

The COVID-19 pandemic resulted in limited opportunities for in-person visits. However, phone calls can serve as a key mechanism for maintaining contact with the outside world. Seventy-three percent of respondents indicated having phone calls with relatives and 36% had at least weekly contact. Foreign prisoners had approximately the same access to phone calls relative to Honduran citizens, though women were more likely to report being able to make phone calls compared to men. More than half of the respondents in Ocotepeque, La Esperanza, La Ceiba and Yoro reported not having the ability to make calls.

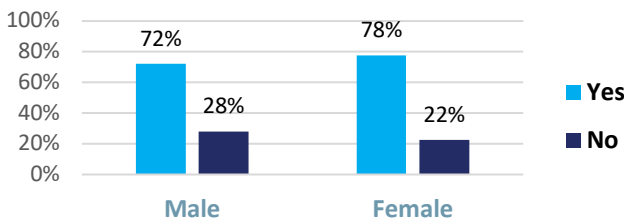
Have you been able to make phone calls to your relatives since you have been in this penitentiary?



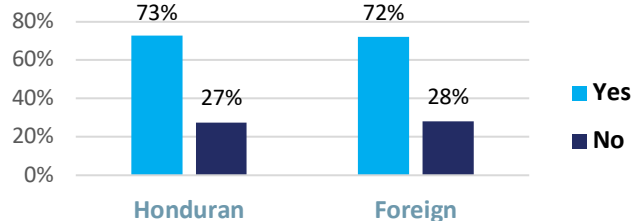
If yes, how often do you speak with your relatives by phone?



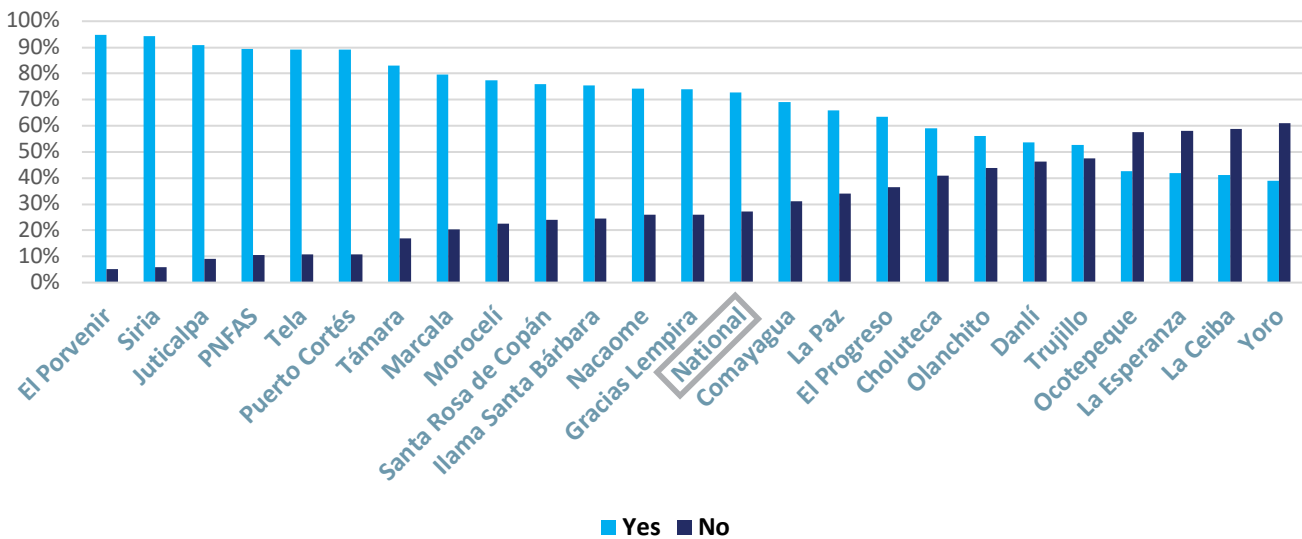
Able to make phone calls (by sex)



Able to make phone calls (by nationality)



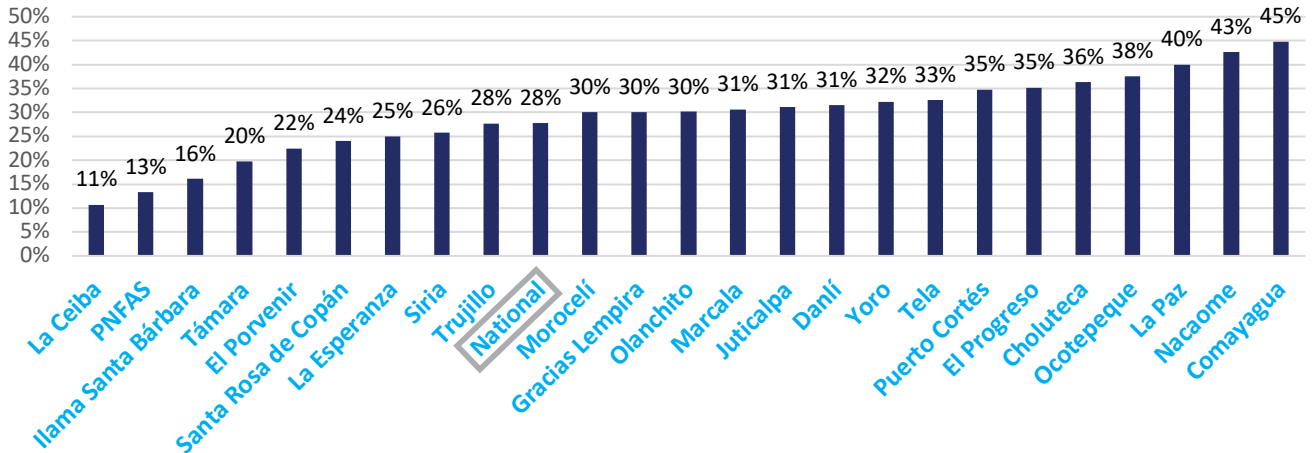
Able to make phone calls (nationally and by prison)



Technical teams

Best practices suggest the need for regular evaluations of prisoner progress and adjustment. Nationally, only 28% of respondents indicated they had received a technical evaluation. This ranged from 11% at La Ceiba to 45% at Comayagua. Among those who reported having had an evaluation, they were likely to have received it in the past year. Just under 25% indicated their file had been reviewed. Despite the low rates of evaluations and file reviews, respondents viewed the technical teams favorably with 86% rating the quality of care as very good or good.

Percent respondents who have received a technical evaluation in the last 12 months (nationally and by prison)

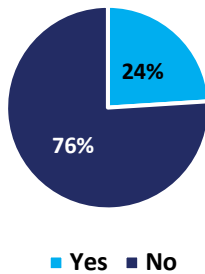


If you have received a technical evaluation, when was the last time?

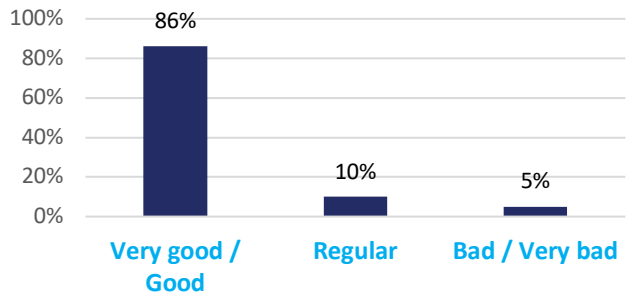
Mean
10 months

Median
2 months

Has your file been updated or reviewed according to technical evaluations in this penitentiary?



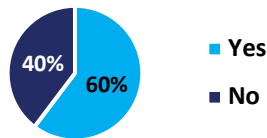
How would you rate the care you received from the technical team?



Programming

People in prison should have the opportunity to participate in programs and activities. Sixty percent of respondents indicated they had participated in some type of rehabilitative programming. Participation was relatively high across the prisons. However, less than half of the respondents in four prisons reported participation in activities, including only 38% of respondents in Morocelí. The most common types of programs were education (41%), job training (33%), and psychosocial programming (20%). In addition, 44% indicated they participated in sports activities. Participants appeared satisfied with the services provided; over 91% reported services as good or very good, regardless of program.

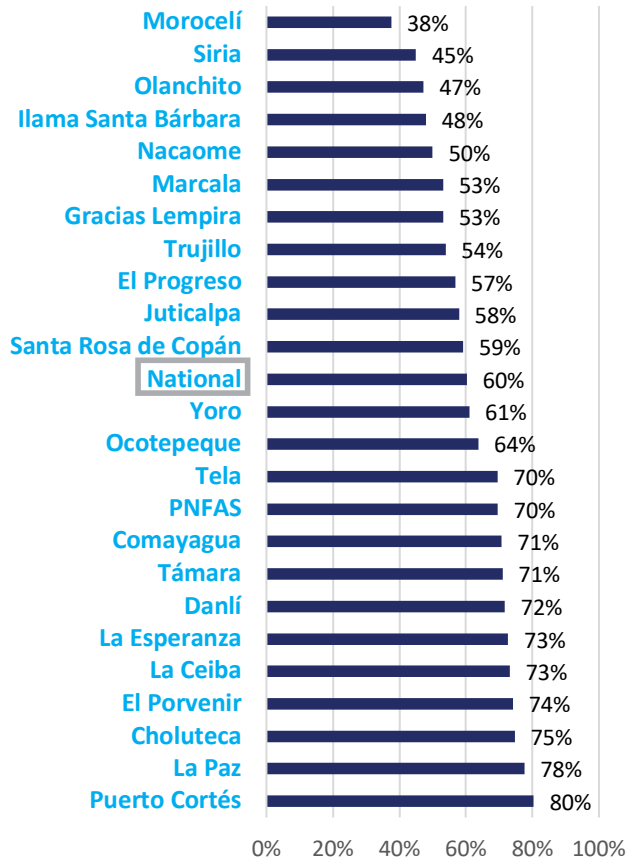
Percent of prisoners who have participated in any rehabilitative program^a



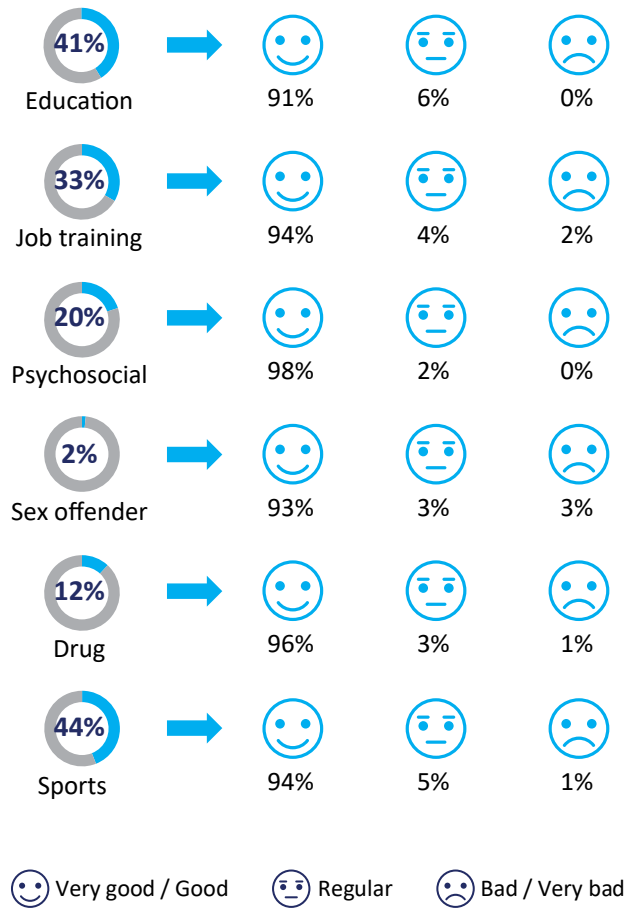
Number of rehabilitative programs in which respondents have participated^a



Percent of prisoners who have participated in any rehabilitative program (nationally and by prison)^a



Percent of prisoners who received programming at current prison and perceived quality of service

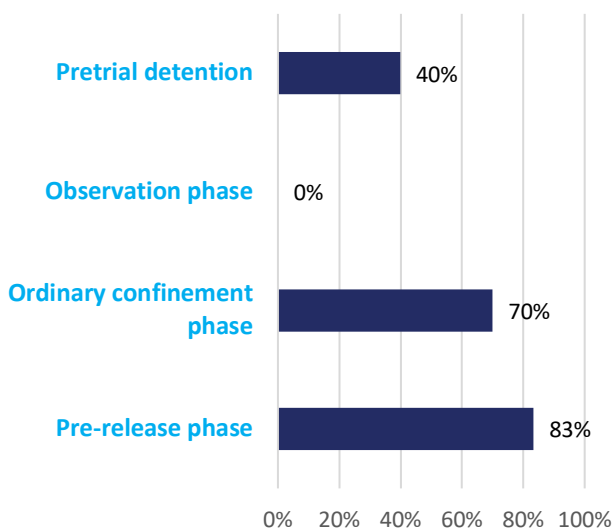


^a Excluding sports.

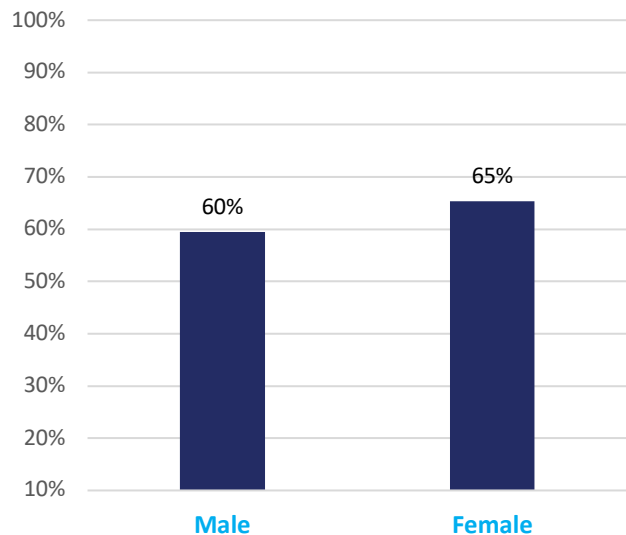
Programming

Honduras uses a Progressive System to classify prisoners. The system consists of four phases: (1) Observation (Observación), (2) Ordinary confinement (Aislamiento celular nocturno y de régimen común diurno), (3) Pre-Release (Preparación para la libertad, con vida común diurna y nocturna), and (4) Supervised Release (Libertad condicional). Of those who were convicted, the majority (99%) of respondents were in the ordinary confinement phase. Program participation varied by phase, prison, and sex. Those being held in pretrial detention were significantly less likely to report participation, which may reflect their legal status. Female respondents were more likely to report participation than men. The ability to work in prison is also important; nationally, 52% of respondents indicated there were opportunities to work, though these perceptions ranged across the prisons. At least half of the respondents at Moroceli, PNFAS, La Paz, Siria, Juticalpa, Ilama Santa Bárbara and Trujillo indicated they did not have opportunities to work. In contrast, at least 80% of respondents in Gracias Lempira, and Ocotepeque reported that they were able to work.

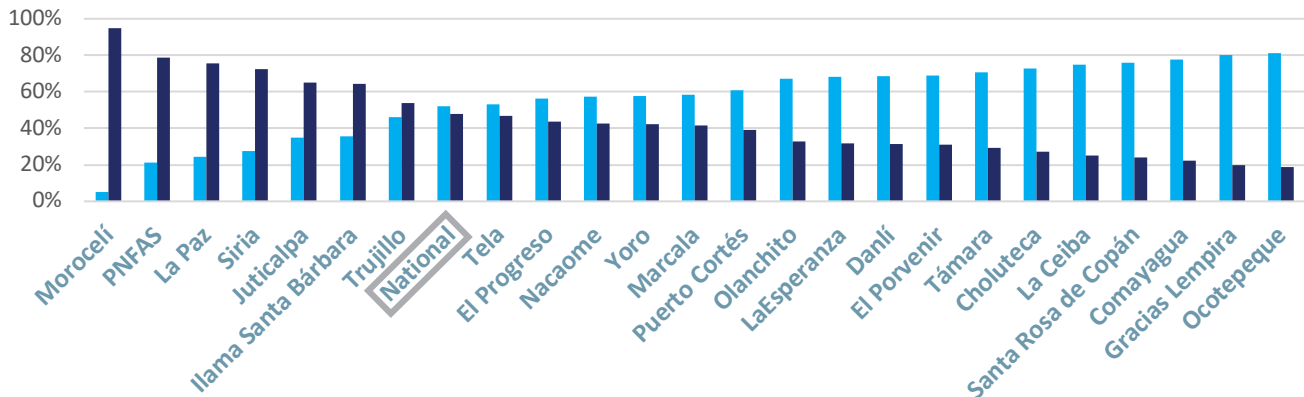
Percent of prisoners who have participated in any rehabilitative program (by phase and legal status)^a



Percent of prisoners who have participated in any rehabilitative program (by sex)^a



If you wanted to work, do you think there are opportunities to work in this penitentiary? (nationally and by prison)



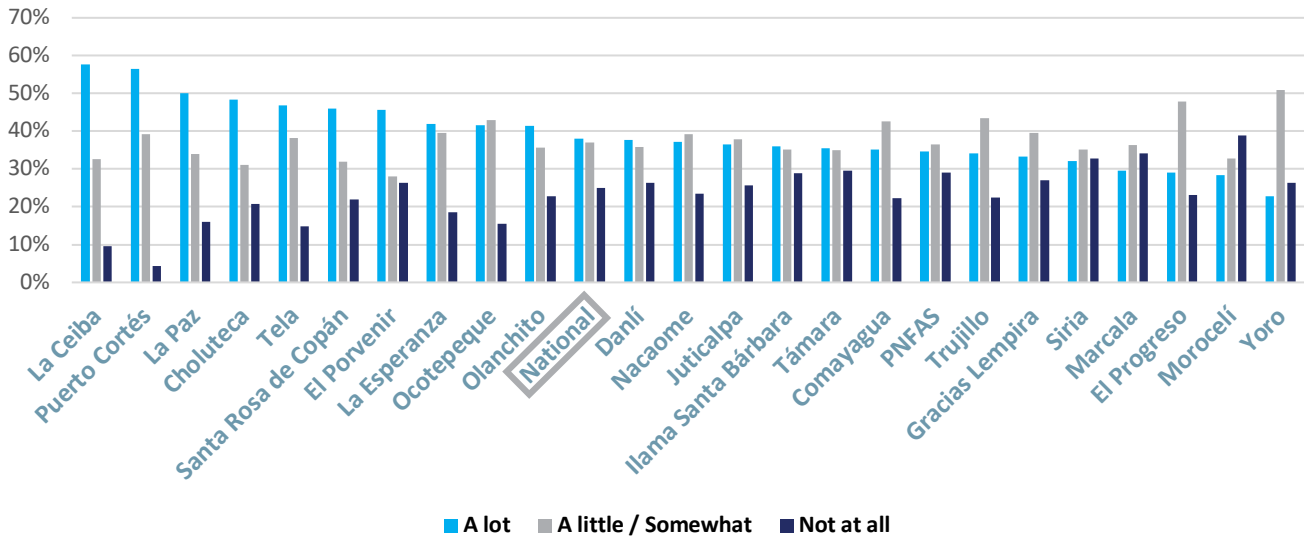
a. Excluding sports.

■ Yes ■ No

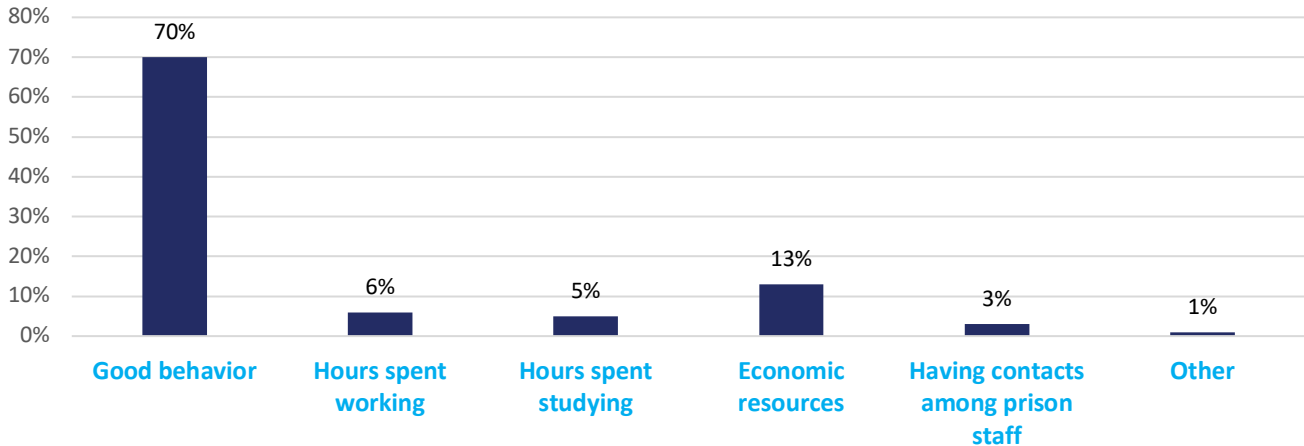
Programming and parole

Participation in programs and work is often viewed favorably by technical teams and judges, particularly in terms of parole considerations. Prisoners were asked about their perceptions of the relationship between parole and program participation. Nationally, 38% of respondents believed program participation helped “a lot” to obtain parole whereas 37% estimated it mattered a little or somewhat. Twenty-five percent indicated it did not help at all. As with access to work and program participation, these rates varied across the prisons with 50% or more of respondents in La Ceiba, Puerto Cortés, and La Paz believing participation mattered. Respondents were also asked what they believed were the most important factors for determining parole. Eighty-one percent of respondents indicated that their behavior, either in terms of work, having good behavior, or time spent studying, was most important. Sixteen percent indicated that resources, including economic factors and contacts among staff, were most important.

Does participating in programs help obtain parole? (nationally and by prison)



What is the most important factor for parole?

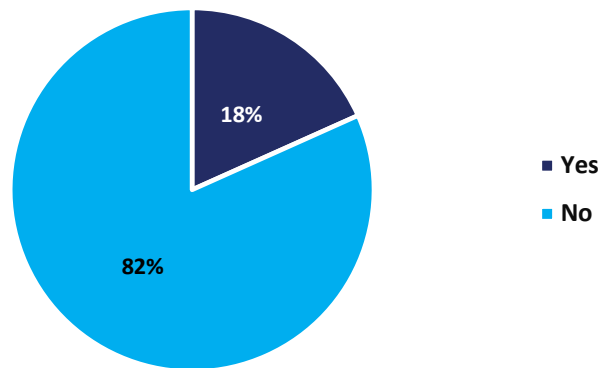


Integrity

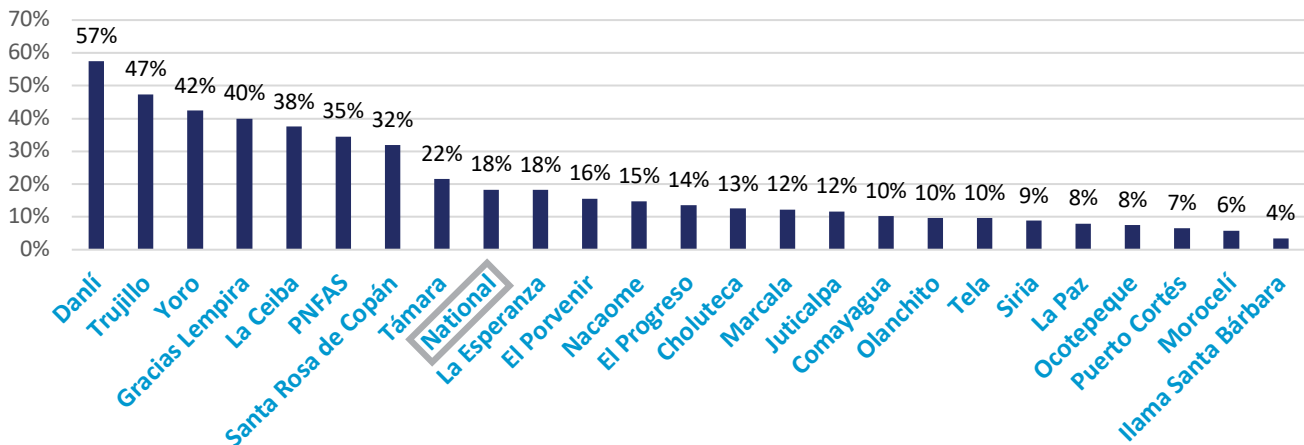
Paying for services

Integrity can be measured a number of ways within a prison setting. Though often underreported, one way to measure integrity is to measure the extent to which staff engage in acts of corruption or misconduct. As a measure of integrity, respondents were asked about the types of services that required payment and who was paid for those services. Less than a quarter (18%) of respondents indicated they had to pay for services. These include access to family visits, medical and dental care, psychological care, programs, and activities, updating or improving administrative records, and having space to sleep. The following pages report on payment for services, both nationally and by prison, and the reported recipient of those payments. Payments were generally made to prison personnel, but payments to other prisoners were also reported. Though the overall numbers are generally low, the results warrant additional consideration, especially given potential bias in the sample.

Percent of respondents who had to pay for any service^a (nationally)



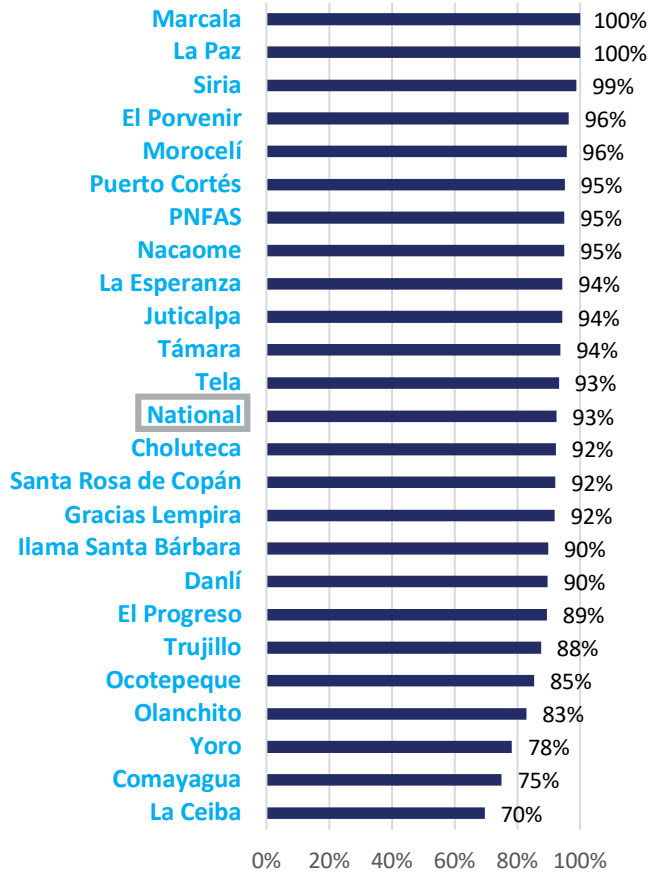
Percent of respondents who had to pay for any service^a (nationally and by prison)



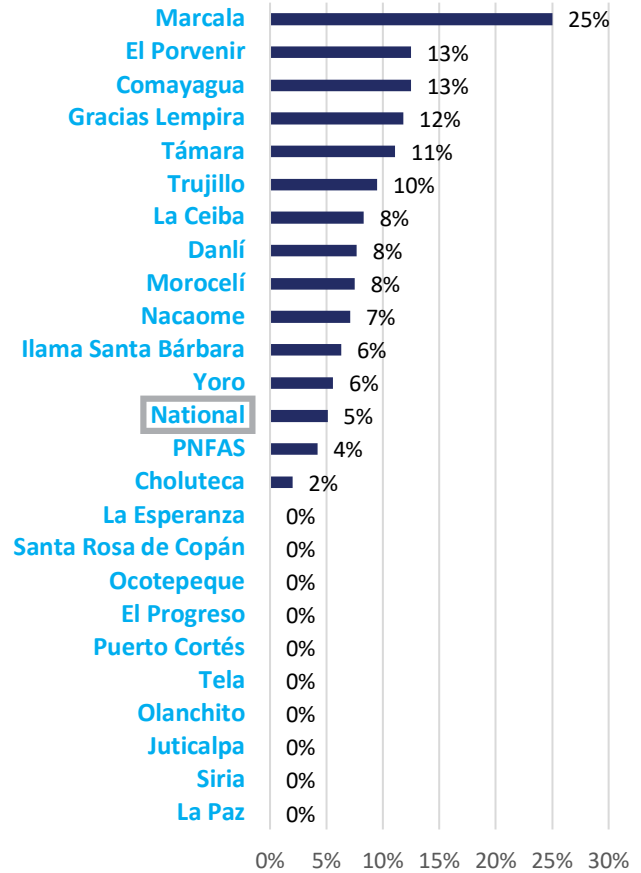
^a Excludes paying to make phone calls.

