

Independent Report of Honduras for the Committee of Experts of the Mechanism for Follow-up on the Implementation of the Inter- American Convention Against Corruption

FOURTH ROUND OF ANALYSIS

Association for a More Just Society (ASJ), Federation of Private Organizations for Development of Honduras
(FOPRIDEH) and Civil Society Group (GSC)

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This independent report was prepared by the Association for a More Just Society (ASJ), the Federation of Private Organization for the Development of Honduras (FOPRIDEH) and the Civil Society Group (GSC).

The **Association for a More Just Society** (ASJ) is a non-government organization created in February 1998 by a group of Christian leaders interested in making the government system operational and more just towards the most vulnerable. The mission of ASJ is to work with genuine interest for a society where justice will prevail, especially for the most vulnerable, through a just legislation, with equitable application and with the participation of the church, society and the State. (www.asjhonduras.com).

The **Federation of Private Organizations for the Development of Honduras** (FOPRIDEH) is a non-profit civil association, integrated through a civil network with more than 80 ONG's that offer development alternatives to improve the quality of life of the Honduran society. FOPRIDEH coordinates between affiliates, the State and international cooperation, for the strengthening, defense and development of the NGO's in Honduras, development of projects and proposals for national transformations within two main themes: Institutional Strengthening on NGO's and lobbying and advocacy in the approval of public policies, as well as fostering the creation of laws that support and strengthen the activities of these organizations. (www.foprیده.org).

The **Civil Society Group** (GSC) is a civil, non-political, non-profit organization, whose objective is to harmonize and represent the interests and aspirations of the organized civil society sectors and regional forums to strengthen citizen participation and formulation of proposals; promote democracy, equity, political dialog, economic stability and social justice; in order to strive for a better quality of life for low income people in Honduras. The Civil Society Group (GSC) has fostered a dynamic and constructive work-plan that facilitates the interchange of information and perspectives in the problems of poverty and national affairs. Member of GSC are the representatives of 12 civil society sectors and five regional forums, legally establish in article 10 of Decree 76-2004 (www.gsc.hn).

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EXECUTIVE SUMMARY

The Honduran civil society organizations (CSO) engaged in preparing this report, selected the agencies of higher control as a theme for analysis, in order to develop modern mechanisms to prevent, detect, sanction and eradicate corrupt practices (article iii, paragraph 9 of the Convention) specifically four of them: i) Institute for Access to Public Information (**IAIP**) whose function is more directed towards preventing corruption; ii) Superior Accounting Tribunal (**TSC**), which is geared towards detecting and administrative sanctioning of corrupt practices; and iii) the Public Ministry (Special Prosecutor for Corruption)-**MP** at the General Attorney of the Republic (**PGR**) whose functions are more geared towards sanctioning both penal and civil acts of corruption.

Following is a summary and analysis of the most important **specific conclusions** arrived at for each agency of control:

The IAIP: i) is the least known control agency of all, possibly due to its recent creation. This is reflected in the limited results that have been obtained so far, which also has repercussions in the low perception on the quality of its work and low levels of trust people have towards this agency; ii) a weakness can be found in its legal framework regarding human resource management; iii) The sanctioning regimen regarding noncompliance to the Transparency Law has not shown the expected results, as it does not guarantee citizen access to information; iv) does not publish all of the stipulated information required of this office, and can result in IAIP losing its legitimacy.

The TSC: i) Significantly fulfills all its legal obligations of transparency and accountability, although this is not reflected in the levels of trust of the citizens that are aware of this agency; ii) The TSC could improve its results through establishing and strengthening coordination mechanisms and harmonizing with other officials and citizens, especially in matters related to preventing corruption; iii) In cases sensitive to public opinion the TSC has not shown total transparency, efficiency and effectiveness, therefore working towards improving its accountability mechanisms before the people is imperative.

The MP: i) One of the strengths is in the mechanism for appointing human resources, labor stability guaranties, training and professional career development; ii) The low levels of trust in this agency seem to be related to the way the high officials are appointed and the public questioning on this theme in recent years.

The PGR: i) In spite of being an institution with a long history it is one of the three control agencies that the population is least aware of, perhaps due to its weak organizational structure, as many of its high officials as well as all its employees are subject to change with each government period; ii) Difficulty for the personnel to access technology and training restrains management results for this agency; iii) Regarding accountability towards the people the performance is low, although some progress can be perceived in transparency matters; iv) The current legal organization framework, functioning and management of the PGR is obsolete and disperse.

The most relevant **specific recommendations** for each agency are the following:

The IAIP: i) Revise and reform the IAIP Statutes of employment in order to limit privileged personnel subject to free appointment and removal and eliminate the norm for appointing temporary personnel without complying with requirements and procedures established for the rest of the employees and officials; ii) Establish broadcasting mechanisms on IAIP and its institutional work using mass media; iii) Revise Sanctioning Regulations and increase the severity of punitive measures and fines, as well as the procedure for carrying these out; iv) Define legal and institutional mechanism so that The Public Information Officials can be accountable to IAIP regarding their procedures and results.

The TSC: i) Define alternative and massive mechanisms to raise public awareness regarding the TSC and provide information on its work and how citizens can access to it; ii) For sensitive cases it is recommended to permanently and publicly inform the people of the investigation process that is being followed, the stages it is going through and the deadlines set for its conclusion; iii) For the cases where the number of people to be made accountable is extraordinary it is recommended to hire temporary personal, use massive communication means for notifying them and define prompt mechanisms so that the process for recovering public funds can be effective and efficient.

The MP is urged to: i) proceed as soon as possible to comply with the Transparency and Access to Public Information Law in force; ii) Put into practice a protection mechanism for complainants and witnesses in the public criminal action processes linked to acts of corruption; iii) Strengthen the technical investigation corps of the Special Anticorruption Prosecutor with technicians and experts on the type of crimes more frequently claimed by the population and authorities.

The PGR should: i) Update the legal framework of its organic and functional structure establishing transparent mechanisms for decision making and defining the resources that can be the object of these decisions both internal and externally in the PGR; ii) Establish coordination and harmonization mechanisms with other high Honduran control agencies to direct efforts on preventing, detecting a sanctioning corruption; iii) Fully comply with the Transparency and Access to Public Information Law.

The most important **general conclusions** related to all the control agencies are the following: i) The main difficulties these agencies are facing in order to carry out their functions are precisely within the budgetary limits; ii) The lack of credibility that the comptroller entities of the Honduran State has stems from the manner of appointing its highest authorities and officials, and the few concrete results in the fight against corruption, especially in matter of prevention and sanctioning; iii) The perception of predominant impunity because of the lack of sanctions for corruption felonies, discourages denouncing these acts, and moreover without a witness protection system that is required of the State of Honduras as part of its commitments for implementing the Convention; iv) A basic challenge for all the Honduran control agencies is the need for generating objective, truthful and specially timely information, statistics and indicators, on the progress, difficulties, and results related to its functions, as well as implementing the Convention; and v) The efforts made by the control organs in transparency and accountability matters faced by the population are not sufficient, the minimal legal requirements are not being fulfilled and harms its weak legality.

The most relevant **general recommendations** that would be applied to all the control agencies are: i) provide them with sufficient budgetary resources so that they can comply with their functions. Evaluate their performance of a yearly basis regarding efficiency and effectiveness of this measure and on this basis determine whether or not to increase its Budget; ii) Adequately regulate the mechanisms for appointing the highest officials in such a way that participation of civil society is guaranteed, through Public Hearings; iii) Establish a formal conflict resolution mechanism for competencies, coordinating and harmonizing functions specialized in control agencies for preventing, detecting and sanctioning corruption practices, both at national and sub-national levels, iv) Guarantee active participation of the coordinating entity agencies already established, directing the agenda towards supporting and cooperating both with officials, as well as the civil society in compliance with the control agency functions; v) Design suitable mechanisms for accessing public information and accountability from the control agencies towards the population in such a way that the knowledge of its existence, functions and results can reach the masses.

INTRODUCTION

In the framework of its Eighteenth Meeting (March, 2011) the committee of Experts on the Inter-American Convention against Corruption and the Follow-Up Mechanisms for its Implementation agreed to analyze in its Fourth Round framework the integrated analysis of the “**superior control agencies in order to develop modern mechanisms to prevent, detect, sanction and eradicate corrupt practices**” (Article III, paragraph 9 of the Convention).

Likewise, it was agreed that, in the Fourth Round, the Committee regarding to recommendation follow-up will exclusively engage in **following-up on the recommendations given to the State Parties in their reports corresponding to the First Round**, and which have been perceived to require additional attention, including considering any pertinent information that enables the Committee to decide whether the recommendations and measures suggested in the First Round reports are still valid and, in regards to those that they perceive to still be valid, examine whether the State has given them satisfactory consideration, or whether they require additional attention, or if it were the case, reconsider or reformulate them.

This report is centered only on the integrated analysis of the “superior control agencies, in order to develop modern mechanisms to prevent, detect, sanction and eradicate corrupt practices”, specifically, the Institute for Access to Public Information, the Superior Court of Accounts, the Public Ministry and the General Attorney of the Republic.

Before presenting the results the methodology is explained followed by the preparation of this report. Then the theme is contextualized in order to present a wider vision of the historical, political and institutional context regarding the scope of the corruption problem in Honduras and the evolution of the control agencies.