Paying for services: Phone calls

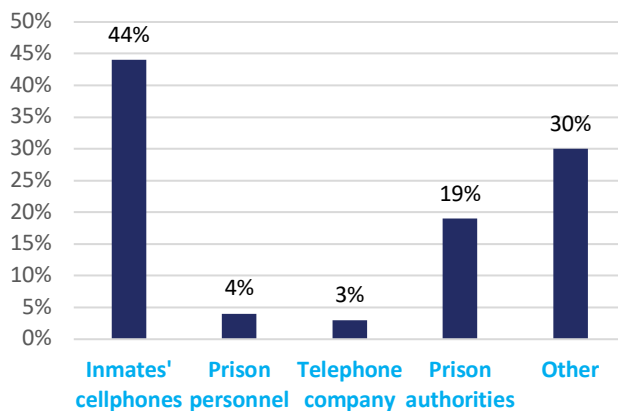
Of those who made phone calls, percent of respondents who had to pay for them (nationally and by prison)



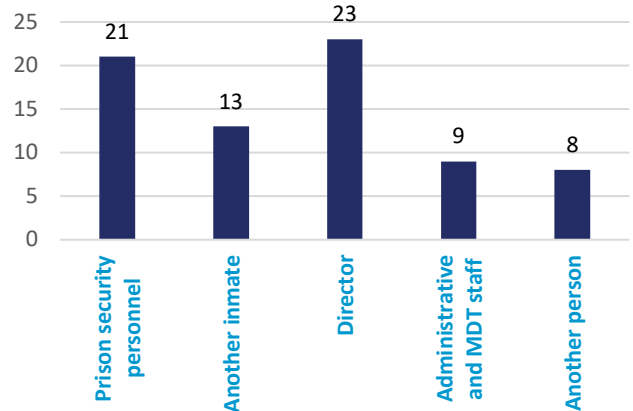
Of those who received family visitation, respondents who had to pay for them (nationally and by prison)



Among those who had to pay to make phone calls, who did they pay?



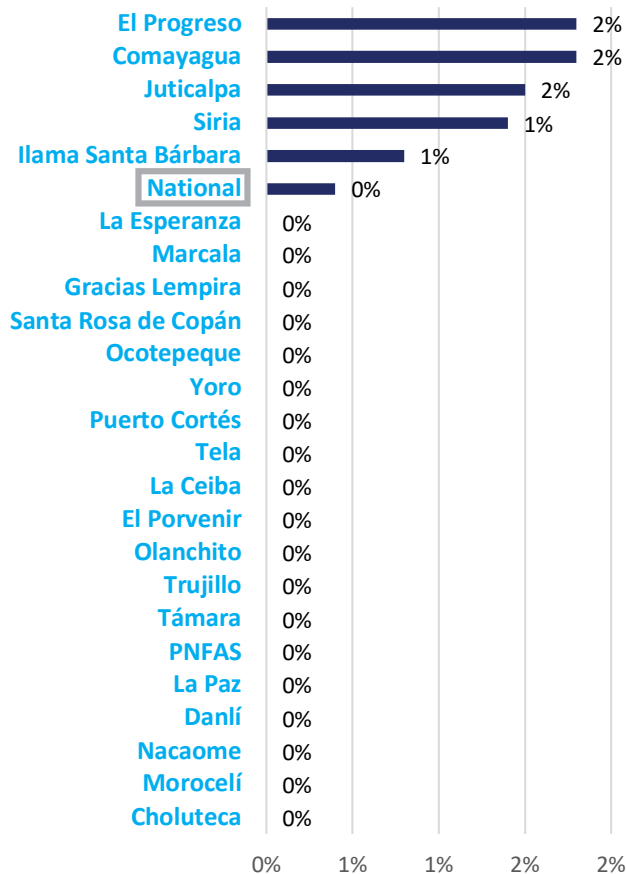
Among those who had to pay for family visitation, who did they pay?^a



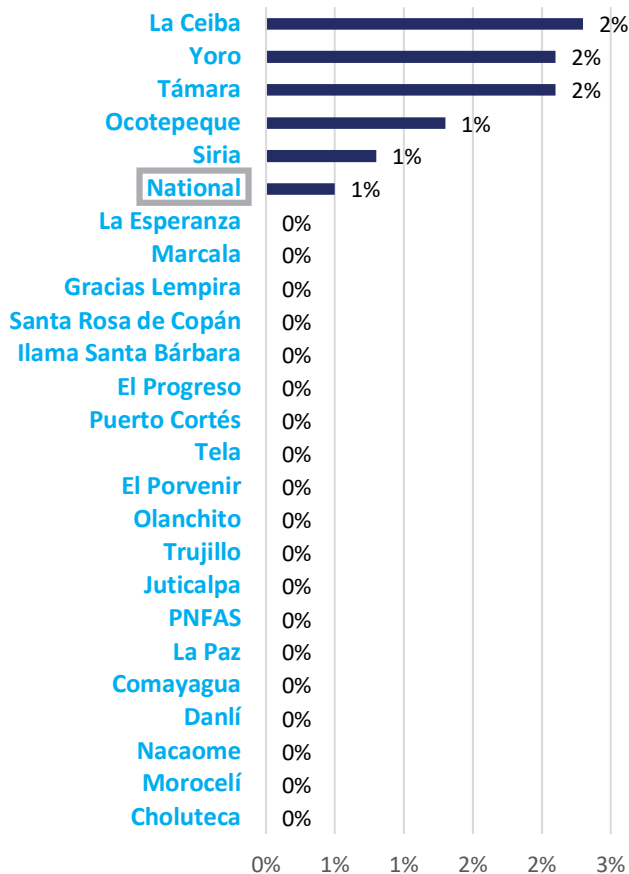
^a Because relatively small numbers of people reported who they paid for services, the n rather than % is reported for this series of graphs. In some cases, prisoners were reluctant to report who they had paid for services. Because of missing data, the numbers reported may be less than the number of people who indicated they paid for these services.

Paying for services: Medical attention

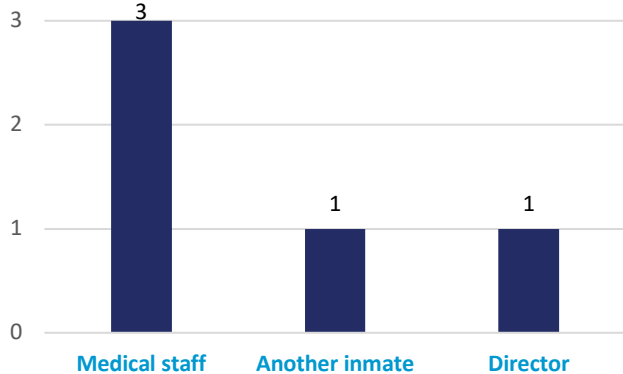
Of those who received medical attention, percent of respondents who had to pay for it (nationally and by prison)



Of those who received medicine, percent of respondents who had to pay for it (nationally and by prison)



Among those who had to pay for medical attention, who did they pay?^a



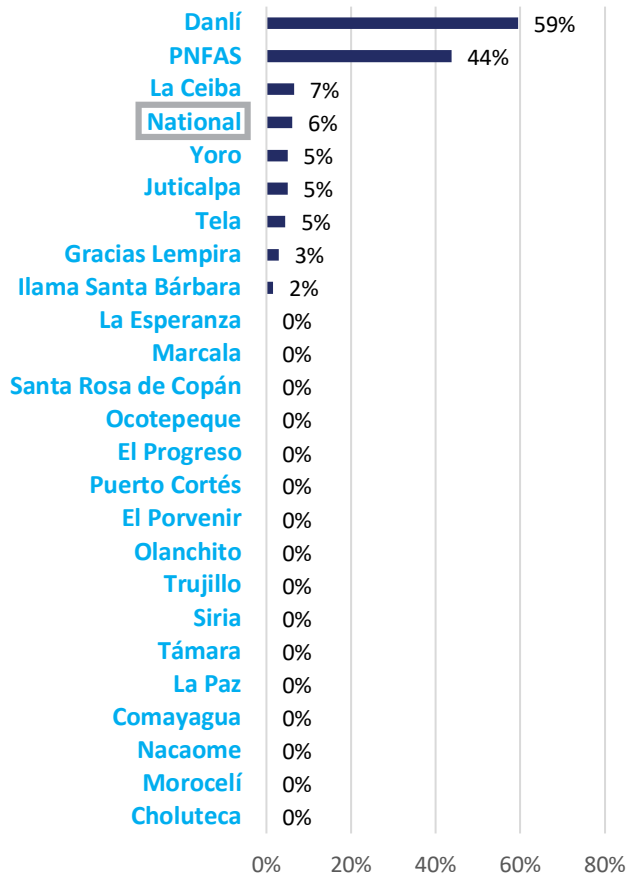
Among those who had to pay for medicine, who did they pay?^a



^a Because relatively small numbers of people reported who they paid for services, the n rather than % is reported for this series of graphs. In some cases, prisoners were reluctant to report who they had paid for services. Because of missing data, the numbers reported may be less than the number of people who indicated they paid for these services.

Paying for services: Dental and psychological care

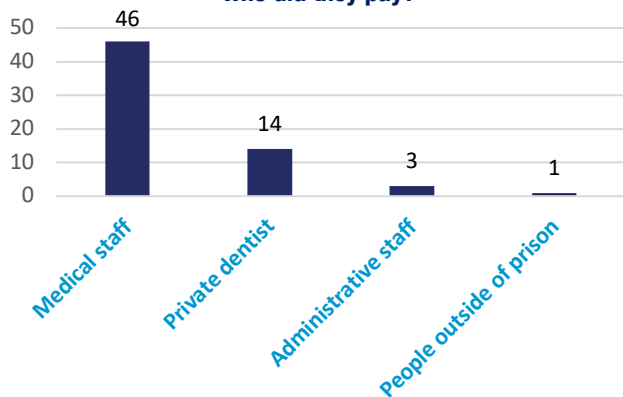
Of those who received dental care, percent of respondents who had to pay for it (nationally and by prison)



Of those who received psychological consultations, percent of respondents who had to pay for them (nationally and by prison)



Among those who had to pay for dental care, who did they pay?^a



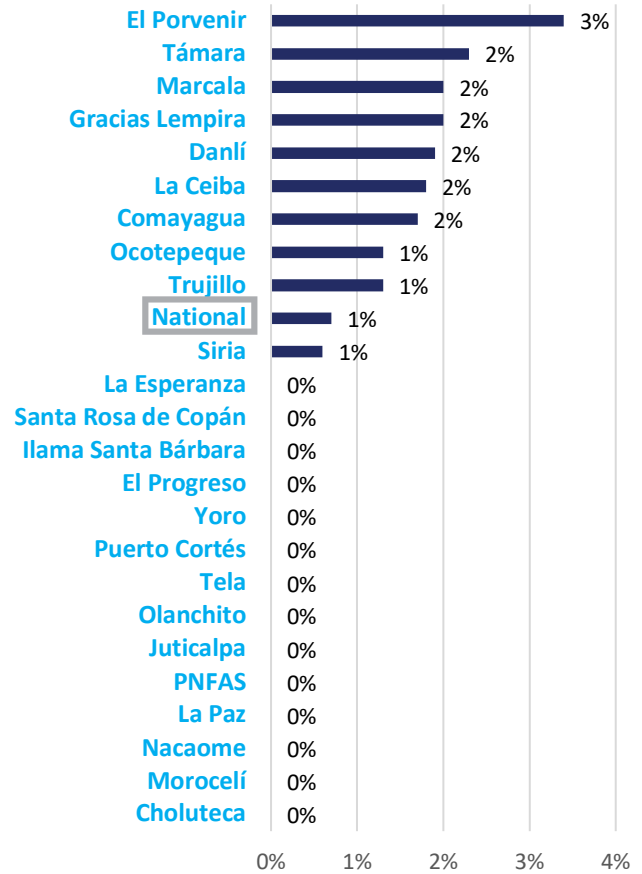
^a Because relatively small numbers of people reported who they paid for services, the n rather than % is reported for this series of graphs. In some cases, prisoners were reluctant to report who they had paid for services. Because of missing data, the numbers reported may be less than the number of people who indicated they paid for these services.

Paying for services: Review of files

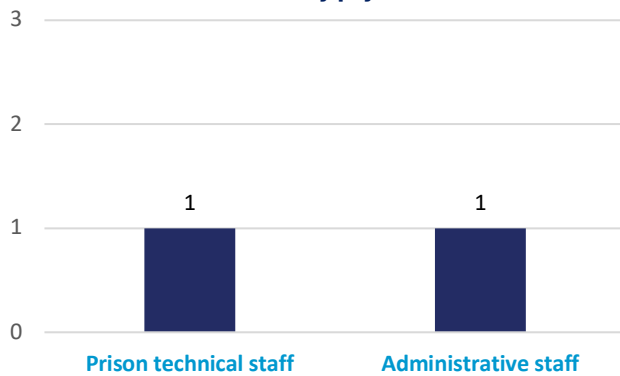
Of those who had a file review/update, percent of respondents who had to pay for it (nationally and by prison)



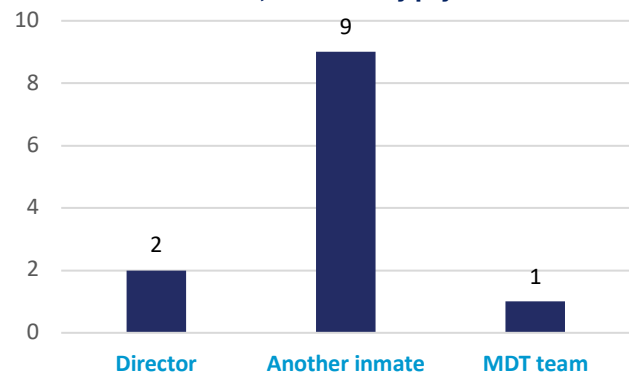
Percent of respondents who had to pay to improve their behavioral records (nationally and by prison)



Among those who had to pay for a file review/update, who did they pay?^a



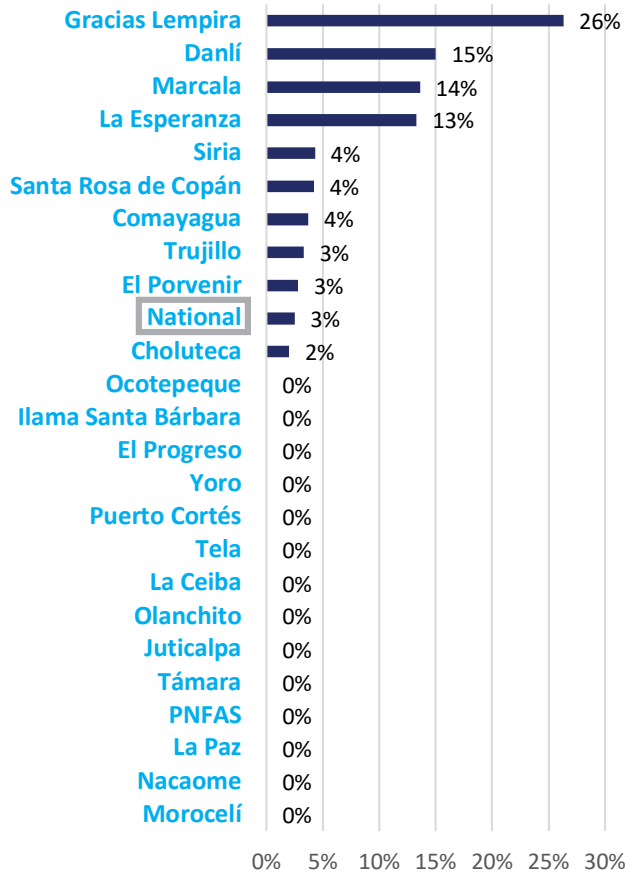
Among those who had to pay to improve their behavioral records, who did they pay?^a



^a Because relatively small numbers of people reported who they paid for services, the n rather than % is reported for this series of graphs. In some cases, prisoners were reluctant to report who they had paid for services. Because of missing data, the numbers reported may be less than the number of people who indicated they paid for these services.

Paying for services: Programming

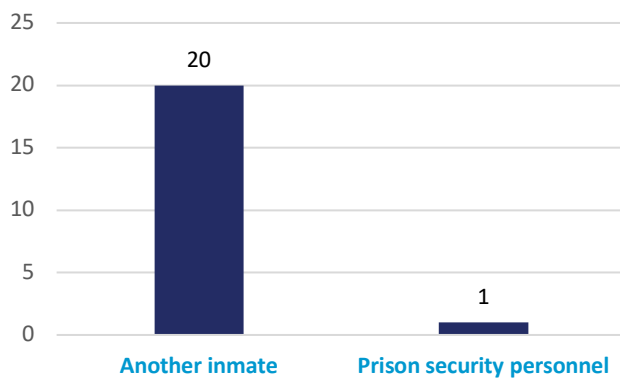
Of those who received sports programming, percent of respondents who had to pay for it (nationally and by prison)



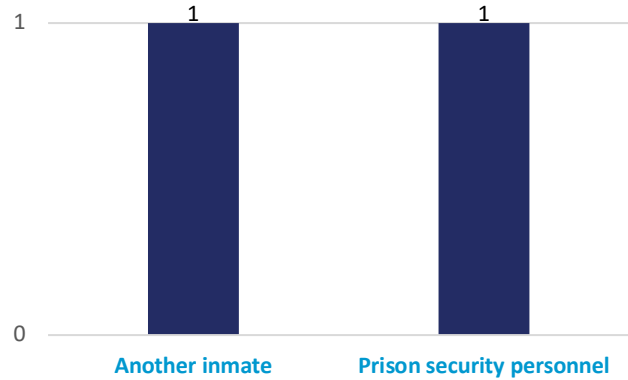
Of those who received educational programming, percent of respondents who had to pay for it (nationally and by prison)



Among those who had to pay for sports programming, who did they pay?^a



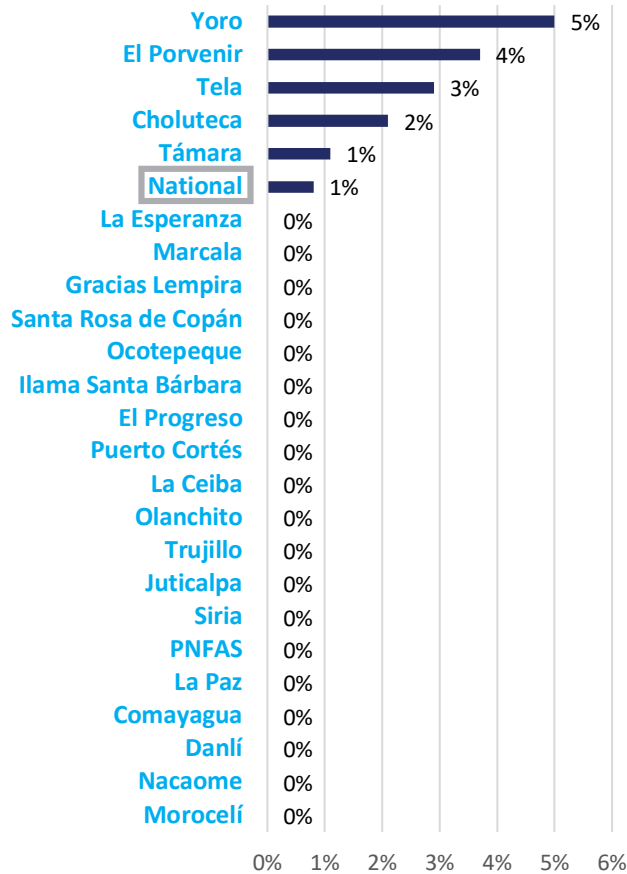
Among those who had to pay for educational programming, who did they pay?^a



^a Because relatively small numbers of people reported who they paid for services, the n rather than % is reported for this series of graphs. In some cases, prisoners were reluctant to report who they had paid for services. Because of missing data, the numbers reported may be less than the number of people who indicated they paid for these services.

Paying for services: Programming

Of those who received job training, percent of respondents who had to pay for it (nationally and by prison)



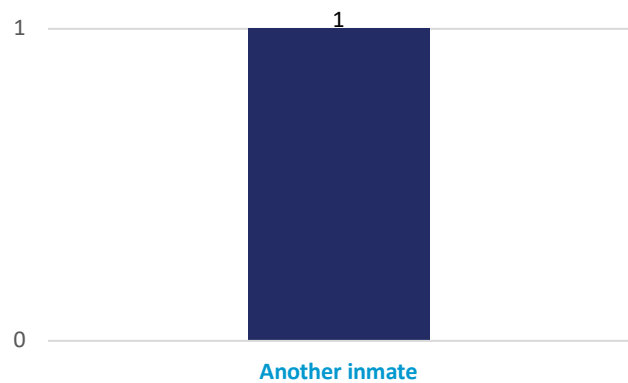
Of those who received psychosocial programming, percent of respondents who had to pay for it (nationally and by prison)



Among those who had to pay for job training, who did they pay?^a



Among those who had to pay for psychosocial programming, who did they pay?^a



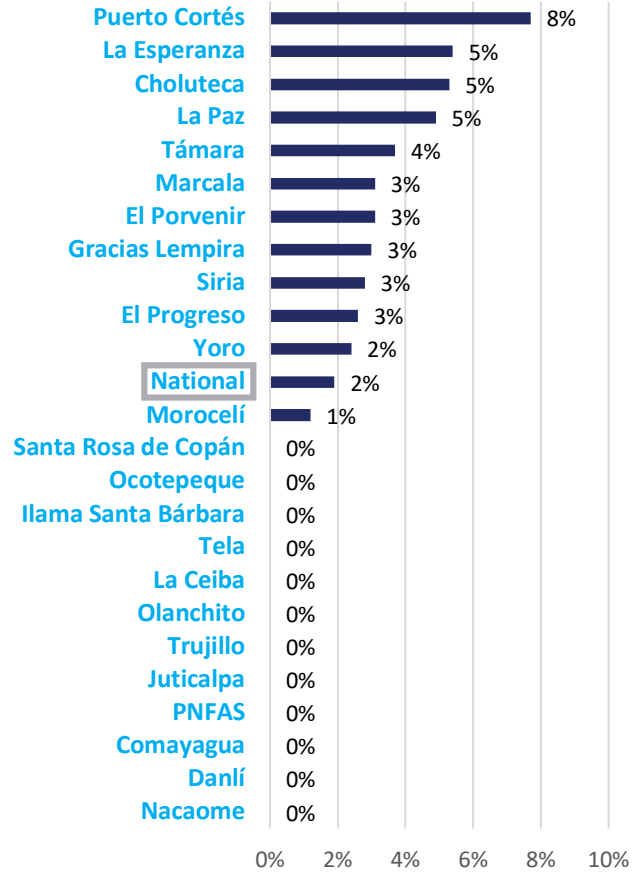
^a Because relatively small numbers of people reported who they paid for services, the n rather than % is reported for this series of graphs. In some cases, prisoners were reluctant to report who they had paid for services. Because of missing data, the numbers reported may be less than the number of people who indicated they paid for these services.

Paying for services: Programming

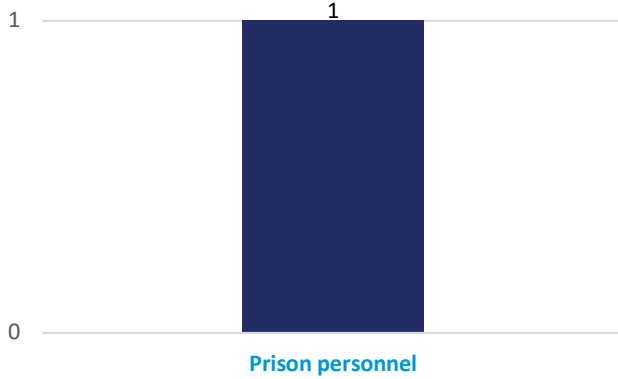
Of those who received substance abuse treatment, percent of respondents who had to pay for it (nationally and by prison)



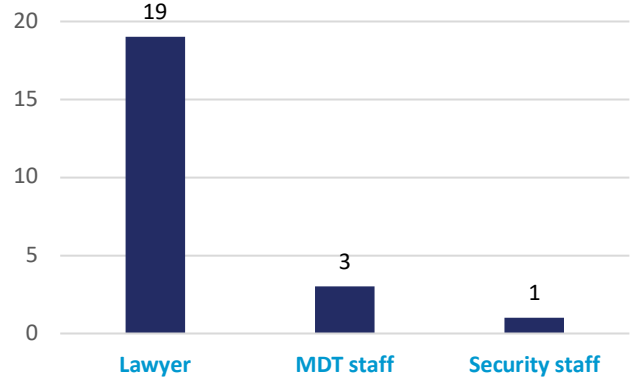
Percent of convicted respondents who had to pay for a reduced sentence (nationally and by prison)



Among those who had to pay for substance abuse treatment, who did they pay?^a



Among those who had to pay for a reduced sentence, who did they pay?^a

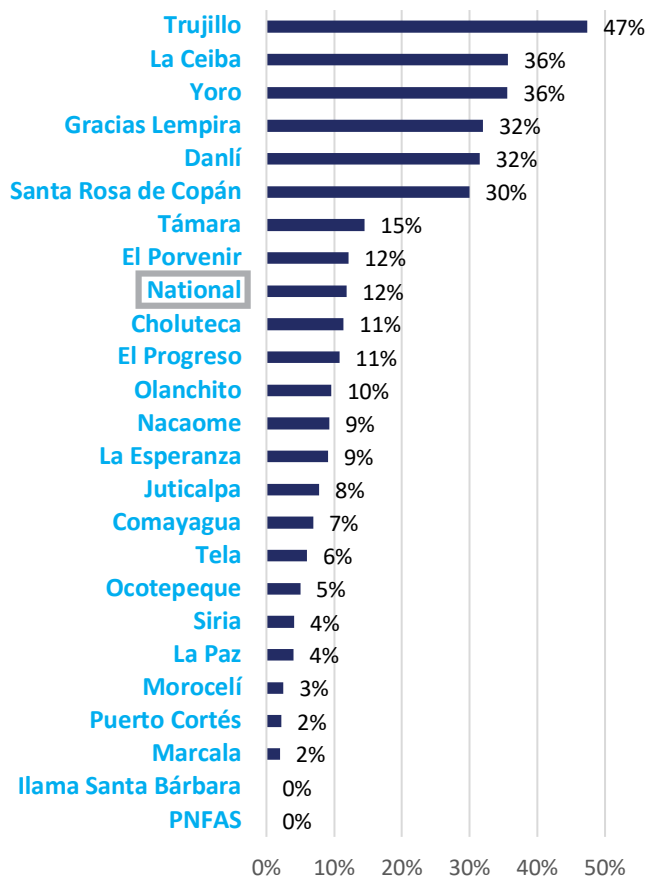


^a Because relatively small numbers of people reported who they paid for services, the n rather than % is reported for this series of graphs. In some cases, prisoners were reluctant to report who they had paid for services. Because of missing data, the numbers reported may be less than the number of people who indicated they paid for these services.

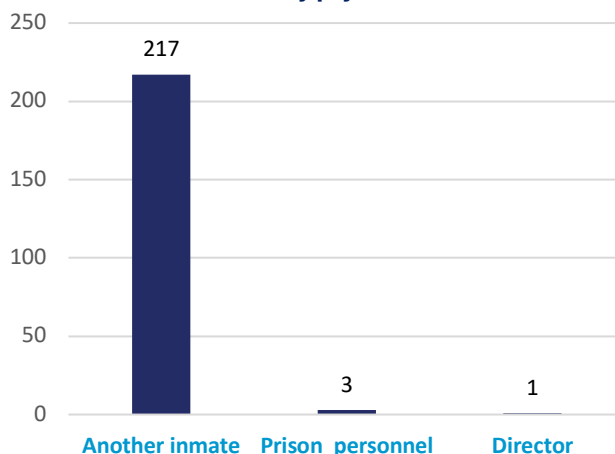
Paying for services: Sleep

Having space to sleep is a basic human need. All prisoners should have access to accommodations, including space to sleep. As indicated, 12% of the sample of the respondents reported having to pay for a place to sleep. The frequency of these reports varied across institutions. None of the respondents from PNFAS or Ilima Santa Bárbara reported making payments. In contrast, 47% of the respondents from Trujillo and 36% of those from Le Ceiba and Yoro reported having to pay for a place to sleep. Among those who reported making payments, the majority (98%) reported paying other prisoners rather than prison personnel.

Percent of respondents who had to pay for a place to sleep (nationally and by prison)



Among those who had to pay for a place to sleep, who did they pay?^a

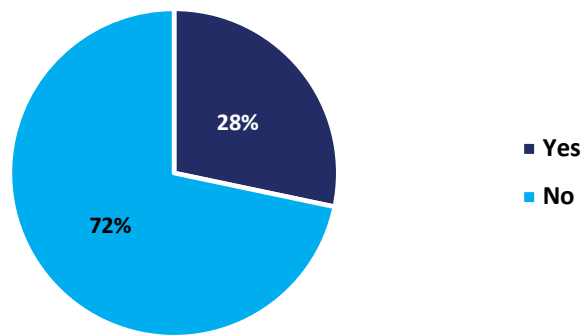


^a Because relatively small numbers of people reported who they paid for services, the n rather than % is reported for this series of graphs. In some cases, prisoners were reluctant to report who they had paid for services. Because of missing data, the numbers reported may be less than the number of people who indicated they paid for these services.

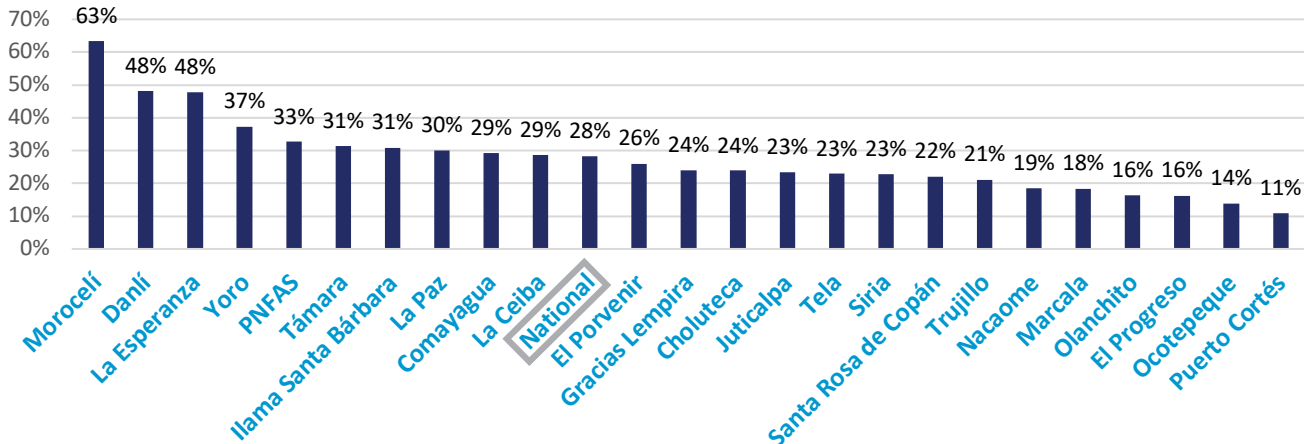
Corruption/abuse

Respondents were also asked about abusive experiences, including threats. This included the position of the abuser, whether it was reported, and reasons for not reporting it. Twenty-eight percent reported being abused or threatened in some way. This rate varied considerably with 63% of respondents in Morocelí indicating they had been abused compared to 11% in Puerto Cortés. Among people indicating they had been abused, very few people reported these incidents to the authorities. The following pages illustrate the findings. As expected, reports of abuse varied across settings. It is important to note that incarcerated people tend to underreport their experiences of abuse, corruption, or mistreatment and caution should be taken when interpreting these results.

Percent of respondents who were ever abused or threatened (nationally)

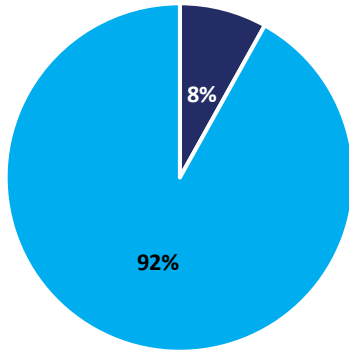


Percent of respondents who were ever abused or threatened (nationally and by prison)



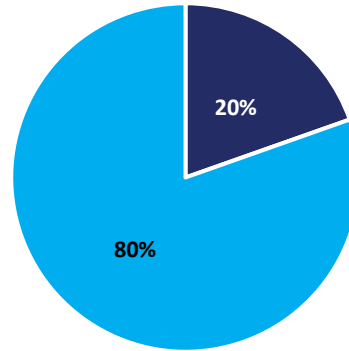
Corruption/abuse: False charges

Percent respondents who reported that they have been threatened with false charges in their current facility



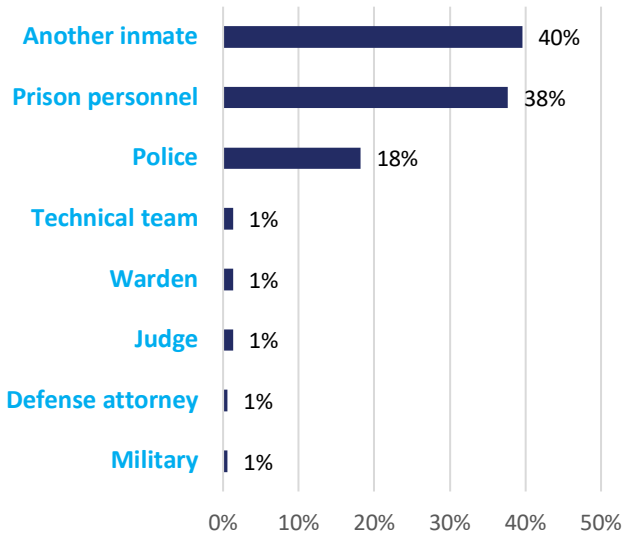
■ Yes ■ No

Of those threatened with false charges, did they report it?



■ Yes ■ No

Of those threatened with false charges, who were they threatened by?^a



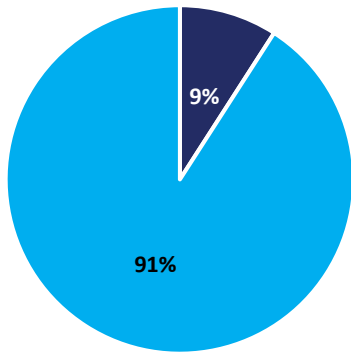
Of those who didn't report being threatened with false charges, reason why



^a Not mutually exclusive categories.

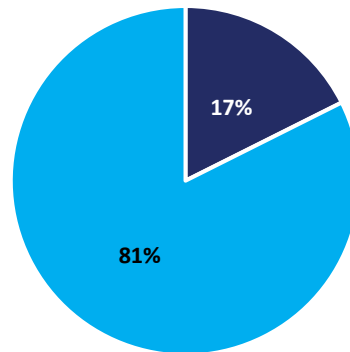
Corruption/abuse: Food deprivation

Percent respondents who reported that they have been deprived of food in their current facility



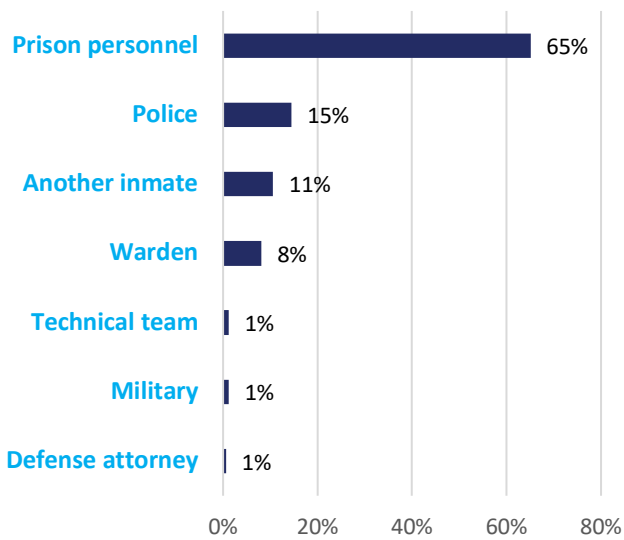
■ Yes ■ No

Of those deprived of food, did they report it?

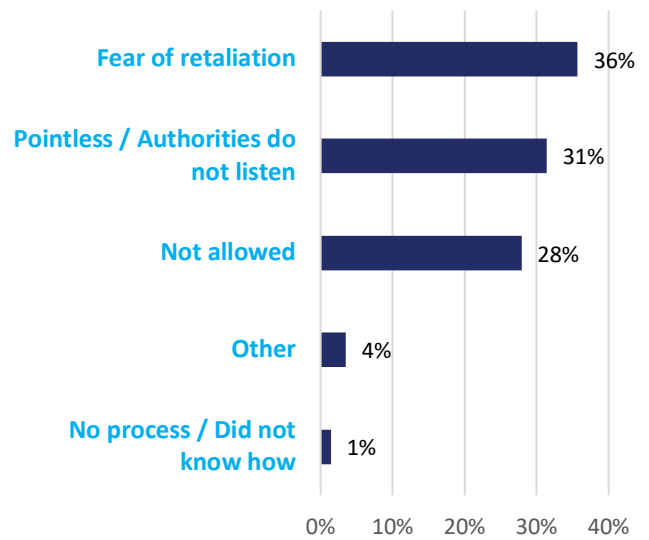


■ Yes ■ No

Of those deprived of food, who deprived them?^a



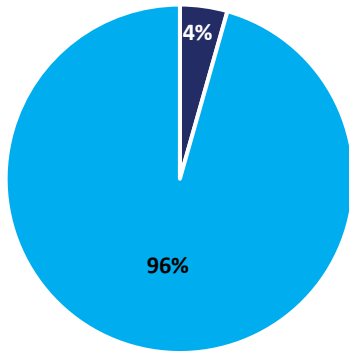
Of those who didn't report being deprived of food, reason why



^a Not mutually exclusive categories.

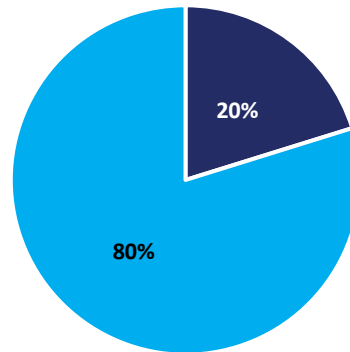
Corruption/abuse: Water deprivation

Percent respondents who reported that they have been deprived of water in their current facility



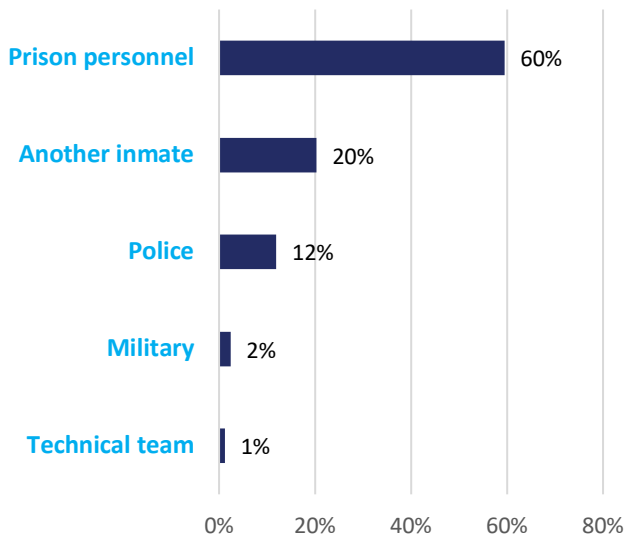
■ Yes ■ No

Of those deprived with water, did they report it?

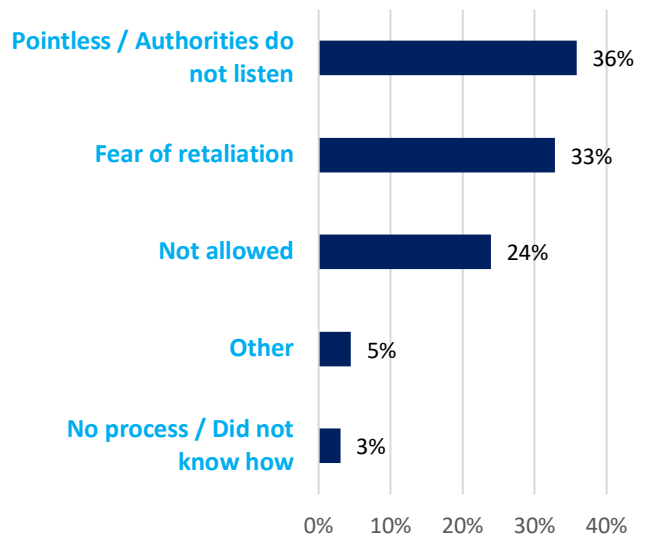


■ Yes ■ No

Of those deprived of water, who deprived them?^a



Of those who didn't report being deprived of water, reason why

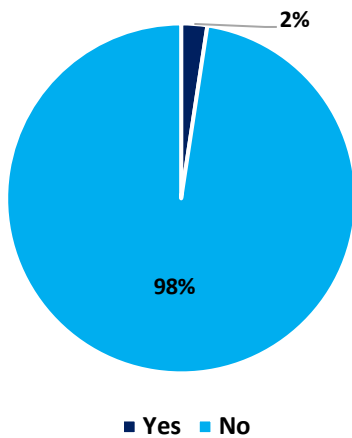


^a Not mutually exclusive categories.

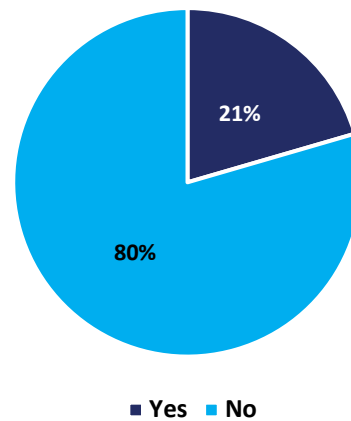
Corruption/abuse: Threats towards family

Two percent or 39 respondents indicated they had been threatened with violence against their family. Threats against the family were more likely to come from other prisoners. Moreover, respondents were more likely to report this type of threat relative to many of the other threats. This may be a function of the nature of the threat (against family members) or the source of the threat (other prisoners).

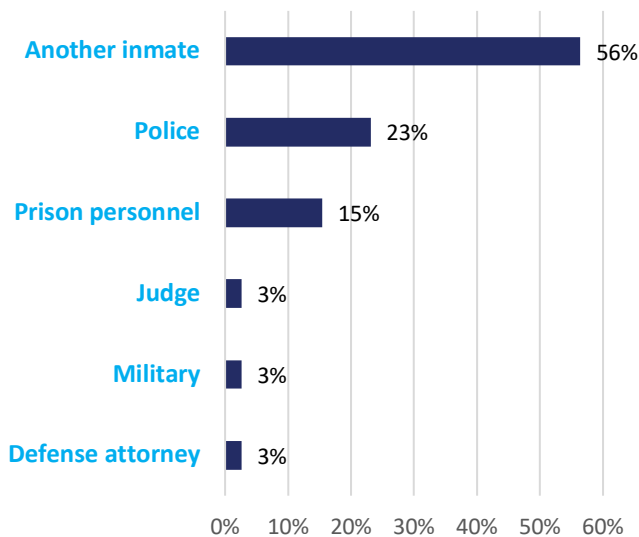
Percent respondents who reported that they have been threatened with violence against their family in their current facility



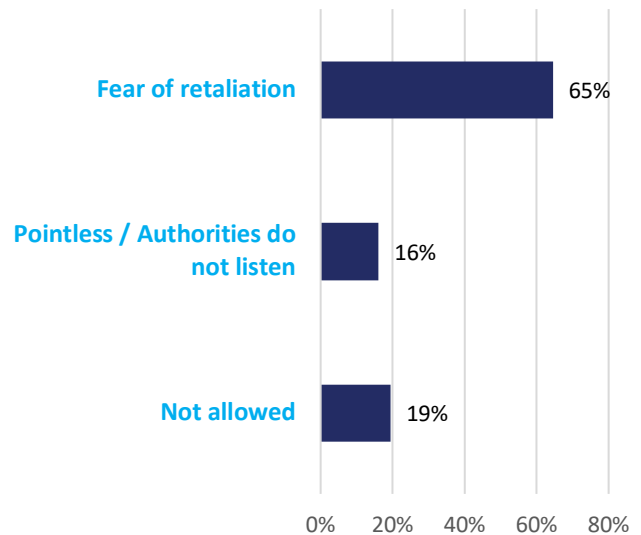
Of those whose families were threatened with violence, did they report it?



Of those whose families were threatened with violence, who were they threatened by?^a



Of those who didn't report their families being threatened with violence, reason why

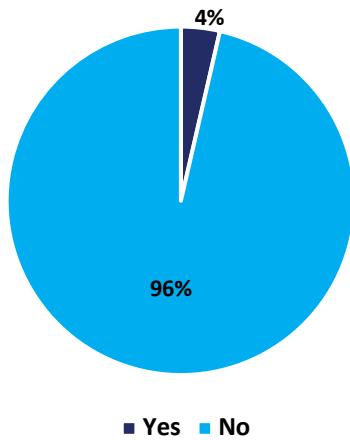


^a Not mutually exclusive categories.

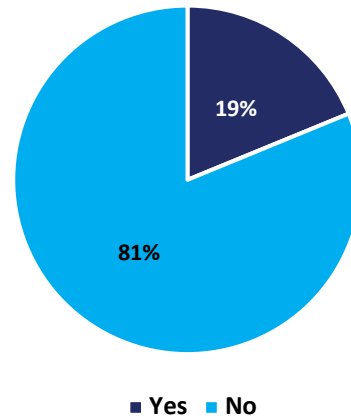
Corruption/abuse: Bribes

Only 69 individuals reported that they had been asked for a bribe. A small number (19% or 13 prisoners) of those who had been bribed reported these experiences to the authorities. Not being allowed to report to authorities (23%) was the main reason for not reporting a bribe followed by the perception that it was pointless to do so or authorities do not listen.

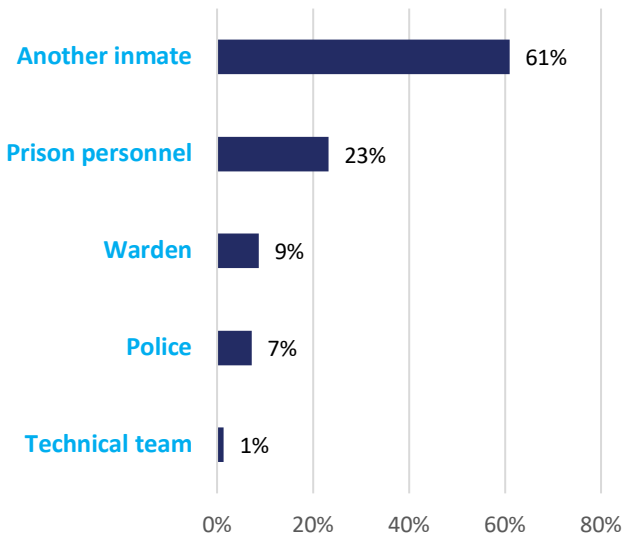
Percent respondents who reported that they have been asked for a bribe in their current facility



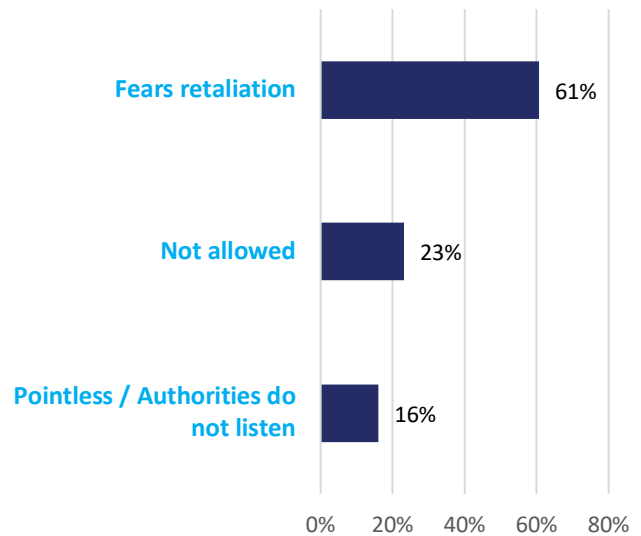
Of those asked for a bribe, did they report it?



Of those asked for a bribe, who asked for it?^a



Of those who didn't report being asked for a bribe, reason why

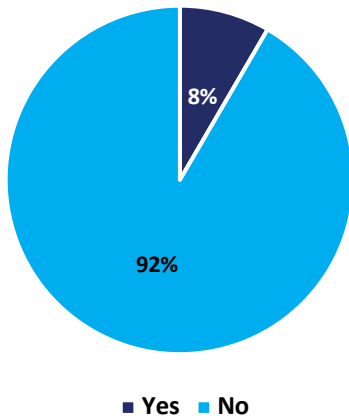


^a Not mutually exclusive categories.

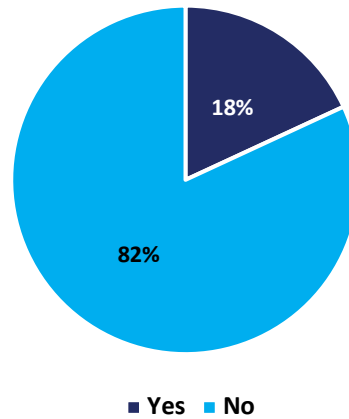
Corruption/abuse: Denied communication

Prisoners were also asked about whether they had been denied communication or visitation with family members. Eight percent indicated they had either been denied communication. These denials were largely attributed to prison personnel. Eighteen percent of those denied communication reported it. Explanations for not reporting it centered on fear of retaliation, not allowed, and believing it was pointless to do so.

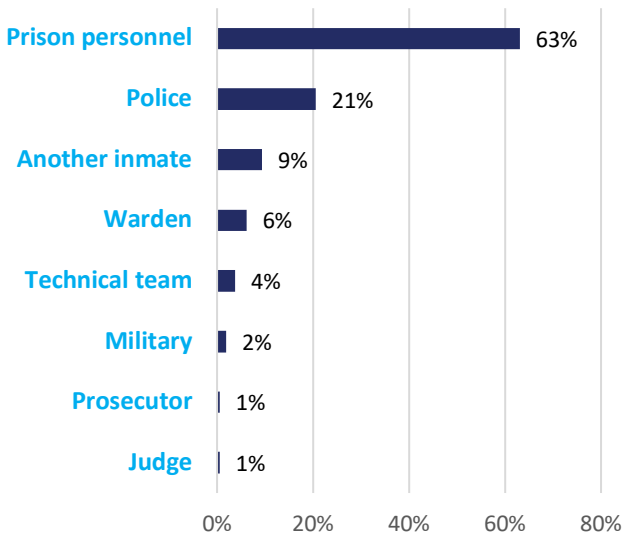
Percent respondents who reported that they have been denied communication with family/friends in their current facility



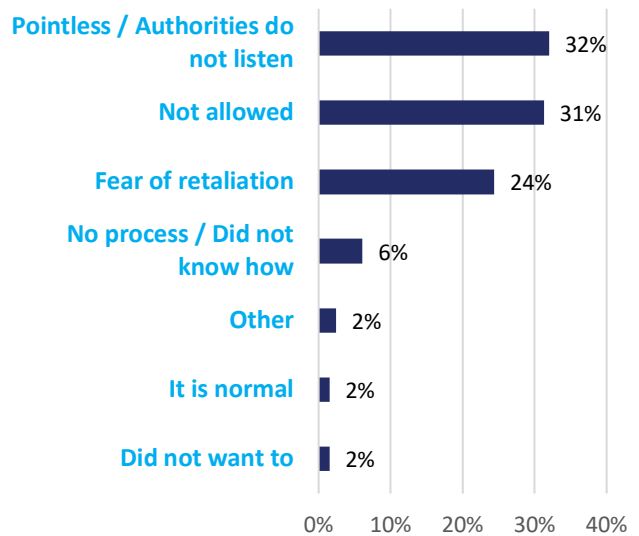
Of those who were denied communication with family/friends, did they report it?