The main section of this report explains how the legal and institutional systems related to the control agencies analyzed are operating, the perceptions on behalf of the people regarding their performance and the main results, as well as the difficulties faced by these agencies during the last few years in order to attain their objectives.

Finally, general conclusions and recommendations are presented that focus on transferring the discussion on the theme of control agencies to the practical level of concrete and possible solutions.

Based on this report and its main findings the people will be inform of any progress reached as a country in the implementation of the Inter-American Convention Against Corruption, since it came into being on June 2nd, 1998 using the Inter-American Convention Against Corruption and the Follow-up Mechanism for its Implementation (MESICIC), that since 2004 has enabled the civil society of each State Party to send reports other than those presented by Honduran Government.

I. METHODOLOGY USED IN PREPARING THIS REPORT

The objectives that ASJ, FOPRIDEH and GSC formulated while preparing this report, are those of incising oversight on the control agencies in prevention, detection and sanction of corruption as well as reporting to the citizens regarding the degree of compliance of the State of Honduras on the Inter-American Convention against Corruption, regarding Article III, Paragraph 9 of the Convention. Likewise, after the initial publication of this report, it is the intention to form alliances and coalitions between Civil Society Organizations (CSO) in order for them to advocate public policies and the legal and institutional reforms needed, and that are within the scope of improving the implementation of the Convention dispositions.

The Honduran CSO's involved in preparing this report have selected as the theme of analysis the superior control agencies, in order to develop modern mechanisms to prevent, detect, sanction, and eradicate corrupt practices (Article III, Paragraph 9 of the Convention) specifically on four of them:

- The Institute for Access to Public Information that has functions more directed towards **corruption prevention**.
- The Superior Court of Accounts directed more towards **administrative detection and sanction** of corrupt practices.
- The Public Ministry (Special Prosecutor Against Corruption) and
- The General Attorney of the Republic who functions are related more towards **penal as well as civil sanctioning** of corrupt actions.

The selection of this subject of analysis was based upon the following considerations:

According to the 2007 National Transparency Report, of the National Anticorruption Council (CNA) *“One of the principal problems that controlling entities faced, is the lack of knowledge that the citizens have of these agencies, as well as the low levels of legitimacy. As are reflected in the results of the citizen perception study prepared for this report, none of the entities is widely known by citizens, with the exception of the Supreme Court of Justice and the National Human Rights Commissioner, which 80% of the population said that they know. Note must be made that 44% of the population know nothing about the Superior Court of Accounts. The low level of knowledge is paradoxical if note is made that on the other hand, corruption is recognized by citizens as one of the main problems of the country... there is no doubt that for institutional strengthening in fighting against corruption, citizens have to know more about the work done by these control entities, as well as assure a better performance and efficiency in fighting corruption on behalf of these institutions”.*

In the CNA National Transparency Report of 2009 the situation stated above has not changed substantially: *“In relation to the degree of knowledge that the interviewees have on these (control)institutions, a slight progress in the Superior Court of Accounts (3.6%)can be observed ,while in other instances there is a low percentile of knowledge among the population regarding these institutions, such as in the case of the Supreme Court of Justice, the National Human Rights Commissioner and the Superior Court of Elections”.*

It is clear in both reports (2007 and 2009), in which surveys were done to detect citizen's perceptions regarding the performance of control agencies, that there is a high percentage of citizens that do not know about their existence and operation.

The above reflects the importance of working with the civil society in improving the level of confidence in the control agencies, since this is a key indicator in fighting corruption.

To prepare this report, within this framework, an initial information collection process was carried out, for which a structured interview guide was designed and applied to the highest official of each one of the agencies selected for analysis. Additional support information was also requested to substantiate their replies during the interview, by previously indicating the subjects that would be addressed and the type of information required for each subject.

Secondary information was also collected from additional sources such as by the national investigation centers, well known civil society organizations and international development organizations that include in their reports opinion surveys or newspaper and academic research on this theme.

This report and its main findings were later validated in a focal group with representatives from each one of the organizations engaged in preparing this report, during which the content was examined and improved, and conclusions and recommendations were formulated.

II. HISTORICAL INSTITUTIONAL CONTEXT

The phenomenon of corruption is not new to Honduras, and has existed in many ways throughout history, as have the various control agencies, structures and mechanisms implemented to counteract this. In order to put this report into context, a summary is presented of the historic evolution of corruption and manners of controlling it that have developed throughout history.

1. THE CONQUEST AND THE CONSOLIDATION OF COLONIAL STRUCTURES. (1522–1600)

The foundation of the Colonial State in Honduras was traumatic and marked with corruption vices and weak and contradictory institutions. At the beginning of the Conquest the abuses of power and treason were frequent, as was the abandonment of the officials or conquistadors of their responsibilities. The greatest mismanagement of public affairs was manifested in the following fundamental issues: the management of the king's funds, having their own businesses and the way they treated the indigenous people. Additionally to these three aspects, this historical period confirms other forms of corruption such as cronyism, nepotism and disobedience to the laws.

Throughout the XVI Century administrative structures were created which gave rise to a body of officials managed by the crown, at the head of the disorganized government of the conquistadores. Likewise, a series of control mechanisms were created over these same officials, directed more towards supervising their work, instituting inquiries and visits preformed by judges appointed specifically for this purpose.

2. DEVELOPMENT OF COLONIAL STRUCTURES AND CORRUPTION IN THE XVII CENTURY.

In that period of history, political, economic and social networks were developing that produced corrupt relations and at the same time state and ecclesiastically mechanism that sought to control them. Bureaucratic positions became more and more a personal service to benefit those officials. Many times, those who occupied these positions bought the right to name their successors. Another form of corruption that developed in that epoch was smuggling, motivated by the commercial monopoly and the fleet system, but on each manner of corruption new control mechanisms were also established.

3. XVIII CENTURY: CORRUPTION IN A PERIOD OF CHANGE.

The great number of changes in Europe and in the world as a whole during this century had repercussions in America that together with a series of internal changes led to independence. The situation of bureaucracy was still scarred by corruption; above all in the tax branch, that is to say fraud in tax collection. Other forms of corruption were the rights that sprung from the institutionalization of abuse of authority, but state measures could also be observed to try to control this phenomenon whereby the *Cuerpo de Dragones* Dragoon Corps was created, whose objective was to fight against smuggling. Additionally, a series of appointed officials began touring the empire and began to document true reports regarding this situation, based upon which administrative reforms were accelerated.

4. HONDURAS 1821–1867: INDEPENDENCE, FEDERATION AND THE RAILROAD DEBENTURES AS MODELS OF CORRUPTION DURING THE XIX CENTURY.

The economic situation of the Central American region had worsened, which obligated the subscription of a five million pesos debenture in 1825, of which only three hundred thousand ever reached the coffers of the Central American Federal Republic, while the remainder of those funds were lost into the hands of various people, there initiating a new form of corruption in Central America and Honduras during the XIX century. The financial situation caused new measures for collecting revenues to be implemented, appointing Political Chiefs as commissioners to collect them, thereby converting these into tax control figures. After the breakup of the Federation, the country became indebted, even paying bribes to obtain loans that were part of a long sequence of

corruption plots, since the inter-oceanic railroad was never constructed, leaving Honduras with an external debt that was impossible to meet.

5. CORRUPTION FROM THE XX CENTURY TO THIS DAY.

A historic event in 1904 is the benchmark of a century characterized by corrupt political practices. A contingent of soldiers burst into the National Congress to imprison several Deputies that were strongly criticizing the authoritarianism of the current President, who disbanded the National Congress. On the other hand in 2009 the legislative components approved the removal of the current President, and this was qualified as a “Coup D’état against the Executive Power.”

This example only shows that the economic, political and institutional corruption models between 1904 and 2012 have not changed, they have only been transforming through time in different contexts with different actors.

However, during this period of history control institutions have also been created that over time have transformed, evolved and consolidated. We can see a recent example in the 1982 Constitution of the Republic, in which the General Republic Controller and the Administrative Integrity Directory were created at constitutional rank, that in 2002 were reformed becoming one sole agency that is now responsible for the control system in the country: the Superior Court of Accounts.

In the fight against corruption from the State (with formal control systems) and from civil society (with an informed citizen participation and social control mechanisms), initiatives (inter-institutional coordination tables regarding transparency and accountability), policies (Strategy and National Plan Against Corruption), international commitments (Inter-American Convention Against Corruption, United Nation Convention Against Corruption) and legal and institutional reforms have not being missing along the path towards National Democracy, however, the results of the last National Survey on Corruption Perception (2011¹) show that society has the conviction that results have not been attained in the fight against corruption, and a significant pessimism can be observed regarding an eventual positive result.

These positions are supported by the following perceptions: 97.6% of the responders manifest that there is too much (64.1%) or a lot of corruption (33.5%). There is also a perception that the levels of corruption have increased over time, since 86.5% of the citizens is of the opinion that in the last decade corruption has increased, and 12.4% considers that it has been the same during this period.

Some Honduran population (43.2%) manifests that the main reason for corruption is, “**because laws are not enforced**”, therefore, impunity in the case of felonies against Public Administration, does not allow the State and the population in general to be compensated.