Of those who were denied communication with family/friends, who denied it?^a



Of those who didn't report being denied communication with family/friends, reason why

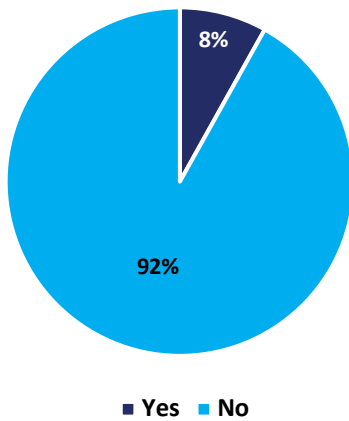


^a Not mutually exclusive categories.

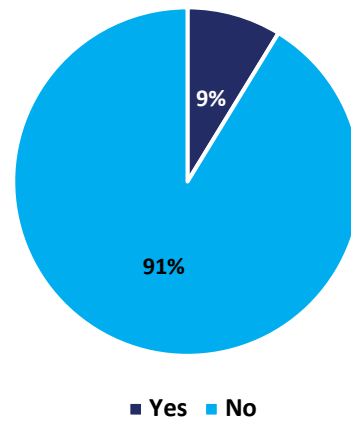
Corruption/abuse: Denied visitors

Just over 150 individuals (8%) indicated they had been denied visitation while in their current prison. Prison personnel were largely responsible for this denial (71%) and only 9% reported this denial to the authorities. As with other types of abuse, respondents failed to report because they did not believe reporting it would make a difference or were fearful of retaliation.

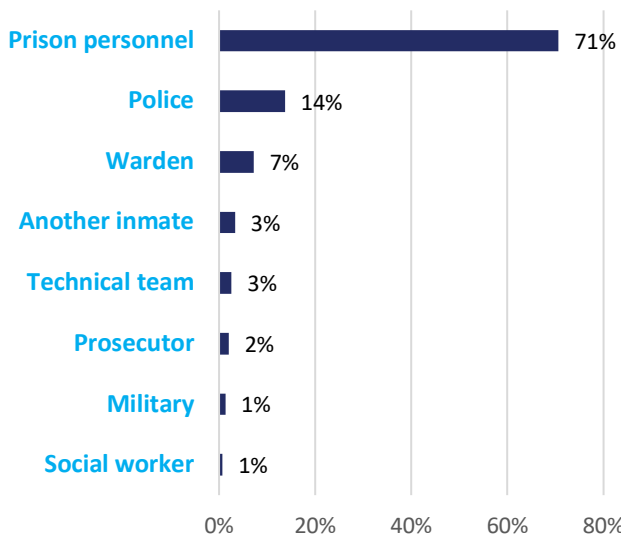
Percent respondents who reported that they have been denied visitors in their current facility



Of those who were denied visitors, did they report it?



Of those who were denied visitors, who denied them?^a



Of those who didn't report being denied visitors, reason why

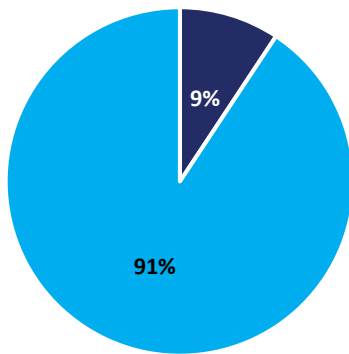


^a Not mutually exclusive categories.

Corruption/abuse: Forced to undress

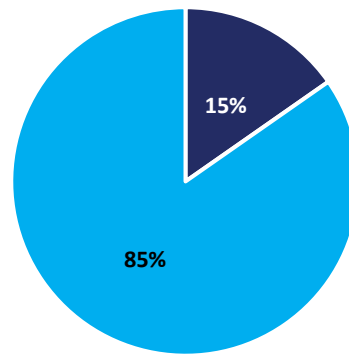
Results for being forced to undress had similar patterns to other types of abuse or corruption. A small portion of the sample (9%) indicated this had occurred and 15% reported it. Fifty-three percent indicated prison personnel had been responsible for this behavior. The belief that it would not make a difference and fear of retaliation were again the most likely reason for not reporting. Respondents also indicated that reporting was not allowed or believed it was normal. Thirteen percent indicated they viewed the behavior as normal.

Percent respondents who reported that they have been forced to undress in their current facility



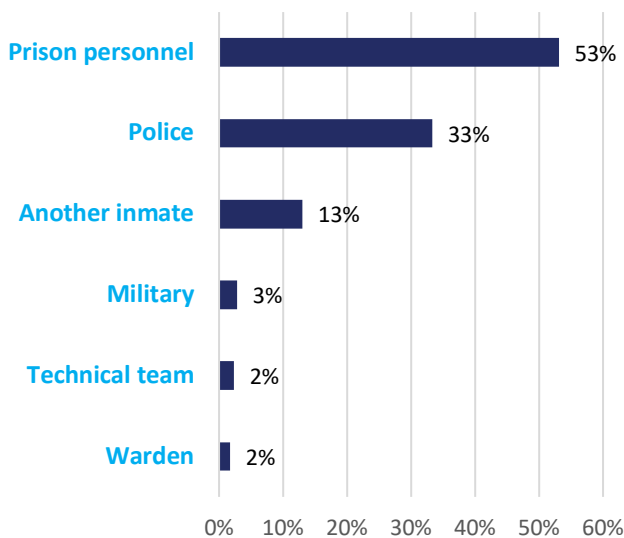
■ Yes ■ No

Of those who were forced to undress, did they report it?



■ Yes ■ No

Of those who were forced to undress, who forced them?^a



^a Not mutually exclusive categories.

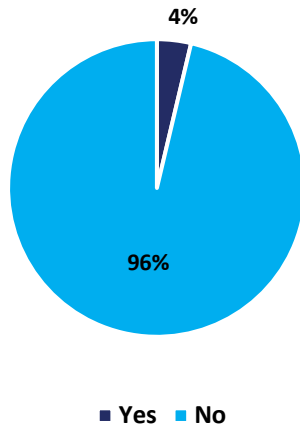
Of those who didn't report being forced to undress, reason why



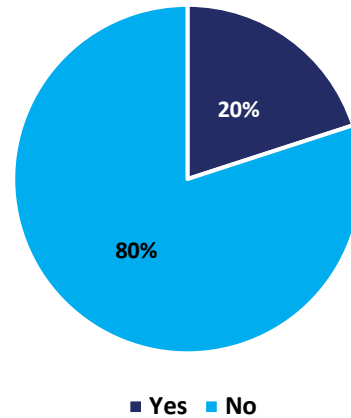
Corruption/abuse: Asphyxiation

Seventy respondents (4%) indicated someone had tried to asphyxiate them while in prison, with prison personnel identified as responsible by 40% of the respondents. Consistent with other forms of abuse and corruption, respondents largely failed to report it. The primary reason for not reporting it was a fear of retaliation.

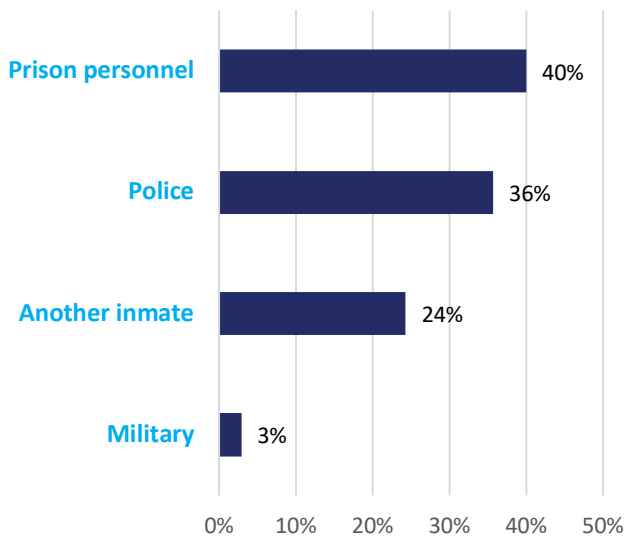
Percent respondents who reported that they have been asphyxiated in their current facility



Of those who were asphyxiated, did they report it?



Of those who were asphyxiated, who asphyxiated them?^a



Of those who didn't report being asphyxiated, reason why

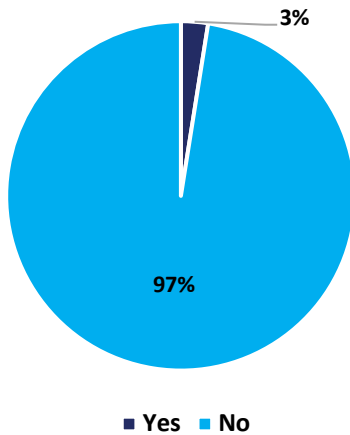


^a Not mutually exclusive categories.

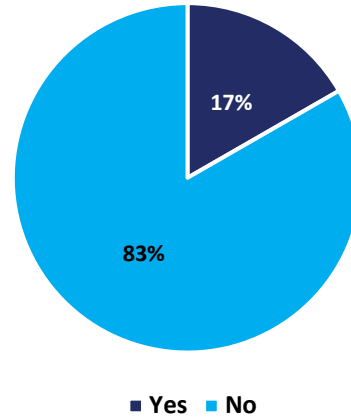
Corruption/abuse: Bounded by wrists or ankles

Three percent of respondents indicated they had been bound by the wrists or ankles with 17% reporting it. Among the 48 people who had been bound, 35% indicated prison personnel had been responsible for the behavior and 38% of those not reporting the abuse indicated they were fearful of retaliation.

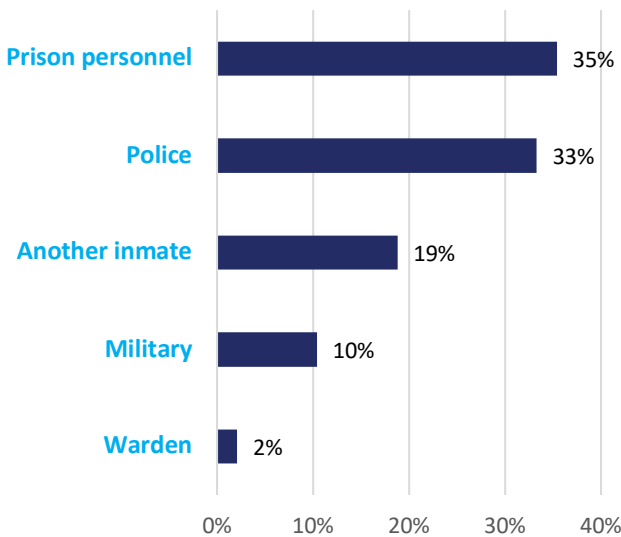
Percent respondents who reported that they have been bounded by their wrists or ankles in their current facility



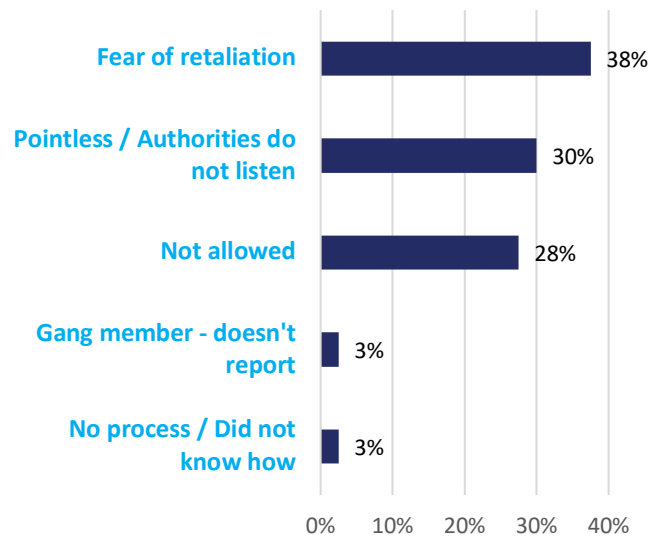
Of those who were bounded, did they report it?



Of those who were bounded, who bounded them?^a



Of those who didn't report being bounded, reason why

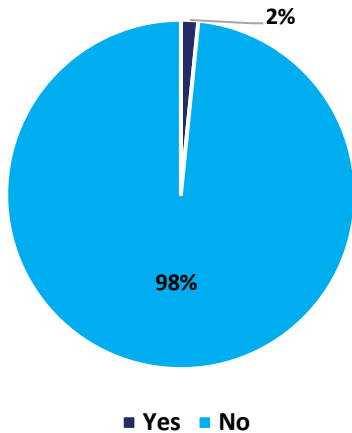


^a Not mutually exclusive categories.

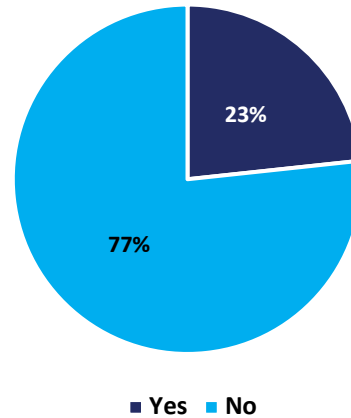
Corruption/abuse: Blindfolded

Two percent of respondents indicated they had been blindfolded. Though small, this type of abuse is significant which may help to explain the finding that 23% of those who had been bound reported it. Among the 31 people who had been bound, 39% indicated the police were responsible for the behavior and 39% of those not reporting the abuse indicated they were fearful of retaliation.

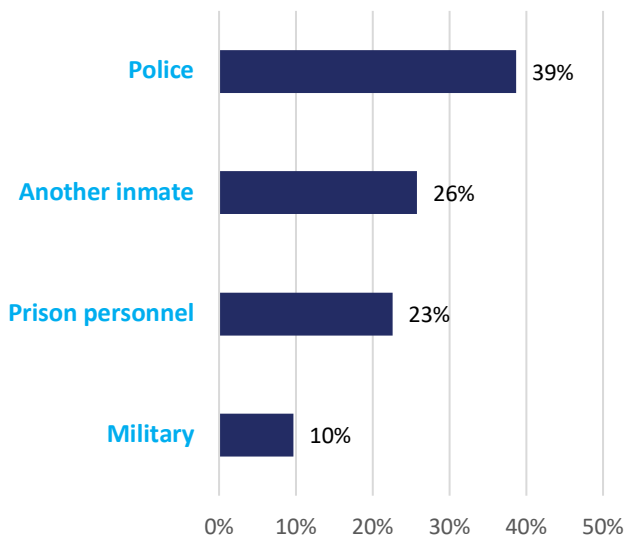
Percent respondents who reported that they have been blindfolded in their current facility



Of those who were blindfolded, did they report it?



Of those who were blindfolded, who blindfolded them?^a



Of those who didn't report being blindfolded, reason why

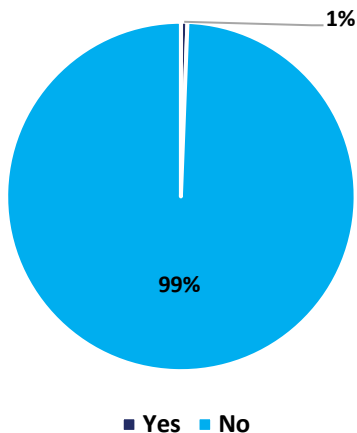


^a Not mutually exclusive categories.

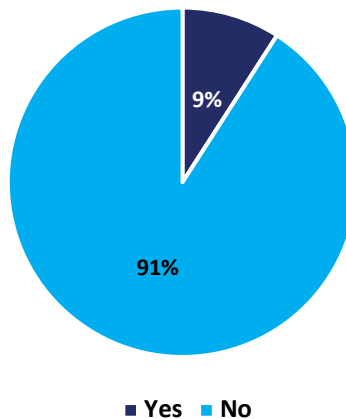
Corruption/abuse: Sexually assaulted

One percent of respondents indicated they had been sexually assaulted and, among those, 9% reported it. Among the 11 people who had been sexually assaulted, 73% indicated another prisoner had been responsible for the behavior and 100% of those not reporting the abuse indicated they were fearful of retaliation.

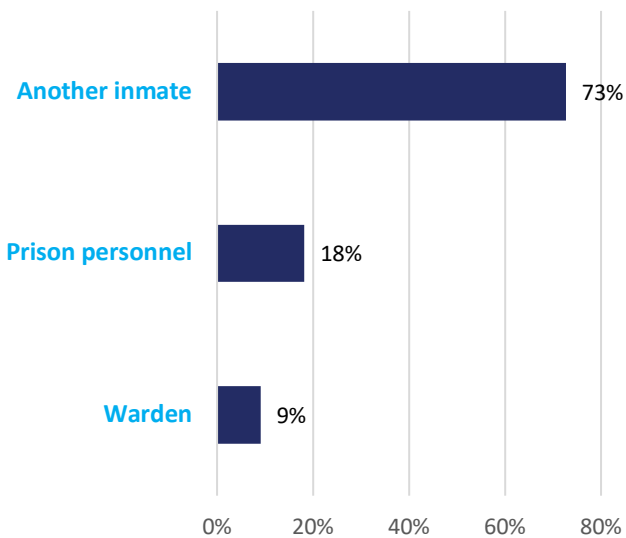
Percent respondents who reported that they have been sexually assaulted in their current facility



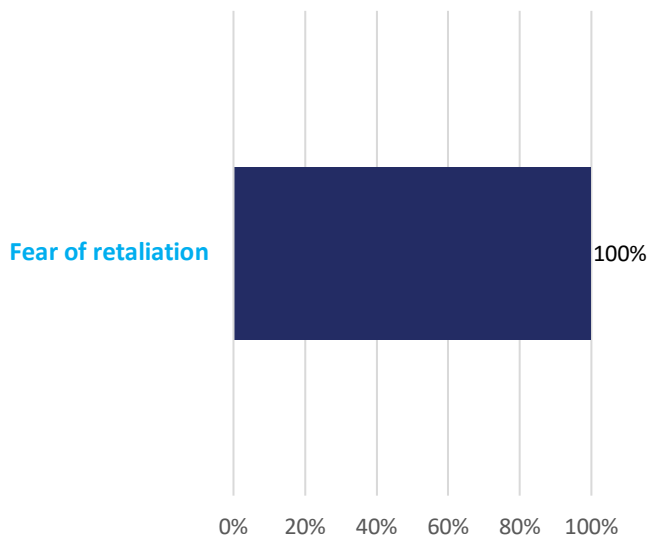
Of those who were sexually assaulted, did they report it?



Of those who were sexually assaulted, who sexually assaulted them?^a



Of those who didn't report being sexually assaulted, reason why

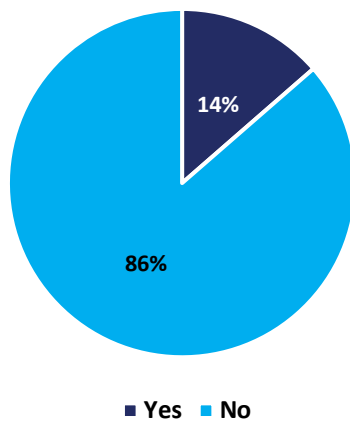


^a Not mutually exclusive categories.

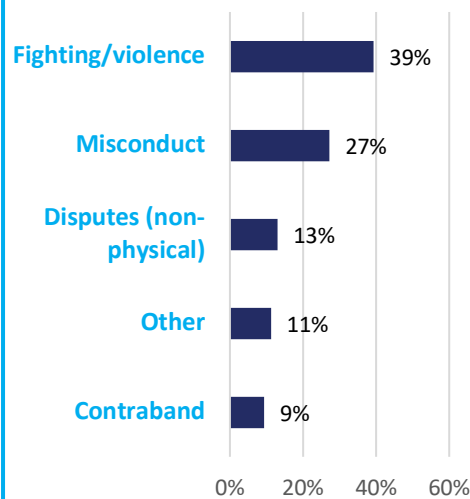
Punishment

Over 250 individuals reported being disciplined during their term of incarceration with fighting or violence as the main reason for being punished. The Nelson Mandela Rules allow for the use of solitary confinement as disciplinary response for exceptional cases and indicate it should not be used for indefinite or prolonged periods of time. More than half (56%) of the respondents reported being placed in solitary confinement for a disciplinary infraction. Twenty-two percent of this group were in solitary confinement for more than 30 days, with 4 individuals spending more than a year in confinement. Behaviors leading to solitary confinement included fighting and violence (68%), contraband (13%), misconduct (9%) and non-physical disputes (10%). Other types of punishments included extra work, loss of visitation, and purchase of cleaning supplies.

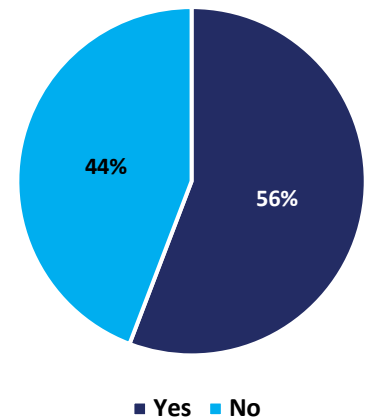
Percent respondents who reported that they have been punished in their current facility



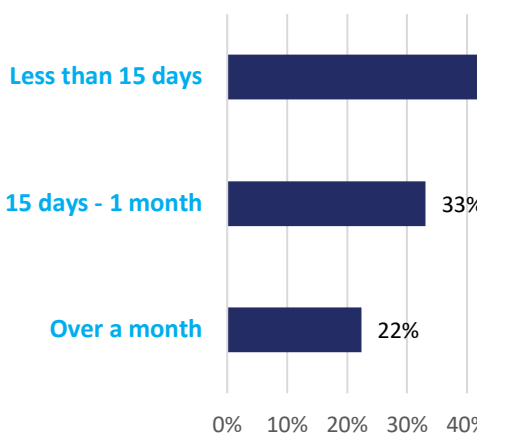
Of those who were punished, reason for punishment



Of those who were punished, percent who reported that they have been placed in solitary confinement in their current facility

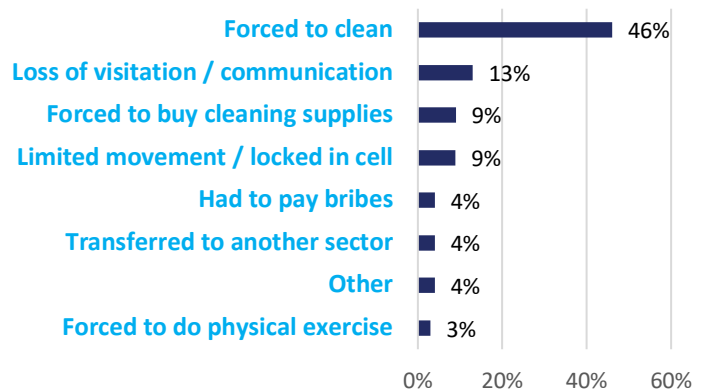


If placed in solitary confinement, length of stay^a



^a 4 individuals reported a length of solitary confinement of one year or more.

If punished but not placed in solitary confinement, which other punishment did you receive?^b



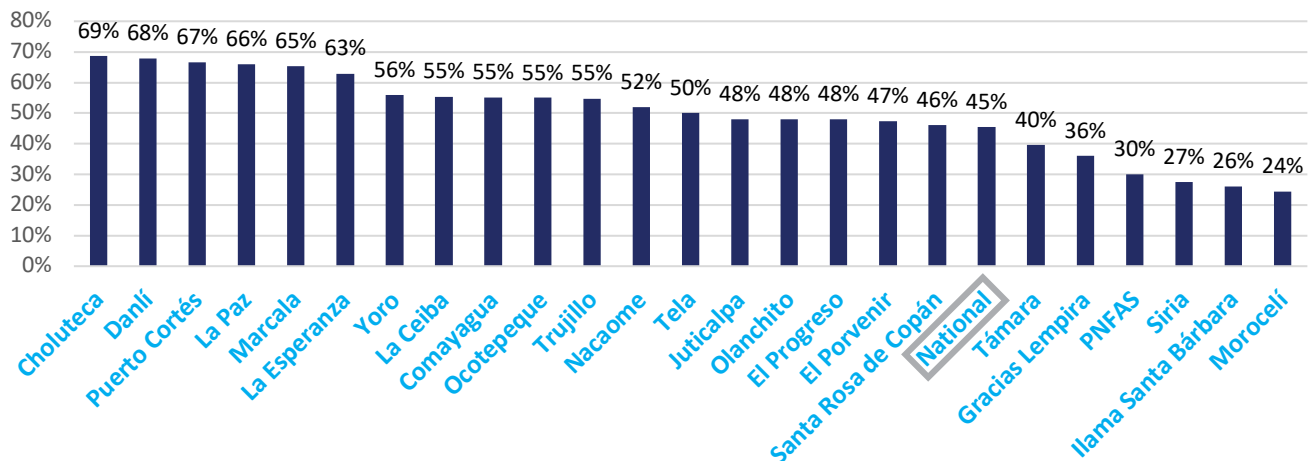
^b Not mutually exclusive categories.

Transparency and Accountability

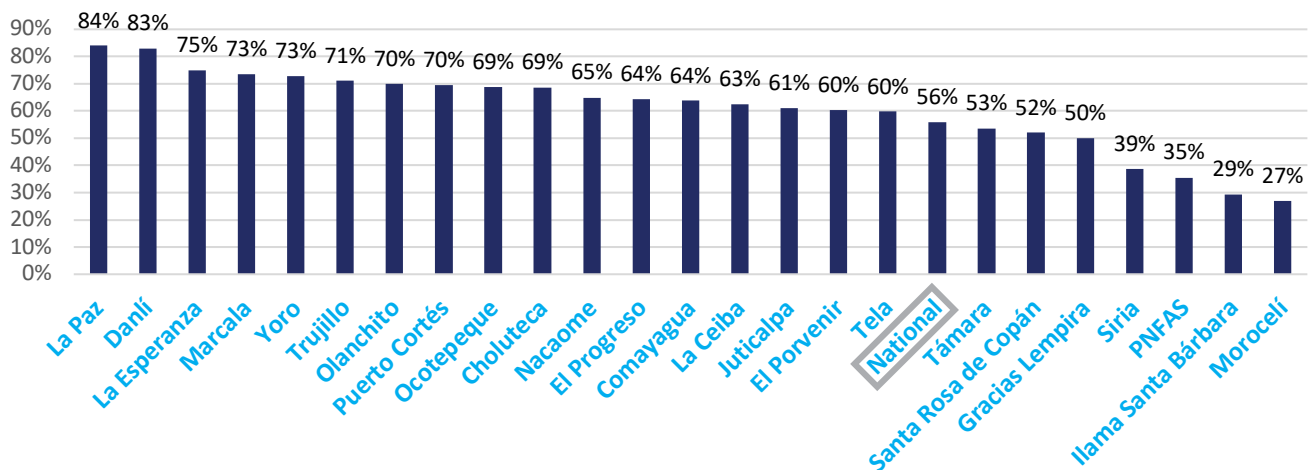
Orientation

As one measure of transparency and accountability, respondents were asked whether the authorities informed them of their rights and the prison’s rules at entry. Nationally, almost half (45%) reported receiving a guide or manual about the prison rules while more than half (56%) reported receiving verbal guidance or explanations. Respondents at Choluteca were most likely to report receiving information about rules, with 69% indicating they had received written instructions and 84% in La Paz indicating they had received verbal instructions.

Percent respondents who reported that authorities provided them with an information manual or guide on the rules of the prison (nationally and by prison)



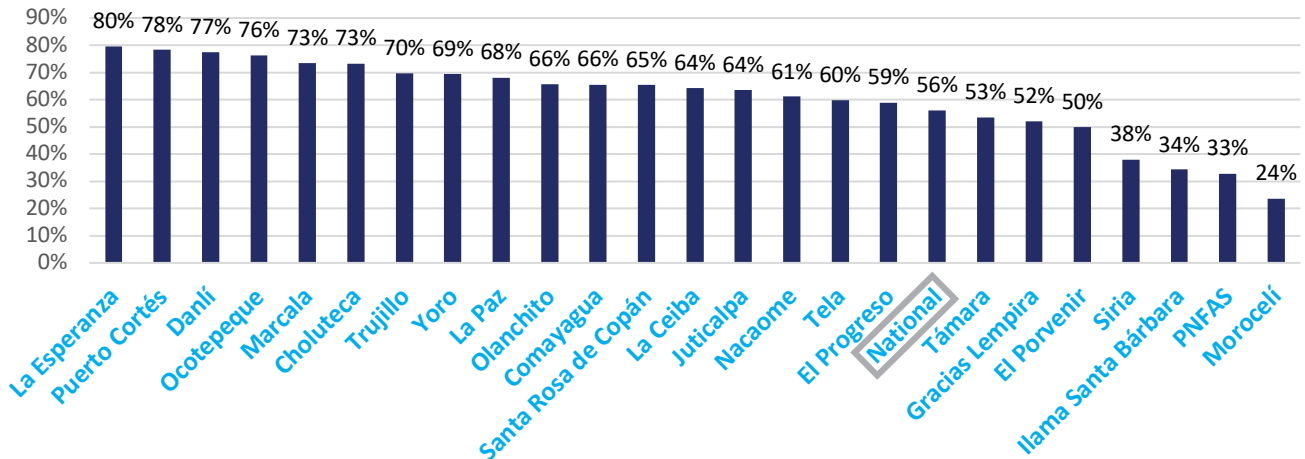
Percent respondents who reported that authorities gave them verbal guidance or explained to them the rules of this prison (nationally and by prison)



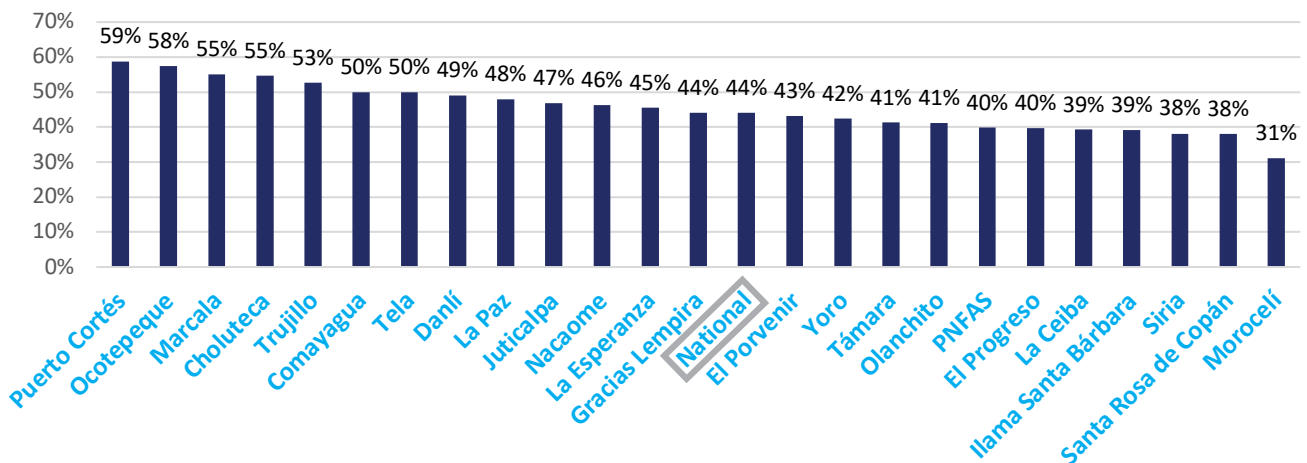
Orientation

Nationally, just over half of respondents reported being given information about their rights as a person deprived of liberty. Unlike with prison rules, respondents at La Esperanza were most likely to answer this affirmatively. Less than half of the respondents, nationally, indicated they were aware of laws and rules related to sentencing reductions. There was, however, a great deal of variation across the prisons, with between 31% and 59% reporting they were aware of these laws and rules.

Percent respondents who reported that the prison authorities informed them of their rights and obligations as a person deprived of liberty (nationally and by prison)



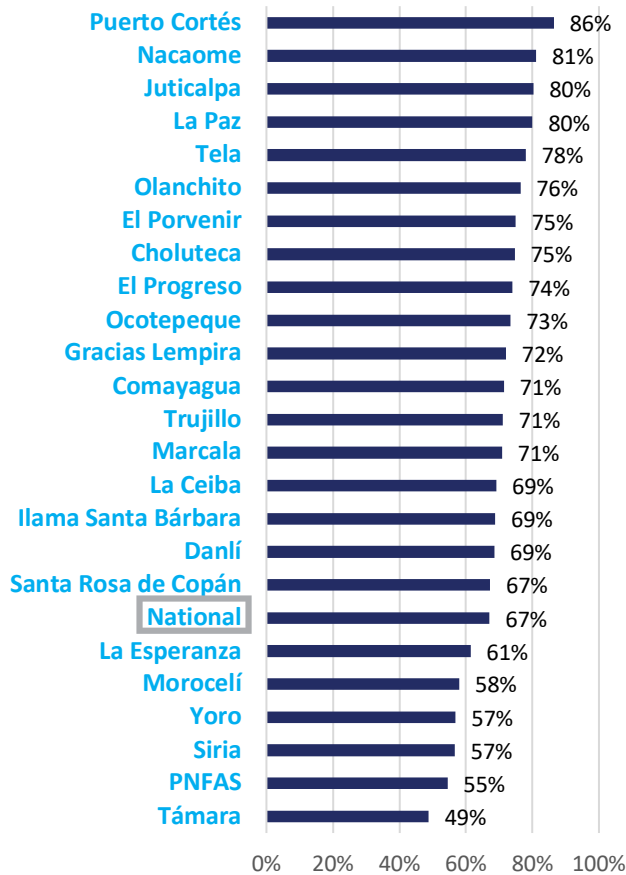
Percent respondents who reported they are aware of sentence reduction laws/rules (nationally and by prison)



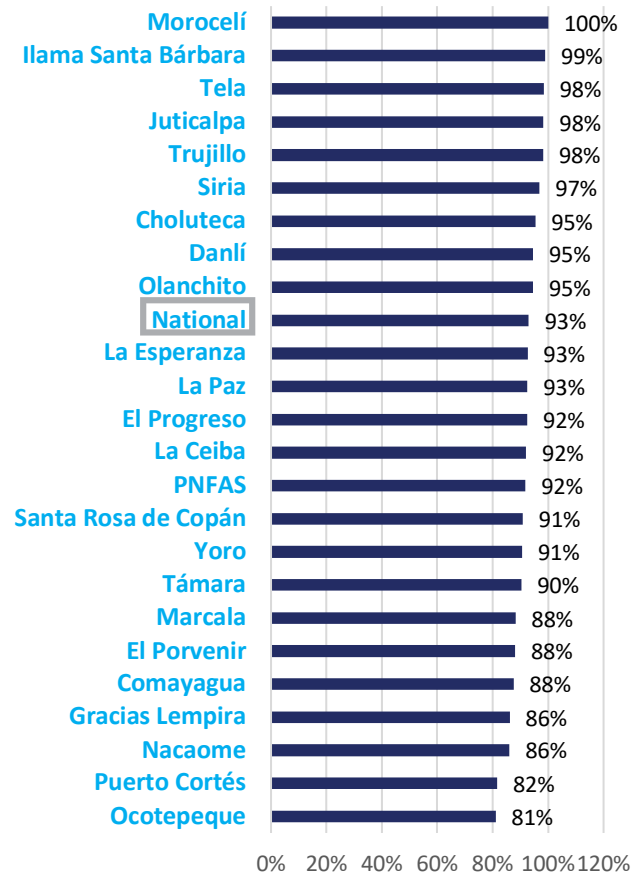
Complaint procedures

There should be transparent and adequate procedures in place for making complaints in prison. As indicated, 67% of the respondents indicated they could make complaints to prison personnel. There was some variation across prisons. Eighty-six percent of respondents at Puerto Cortés responded favorably compared to 49% of those in Támara. However, the majority (93%) reported that complaints must be written, which may be a barrier for individuals who are unable to write (13%). It was reported that complaints could be passed to prison personnel including security staff or other prison personnel (43%), the warden (34%), and other prisoners (23%). Having prisoners serve as gatekeepers may pose additional challenges for those with serious complaints, particularly if against other prisoners.

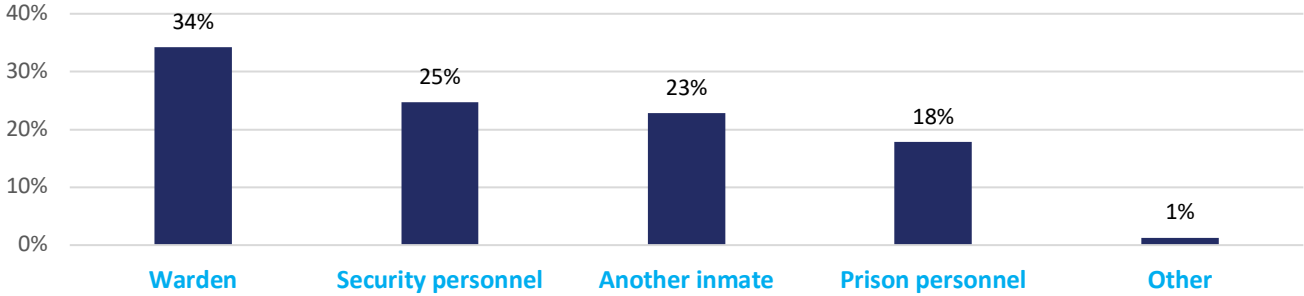
Percent respondents who reported that they are able to pass complaints/requests to prison personnel (nationally and by prison)



Of those who are able to pass complaints/requests, percent respondents who reported that they must be in writing (nationally and by prison)






Of those who are able to pass complaints/requests, who can they pass them to?






Complaint procedures




Prisoners should feel their complaints are responded to in a fair and just manner. Nationally, 59% indicated complaints are resolved in a fair manner while only 26% felt staff gave “a lot” of consideration to complaints. While 82% of respondents at Tela agreed that complaints were resolved fairly, only 26% responded positively at Morocelí. Respondents at Olanchito and Puerto Cortés were most favorable regarding attentiveness with 44% and 46% indicating staff were attentive to complaints. Less than 20% of respondents in Morocelí, PNFAS, Támara, La Esperanza, Comayagua, Siria, and Yoro agreed with this statement.




“Prisoners’ complaints are resolved by the prison authorities in a fair manner” Do you agree or disagree with this statement? (nationally and by prison)

 Agree
  Neither agree nor disagree
  Disagree

Prison			
Morocelí	26%	12%	63%
PNFAS	37%	7%	56%
La Esperanza	39%	7%	55%
Siria	48%	6%	46%
La Paz	56%	0%	44%
Támara	51%	5%	44%
Marcala	47%	10%	43%
Comayagua	46%	14%	40%
National	59%	6%	35%
Ilama Santa Bárbara	60%	7%	33%
Choluteca	68%	2%	30%
Nacaome	65%	6%	30%
Ocotepeque	69%	4%	28%
Yoro	66%	7%	28%
Gracias Lempira	62%	10%	28%
La Ceiba	68%	5%	27%
Puerto Cortés	72%	2%	26%
Danlí	70%	4%	26%
Santa Rosa de Copán	66%	8%	26%
Juticalpa	70%	5%	25%
Trujillo	68%	7%	25%
El Progreso	73%	3%	24%
El Porvenir	71%	9%	21%
Olanchito	78%	7%	15%
Tela	82%	6%	12%

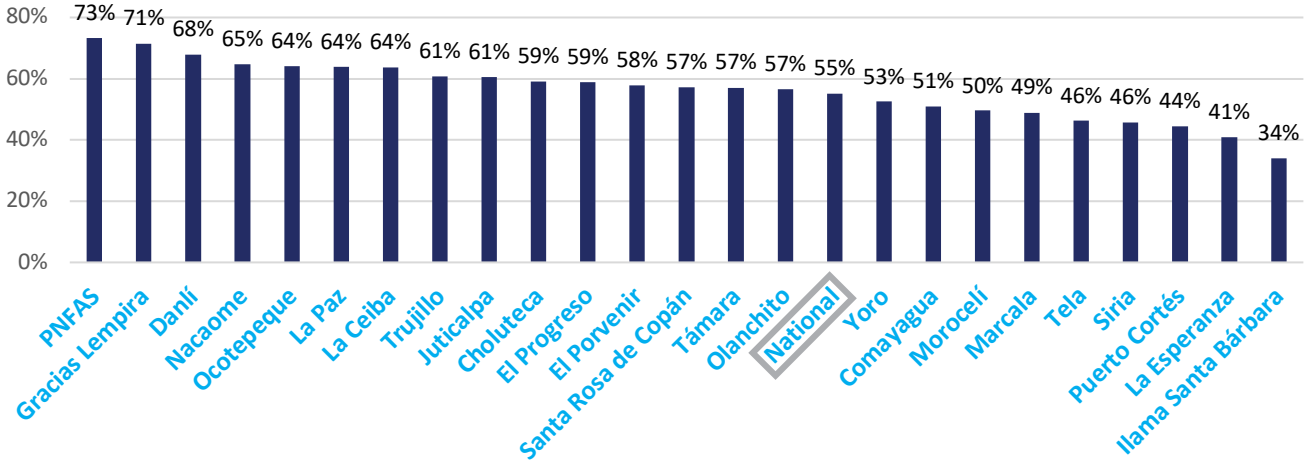
To what extent do you consider that the prison staff listens and attends to your complaint (nationally and by prison)

 A lot
  A little / Somewhat
  Not at all

Prison			
Morocelí	3%	36%	62%
PNFAS	13%	42%	44%
Támara	21%	45%	34%
La Esperanza	16%	50%	34%
Comayagua	14%	53%	33%
Gracias Lempira	24%	44%	32%
Siria	18%	50%	32%
Ilama Santa Bárbara	34%	38%	28%
National	26%	47%	27%
La Ceiba	23%	50%	27%
Trujillo	28%	47%	25%
Santa Rosa de Copán	30%	48%	22%
Nacaome	35%	44%	20%
Ocotepeque	34%	46%	20%
El Porvenir	31%	50%	19%
Danlí	30%	52%	19%
Olanchito	44%	38%	18%
La Paz	24%	58%	18%
El Progreso	36%	47%	17%
Tela	32%	52%	16%
Juticalpa	23%	61%	16%
Yoro	19%	68%	14%
Marcala	39%	51%	10%
Choluteca	38%	52%	10%
Puerto Cortés	46%	48%	7%

Individuals should be free to make complaints without fear of retaliation. Yet, over half (55%) of respondents indicated that there may be some type of retaliation or punishment by staff as a result of making a complaint or request. Respondents in PNFAS, Gracias Lempira and, Danlí were more likely to report this whereas those in Puerto Cortés, La Esperanza, and Ilima Santa Bárbara were less likely to do so.

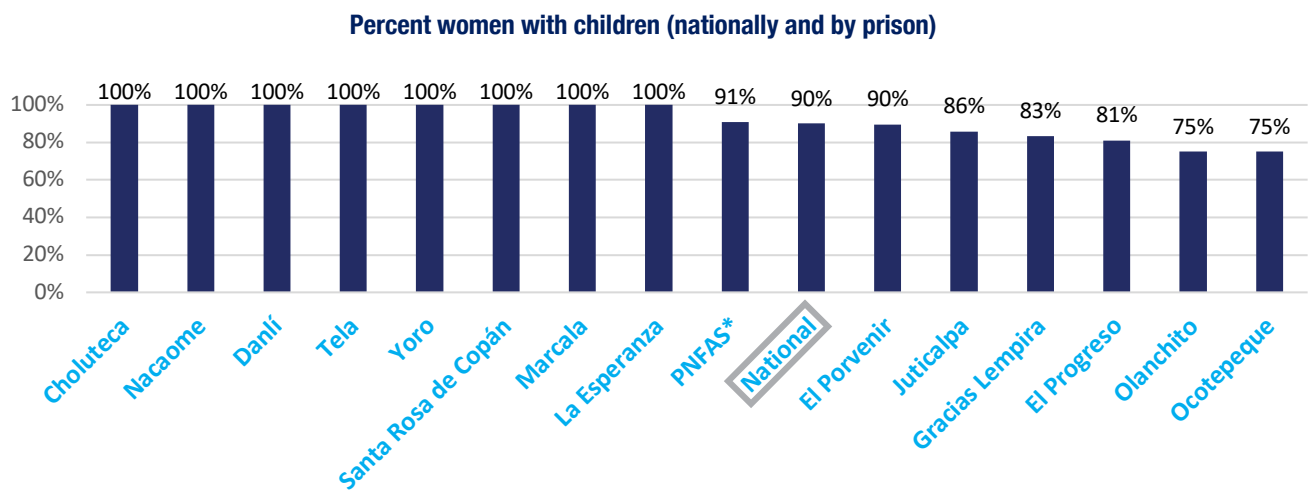
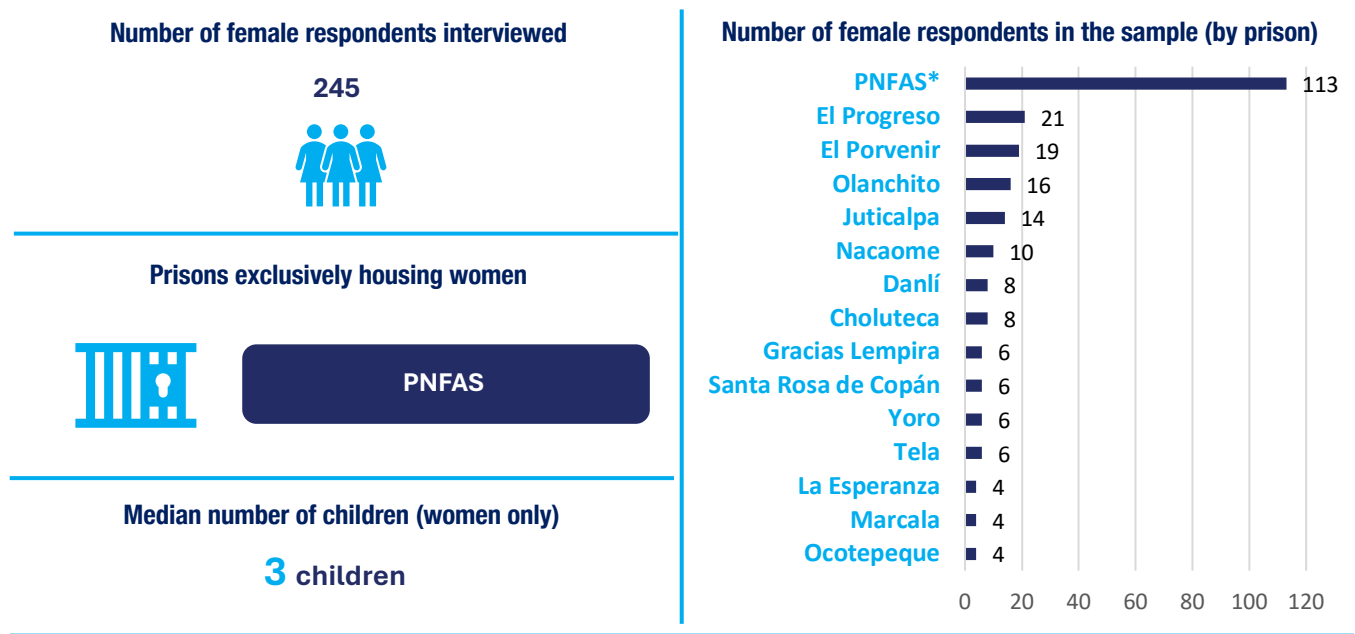
Do you consider that there may be some kind of retaliation or punishment from the staff when a complaint or request is made? (nationally and by prison)



Vulnerable Groups

Women: Sample characteristics

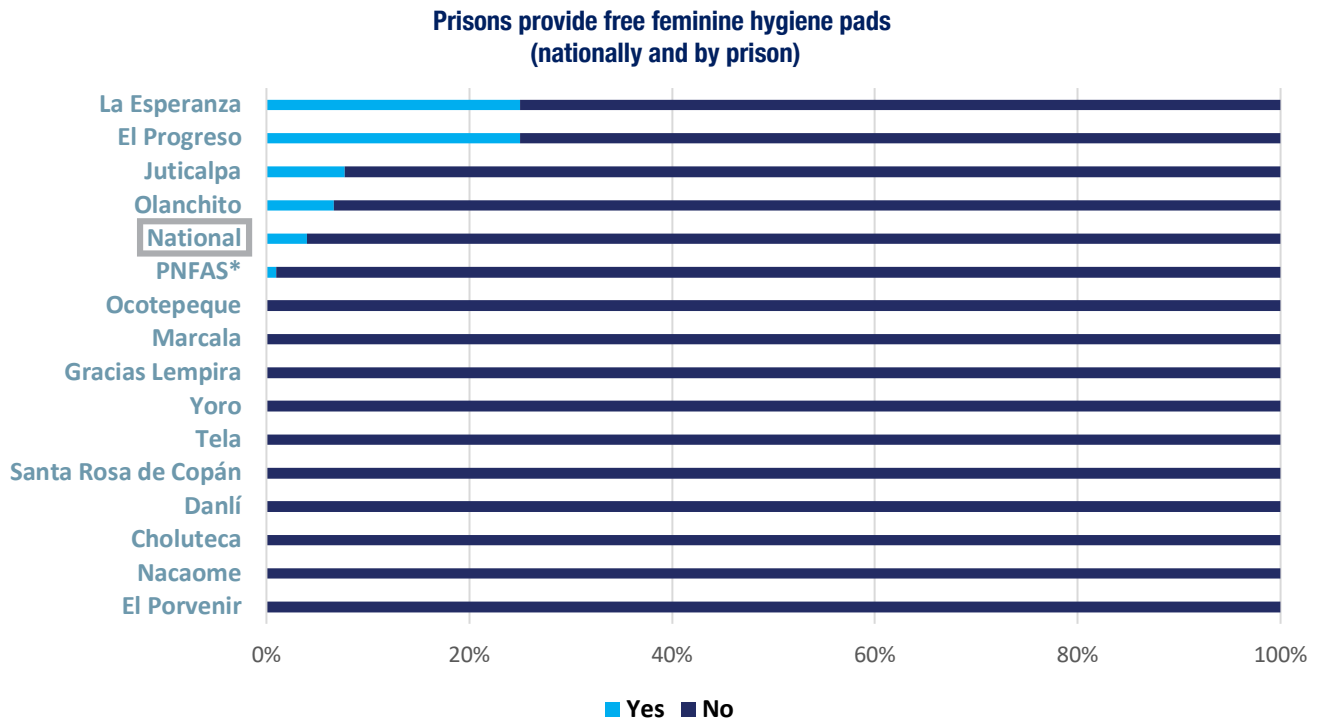
Special attention must be paid to the treatment of vulnerable groups in prison. The United Nations has adopted specific guidelines for the Treatment of Women Prisoners (The Bangkok Rules), which are supplemental to the Nelson Mandela Rules (UN General Assembly, 2010). Fifteen prisons were represented among the 245 women that were interviewed. Of these prisons, only PNFAS serves only women, while the remaining serve both men and women. Seventy-five percent of the female sample were housed in PNFAS (46%), followed by El Progreso (9%), El Porvenir (8%), Olanchito (7%) and Juticalpa (6%). However, 54% are housed in co-ed prisons. As previously noted, close to 80% had children, with an average of three (3) children. Twenty-two of the women interviewed indicated their children were living with them in prison.



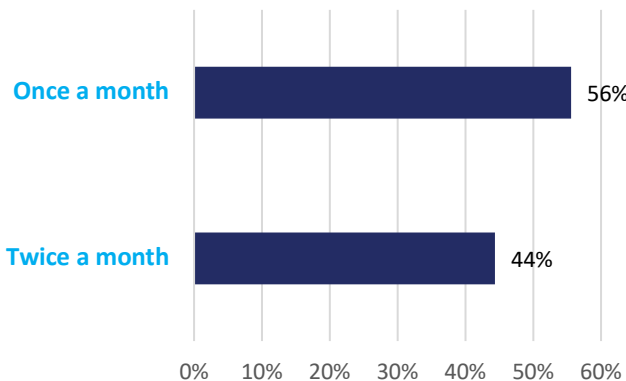
* Women-only prison

Women: Hygiene

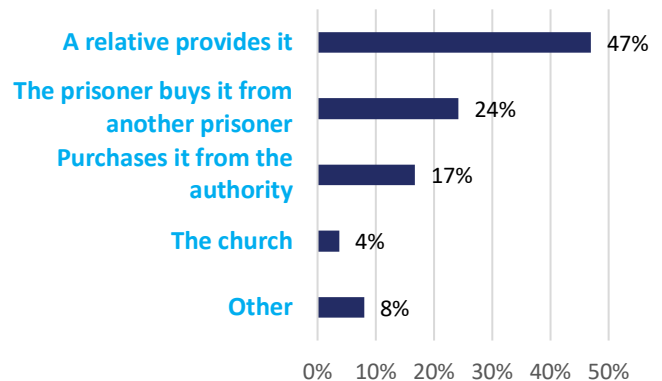
The Bangkok Rules make clear that women should have free access to sanitary supplies. To assess this, respondents were asked about the availability of feminine hygiene pads. Nationally, only 4% of the respondents reported having free access, with only 1% of the respondents in PNFAS reported free access. As illustrated below, zero women in 10 prisons reported having free access to feminine pads. Among women who receive supplies, 56% reported receiving supplies once a month, with the remaining women reporting more frequent access. When not available from the prison, women largely reported receiving provisions from a relative (47%), by purchasing them from other prisoners (24%), or from the authorities (17%).



If the prison provides hygiene pads for free, how often are they provided?



If the prison does not provide hygiene pads for free, how do you obtain them?