¹[http://www.cna.hn/Informe%20Nacional%20de%20Transparencia%202011\(%20Feb%202012\).pdf](http://www.cna.hn/Informe%20Nacional%20de%20Transparencia%202011(%20Feb%202012).pdf)

III. ANALYSIS OF THE MAIN HIGHER CONTROL AGENCIES TO PREVENT, DETECT, SANCTION AND ERADICATE CORRUPTION IN HONDURAS

There are various superior control agencies in Honduras created to prevent, detect, sanction and eradicate corrupt practices:

- The National Congress of the Republic has a series of functions for this purpose starting from naming the persons in charge on the controlling entities, to preparing and approving the budget of the Republic. It also has a role of prosecutor; it can interpolate public officials on the performance on their responsibilities, as well as the accountability of the Ministries of State, controlling agencies and decentralized institutions.
- The Supreme Court of Justice, who is in charge of providing justice, within the realm of legality and equanimity, be a guarantor of life, honor, and the assets and rights of people; administrate justice in a expedite, efficient, responsible, free and impartial manner, applying the Constitution of the Republic, International Treaties and substantial and germane norms of due process to guarantee to each what is theirs; and to contribute to the legal security in the country implementing an Effective Regimen of Constitutional Guarantees.
- The Superior Electoral Court, whose purpose is to administrate the electoral processes and popular referendums in a trustworthy manner, promote and guarantee citizen participation, the right to vote and an alternating exercise of power through the use of modern technology and the application of qualified, wholesome and impartial human talents.
- The National Human Rights Commissioner who is charged with overseeing the compliance with Rights and Guarantees established in the Constitution of the Republic, current Law, the Universal Declaration of Human Rights, and other Treaties and Conventions ratified by Honduras.
- The Superior Court of Accounts is the steward entity of the control system whose purpose is that of watching over an effective and efficient management of the assets and resources of the State, to achieve a transparent administration and the permanent promotion of ethical and moral values for the benefit of Honduras.
- The Institute of Access to Public Information is the agency responsible for promoting and facilitating access to public information by the citizens, as well as to regulate and supervise the processes of institutions that are mandated in regard to the protection, classification and custody of public information, according to Law.
- The Public Ministry was created to represent, defend and protect the general interests of society; collaborate and assure a prompt, correct and efficient administration of justice, particularly in the criminal area; undertake the investigation of crimes until those responsible are discovered and that the competent courts are required to apply the Law, by exercising public criminal action.
- The General Attorney of the Republic is the institution that legally represents the State and defense of its interests, avoiding public treasury malfeasance, demanding asset vindication of Honduras when this has been caused by illegitimate or corrupt actions.
- National Banking and Insurance Commission whose purpose is to review, verify, control, invigilate and supervise the institutions under its mandate; invigilate the compliance by the supervised institutions of the norms that the Central Bank of Honduras issues regarding, monitoring, and exchange policies; invigilate the correct constitution, increase in operations, mergers, transformation and closing of supervised institutions, as well as the extension of activities overseas; review the activities that representatives or agents perform of any supervised institution.

Taking into account their institutional importance and the distribution of the functions assigned to each one of the control agencies related to the purposes of preventing, detecting and sanctioning corruption, four of these have been selected to conduct a thorough analysis, as has been mentioned before. The Institute of Access to Public Information (**prevention**), The Superior Court of Accounts (**detection and attribution of administrative and asset responsibilities**), The Public Ministry and the Attorney General of the Republic (**sanction and attribution of penal and civil responsibilities**).

The Institute of Access to Public Information (IAIP)

The Institute of Access to Public Information (IAIP), is the most recent control agency, created through Legislative Decree 170-2006, which has the Transparency Access to Public Information Law, reformed² through legislative Decree Law 64-2007.

The IAIP has 60 employees on its payroll (as of May 2012) divided into, directive, administration, technical and general services personnel. It has an approved assignment, within the General Budget of the Republic 2012, of approximately one million six hundred thousand American dollars (USD 1,590,782.00) which is a 0.02 %of that budget³.

Objectives, functions and level of autonomy.

The objectives of the IAIP are to promote and facilitate citizen access to public information, as well as to regulate and supervise the procedures of the “Obligated Institutions”⁴ as far as protecting, classifying and custody of public information.

Within the main functions of IAIP are: i) Become acquainted and resolve the review partitions made by applicants of information within the framework of the Law; ii) Establish the guidelines and the procedure instructions for classifying, archiving, custody and protection of public information, that public institutions must apply in accordance to Law; iii) Establish the criteria and recommendations for the operation of the National Information system; iv) Apply the penalty framework of the Law; v) Perform the strictly necessary administrative management to guarantee the right of citizens to access information; vi) Perform the promotion and broadcasting activities regarding exercising the right to access public information, and vii) Guarantee that the information is published and broadcasted according to the Law.

According to law, IAIP is a decentralized public administration agency with operation, decision and budget independence, and is the agency that is responsible for complying with the obligations that the Inter-American Convention Against Corruption and the United Nation Against Corruption, which impose upon the State of Honduras the specific obligations regarding transparency and accountability.

In order to perform its functions the IAIP must coordinate with all public institutions that are obliged by the Transparency and Access to Public Information Law, in order to assure their compliance and if the case merits penalize those who break the Law (public officials that work in these institutions). This coordination is performed by means of the Public Information Officials (OIP) that each obligated institution must appoint. The IAIP has issued an operation manual for the OIP’s, has defined the minimum standardized requirements for implementing transparency offices in the obligated institutions, and guidelines to unify transparency portals, as well as an evaluation tool on the degree of compliance with the law in obligated institutions.

All natural persons or corporations are committed by law to provide information regarding any public funds they receive or administer, whatever be their origin, including nongovernmental organizations, private development organizations and union organizations.

²This reform contributed to improve the precision of some of the norms of the law, for example the definition of public servants, that excluded as obligated subjects, the congressmen, presidents of the State powers, high Executive officials, magistrates, mayors and elder men.

³The General Budget of the Republic of 2012 is of approximately seven thousand four hundred million American dollars (USD 7,418,652,160). Source: Social Forum of the External Debt and Development of Honduras, FOSDEH, 2012.

⁴ That is to say the Legislative Power, Judicial Power, Executive Power, autonomous institutions, municipalities and the other State organs and institutions; Non Government Organizations (NGO’s), Private Development Organizations (PDO) and in general all of the personal or incorporated entities that in any form receive or administer public funds(Art. 3 of the Transparency Law).

In spite of their being a legal framework regulating the objectives and functions of the IAIP, regarding the perception of their work the 2011 National Transparency Report from the National Anticorruption Council(CNA), reveals that in the case of IAIP from the percentage of population that declares knowledge of this agency (38.4%) only 31.7% agrees that it is carrying out its tasks well, which is a 16 point drop compared to 2009.

Decision making and applicable resources.

The decisions in the IAIP are made through the Plenary of the Commissioners (3). The commissioners solve collegiately all the issues according to the legal provisions.

Requests for revision of any refusals of public information from the Institutions Obligated by law to provide public information can be presented to the IAIP. The Institute (IAIP) must issue resolutions for the requests for revisions received; appeal against this resolution can only be made as a writ of relief under the terms of the Constitutional Justice Law.

If later, the causes behind the resolutions disappear after the Institute issues a resolution confirming that refusal on behalf of an Obligated Institution, the person affected can request the Institute to reconsider. The reconsideration requests are resolved following the same procedure and are subject to the same resources as the revision requests (IAIP Legal Regulation).

In the case that IAIP resolutions are not abided by the corresponding public officials, the procedure establishes the application of a regimen of sanctions contained in Agreement 008-2008 that contains IAIP Sanctions Regulations.

Provision of senior positions and their responsibility.

IAIP is integrated by three (3) commissioners elected by the National Congress, by two thirds of the total votes of its members, chosen for among a list of 10 candidates proposed by the President of the Republic (2 candidates); The General Attorney of the Republic (2 candidates); The National Human Rights Commissioner (2 candidates); the National Convergence Forum (FONAC) (2 candidates); The Superior Court of Accounts (2 candidates) (Art. 9 of the IAIP Law). The candidates are freely nominated by each one of the institutes mentioned above, under the provision that they have to meet the requirements for that position.

The presidency of the Institute of Access to Public Information has the legal representation and its president is designated by the National Congress. The commissioners are nominated for a period of 5 years and can only be substituted due to legal or natural grounds when their actions enter into conflict with the functions of the institute. (Art. 9 of the IAIP Law).

It is not specifically declared in the law, which is the agency or institution that will determine if there are causes to remove the commissioners, or the procedure to do so, but it is interpreted that this faculty falls on the National Congress.

According to the press report “State of progress of access to public information in Honduras” published in 2009 by the Social Forum of the External Debt and Development of Honduras (FOSDEH), in August 2007, the National Congress elected the three IAIP commissioners “according to the traditional practices of the legislative power” thereby alluding to political party criteria. The election of these candidates was objected to by civil society organizations because they considered that the candidates were not suitable for those positions. In August 2009 the news media informed that there were internal differences among the commissioners, and as a result the President Commissioner at that time presented her resignation to the

National Congress due to “anomalies and lack of governance” in the institution. The board of directors of the National Congress named a special commission to investigate this case. The investigation report was not published, but National Congress accepted her resignation in December 2009 naming the following day a substitute for that position.

This crisis and the public declarations among the commissioners have caused the citizens to lose trust in this Institution, an agency recently created, precisely to strengthen and promote transparency and thereby increase confidence in public management. The National Transparency Report, 2011, shows that IAIP is in the last position of the control agencies with a 20.2% of the population showing some level of confidence in this agency, dropping 17 percentile points between 2009 and 2011.