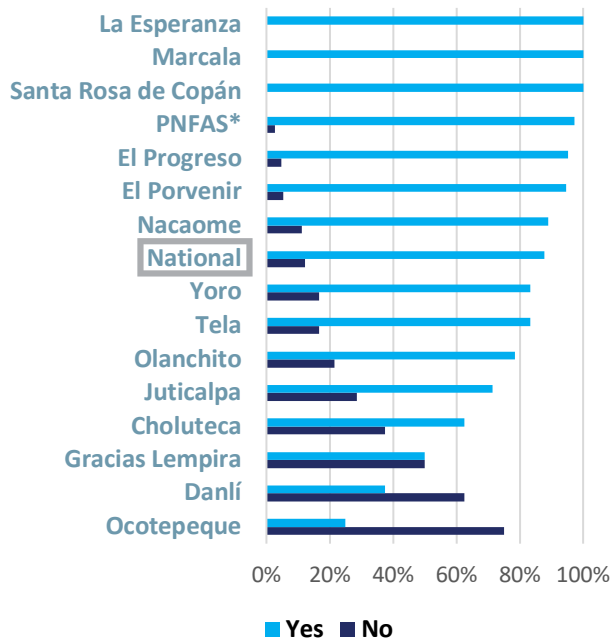


* Women-only prison

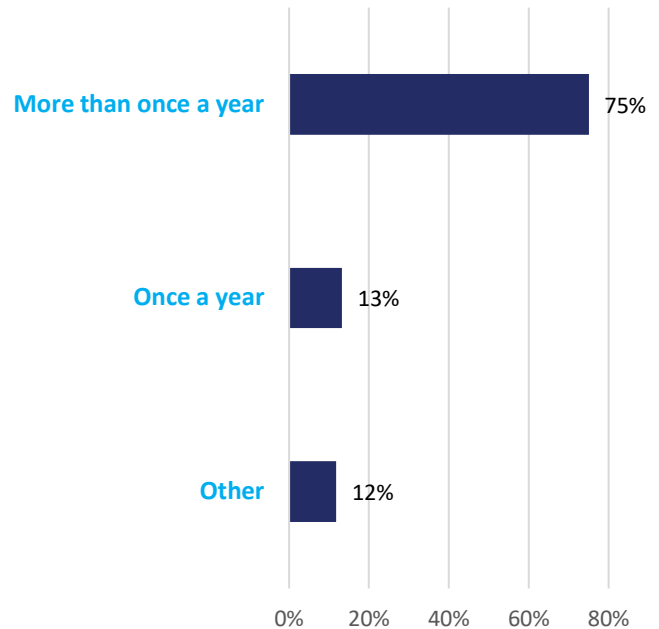
Women: Medical care

In addition to receiving specific hygiene supplies, women should have access to gender-specific health care, including gynecological care. Nationally, 88% of the women reported free gynecological exam are provided. However, this varied greatly with only 25% of women at Ocoatepeque reporting the ability to receive free exams. Among those who were unaware of free exams, 10 women reported they had not had any type of gynecological exam while in prison. Of those who indicated exams were provided, 75% reported exams were available more than once a year. Being forced to take any type of contraceptive would be a violation of reproductive health rights. Nineteen percent (n=47) of the female respondents reported they had been forced to utilize some type of contraceptive to prevent pregnancy.

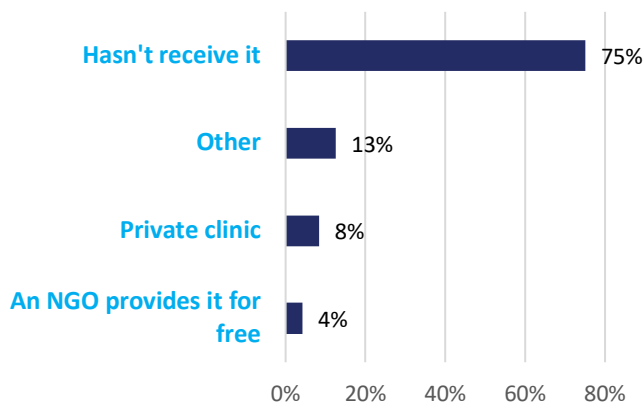
Prisons provide free gynecological consultations (nationally and by prison)



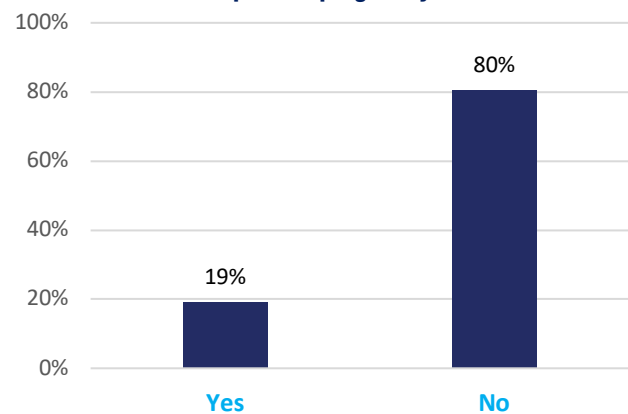
How frequent are there free gynecological consultations?



Women: If current prison does not provide free gynecological consultations, how do you obtain them?



Have you been forced to receive any type of contraceptive to prevent pregnancy?

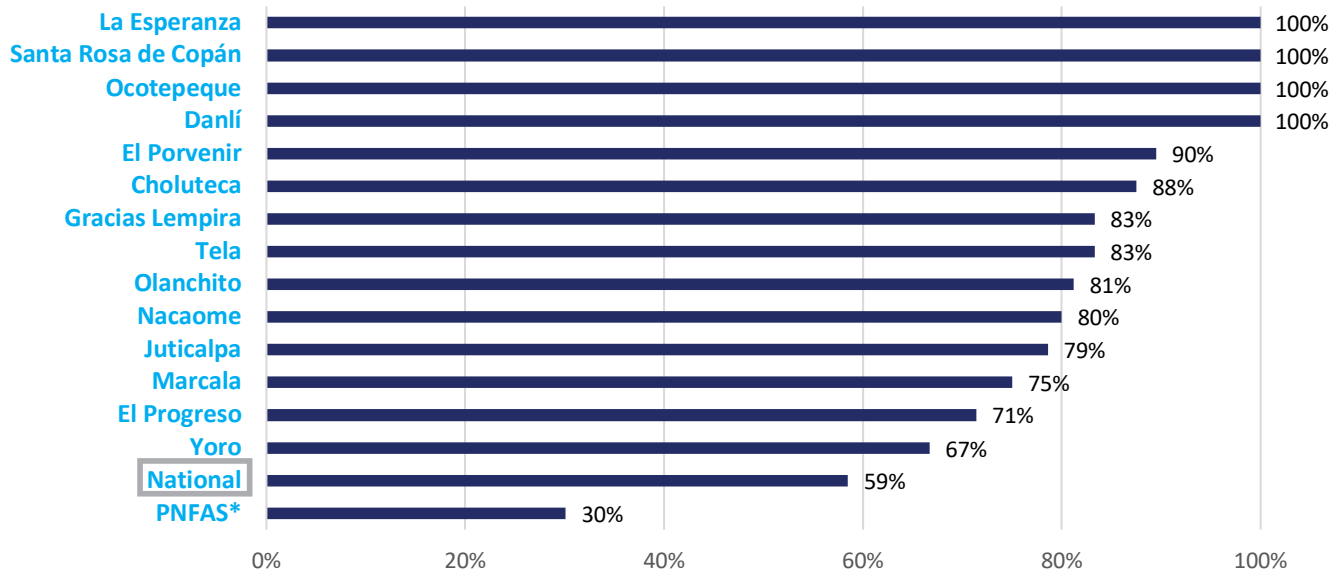


* Women-only prison

Women: Safety

Across all survey respondents, 59% reported feeling safe in prison. The results varied greatly across the various prisons housing women. In La Esperanza, Santa Rosa de Copán, Ocotepeque, and Danlí 100% of the women felt safe, while less than 75% of the women felt safe in El Progreso, Yoro, and PNFAS.

Percent female respondents who agree with the statement “I feel safe in this prison”
(nationally and by prison)

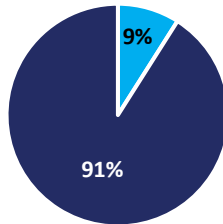


* Women-only prison

Women and children in prison

As noted, 22 (9%) of the women interviewed indicated they had a child living in prison with them. The majority of the children were born in prison and the mean age was just under two years old. Approximately three-quarters of the children were boys; 26% were girls. When asked about the quality of the facilities, 55% rated them as good.

Percent of women living with a child in prison (nationally)



■ Yes ■ No

Sex of children living in prison



74%

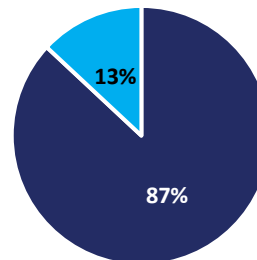


26%

Mean age and range of children living in prison (in months)

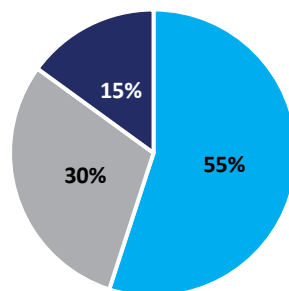
Mean: 23 months
Range: 0 – 48 months

Where were the children living in prison born?



■ Born in prison
■ Born prior to incarceration

Quality of facilities in which children live (nationally)

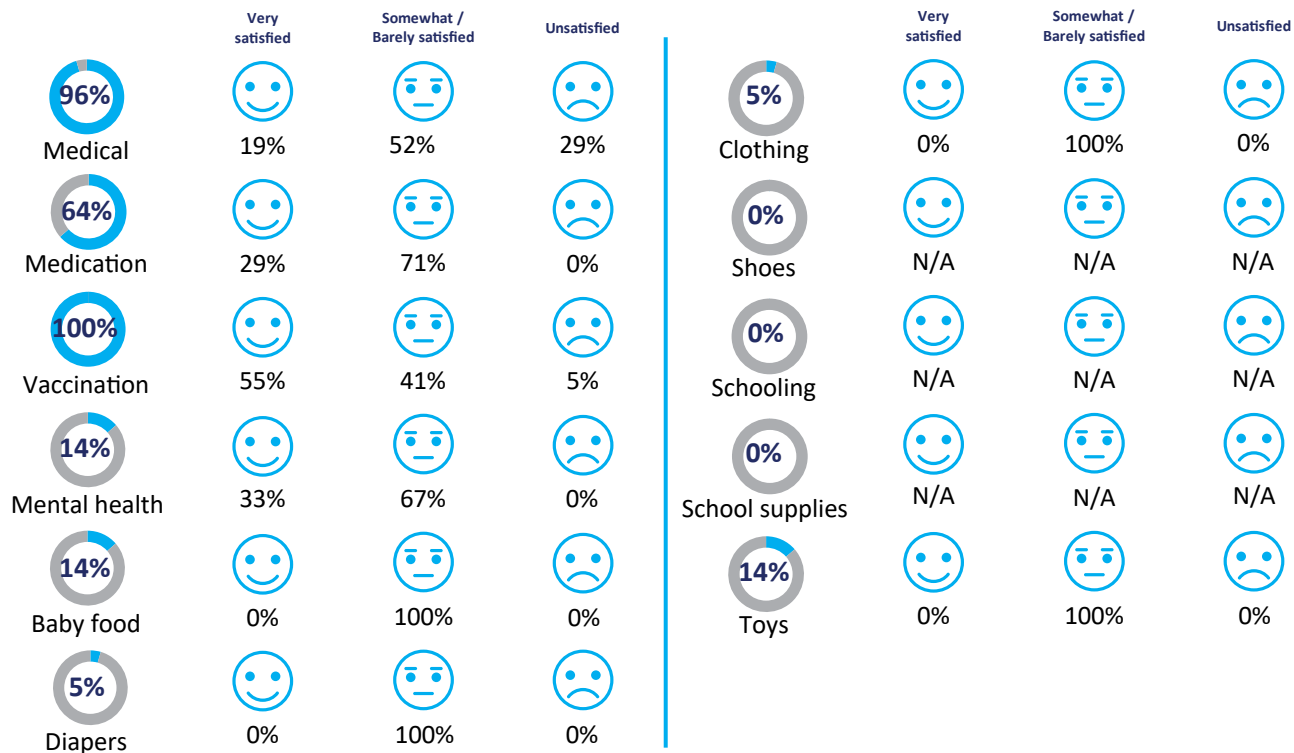


■ Good
■ Regular
■ Bad / Very bad

Women and children in prison

Women were asked about the types of services provided to their children, their level of satisfaction, and how they received such services if not provided by the authorities. Children generally received free medical care (96%), and vaccinations (100%), though fewer received medication (64%) and mental health services (14%). Only 14% of the respondents reported free baby food or toys, and very few women indicated clothing (5%), or diapers (5%) were provided. No respondents reported receiving free shoes, schooling, or school supplies for their children.

Percent respondents who received free services for children at current prison and perceived quality of service (nationally)



If respondent did not receive free services for children, how did they obtain them? (nationally)

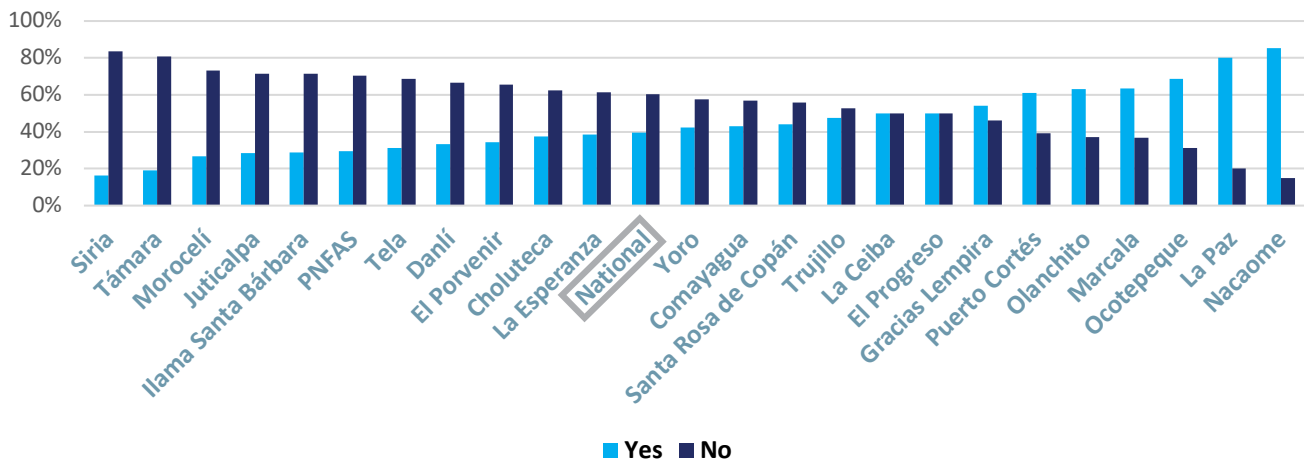
Service	Family member	NGO	Did not get it	Purchased / obtained outside of prison*	Other
Medical attention	0%	100%	0%	0%	0%
Medication	57%	0%	0%	0%	43%
Mental health	8%	8%	58%	0%	25%
Baby food	65%	6%	0%	6%	24%
Diapers	71%	10%	0%	5%	14%
Clothing	81%	5%	0%	0%	14%
Shoes	80%	5%	0%	5%	10%
Schooling	0%	8%	92%	0%	0%
School supplies	8%	25%	50%	8%	8%
Toys	41%	35%	0%	18%	6%

* Includes "purchase outside of prison," "donation from individuals outside," and "donation from church"

Mental health care

Mental health is an important issue, and the Nelson Mandela Rules make clear that prison administrators should protect the mental health of individuals. Those with mental disabilities should be treated equitably, receive access to care, and, where necessary, receive treatment in specialized facilities. In part, this requires proactive care and recognizing signs of mental illness. Nationally, 40% of respondents indicated they had received psychological care while in their current prison. Rates of care were highest in Nacoome (85%) followed by La Paz (80%) and Ocotepeque (69%). Less than 30% of those in Morocelí, Támara and Siria reported receiving care. The quality of care, for those that received it, was consistently rated favorably; nationally 93% rated it as good or very good.

Have you received psychological care in this prison? (nationally and by prison)



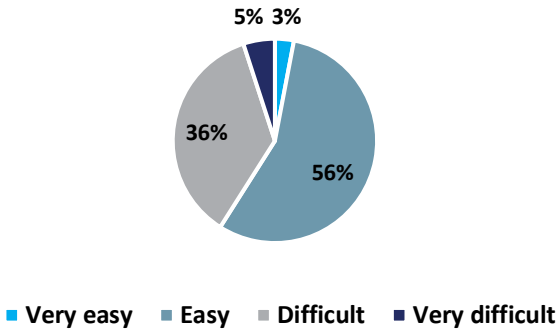
If you received psychological care in your current prison, how would you rate it? (nationally and by prison)



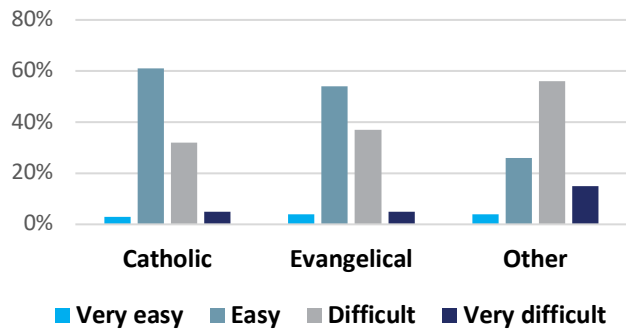
Prisoners permitted to practice their religion

People in prison should be free to practice their religion. The Nelson Mandela Rules indicate that all religious beliefs should be respected and that people in prison should not be discriminated against on the basis of religion. Further when a sufficient number of individuals share a religion, a qualified representative of that religion should be available to prisoners. As previously noted, 53% of the sample reported being Evangelical with 28% indicated they were Catholic. Eighteen percent indicated they were not religious. Overall, 59% of respondents indicated that practicing their religion was easy or very easy. This, however, varied by religion. Catholics were the most likely to report practicing their religion was easy. Two percent of the people reported their religion as “other” with 71% indicated it was difficult or very difficult to practice their religion. The proportion of people reporting difficulties also varied by prison. Less than 30% of individuals in Marcala, Puerto Cortés, La Paz, and La Ceiba reported challenges compared to over 50% in El Porvenir, PNFAS, and Nacaome.

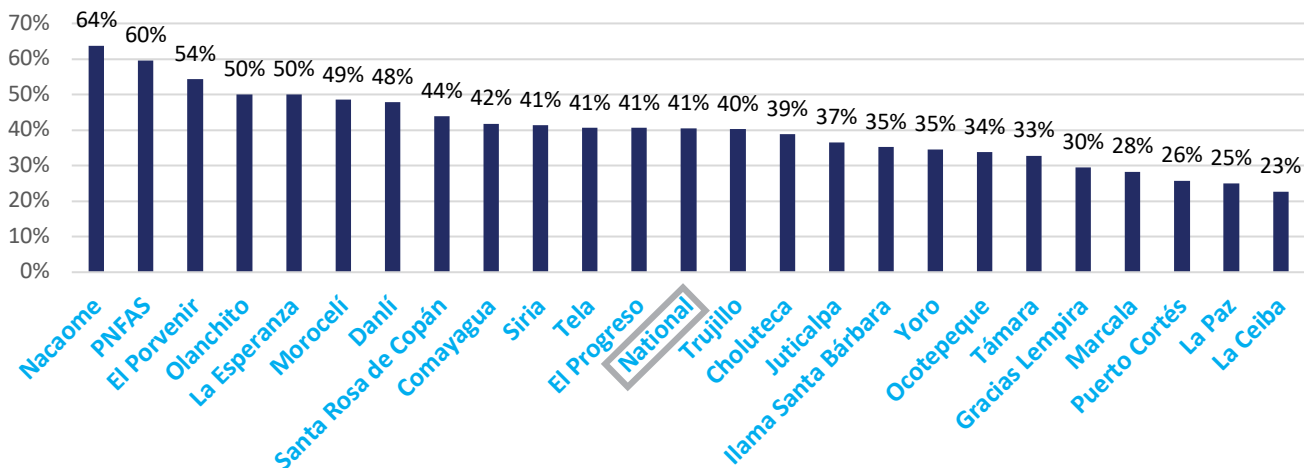
Do you consider that practicing your religion in this prison is: very easy, easy, difficult, or very difficult?



Difficulty practicing religion (by religion)



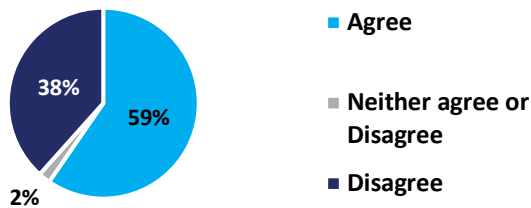
Percent respondents who found it difficult or very difficult to practice their religion (by prison)



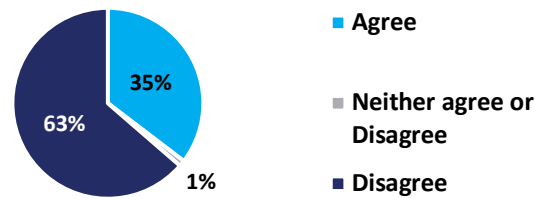
Discrimination

In addition to supporting the freedom to practice religion, the Nelson Mandela Rules also clearly indicate that all individuals deprived of liberty should be treated equally, regardless of race, ethnicity, sex, language, religion, politics, national origin, or other any other status. When asked, 59% of respondents agreed that all persons in prison are treated equally by staff and 63% agreed that staff do not discriminate against some groups, relative to others. This suggests that majority of respondents generally feel people are treated the same.

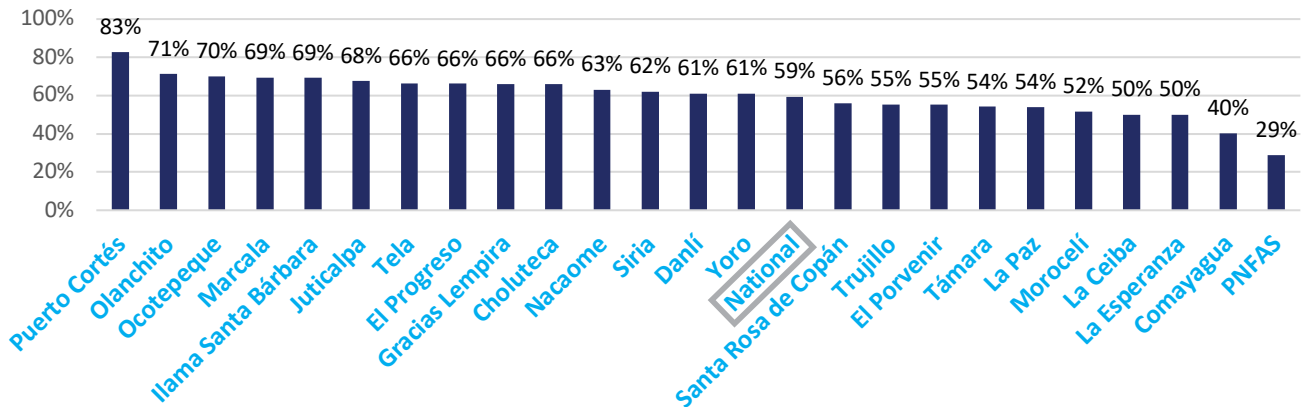
**“Prison staff treat all persons deprived of liberty equally.”
Do you agree or disagree with this statement?**



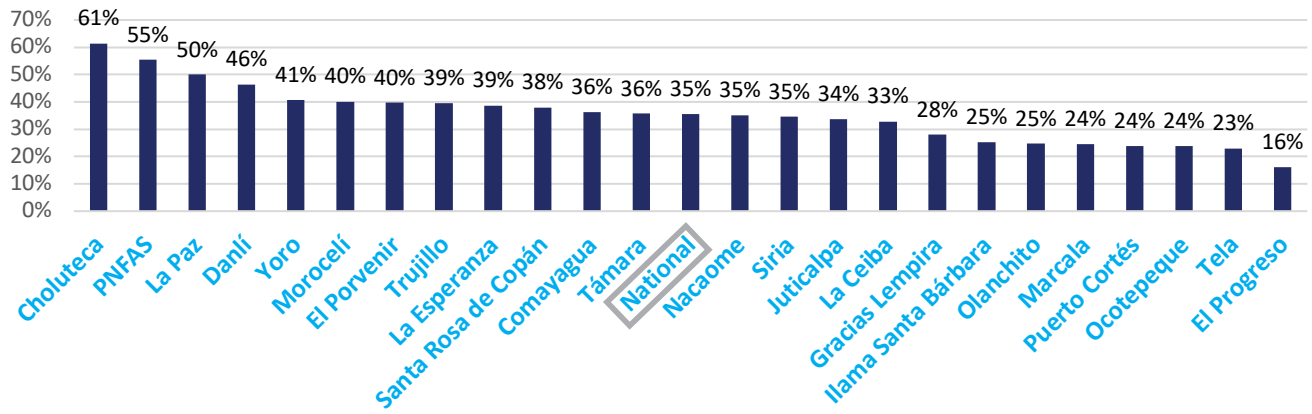
“Prison staff discriminate against some groups of the population deprived of liberty.” Do you agree or disagree with this statement?



Percent respondents who disagree with the statement “prison staff treat all persons deprived of liberty equally” (nationally and by prison)



Percent respondents who agree with the statement “prison staff discriminate against some groups of the population deprived of liberty” (nationally and by prison)



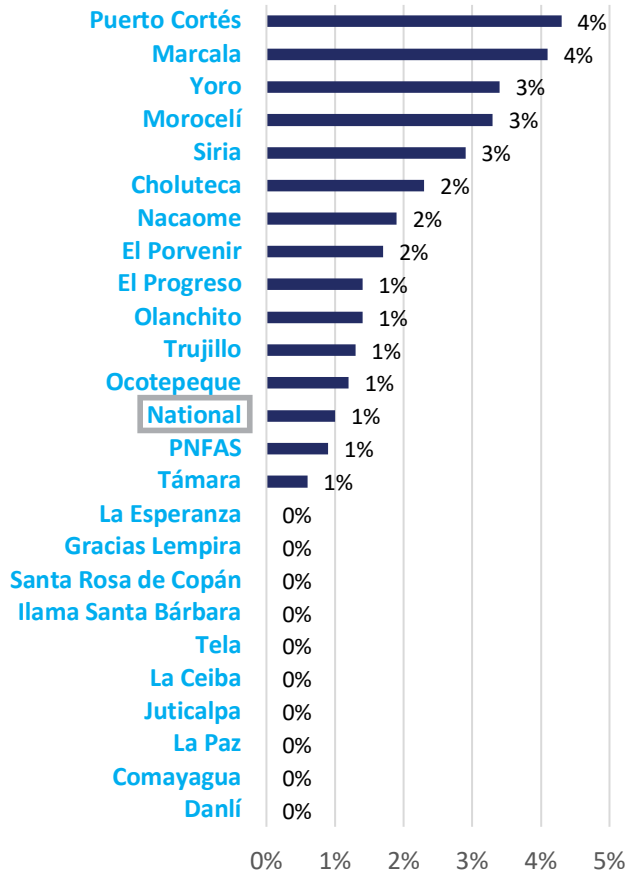
Foreign born

Among the respondents, 1% of the sample were foreign-born. The largest number of foreign-born respondents were in Puerto Cortés (4%) and Marcala (4%) whereas no foreign-born prisoners were surveyed in 10 of the prisons. It is not clear if this distribution is a result of the sampling methods or reflects the population as a whole. There were no significant differences in offense type by nationality. For both groups, the most common offense type was person followed by property.

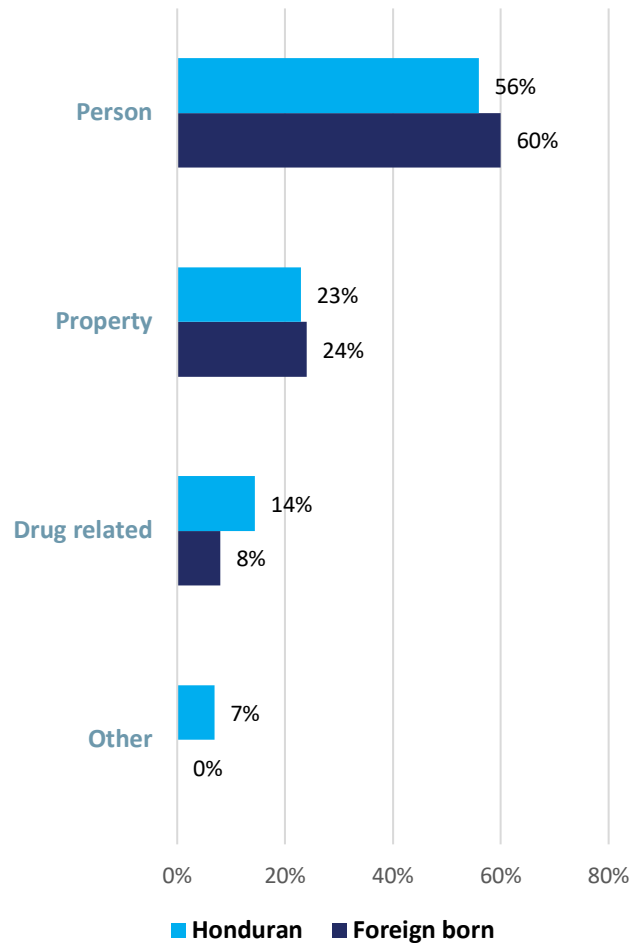
Nationality of respondent



Percent foreign born (nationally and by prison)



Top charge by nationality of respondent

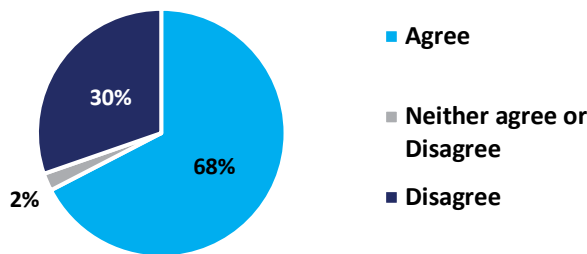


Capacity

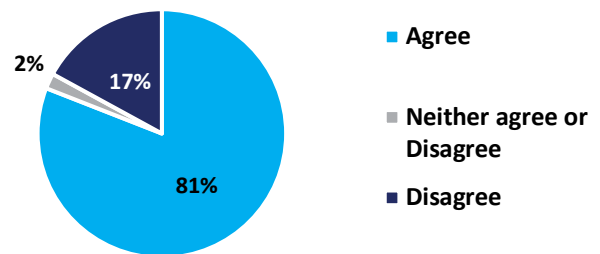
Material and human resources

Adequate staffing and resources are necessary for the smooth functioning of prisons, including keeping people safe, providing necessary access to the courts, and providing programming and services. It appears that the prisons are generally viewed as being understaffed. Nationally 68% of the respondents agreed that the center has few personnel. Access to courts is a crucial indicator of sufficient resources, which was measured via the provision of transportation. As indicated, 81% of the sample agreed there was adequate transportation to hearings. However, there was wide variation with 59% of respondents in PNFAS agreeing there was adequate transportation compared to 98% in Yoro and Gracias Lempira.

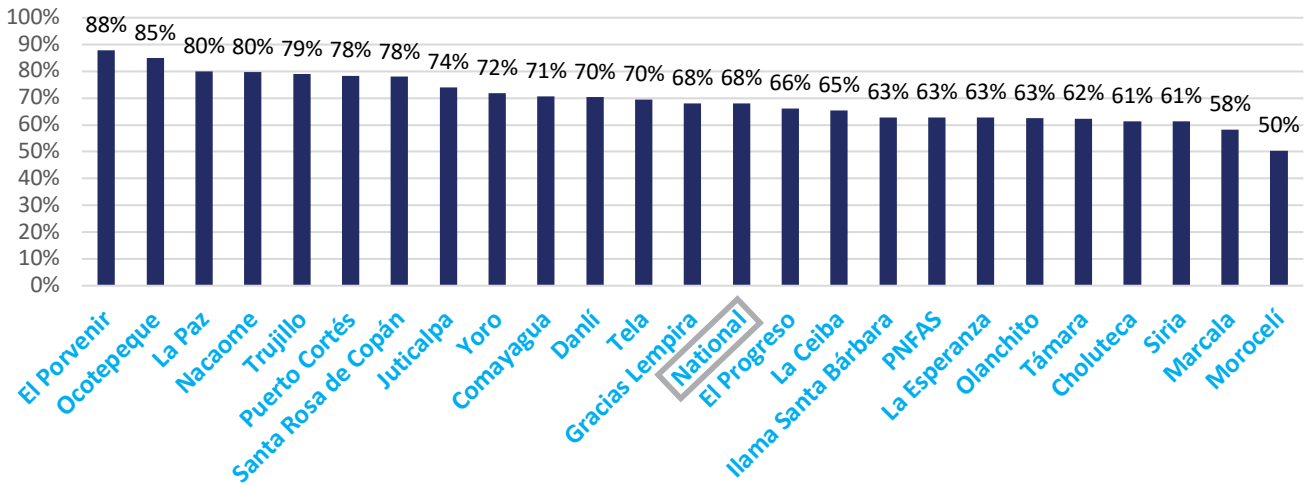
**“This penitentiary center has few personnel in the staff.”
Do you agree or disagree with this statement?**



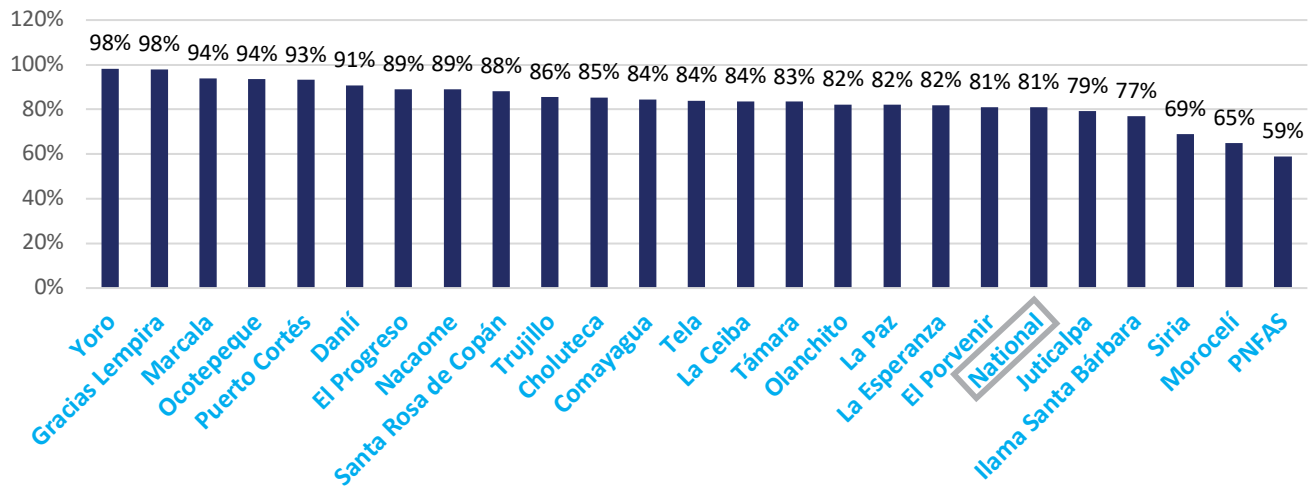
**“This prison provides adequate transportation to hearings.”
Do you agree or disagree with this statement?**



**Percent respondents who agree with the statement “this penitentiary center has few personnel in the staff”
(nationally and by prison)**














Percent respondents who agree with the statement “this prison provides adequate transportation to hearings” (nationally and by prison)




Staff professionalism

The capacity to adhere to the Rule of Law in prison depends, in part, on the quality and professionalism of the staff and officers. Respondents were asked to rate prison personnel across four categories as depicted below. Generally speaking, prisoners rated personnel favorably. Nationally, 80% or more of the respondents rated staff favorably, regardless of the category. The national ratings largely reflect the individual prison ratings. Only Morocelí, Siria, La Esperanza and PNFAS had any favorable ratings below 70%. For example, 45% of respondents in Morocelí rated technical staff positively and 69% of respondents in Siria rated administrative staff favorably. With the exception of Morceli, it appears that, overall, respondents view the staff positively.

Prison	Security staff		Administrative staff		Technical staff		Programming staff		Warden	
										
Choluteca	91%	9%	80%	21%	75%	25%	90%	11%	92%	8%
Comayagua	91%	9%	88%	12%	82%	18%	88%	12%	88%	12%
Danlí	89%	11%	87%	13%	83%	17%	94%	6%	100%	0%
El Porvenir	81%	19%	85%	16%	83%	17%	90%	10%	83%	18%
El Progreso	88%	12%	88%	12%	88%	13%	88%	12%	89%	11%
Gracias Lempira	84%	16%	84%	16%	86%	14%	88%	12%	76%	24%
Ilama Santa Bárbara	85%	15%	78%	22%	77%	24%	78%	22%	86%	14%
Juticalpa	79%	21%	81%	20%	74%	26%	86%	15%	86%	15%
La Ceiba	89%	11%	83%	17%	93%	7%	98%	2%	89%	11%
La Esperanza	86%	14%	84%	16%	86%	14%	95%	5%	50%	50%
La Paz	86%	14%	88%	12%	94%	6%	96%	4%	82%	18%
Marcala	98%	2%	94%	6%	92%	8%	90%	10%	96%	4%
Morocelí	64%	36%	41%	59%	45%	55%	47%	54%	29%	71%
Nacaome	89%	11%	91%	9%	95%	6%	79%	21%	82%	19%
National	85%	15%	80%	20%	82%	18%	85%	15%	81%	19%
Ocotepeque	93%	8%	90%	10%	94%	6%	92%	8%	95%	5%
Olanchito	93%	7%	93%	7%	96%	4%	95%	6%	99%	1%
PNFAS	75%	25%	79%	21%	83%	17%	78%	22%	53%	47%
Puerto Cortés	96%	4%	89%	11%	87%	13%	96%	4%	100%	0%
Santa Rosa de Copán	90%	10%	92%	8%	92%	8%	90%	10%	90%	10%
Siria	77%	23%	69%	31%	80%	20%	80%	20%	78%	22%
Támara	87%	14%	79%	21%	83%	17%	89%	11%	82%	18%
Tela	91%	9%	89%	11%	93%	7%	93%	7%	95%	5%
Trujillo	89%	11%	80%	20%	77%	23%	89%	11%	88%	12%
Yoro	83%	17%	81%	19%	72%	28%	79%	21%	76%	24%

 Very good / Good / Regular

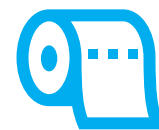
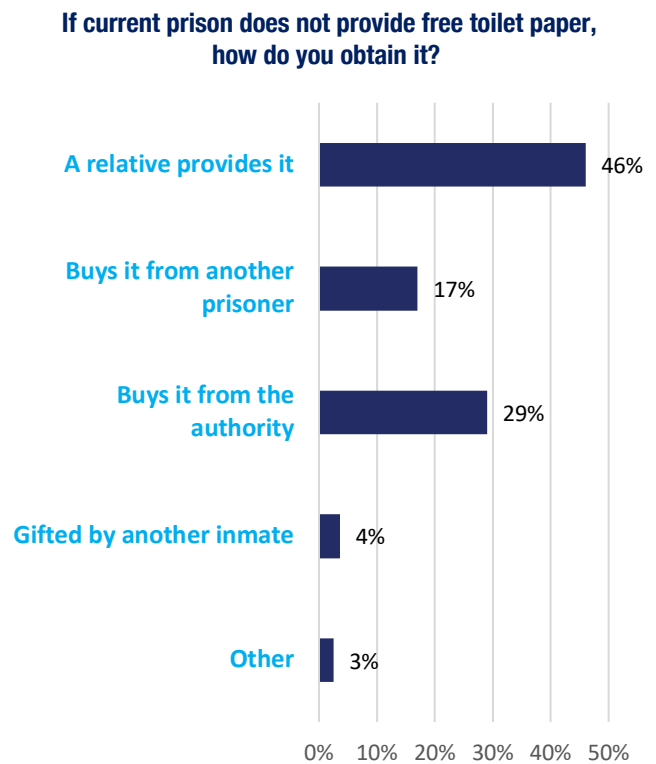
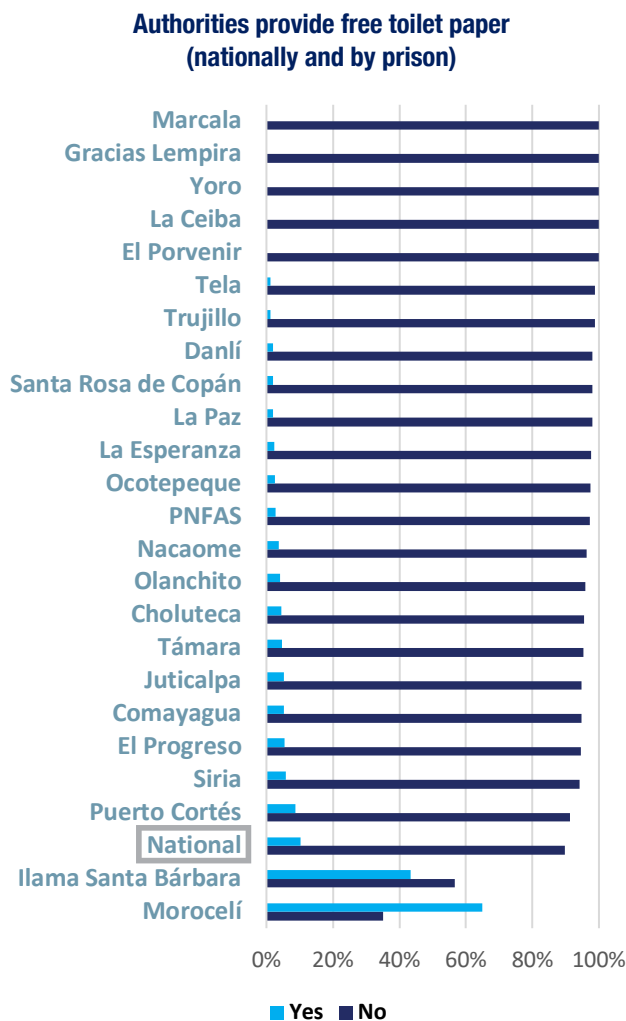
 Bad / Very bad

Access to Goods, Services and Personal Needs

Basic needs

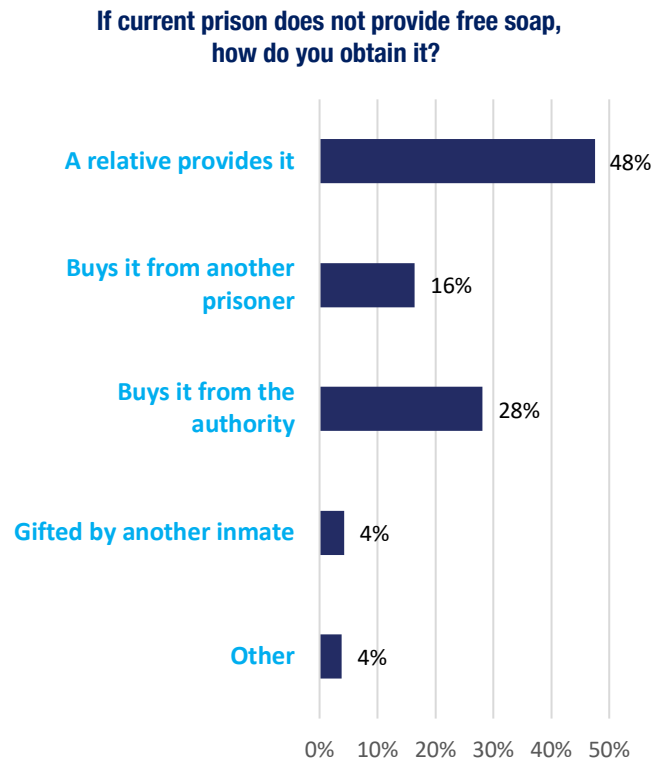
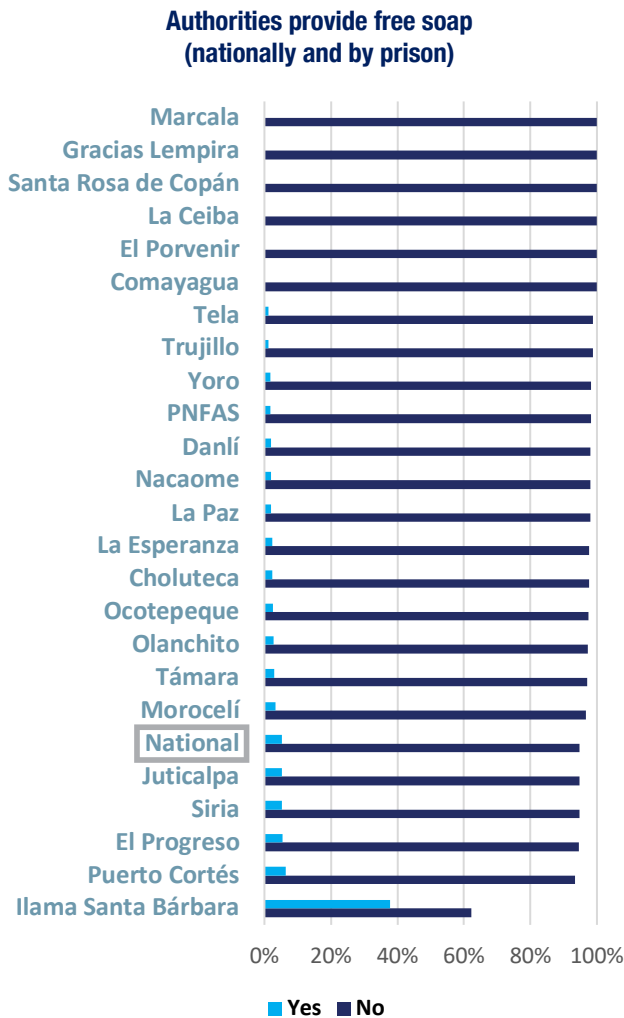
An additional indicator of material resources is the ability to provide basic goods and services that are necessary for a prison to be able to meet its basic functions. To assess this, respondents were asked about the provision of materials designed to meet basic needs. As indicated on the following pages, with the exception of a few prisons, respondents were almost entirely dependent on family members and other resources to receive these resources.

Nationally, only 10% of respondents indicated receiving free toilet paper, while 46% indicated they receive it from a family member and 46% reported having to purchase it from the authorities or another prisoner. Free toilet paper was not provided in 5 prisons and less than 5% of respondents reported receiving free toilet paper in 15 of the prisons. In contrast, 65% of respondents in Morocelí and 43% of those in Ilima Santa Bárbara indicated they received toilet paper.



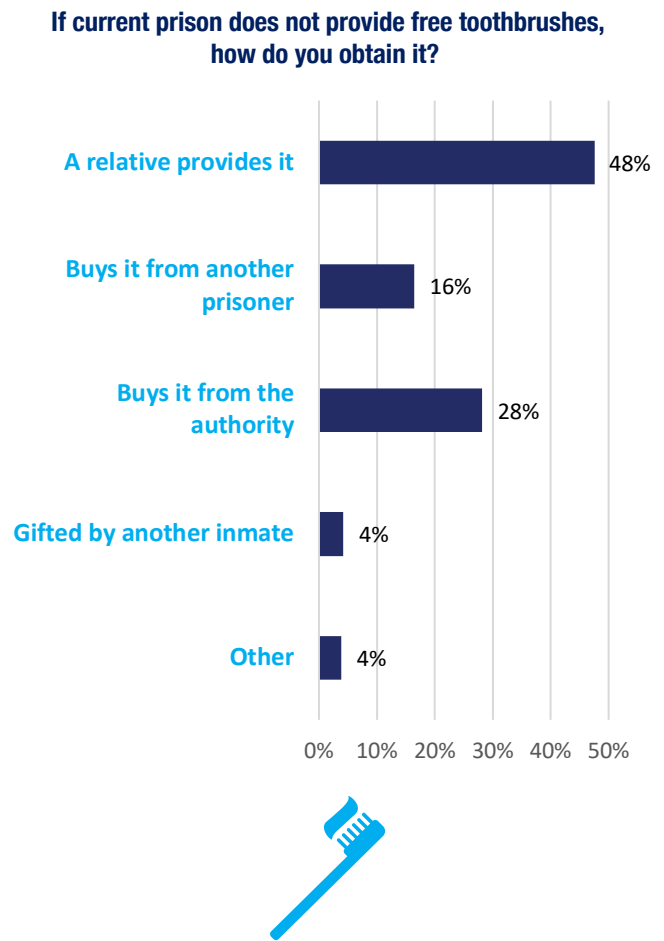
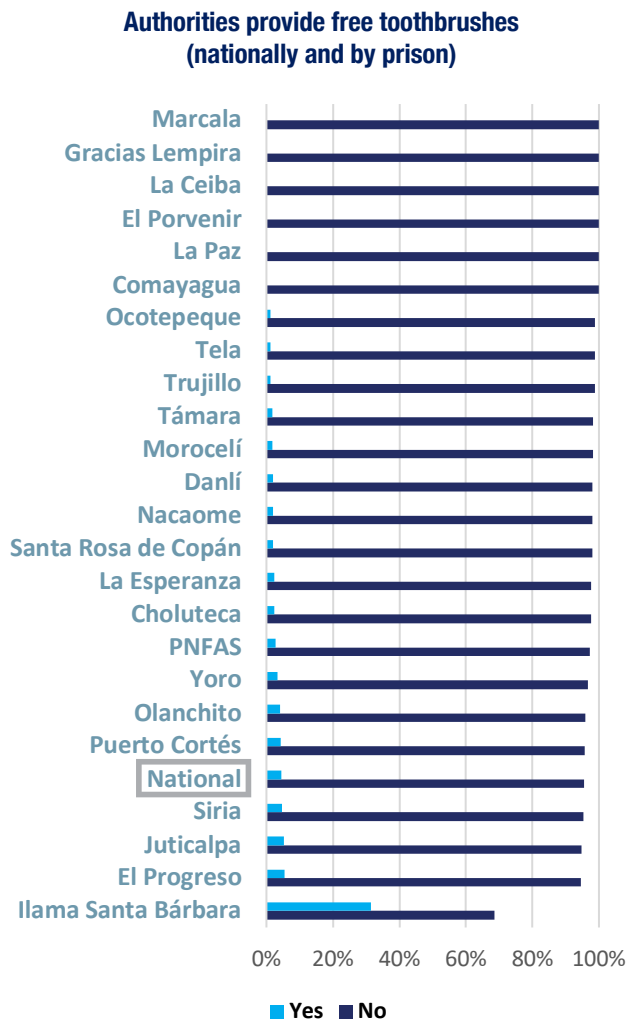
Basic needs

Another basic hygiene need is soap. As with toilet paper, respondents were largely dependent on their family members or purchasing it from other prisoners. Nationally, 5% reported receiving soap for free. Others reported receiving soap from family members (48%) or buying it from the prison staff (28%) or another prisoner (16%). The trends were similar to toilet paper, a very small number of respondents in 17 prisons reported receiving free soap and zero respondents in 6 prisons indicated they did not receive any soap from the authorities. The response among prisoners in Ilima Santa Bárbara stand in stark contrast to the other prisons.



Basic needs

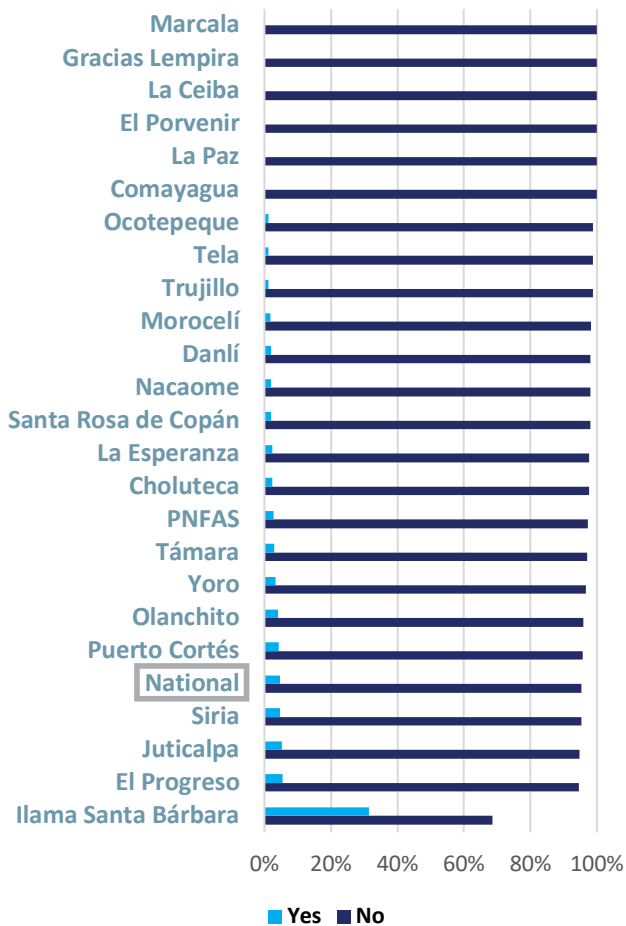
The same pattern emerged with respect to toothbrushes. As with other needs, respondents largely receive toothbrushes from family members (48%) or purchase them from the authorities (28%) or other prisoners (16%). All of the respondents in 6 prisons indicated not receiving toothbrushes from the prison with less than 5% of prisoners in 14 prisons reporting the same. In contrast, respondents in Ilima Santa Bárbara were significantly more likely to report receiving toothbrushes.



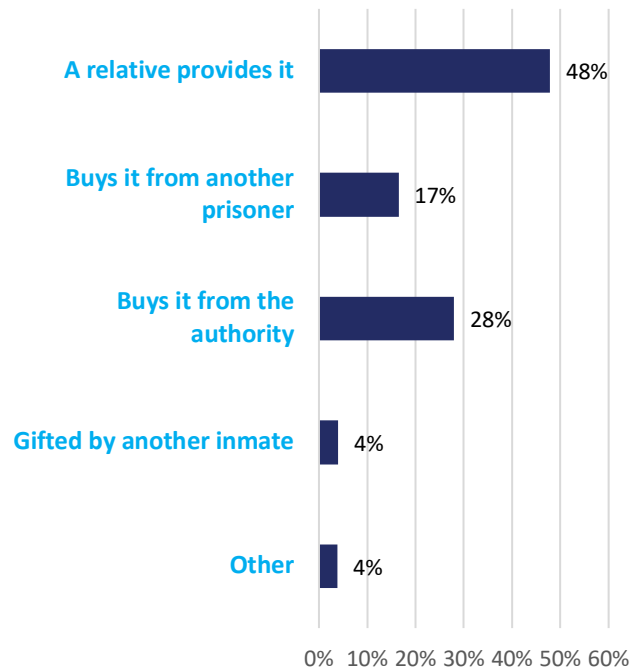
Basic needs

With the exception of those in Siria, Juticalpa, El Progreso, and Ilima Santa Bárbara, less than 5% of respondents indicated they received toothpaste. And once again, all of the respondents in 6 of the prisons reported they were not provided with toothpaste. As with other needs, prisoners were largely dependent on relatives (48%) or buying from the authorities (28%) or other prisoners (17%) for the provision of this need.