The public debate during the crisis clearly showed that a legal reform was needed to strengthen this control agency at the level of its governance structure, the way in which decisions are adopted and regarding to which entity it is responsible in its actions.

Human resources. Functions and procedure manuals.

In 2010, through agreement 003-2010 the Labor Statute of Officials and Employees of the Institute of Access to Public Information, within which hiring and selecting personnel mechanisms are regulated both within as well as outside was approved.

The Statute provides that the positions of head of the General Secretary, Managers, Assistant Managers, Executive Assistants of the Commissioners, Heads of Units, Commissioner Secretaries, are all considered privileged personnel; therefore their contracting or vacancies are only subject to the discretion of the Commissioner Plenary. That is to say, of the total 57 positions available in the Institute, not counting the commissioners, at least 19 are privileged personnel, or approximately 33% (see Annex 3 of the IAIP organizational chart).

This regulation can have as an immediate consequence (August 2012 when the present commissioners end their term) a high level of key IAIP personnel turnover, with repercussions in the performance of this agency in the short and medium term, as well as the possible loss of institutional memory. Therefore it is recommended that this be reviewed and the Statute be reformed.

The rest of the positions must go through a process of internal or external competitive exams. The obligation of a series of requests to access these positions are required, among them: i) Possess moral and intellectual competence for job performance; ii) fulfill the requirements that the Qualification Manual establishes for the type of position considered; iii) Demonstrate suitability, passing the test, exams or competitions that are established; iv) Not have any criminal record; v) Possess a University Degree and a credential of belonging to the professional association when pertinent; vi) Present Bond in the cases where it is required due to the responsibilities of the position.

The statute also indicates that it is also possible to perform emergency contracting for a maximum of 60 days, due to reasons of force majeure when situations arise that cannot be known or anticipated. This hiring must be authorized by The Institute Plenary by unanimity, or if not possible by majority of votes. Clearly this disposition carries a high degree of bias that may result in contracting personnel with no merits, which could have negative results on the quality of services and the level of confidence in this agency, therefore this norm should be annulled.

The statute regulates the regimen of non abilities and incompatibilities and of responsibility of the indicated personnel, among other aspects that: i) Institute officials and employees cannot be directing members of political parties, nor be engaged in political activities during working hours; ii) the positions at the Institute

are incompatible with any other public or private position, professional career, the exercise of political representative positions; excepting teaching and health assistance positions.

The official interviewed (Annex 1) during the preparation of this report, stated that there is a profile for each position in the IAIP, based on which competencies for each one are established, and also the duties, responsibilities and most important requirements, for each position, contained in a Position Classification Manual and Remuneration Plan, as well as the initial, intermediate and maximum salary for each of these, although, support documentation was not provided.

The interviewee also stated that the IAIP officials receive constant training through the application of an agreement with the National Institute of Professional Training (INFOP), to encourage the IAIP Public Servants to render greater results for the State when performing their services. However, the 2011 activity report states that there were a total of 50 hours of training during the year in two themes: team work and strategic planning. The above shows that there is training for the employees, but it is rather specific and this training is not necessarily focused on improving performance regarding work capacity.

The IAIP officials and employees have access to information and communication technology focused on updating the Transparency Portal, as public information must be generated on a monthly basis and shared by mandate.

Citizen information: how to process petitions with the IAIP

The IAIP provides information to citizens about their objectives, functions and procedures through their Web page and particularly through their Transparency Portal. There the formats for processing petitions with the IAIP can be found.

According to its own evaluation (2010) on the level of compliance with Article 13 of the Law that regulates information that is published by mandate, the conditions of the Unit of Public Information in its internal structure, and the report on the processing of petitions for public information, the IAIP gave itself the qualification of 94/100. Nevertheless, the IAIP is under the continuous obligation of sharing more information. During the preparation of this report, it was verified that the Institute does not publish its semi-annual and annual activity report (that must be presented to the Presidency of the Republic and National Congress) and this part of the information must be shared by mandate. See the following link consulted on the 28th of May, 2012 http://www.iaip.gob.hn/transparencia/index.php?option=com_content&view=article&id=288&Itemid=25.

The information is also broadcasted to the public in general and public servants through training sessions from training management. The training for public officials includes access to information culture, transparency of public management, and exercise of information guarantee.

In 2011 IAIP organized a total of 252 training days in which 8,950 Hondurans participated, according to its annual activity report.

It also operates through agreements with the Teacher Training Schools (Secondary Public Institute), where the IAIP has a commitment to train the seniors from all over the country on the laws, and these students train their classmates and fellow citizens in the area where they live, as part of their social service, generating a multiplying effect. According to its annual report, in 2011, there were 22 training sessions in these institutes, with 906 students.

In spite of the efforts on behalf of IAIP in broadcasting and training, the 2011 National Transparency Report of the National Anti Corruption Council, indicates that within the control agencies, the Institute is the least known by the citizens, with only 37.4% of the population aware of it, which indicates the need to double the efforts to disseminate its existence through mass media to reach the different segments of the population.

Internal Control Mechanisms and for Addressing Claims, Grievances or Complaints

The IAIP has an Internal Auditing Unit, with the following objectives: i) Seek effectiveness, efficiency and economy of operations and quality of service; ii) Protect public resources from any loss, waste, incorrect usage, irregularity or illegal act; iii) Prepare valid and trustworthy financial information and present it in a timely manner.

The internal auditing officials are totally independent as far as their function and criteria in relation to the IAIP officials. They prepare an Annual Plan and Report of their actions and send a copy to the Superior Court of Accounts.

The Institute has no defined mechanisms for claims, complaints or denouncements related to fulfilling their objectives and the performance of its personnel.

Allocation of budget resources

Every year, the Secretary of State in the Financial Ministry must include in the Project of the General Budget of Income and Expenses of the Republic, the budgetary allocations needed for the Institute for Access to Public Information (IAIP) to be able to guarantee effective compliance with the Transparency Law.

Every year the IAIP presents its plans and projects to the Ministry of Finance, as well as its budget proposals, as indicated in the General Budget Law. The General Budget of the Republic is approved by the National Congress once it has been sent by the Finance Ministry.

The IAIP budget has been decreasing slightly since 2009, going from 31,400,607.00 (Thirty one million four hundred thousand lempira), to 31,097,100.00 (Thirty one million one hundred thousand lempira approximately) in 2012. It must be noted that this is the control agency that receives the lowest State Budget.

http://www.iaip.gob.hn/transparencia/index.php?option=com_content&view=article&id=288&Itemid=25

Table 1. IAIP Budget in the last 5 years

Approved Budget (Lempiras)	Year
30,000,000.00	2008
31,400,607.00	2009
31,348,100.00	2010
31,348,100.00	2011
31,097,100.00	2012

Source: Authors based on www.iaip.gob.hn

This budget is distributed as follows:

- 85% in the personal services allocation (salaries, per diems, and social benefits of personnel),
- 13% in non-personal services transportation, public services and rent),and
- 2% for materials and supplies (cleaning products, plastic, paper and cardboard materials, books, magazines and newspapers, fuel, small tools, among others).

Coordination mechanisms with other institutions for harmonizing functions.

The Law establishes that the President of the Republic supports the functioning of this Institute and that the Ministry of the Presidency is the linking agency between the IAIP and the presidency. According to the interviewed official in this coordinating relationship, work is carried out as established by law.

The IAIP must coordinate with the National Anticorruption Council (CNA), as the law establishes the Council as the agency in charge of invigilating its correct application (Art. 30). At the same time, the law states that the IAIP in coordination with the CNA and the Hiring and Acquisition Regulating Office (ONCAE) will prepare the formats to include integrity clauses in the public contracts (Art. 7 of the LTAIP).

The IAIP is in constant communication with these institutions to verify compliance with the law, and with the guidelines that have been set for the provisions of the transparency portals. This coordination and follow-up is carried out by Public Information Officials, who do not depend administratively on the IAIP, but depend on the agency that appointed them.

When there is a lack of compliance with the Transparency Law on behalf of the public officials and monetary sanctions must be applied, the IAIP coordinates its work with the General Treasury of the Republic for payment of fines.

If officials have committed an infraction, actions are channeled through the General Attorney of the Republic, which is the agency in charge of representing State interests.

There are also relations of cooperation with several institutions and organizations (National Human Rights Commissioner- CONADEH, the Mexican Federal Institute of Access of Access to Information -IFAI, the Superior Court of Accounts-TCS, the National Anticorruption Council-CNA and the Association of Honduran Municipalities-AMHON, among others) formalized by agreements.

The IAIP, according to the interviewed official has had no conflicts of competencies with other institutions, but in the case that these may occur they would seek legal entities, such as the Supreme Court of Justice.

Accountability Mechanisms.

The IAIP must present a semi- annual activity report to the Presidency of the Republic and to the National Congress (which it does not publish in its transparency portal, as was apparent during the preparation process of this report) and also provides a general report which is sent to the National Congress the 30th of March of each year (which isn't published as is mandated, as could be proven in its transparency portal)⁵, Therefore it is recommended to include this in the activity section within the planning and accountability window, as well as using other mechanisms such as public audiences, forums, training and sharing information workshops.

These reports are created based on reports facilitated by each of the IAIP dependencies and are summarized at the Planning and Management Evaluation Unit for its consolidation.

⁵IAIP Transparency Portal: <http://www.iaip.gob.hn/transparencia/index.php>

In order to collect external information the IAIP has a technical team in charge of revising the information compiled by all the obligated institutions. This technical team revises the transparency portals to verify compliance or non-compliance of access to public information on behalf of obligated institutions in order to strengthen accountability.

If a sanction is needed it is carried out by the plenary of the IAIP based on the analysis of the reports submitted by the revising technical team.

The Institute also publishes its actions in the Communication Unit, showing the most relevant activities in periodical publications (Monthly bulletins “Clear Accounts”).

Results attained.

According to the IAIP 2011 activity report, requests for Access to public information on behalf of citizens have been increasing since 2008, with a slight decrease in 2009 possibly caused by the breach in the constitutional order, as can be seen in Table No 2.

Table 2. Public Information requests presented at some obligated institutions

Description	2008	2009	2010	2011	General total
Favorably Resolved	1876	1802	2068	2842	8588
Overruled	78	53	34	69	354
In Process	0	20	96	145	261
Total per year	1954	1875	2198	3056	9083

Source: IAIP 2011 Activity Report

From 2007 to 2011, petitioners of the public information filed about 460⁶ revision appeals to IAIP against institutions obligated by the Transparency Law who had violated their right to access public information. According to news published in their web page, more than 90% of the 460 revision appeals received by the plenary of IAIP Commissioners were resolved in favor of the petitioners and the Obligated Institutions that violated the right, were obliged to provide the public information that they had originally denied.

[. \(http://www.iaip.gob.hn/index.php?option=com_content&view=article&id=317:el-iaip-sanciona-a-31-instituciones-obligadas-por-la-ltaip&catid=1:noticias-recientes&Itemid=306\)](http://www.iaip.gob.hn/index.php?option=com_content&view=article&id=317:el-iaip-sanciona-a-31-instituciones-obligadas-por-la-ltaip&catid=1:noticias-recientes&Itemid=306)

The number stated in this news information suggested that the majority of the requests overruled by the Obligated Institutions, between 2008 and 2011 (354), as well as a significant number of those reported to be in process (261), were subject to a revision appeal by IAIP. That is approximately only 155 requests for information presented as overruled were not filed for revision appeal before the IAIP, which shows that those who requested information that was denied, were convinced that their right was legitimate. The fact that the majority of the revisions appeals were given by the IAIP to the solicitants indicates that the officials from the Obligated Institutions are not applying (perhaps due to lack of knowledge) the Transparency Law.

⁶No accurate data was found, based on well managed statistics.

The revision appeals that were granted during four years (approximately 414) 31 officials and their dependencies ignored the decision of the Plenary of Commissioners. The greater number of overruling of public information came from the officials from the Ministry of Culture, Arts and Sports, which received six sanctions between written warnings and fines.

The most overruled public information by the sanction institutions are related to budgetary executions; salaries; the service and project hiring process, among others.

During 2010, the IAIP Plenary of Commissioners also sanctioned 18 State institutions for not fulfilling the duty of broadcasting Formal Information established by law.

Difficulties and constraints in fulfilling its functions.

According to IAIP, the main difficulties for achieving their goals are due to the fact that the law that created the Institute and rules, protects and operates the right to Access of public information is relatively new. Some of the Obligated Institutions have been reluctant to publish formal information or providing information that is not classified as reserved or confidential.

Although the Institute has the faculty to penalize, the sanctions regimen it is not strong enough, resulting in the repeated non-compliance of the Transparency Law. Therefore it is recommended to revise the Sanctioning Regulation and increase the fines, as well as the procedure to put them into practice.

Other difficulties noted in the 2011 Activity Report indicate that the lack of IAIP budget resources is another barrier for the massive broadcasting of the norm, therefore it is recommended to create alliances with other agencies and public officials, as well as with civil society organizations to generate a multiplying effect of spreading the norm.

Some conclusions

The IAIP is the control agency that citizens are least aware of, maybe because of its recent creation and the lack of resources for massmedia diffusion activities. This reflects on the limited results attained to date, which also affects the low perception on the quality of work and the low levels of trust towards this agency on behalf of citizens.

A weakness is detected in its legal framework, related to human resource management. The high level of discretionality in the process for appointing officials at management level and the open possibilities for rotating key personnel is a relevant theme for discussion.

Another fact is that the Transparency Law does not clearly state the procedure and competent authority for removing the highest officials from this agency. The causes for removal also appear to be quite restrained.

The sanctioning regime for non-compliance to the Transparency Law has not proven to reach the expected results, as non-compliance reoccurs and accessing information is not guaranteed even after sanctioning.

The fact that IAIP does not publish all the official information it is compelled to may result in consequences such as losing legitimacy before the Obligated Institutions, mainly those that monitor compliance

with the Law, and before citizens that would expect this agency to be an example of applying the Law due to the nature of its competences.

The way that statistical information is presented and managed is also a key aspect, because it is not only about making mandated public information available for the citizens, but also about assuring the characteristics of this information: truthfulness, clarity, timeliness, among others.

Some recommendations.

Reform the Law of Transparency and Access to Information regarding causes and procedures for removing the Commissioners, clearly stating the competent agency for this faculty.

Revise and reform the Statute of the IAIP personnel in order to limit the number of privileged personnel subject to free appointing and removal, trying to limit the number as much as possible to assure that the personnel in department heads or management are selected by competitive exams and are assured stability in their positions. Also it is recommended to eliminate the norm that allows appointing personnel for up to 60 days and not complying with the requirements and procedures established for the other employees and officials.

Establish broadcasting mechanisms regarding IAIP and its institutional provisions using mass media to spread the knowledge to different segments of the population.

Define mechanisms to address claims, complaints, or accusations related to fulfilling its objectives and the performance of personnel in its service.

Include in the planning and the accountability window of their transparency portal the semi-annual and annual reports required by mandate, in the activity section and make use of other similar mechanisms such as referendums, fora, training workshops and disclosure to spread the knowledge about these activities.

Revise the Sanctioning Regulation and increase the severity of the reprimands and the amounts of the fines, as well as the procedure to put them into practice.

Create alliances with other agencies and public officials as well as with civil society organizations to generate a massive disclosure of the norm with a multiplying effect.

Define legal and institutional mechanisms so that the Public Information Officials are made accountable to the IAIP regarding their management and on its results, as well as complying with the guidelines dictated by the Institute to guarantee access of public information in the Obligated Institutions.

The Superior Court of Accounts (TSC)

The Superior Court of Accounts (TSC) is the State resource superior control and supervision agency created by Legislative Decree No. 10-2002-E on December 5th, 2002. With the approval of the Superior Court of Accounts' Organic Law (TSC Law) three control institutions that existed then merged: the Comptroller General's Office, the Directorate of Administrative Probity and the Office of National Assets.

The TSC has 535 employees on their payroll (as May of 2012), divided into, directorate, administration, technical and general services personnel. The approved budget allocation within the general Budget of the Republic 2012, is of approximately ten million eight hundred thousand American dollars (USD 10,829,900.00) corresponding to 0.14 % of that budget.

Objectives, functions and level of autonomy.

The objectives of the TSC are those of directing, guiding, organizing, executing and supervising the economic control system, its financing, management systems and results, that of probity and public ethics, as well as State assets (Art. 7 TSC Law).

Its function is to audit funds, assets and resources a posteriori administrated by the State Powers, decentralized and autonomous institutions, including the state or joint venture banks, the National Commission of Banks and Insurance (CNBS), the municipalities and any other special or public or private agency or entity that receives or administers public resources from internal or external sources.

It also has the responsibility of performing financial control, management and results based on efficiency and effectiveness, economy, equity, truthfulness and legality. It is also responsible for establishing a system of transparency in public service management; of determining illicit enrichment, assets and liabilities and in general the State property (Art. 3 TSC Law).

It has functional and administrative autonomy from the State Powers, and is only responsible to the Constitution and the Laws (Art. 6 TSC Law).

The Court has complementary functions with the Public Ministry (MP) and must submit to this any resolutions of presumption of illicit enrichment, which is the starting point for penal action; and with the General Attorney of the Republic (PGR), as it must submit to it the resolutions that acquire firm character and executive titles so that they can exercise the corresponding civil actions. Its competencies concur with the Internal Auditing Units of each Public institution⁷.

The scope of its functions is circumscribed to subjects obligated by law, without exceptions, among them public servants that receive, protect, administer and make available the resources and assets of the State; central Public Administration, both autonomous and decentralized, the Legislative and Judicial Powers, the Public Ministry, the Attorney General of the Republic, the Supreme Electoral Court, the Concessions Superintendence, and the National Human Rights Commissioner. Additionally, all concessionaires, permittees, lessees, contractors, and managers of infrastructure works, public services and State assets; also public non-state persons and natural and legal persons that receive, administer, use or have available resources, assets or funds belonging to the State or from public collections. The

⁷In this regard, the TSC, states that in the INT 2007 of the CNA there is no reliable accounting system in the public sector. Therefore, as a consequence, there is no acceptable internal system of control that can be applicable by internal audits, and assured that the Integrated System of Financial Administration (SIAFI) does not, in any way, assist them in their functions.

enterprises or corporations of mixed economy or associations, in which the State participates, but limited to the management of those resources; natural or legally constituted persons that have been given exonerations or tax waivers, or municipalities regarding the end use or purpose of the exemption or tax waivers; the trusts constituted with funds or assets of the State; the processes of privatization and the end use of the resources provided by them (Art. 5 of the TSC Law).