Authorities provide free toothpaste (nationally and by prison)

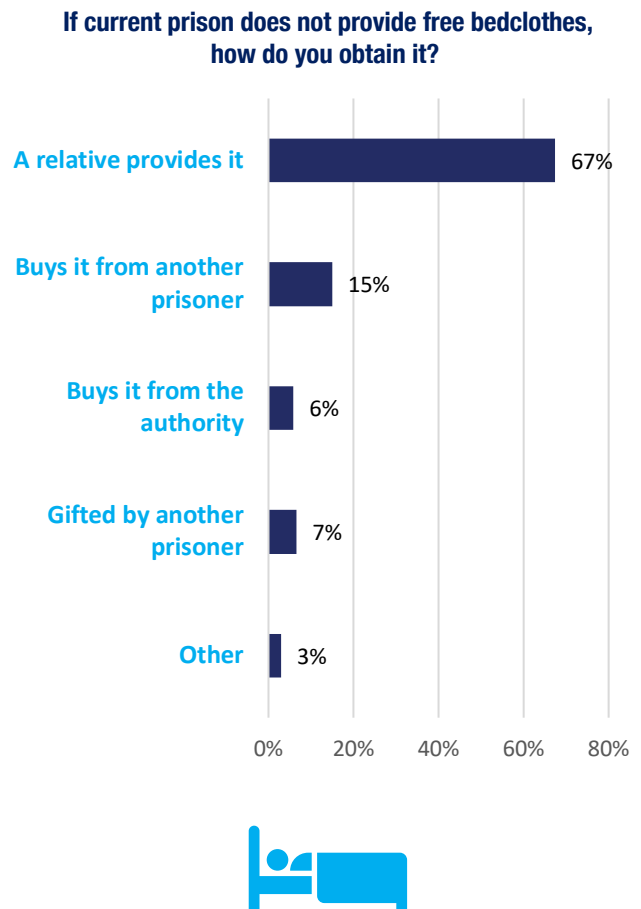
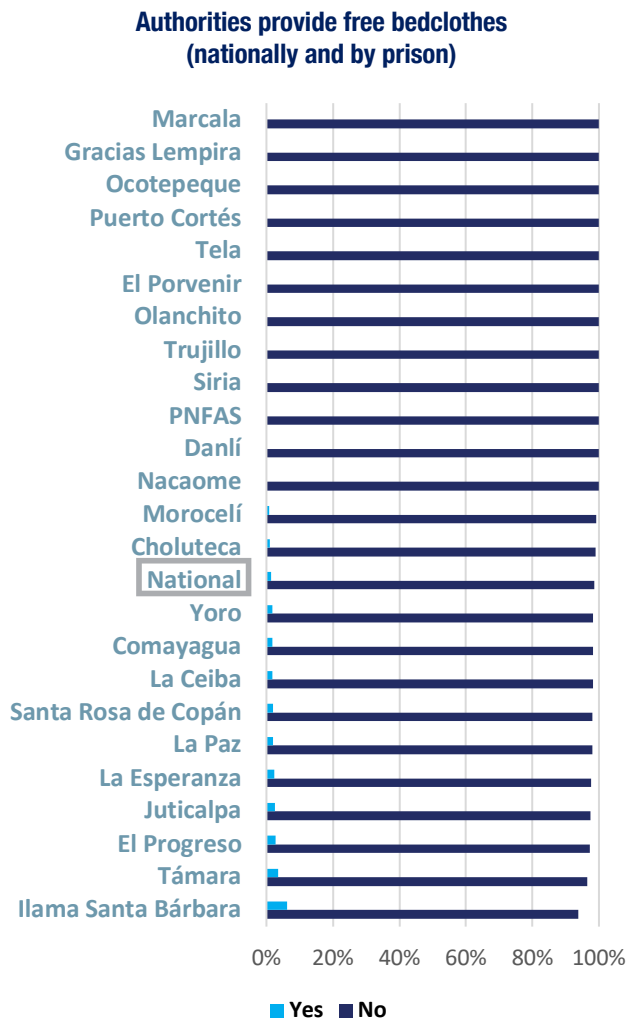


If current prison does not provide free toothpaste, how do you obtain it?



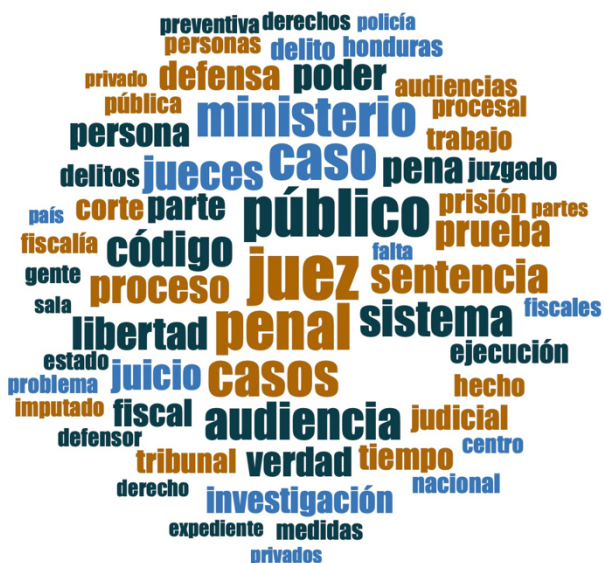
Basic needs

As with other needs, a very small number of prisoners reported receiving free bedclothes. Nationally, only 1% indicated receiving free bedclothes. The majority of respondents (67%) instead relied on family members for bedclothes. Fifteen percent indicated buying clothes from another prisoner.



6. RECOMMENDATIONS

Since the implementation of the accusatorial system in Honduras in 2002, the criminal justice system has observed important improvements, particularly in the celerity of proceedings. There are, however, many challenges that require a comprehensive effort from all institutions to improve the efficiency of the system and expand access to justice. In our research, as the word cloud on the right suggests, we found that there are areas in need of improvement across the all the institutions reviewed in this study. In this chapter, we offer several recommendations for continuing to advance in the consolidation of the accusatorial model and the improvement of the prison system. Based on our visits to prison sites, interviews with criminal justice operators, past research studies, and the analysis of survey data, we provide various recommendations and highlight areas in need of investment from both the government of Honduras and foreign aid agencies.



Reforms

- Pretrial detention. The current penal procedure code requires pretrial detention for a wide range of serious violent crimes. We urge the Honduran legislature to expand access to pretrial release via a review and reclassification of some of the offenses currently ineligible for pretrial release. Related, when offered the option between detention and release, judges should choose the least restrictive alternative that will still ensure public safety.
- Casación. The *casación* in Honduras (or motion to vacate) is the jurisdiction of the Supreme Court, which is saturating the Penal Chamber. A reform that allows all nullifications to be the responsibility of an appellate court may ease the workload and the delays observed at the appellate level.
- Judicial Career. The Honduran government needs to revise the law in order to reform the Judicial Career (*Ley de la Carrera Judicial*). It is necessary that there is transparency and clarity on the rules of appointment and promotion among judges, as detailed by the Special Rapporteur on the Independence of Judges and Lawyers (UN Special Rapporteur, June 2, 2020).

Infrastructure

One key concern among criminal justice operators is the lack of inter-institutional coordination and communication which creates administrative and logistical barriers to the effective functioning of the criminal justice system. For this reason, we recommend updates in the technological infrastructure, which

are necessary to improve collaboration and communication across the various institutions. These updates should include:

- A centralized electronic criminal case management system. For example, we recommend the development of a centralized depository of the “judicial files,” that contains key information regarding a case (for example, rulings, notifications, and requests). This would allow all relevant parties to access updated case information. This archive should be shared across institutions, including the Instituto Nacional Penitenciario. This would also help decrease high levels of judicial insecurity by allowing accused and convicted individuals, and their attorneys, to be up to date on the state of all proceedings.
- Unique identification numbers. Each individual should be assigned a unique identification number that is tied to both criminal case and incarceration. This would improve the tracking of individuals as they move through the criminal justice and within the prison system.
- A unique code number for criminal cases. This number would be provided when a new case enters the system in the police or the Public Prosecutor’s Office. The same case number would be used as the case moves from investigation to sentencing stage, and would be the same number shared in prison.
- An integrated electronic calendar and electronic notification system. This would reduce cancelations of hearings due to scheduling conflicts and decrease delays produced by the current (written) notification system. In addition, this system should be used to provide notifications regarding the movement of prisoners and their edibility for release.
- An electronic database of statistical data. At the time our team was in Honduras, CEDIJ was working on creating a unified register of statistical data that would allow all jurisdictions to systematize data. We recommend that such data is gathered not only at the court level, but also at the case level. This type of database should also contain clear guidelines on concepts and definitions to harmonize reporting across jurisdictions.
- Electronic recording of hearings. Homogenous rules and adequate infrastructure are needed to record hearings. Ideally, a move towards an electronic system will increase transparency and equality across parties, and will help the system move away from written records.

Judiciary

We found various areas where the Judiciary should take the lead to support criminal justice operators to comply with the protection and consolidation of accusatorial principles.

Human resources:

- Increase the number of judges, particularly in the sentencing courts. Decreasing the workload at the sentencing stage may help reduce mistakes and delays in the sentence computation (*cómputo de pena*).

Training and capacitation:

- Practical and technical training should be provided to all attorneys, defenders, prosecutors, and judges to practice litigation. Such training across all parties is necessary for the system to become more efficient, to move away from written argumentation, and to speed up hearings.
- The Judiciary, in collaboration with the National Bar Association, should provide access to training (and evaluation) for all attorneys to keep their litigation skills and technical knowledge up to date.

- There is an urgent need to train pretrial judges on the principles of the accusatorial system (in particular immediacy, concentration, and judicial control of the investigation)
- We found that trial judges would benefit also in how to best uphold the principles of the accusatorial system, in particular the principle of immediacy (for example, to abolish the practice of reading pretrial evidence before trial hearings). We also recommend technical training to improve the skills of trial judges to support their sentencing decisions.

Infrastructure

- If the Judiciary wishes to continue with virtual hearings, it also needs to guarantee that all defendants, particularly those detained, have access to hearings and to their attorneys. In coordination with the INP, the Judiciary must work to guarantee that all prisons have adequate technological support for each prison to hold virtual hearings.
- There is a need for an adequate fleet of cars to support the proper functioning of the judiciary. The judiciary must guarantee that defendants have the transportation required to attend in-person hearings to the court. Also, public defenders and sentencing judges must have access to transportation to be able to visit individuals in prison.

Public Defense

The Public Defense has a number of needs related to its material and human resources. Based on our research, we provide the following recommendations for the Public Defense:

- The Public Defense should be an autonomous institution. This would allow the institution to expand its budget, expand its human resources, and better serve its users.
- A needs-assessment should be conducted to identify the jurisdictions where additional public defenders are needed. Once completed, resources should be provided to increase the number of defenders in those regions.
- Training is highly recommended for public (and private) defenders, particularly in the following areas:
 - Technical training in litigation.
 - Strategies for buttressing a defense with exculpatory evidence.
 - Technical training on defense strategies with a gender perspective.
 - Plea bargains and the rights of the accused.

Public Prosecutor's Office

In our research we also found a number of areas in need of improvement to buttress the work of prosecutors in Honduras. These include:

- Improve cooperation and communication with the National Police, and improve their training in criminal investigation and due process rights.
- Improve forensic resources to improve the quality of evidence.
- Establish inter-institutional agreement with Public Defense to support them in the investigation of exculpatory evidence.
- Develop a criminal justice policy that establishes pretrial detention as a measure of last resort. Along with this, proper training to all prosecutors to encourage the use of other precautionary measures.
- Develop guidelines to strategically use plea bargains.
- Finally, prosecutors would benefit from training in the following areas:

- Litigation skills and debating techniques.
- Case theory.
- Specialized technical training on investigating and prosecuting complex crimes (for example, organized crime, cybercrimes, extortion, homicides, corruption).
- Specialized training on gender crimes (for example, femicide and violence against women and girls)

Penitentiary System

Drawing on survey results from 24 prisons, interviews, and visits to eight prisons, we offer several recommendations for the penitentiary system related to the processing, management, and treatment of those living in prison. These include the following:

Reducing Pre-Trial Detention and Overcrowding:

- Expand the use of alternatives to incarcerations at the pretrial stage. The unsentenced population accounts for a significant percentage of the incarcerated population. Increasing the use of bail, electronic monitoring, and house arrest would help to reduce the number of people in prison and increase the ability of defendants to assist in their own defense.
- Expand early and conditional release mechanisms. Few individuals are granted early release, despite the many benefits associated with it. Ensuring that there are sufficient technical teams, resources, and programs to move eligible individuals through the progressive system and onto supervised release can help to alleviate the crowded conditions.

Improved Classification and Housing:

- Implement a validated classification system to determine appropriate prison placement for the incarcerated. This would ensure individuals are housed in facilities that best suit their security needs and rehabilitation potential.
- House pre-trial detainees in different and separate areas away from the sentenced population. This reduces the risk of violence and ensures a fairer environment for those awaiting trial.
- In the mixed-gender prisons, ensure male and female buildings are separated by fences with strict policies and procedures to always keep male and female prisoners apart.
- Reduce the number of incarcerated individuals housed per dormitory or cell. This would improve safety and sanitation, and allow for the effective delivery of essential services.

Enhancing Healthcare and Rehabilitation:

- Invest additional resources in the prison healthcare system. Increased capacity would allow for better preventative and emergency medical care and the delivery of medicines for the incarcerated population.
- Ensure women's reproductive rights respected and their specific health needs are met, including free feminine hygiene products and regular gynecological exams.
- Ensure all children in prison with their mothers receive the basic necessities of food, clothing, health care, and education.
- Expand the number of criminological teams and staff to enable a greater focus on rehabilitation activities, and programs.

- Implement standardized risk/need, substance abuse, and mental health assessment tools to provide valuable insights for decisions regarding housing, rehabilitation programs, and early release.

Improved Management and Transparency:

- Implement a systemwide electronic management system to ensure easy access to individuals' files, regardless of their location within the prison system.
- Strengthen the complaint and grievance system to address prisoners' complaints and concerns appropriately.
- Develop a comprehensive prisoner handbook and a thorough orientation process to equip incoming prisoners with knowledge about prison rules, their legal rights, and grievance procedures.
- Establish consistent practices across all the prisons to ensure fairness for prisoners, improve staff effectiveness, and promote a more efficient prison system.

Focus on Education and Reintegration:

- Rehabilitation programs should be evidence-based and continuously monitored and evaluated.
- Expand educational and job training programs to equip those incarcerated with valuable skills that can aid in their successful reintegration into society upon release.

Staff Training and Development:

- Provide ongoing education for prison administrators so they remain up-to-date on best practices and legal matters.
- Invest in specialized training for line and programming staff to equip them with the skills and knowledge to perform their duties effectively and humanely.

By implementing these recommendations, INP can create a safer and more rehabilitative environment, ultimately reducing recidivism and improving public safety.

Recommendations for Future Research and Evaluation

In the process of conducting this project we identified areas that clearly need more in-depth research to improve our understanding of the current capacity of the system and the needs of the various institutions that compose it. We recommend funding to be allocated to conduct future research on the following topics:

- Research to assess the workload in each institution in an effort to better understand the challenges that criminal justice operators face and to identify the best ways to support them. A nationwide needs-based assessment should be prioritized for the Public Defender's Office and the penal courts of the judiciary.
- It is urgent to conduct more research on sentencing courts on the determination of punishment (*cómputo de pena*) to properly identify the reasons for mistakes in the computation and for the delays in this process. This is necessary to properly design policies and allocate resources across regions to avoid future delays or mistakes in sentencing.

- A pilot project should be implemented working with sentencing judges to evaluate the impact of alternatives to incarceration in rehabilitation and recidivism.
- A pilot study within the prison system regarding the implementation of an empirically validated risk/need assessment to assist with classification and case planning should be conducted.

REFERENCES

- CEDIJ (2022) Boletín Judicial 2022, Unidad de Estadísticas, Centro Electrónico de Documentación e Información Judicial. Poder Judicial de Honduras. Tegucigalpa: Honduras.
- Baker, T., Pelfrey Jr, W. V., Bedard, L. E., Dhungana, K., Gertz, M., & Golden, K. (2014). Female inmates' procedural justice perceptions of the police and courts: Is there a spill-over of police effects? *Criminal Justice and Behavior*, 41(2), 144-162.
- Bottoms, A. E., Hay, W., & Sparks, J. R. (1990). Situational and social approaches to the prevention of disorder in long-term prisons. *The Prison Journal*, 80(1), 83-95
- Brasilia Rules on Access to Justice of Persons in Vulnerability Status (2008). Regulations approved by the XIV Ibero-American Judicial Summit in 2008.
<https://www.icj.org/wp-content/uploads/2018/11/Brasilia-rules-vulnerable-groups.pdf>
- Brasilia Rules on Access to Justice of Persons in Vulnerability Status (2019). Updated regulations approved by the XIX Ibero-American Judicial Summit in 2018.
https://eurosocial.eu/wp-content/uploads/2020/02/Reglas-brasilia_web.pdf
- Defensa Pública, Informe Estadístico Anual 2021. Dirección Nacional de la Defensa Pública. Tegucigalpa, Honduras.
- El Heraldo (2023, June 21). Expertos temen más sangre: Las cuatro cárceles más grandes son una bomba de tiempo.
<https://www.elheraldo.hn/elheraldoplus/data/carceles-honduras-crimenes-pozo-tolva-tamara-OA14051825>
- FOSDEH (2020). Apuntes Presupuestarios sobre el Poder Judicial y Ministerio Público en Honduras. Última década 2010-2020. Tegucigalpa, Honduras: Open Society Foundations. Foro Social de Deuda Externa y Desarrollo de Honduras (FOSDEH).
- ICJ (International Commission of Jurists) (2014). Honduras. Country Profile prepared by the ICJ Center for the Independence of Judges and Lawyers. Current to 30 October 2014.
<http://www.icj.org/cijlcountryprofiles/honduras/>
- INP (Instituto Nacional Penitenciario) (2022). Inspectoría General. Inspectoría General. Parte Diario de la Población Penal del día Jueves 30 de Junio del Año 2022. Honduras.
- IUDPAS (2016). Diagnóstico sobre el funcionamiento del Sistema de Administración de Justicia Penal en Honduras. Resumen Ejecutivo. Tegucigalpa, Honduras: Instituto Universitario en Democracia, Paz y Seguridad (IUDPAS), Universidad Nacional Autónoma de Honduras.
- La Gaceta: Diario Oficial de la República de Honduras. (2021, January 30). Comisión Interventora del Instituto Nacional Penitenciario: Acuerdo 002-2020. República de Honduras.
- La Prensa (2024, January 28). Poder Judicial y MP seguirán con raquítico presupuesto. *La Prensa*
<https://www.laprensa.hn/honduras/honduras-poder-judicial-ministerio-publico-seguiran-presupuesto-GF17213317>
- Poder Judicial (2021) Memoria Anual 2021. Poder Judicial de Honduras. Tegucigalpa: Honduras.

- Poder Judicial (2022a). Informe de Gestión Judicial. Principales Resultados de la Gestión Judicial Año 2022. Tegucigalpa, Honduras.
- Poder Judicial (2022b). Memoria Anual 2022. Poder Judicial de Honduras. Tegucigalpa: Honduras.
- Subsecretaría de Seguridad en Asuntos Policiales (2023). Situación de la Población Penitenciaria Honduras en 2022. Gobierno de la República de Honduras. <https://infosegura.org/noticias/analisis-sobre-la-situacion-de-la-poblacion-penitenciaria-honduras-2022>
- Thibaut, J. W., & Walker, L. (1975). *Procedural justice: A psychological analysis*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Tribunal Superior de Cuentas. (2022). Evaluación a la Rendición de Cuentas de la Ejecución del Gasto, practicada al Instituto Nacional Penitenciario (INP), Correspondiente al *período* fiscal 2021. Tegucigalpa, Honduras.
- United Nations (2011). Rule of Law Indicators. Implementation guide and project tools. https://peacekeeping.un.org/sites/default/files/un_rule_of_law_indicators.pdf
- United Nations (2010). United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules). Resolution adopted by the General Assembly on 21 December 2010. <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-treatment-women-prisoners-and-non-custodial>
- United Nations (2016). United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Resolution adopted by the General Assembly on 17 December 2015. https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf
- WOLA (2019) *El Sistema de Justicia en Honduras: Evaluando el Fortalecimiento de Capacidades e Independencia Judicial*. Monitor Centroamericano. Tegucigapla, Honduras: IUDPAS-WOLA. <https://www.wola.org/wp-content/uploads/2020/07/Justicia-HN-ESP-9.17.pdf>
- Walker, L., Lind, E. A., & Thibaut, J. (1979). Relation between procedural and distributive Justice. *Virginia Law Review*, 65(8), 1401-1420.

APPENDICES

Appendix A. Glossary of Legal Terms in English and Spanish

Español/Spanish	Inglés/English
Acusación	Indictment
Amparo	Writ of protection
Archivo provisional	Stay of proceedings
Casación	Motion to vacate
Criterio de oportunidad	Opportunity principle
Prevención policial (o investigación de oficio)	Duty to investigate by own-initiative (ex officio)
Denuncia	Report
Derivación a mediación	Referral to mediation
Desistimiento	Voluntary dismissal
Detención preventiva	Preventive detention
Etapá preparatoria	Investigation stage
Etapá intermedia	Pretrial stage
Etapá debate	Trial stage
Extinción de la acción penal	Extinction of criminal liability
Orden de allanamiento	Search warrant
Orden de detención	Arrest warrant
Plazo	Procedural term
Prescripción de la acción penal	Prescription of criminal action by statute of limitations
Prisión preventiva	Pretrial detention
Procedimiento abreviado	Plea bargain
Procedimiento expedito	Expedite proceeding
Medidas cautelares	Preventive measures
Querella	Criminal complaint by victim
Recurso de apelación	Appeal
Recurso de hecho	Recourse of fact
Recurso de reposición	Reversal
Sobreseimiento	Dismissal with or without prejudice
Suspensión condicional del procedimiento	Adjournment in contemplation of dismissal

Appendix B. Prison Names and Abbreviations

	Centro Penitenciario / Penitentiary Center	Abreviación / Abbreviation	Departamentos/ Departments
1	Centro Penitenciario de Choluteca	Choluteca	Choluteca
2	Centro Penitenciario de Comayagua	Comayagua	Comayagua
3	Centro Penitenciario de Danlí, El Paraíso	Danlí	El Paraíso
4	Centro Penitenciario de El Porvenir, Atlántida	El Porvenir	Atlántida
5	Centro Penitenciario de El Progreso, Yoro	El Progreso	Yoro
6	Centro Penitenciario Gracias, Lempira	Gracias Lempira	Lempira
7	Centro Penitenciario de Ilama, Santa Bárbara	Ilama Santa Bárbara	Santa Bárbara
8	Centro Penitenciario de Juticalpa, Olancho	Juticalpa	Olancho
9	Centro Penitenciario de Ceiba, Atlántida	La Ceiba	Atlántida
10	Centro Penitenciario de La Esperanza, Intibucá	La Esperanza	Intibucá
11	Centro Penitenciario de La Paz	La Paz	La Paz
12	Centro Penitenciario de Marcala, La Paz	Marcala	La Paz
13	Centro Penitenciario de Morocelí, El Paraíso	Morocelí	El Paraíso
14	Centro Penitenciario de Nacaome, Valle	Nacaome	Valle
15	Centro Penitenciario de Ocotepeque	Ocotepeque	Ocotepeque
16	Centro Penitenciario de Olanchito, Yoro	Olanchito	Yoro
17	Penitenciaria Nacional Femenina de Adaptación Social	PNFAS	Francisco Morazán
18	Centro Penitenciario de Puerto Cortés	Puerto Cortés	Cortés
19	Centro Penitenciario de Puerto Lempira, La Mosquitia*	Puerto Lempira	Gracias a Dios
20	Centro Penitenciario de Santa Rosa de Copán	Santa Rosa de Copán	Copán
21	Centro Penitenciario de Siria, El Porvenir F.M	Siria	Francisco Morazán
22	Centro Penitenciario de Támara, F.M	Támara	Francisco Morazán
23	Centro Penitenciario de Tela, Atlántida	Tela	Atlántida
24	Centro Penitenciario de Trujillo	Trujillo	Colón
25	Centro Penitenciario de Yoro, Yoro	Yoro	Yoro

*This prison was not part of the study

Appendix C. Rule of Law Index

Capacity	0.65
Material Resources	0.74
1. Prisoners sleep in a cell	0.99
2. Prisoners sleep on a bed	0.77
3. Prisoners do not share beds	0.86
4. Perceptions of adequate number of correction officers	0.30
5. Sufficient transportation for hearings	0.81
Structural Conditions	0.55
6. Cells are well ventilated	0.51
7. The temperature in the cell is adequate	0.48
8. Cells are well illuminated	0.65
Performance	0.55
Safety	0.69
9. Prisoners feel safe in prison facilities	0.67
10. Prisoners feel safe in their cells	0.69
11. Prisoners feel safe while sleeping	0.68
12. Prisoners feel safe while using the bathroom	0.71
Well-being	0.63
13. Prisoners are provided three meals a day	0.69
14. Access to sanitation: toilet, bathing and sleeping area	0.69
15. Access to potable water of satisfactory quality	0.52
Healthcare	0.47
16. Prisoners have access to medical services	0.67
17. Prisoners received a physical examination in the last 12 months	0.22
18. Prisoners received dental care	0.53
Programming	0.39
19. Prisoners have access to free sports programs	0.43
20. Prisoners have access to free educational programs	0.41
21. Prisoners have access to work programs	0.52
22. Prisoners have access to rehabilitative programs	0.20

Integrity, Transparency, and Accountability	0.73
Perceptions of Respect for Prisoners' Rights	0.68
23. Prison staff protects the rights of incarcerated	0.71
24. Prison staff does not use physical force against prisoners	0.63
25. Prison staff mistreats prisoners	0.82
26. Prison staff informs prisoners of rights and obligations	0.56
Absence of Reported Corruption?	0.97
27. Prison staff does not ask for bribes	0.99
28. Staff does not threaten prisoners with making up charges	0.97
29. The staff does not sell free goods and services to prisoners	0.94
Accountability	0.55
30. Prison has a grievance reporting system	0.67
31. Prison staff does not retaliate against prisoners who report grievances	0.45
32. Prisoners' complaints are resolved in a just manner	0.62
33. Staff is accountable for mistreatment of staff	0.46
Treatment of Vulnerable Groups	0.65
Discrimination	0.59
34. Prison personnel treats everyone equally	0.61
35. Prison staff does not discriminate against racial minorities	0.64
36. Prisoners can practice their religion freely	0.53
Women's Health	0.13
37. Prisons provide free feminine hygiene pads	0.04
38. Access to free gynecological consultations	0.24
OVERALL SCORE	0.63