It is considered that the TSC has a legal framework that is quite adequate for performing its controlled functions, however the perception of the citizens regarding the quality of work of superior control agencies is not favorable (CAN 2011): *“the proportion of citizens that have heard of them and consider that they are doing a good job is ranging between 26.2% and 38.8%. The case of the Superior Court of Accounts is striking, as one out of two persons have heard of this agency, and only one out of four is of the opinion that they do a good job.”*

Decision-making and applicable resources.

The TSC can undertake different actions and activities such as audits, administrative summaries or special investigations that, according to the required procedure, could lead to definite resolutions regarding administrative processes.

Decisions are reached in a collegiate way by the three magistrates appointed by the Plenary. The decisions are reached by a majority of votes and in all the matters under discussion that they deliberate on. The members must vote for or against, except on the cases where they are exempt or must excuse themselves from deliberating on.

Unanimity of vote is required in the following cases: i) in resolutions of the designated Court a member can cover temporary absence except in the case of physical disabilities; and ii) in the selection of the three candidates, to assume the position of Internal Auditor of the Court (Art. 11 of the TSC Law).

There is recourse in the case of definite resolutions issued by the Court the motion to set aside. The resolution of the Court to set aside ends the administrative process and the affected party can then appeal to the jurisdiction of administrative contention, except in the resolutions where indications of illicit enrichment has been found, since these have to be submitted to the Public Ministry to be investigated.

When the TSC dictates definite resolutions and these are not appealed they become binding or executable and acquire the status of executive mandate to start the corresponding civil actions.

Provision of senior positions and their responsibility.

The TSC is formed by three (3) members elected by the National Congress, with the favorable vote of two thirds of the total deputies, for a seven year period and cannot be reelected. The presidency of this agency is to be rotated for periods of one (1) year among the members, in the order of their election until the end of their period, with the exception of their resignation (Art. 9 and 12 of the TSC Law).

The responsibilities of the members of the Court can cease in the following cases: i) Due to their period of election coming to an end; ii) By death; iii) By resignation accepted by the National Congress; iv) For having been condemned in a penal court; v) Due to permanent physical or mental incapacity; and vi) By decree of National Congress when full proof of due process has been found regarding non-fulfillment or serious misconduct in performing their responsibility (Art.18 TSC Law).

The Superior Court of Accounts and their members are accountable to the National Congress for their management, which has the faculty of demanding responsibility for their acts and of deciding whether they should continue in their positions.

Even though the law establishes a mechanism and requirements for selection of the TSC magistrates, since its creation, the designation of its members has been questioned due to political party interests in their appointments. Evidence regarding the manner in which its maximum officials are invested can be found in the book “Corruption and Impunity” (FOPRIDEH, 2010) where recorded minutes are attached that reveal the manipulation of the State controlling entities by the political class, in which it states how these positions are assigned by quotas for each political party.

These misgivings therefore reflect a low level of confidence in citizens regarding the TSC. The National Transparency Report of 2011, shows that the proportion of the population that has some degree of confidence in the TSC dropped from 31.8% in 2009 to 22.6% in 2011, which possibly indicates that the mechanisms used in selecting the highest officials of the control agencies and the manner in which they are requested to account for their acts in performing their functions are not the best options.

Human resources. Functions and procedure manuals.

The permanent staff of the TSC, to assure their capacity, efficiency and integrity, must be named or contracted by means of a public competition, following a technical selection process (Art. 21 of the TSC Law). The officials and employees of the Court and the selection process are governed by the “Superior Court of Accounts Officials and Employees Career Regimen (RCFE)”, issued by the TSC as a regulation, which contains regulations regarding stability in service, promotion, demotion, salary policy and other issues related to personnel administration.

As exemptions in the application of the Regimen, are the Members of the Court’s Plenary and employees whose service relations are regulated by contract, employees with temporary or eventual assignments and those that are paid under a daily wage model (Art of the RCFE). The personnel assigned to the Office of the TSC members do not have labor stability since they can be replaced by their immediate superior, with payment of indemnities (Art. 6 RCFE).

In order to develop the Court administrative career, vacant positions are subject to internal or external competition, after having fulfilled the requirements stated in the Regulation (Art. 22 and 28 of RCFE).

The law states as impediment to become officials or employees of the Court, being a spouse or relative, within the fourth degree of consanguinity, or second of affinity of the members of the Court. The positions in the TSC are incompatible with holding any other private or public employment whether national or international, remunerated or not, and with any professional activity with the exception of teaching (Art. 22 and 25 of the TSC Law).

The TSC has a position and salary classification manual, in which personnel functions and requisites of access to them are described. It also has a recruiting and selection manual.

The TSC offers personnel training at both national and international level, trying every year to establish alliances to strengthen capacities of the institutions and their human resources as is established in the approved Regimen.

In 2008, the National Anti-Corruption Council (CAN) performed a study on the process of making officials of the TSC Audit Directorate more professional, with technical university professional audit training who had graduated at the level of high school, and the implementation of a mixed model of human resources, in which payroll staff are combined with contracted consultants per product in performing audits. According to the CNA report, this process has allowed the TSC to considerably improve the number of audits performed each year, as well as the timeliness and quality in delivering reports, but also has bearing on improving labor stability, productivity and implementing technologies to facilitate report follow-up, which reflects to a certain degree that in the area of human resource management, the TSC has a positive performance.

Citizen information. How to process petitions with the TSC.

The TSC must comply with the obligations contained in the Transparency and Access to Public Information Law (LTAIP) regarding mandatory publication of information in their transparency portal (http://www.tsc.gob.hn/Portal_de_Transparencia/index_transparencia.html), among which can be found a description of the services that it renders, processes to be followed, requirements, formats and rates and rights. In the information portal is also included its organizational structure, plans, programs, budget, record of activities and others.

The TSC also fulfills its obligation to have a Public Information Official to assist and process all requests received for public information. In this regard, the evaluation report prepared by IAIP in 2010 on compliance with this law indicates that the TSC obtained a 94/100 qualification. The TSC Transparency Portal was reviewed during the process of preparing this report and it was effectively verified that the level of compliance regarding information that must be shared is as that evaluated.

The TSC must also assure, by law, access to those requesting information and documentation that they may need in compliance with their rights of defense that they have in the administrative and judicial procedures in which they are involved.

Additionally, the TSC also provides information regarding their functions and some of their procedures in the training events that are organized by the Citizen Participation Directorate. In 2011, 1,761 civil society members were trained during 64 events as well as 1,003 public servants (TSC Annual Report 2011).

However, in spite of their efforts of sharing knowledge in the training sessions and of information through their Webpage, according to the 2011 National Transparency Report, the Superior Court of Accounts is among the superior control agencies that are least known by the citizens (48.3%), which signifies that they should seek alternative and massive mechanisms to publicize the existence of TSC to the entire population and to inform regarding the work they carry out and how citizens can access to it.

Internal control mechanisms and addressing, claims, grievances and complaints.

The TSC has an internal auditor, who is elected by the National Congress, from a list of three candidates selected and proposed by the Court, for a period of five (5) years. The auditor may be ratified again for an equal period.

The TSC internal Audit has the following legal attributions: i) Inspection and audit of the Organism accounts; ii) Supervision of the Courts internal control; iii) The practice of periodic analysis in budget execution, as well as accounting for the assets of the Court.

The TSC has established a system for addressing citizen’s complaints that operates under the responsibility of the Control and Follow-up of Complaints Department of the Citizen Participation Directorate. This Department receives, evaluates, processes, investigates and provides follow-up of the complaints that are within the competency of the TSC and informs the person presenting the complaint, personally or through the Web page, on the results of the investigations and trials that could arise from the complaint.

In 2011, according to the TSC Annual Report, 366 citizen complaints were received, 201 were transferred to other public officials with competencies to address them, 129 were deemed unnecessary and 187 were resolved, of which 123 have civil responsibilities and 47 administrative responsibilities. To the Public Ministry 49 complaints were directed and 56 reports were issued. The low amount of citizen complaints (considering the size of the 8 million population) that the received by the TSC seems to be associated with the low level of knowledge about this agency and the low level of confidence in its operations.

The TSC has a probity and ethics committee that receives the complaints regarding the performance of the TSC officials. This committee has the responsibility of becoming acquainted with the complaints⁸ regarding possible violations to the code of conduct of servants and to transfer to the Court, through the Public Probity and Ethics Directorate, those cases of possible conflict of interests, violations of norms of contracting personnel or of goods and services, or of the ethical norms established (Art. 10 of the Regulation in the establishment and operation of Public Probity and Ethics Committees).

Allocation of budget resources.

Each year, the Court presents its budget project, through the Ministry of Finance, for National Congress approval. The General Treasury of the Republic credits the Court with the anticipated quarterly funds. However, note must be made that as well as the funds that the Government of the Republic traditionally assigns for its different operational expenses, the TSC also manages funds for specific projects with national and foreign funds.

Presently, the TSC has an Agreement with the Ministry of Interior and Population to execute the Municipal Transparency Fund, which is allocated to be used in the annual municipal audits. Another mechanism that it has to secure its budget is through, what the TSC calls its “Own Resources”, which are funds that originate in the payments that citizens pay due for civil responsibilities and fines from the Court resolutions. The external funds come from loans and donations from international cooperation.

Table 1. TSC Budget in the last 5 years

Budget (in USD)	Year
10,185,321.00	2007
10,584,210.50	2008
11,816,542.10	2009
12,989,473.70	2010
14,163,363.20	2011

⁸Even though the mechanism does exist formally, during the process of preparing this report, there was no access to the number of complaints that they have receive, nor information on the results of their management.

Source: Authors, based on www.tsc.gob.hn

As can be seen in the above table, the TSC budget increases year by year, and its distribution is quite similar every year, and is mainly assigned towards salary payments. In percentages, the TSC budget in 2011 was executed in the following manner:

- 72.7% in personal services, that is in salaries, per diems, and social benefits for its employees, etc.
- 19.8% in non-personal services, that is to say in public services, rental, office equipment, advertising and publicity, trips, taxes, insurance, etc.
- 3.1% in materials and supplies, such as: paper, books, magazines, newspapers, office utensils, cleaning products, plastic and paper materials, fuel, among others.
- 1.4 % for goods and services, including purchasing furniture and fixtures, improvements in offices, etc.
- 3% in transfer of values to other national organizations such as the Superintendence of Concessions and Licenses.

Coordination mechanisms with other institutions and citizens.

The Court must legally establish the coordination, confidential and complementary exchange of information mechanisms that are appropriate for avoiding duplication of efforts between control agencies for the financial sector, regulatory and any other public entity with control faculties. The official interviewed during the process of preparing this report, stated that there are agreements with many authorities, which are signed as letters of understanding seeking to guarantee the primary aim of the TSC, which in this case is to guarantee the good use of State assets and resources.

The Court has the legal responsibility to collaborate with and support the National Anti-corruption Council (CNA), which is one of the organisms that are formed by different sectors of the Honduran civil society. The CNA, in 2007, performed a social evaluation of the TSC which concludes, among other aspects that *“the TSC, should assure the prevention control or supervision of the correct and responsible selection, contracting, training, performance and promotion of civil servants as well as the latter control it may have, as an indispensable complement of its mandate”*, regarding which, she recommends that coordination mechanisms should be established between the Civil Service General Directorate in order to assure the implementation of the Transparency System with the components of Probity and Ethics that are the mandate of the TSC.

There is also a public-civil mechanism, which is the Transparency Table, an entity formed by State institutions, civil society organizations and international cooperants, interested in contributing their efforts in the fight against corruption in Honduras. However, members of this Table, among them, the authors of this report, have found that the TSC does not frequently attend these previously convened meetings, and when it does so, it delegates the authority on different officials, and therefore the efforts of harmonization of functions are reduced, as well as the support from other authorities and citizens to enable them to perform their functions.

The TSC has also experienced a coordination mechanism with the citizens through the linked audits, through which citizens have been invited to participate in certain moments during the process of formal audits, training them so that they can participate in their initiation and conclusion. The results are presently being evaluated.

Accountability mechanisms.

Within a period of forty (40) days after the end of each economic period, the Court has to present to the National Congress a report of the activities and results of the previous year and is also charged with presenting to the National Congress any special reports that it may request.

The courts must also report to the National Congress on the liquidation of the General Budget of Income and Expenditures of the Republic, and those of the decentralized and autonomous institutions, within a period of forty five (45) working days after receiving all the budget liquidations that they must send to the Ministry of Finance, and the decentralized and autonomous institutions within the first six (6) months after the closing of their fiscal year.

The court must publish the reports sent to National Congress, by the appropriate means, as well as a yearly summary of reports issued, except those cases in process of investigation.

The TSC has been generally found to be in compliance with its accountability obligations and publicly shares the reports that it creates. For example the TCS activity and results reports between 2005 and 2011 can be found in the following link: [http://www.tsc.gob.hn/Portal de Transparencia/memorias.html](http://www.tsc.gob.hn/Portal_de_Transparencia/memorias.html)

However, in an investigation performed by the Association for a More Just Society (ASJ) a notorious particular case is that of a special investigation for which the TSC was commissioned in 2007, and that concluded in 2008, regarding the education system, the dissemination this report was not done until after the Lets Transform Honduras Movement had revealed the data though a report and press conference in May, 2010, that is to say almost two years after the investigative process had finished (ASJ, 2012). Therefore, it is recommended, that if an issue is still in the process of investigation, that the stage of the process be publicly informed as well as which are the defined periods up to its conclusion, so that citizens can monitor and know about the report and when it is final, and therefore accessible to the public.

Results attained.

According to annual reports of the TSC, in the last year of operation, 430 legal procedures to assign civil and administrative responsibilities, generated the recovery of 2.3 million Lempiras (L.2,329,647.61) and resolutions of responsibility were issued for nearly 2 billion Lempiras (L. 1,904,487,807.50).

In the following Table, there is a summary of statistics of main TSC activities during the last 5 years that was extracted from the annual reports and their Web page. This indicates that in general, each year their activities increase regarding the detection of corrupt practices.

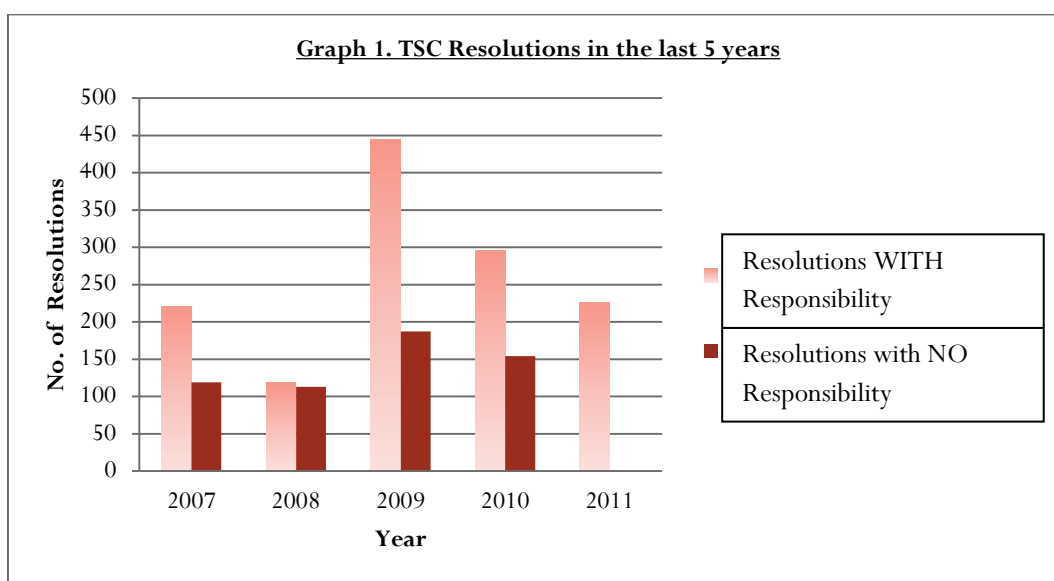
Table No 3. Statistical summary of TSC activities in the last 5 years

Activity/Year	2007	2008	2009	2010	2011	Total
Notice of Audit Reports	203	309	316	131	381	1340
Civil Responsibilities Assigned	221	364	953	712	1912	4162
Administrative Responsibilities Assigned	n.d.	n.d	115	181	290	586
Transfer of Files to the General Attorney of the Republic	46	n.d	170	349	226	791

Transfer of Files to the Public Ministry	26	14	26	16	31	113
Statements of Goods Received	28,231	25,192	48,065	48,198	54,828	204,514
Municipal Audits	16	n.d	48	103	70	237
Citizen Complaints Received	180	237	280	294	378	1369

Source: Authors, based on the TSC annual minutes and reports

Following is a graph that compares the quantity of resolutions issued by the TSC in the last few years, in which can be seen that the majority of resolutions issued have resulted in republic officials and servants being responsible for these.



Source: Authors, based on the TSC annual minutes and reports

In spite of the progress and achievements during the last few years, the TSC has been noted to be very slow and with excessive bureaucracy in the process of notifying responsibilities in some cases and also in the process of recovery of public funds.

An example of this lies in the investigation performed by a More Just Society Association (ASJ) of an audit that the TSC performed on the education system between July, 2007 and July 2008, from which this created the need to prepare 10,500 writs of responsibilities and notify the corresponding officials. Ten months after this audit report was known in 2012, the TSC had only prepared and notified 1,485 responsibility writs. Taking into account this data and assuming that the TSC, for this process, has the same amount of personnel and the same resources, it was calculated that it would take the TSC 81 months to do so in this particular case, and therefore this process would end in May 2016.

Regarding the process of recovering funds from the above mentioned audit report, it concludes by stating that some 901 million Lempiras (L.901,456,729) were disbursed in improper payments to teachers, of which as of 2010 some 315 thousand Lempiras had been recovered, that is 0.04% of the total (ASJ 2012).

The latter confirms with the quantities of the 2011 TSC report as economic recovery of only 2.3 million Lempiras in sanctions, when resolutions with responsibilities were issued for almost 2 billion Lempiras. Therefore it is recommended that temporary personnel be contracted to finish the preparation of the writs of responsibility, use the mass media for notification and define more agile mechanisms to make the processes of recuperation more effective and efficient.

Difficulties and constraints in fulfilling its functions.

According to the opinion of the official interviewed during the preparation of this report, the budget constraints are the main problem that this institution has in order to comply with its functions. Since the budget assigned cannot cover the needs for human resources, nor the logistic support required, much less that of the process of organizational strengthening. Therefore a recommendation is to manage the collection of their own resources through actions in the deduction of administrative responsibility.

Some Conclusions

The low levels of citizen trust in the TSC and the low recognition of the quality of their work, can be related to the concerns associated with how the higher authorities are designated, and the limited results regarding the matter of preventing and sanctioning corruption, since detecting it is not sufficient.

The TSC significantly complies with its legal obligations of transparency and accountability, even though this is not reflected in the levels of confidence expressed by citizens that know about their existence.

Two aspects in the TSC that show strengths are in the level of professionalization of their officials and the tenure of their positions, as well as in the alternative mechanisms that the TSC has to guarantee the budgeted resources needed for their operations.

Even though the TSC has various mechanisms to assure the needed operation budget requirements, this is still their main constraint in achieving their objectives.

The establishment and strengthening of coordination and harmonization mechanisms to achieve the support of other authorities and citizens, above all on matters of prevention of corruption, is an opportunity that the TSC could take more advantage of to improve its results.

In cases that are sensitive to public opinion, the TSC has not shown total transparency, efficiency and efficacy, therefore it becomes crucial for them to work on improving their mechanisms of accountability towards citizens.

Some Recommendations

Define alternative and massive mechanisms to spread the knowledge regarding the existence of the TSC, and to report on the work that it performs and on how citizens can have access to it.

For cases that are public opinion sensitive, it is recommended that they permanently and publicly inform citizens of the on-going processes of investigation, the stages which they are at, and of the terms defined for their conclusion, so that citizens can monitor and be informed of when these have been resolved and are accessible to the public.

In the cases where the amount of people that have been found responsible is extraordinary, it is recommended that additional temporary personnel be contracted to prepare the writs of responsibility, use mass media for notification and define agile mechanisms to make the process of recovery of public funds more effective and efficient.

The Public Ministry (MP)

The Public Ministry (MP) created by Legislative Decree No 228-93, that contains the Public Ministry Law, has been in force since January 6, 1994, is an independent agency, representing the general interests of society through the exercise of public prosecutions.

The MP has 2,515 employees on its payroll (to April, 2012) including the directorate, administration, technical and general services personnel. Within the 2012 General Budget of the Republic, it has an approved allocation of approximately forty nine million seven hundred thousand US dollars (USD 49,708,010.00) that is 0.67 % of that budget.

Objectives, functions and level of autonomy.

The Public Ministry has the following objectives: i) Represent, defend and protect the general interests of society; ii) Collaborate and ensure prompt, correct and efficient administration of justice in criminal matters; performing the investigation of crimes, and exercising public prosecutions; iii) Ensure compliance with and enforcement of constitutional rights and guarantees and the rule of the Constitution and laws; iv) Combat drug trafficking and corruption in all its forms; v) Investigate, verify and determine the rightful ownership and the integrity of public use national assets; vi) Collaborate in the protection of the environment, the ecosystem, ethnic minorities, preservation of the archeological and cultural assets; vii) Protect and defend the essential goods and public services; and viii) Oversee compliance of respect for human rights (Art. 1 of MP Law).

Within a wide range of functions, it has the following: i) Invigilate for a prompt, expeditious and correct administration of justice and that laws be applied faithfully in the penal processes that have to do with public order within the Courts and Tribunals of the Republic;; ii) Formulate the complaints towards whom it concerns against magistrates, judges and other officials and employees of the Judicial Power when they are at fault and subject to disciplinary action; iii) Promote the actions needed in order to secure the effective civil, penal, administrative or disciplinary responsibilities that officials or public, civil or military employees may have incurred as a result of or on the occasion of performing their functions and employment, with the exception of those pertaining to the General Attorney Office of the Republic; iv) Defend and promote the Independence and autonomy of judges and magistrates in the legitimate operation of their functions; v) Control the inventory of national public use assets, verify the title dominion of the State and prove, by means of the pertinent investigations, if it is affecting the public means for which it was destined, and, if the contrary, inform the General Attorney of the Republic, for this agency to undertake the administrative and judicial actions needed; vi) Verify the legality and regularity of tenders, competitions, auctions and other procedures selected by the contracting State; as well as the correct compliance of administrative contracts, and if to the contrary, inform the General Attorney of the Republic (Art. 16 of the MP Law).

According to the PM Law, it is a professional specialized agency, free from any sectarian political inherence, with freedom of operations, administration, technical, financial and budget requirements. (Art. 3 of the MP Law).

The MP has complementary competencies with the Superior Tribunal of Accounts regarding investigation and eventual penal action that must be done in compliance with resolutions on the presumption of illicit enrichment that the MP receives from the Tribunal.

It also has competencies in joining the General Attorney of the Republic when those crimes are committed against Public Administration, since the interests of society are also affected. As occurs with the Ministry of Security that is the entity that performs criminal investigation processes under the Public Ministry. There are no clearly defined mechanisms for the solution of eventual conflicts of competencies.

However, when the MP was created in 1994, a writ of unconstitutionality was presented where it was petitioned that this new agency would be under the jurisdiction of the General Attorney of the Republic (PGR), but this was resolved with the determination that the PGR is responsible for the interests of the State, and the MP with those of society. This set a boundary regarding competencies, but left undecided the potential of competency conflicts when the defending party is the State and therefore society (both) regarding who was in charge of the public penal action in the first instance.

Citizen participation regarding the work that MP performs is relatively good. The National Transparency Report of CNA, 2011 states that among the control agencies that citizens are more aware of, among them the Public Ministry (the Prosecutor against Corruption), 38.8% of those interviewed are of the opinion that it does a good job.

Adoption of decisions and applicable resources.

The decision making in MP is governed by the principle of delegation, since it is a sole personal agency that works under and is responsible to the General Attorney of the Republic (Art. 5, 8 and 17 of the MP Law). Depending on the type of decisions, these may be the responsibility of the different units of the institution at different levels.

The administrative and management type decisions are the responsibility of the Directorates (fight against Drug-trafficking, Administration, Forensic Medicine, Prosecutor) or of the General Secretariat. The decisions that are more investigative, legal or procedural are the responsibility of the Prosecutors, among who is the Special Prosecutor Against Corruption.

Within the MP, regarding decisions and instructions from the hierarchical superiors, only a request for reconsideration is needed. The head person can resolve by ratifying, modifying or revoking the decision according to what is fitting. Ratification must be stated in a reasoned way, exonerating any subordinate of the responsibilities that might arise from its compliance (Art. 12 of the MP Law).

Outside of MP, decisions made by prosecutors must lead to administrative sanctions that the General Directorate of the Prosecutors must resolve. The resolutions issued by this Directorate can also be appealed before the General Attorney of the Republic. In turn, the resolutions issued by the General Attorney can also be subjected to proceeding of relief at the level of the Supreme Court of Justice⁹.

Once decisions have proceeded to the final stages of petitions, they acquire the character of being final and must be complied by authorities and citizens. The lack of compliance may result in administrative, civil and penal responsibilities.

⁹ The Public Ministry has expressed that it has come upon serious problems in their fight against corruption, and in preparing reports of the Special Attorney in the Fight Against Corruption, since the year 2000, stemming from the idea that many of these problems are due to the participation of the Judicial Power (National Transparency Report, 2007)

Provision of senior positions and their responsibility.

The General Attorney of the Republic and the Assistant General Attorney, are elected by the National Congress for a period of five years with a favorable vote of two thirds of the total of its members from a list of five candidates presented by the Proposing Board (Art. 22 and 23 of the MP Law).

The Board¹⁰ is made up by the President of the Supreme Court of Justice, a magistrate from the same Court appointed by a plenary of it, the Rector of one of the universities that operate in the country, the representative of the Lawyers College of Honduras, designated by its Board of Directors, and the National Human Rights Commissioner.

The Attorney Generals can be removed from their responsibilities by the National Congress, by a simple majority of votes, if they have been found guilty in judgments on official and common crimes. The removal can also be for reasons of physical or natural impossibilities. The Supreme Court of Justice is in charge of hearings on official and common crimes alleged by the General Attorney of the Republic and the Assistant General Attorney, after a declaration has been made that there is pertinent call decreed by the National Congress. (Art. 25 of the MP Law).

The designation of the General Attorneys is done in a two-stage process. The first one is that of evaluation of those proposed, in order to prepare a list to be sent to the National Congress, and that is a mainly technical activity. The second is that they can choose among all those on this list that would assume these positions, and this is an eminently political activity.

The creation of the Proposing Board has as its purpose to avoid political party criteria in selecting the General Attorneys, and to prevail on technical and professional criteria, since Congress can only choose among the candidates that are on the list. In spite of the above, in 2004, the Proposing Board did not abide by the regulation of organization and operation, which caused all sorts of doubts in the citizens, and affected the credibility of its results (Coalition for Strengthening Justice, 2005), which shows that mechanisms must be secured that would oblige the authorities and other institutions to fulfill the Law, or otherwise be sanctioned.

This type of behavior in designating the highest officials can have a direct bearing on the levels of trust from citizens regarding the control agencies. A case in point is that in the 2011 National Transparency Report, , the percentage of population that showed some degree of confidence in the MP was of 26.5%, reducing the level of trust compared to 2009 by 4.7%.

Human Resources. Functions and procedure manuals.

The public ministry officials and employees, have the right of stability in their positions, and can only be removed according to the provisions found in the Ministry Law and the Statute of the Public Ministry career (ECMP), in which the norms for competitive exams for entering and promoting its servants. (Art. 74 of the MP Law).

¹⁰ It needs a regulation to norm its organization and operations according to Article 22 of the MP Law.

The selection of prosecutors is made through public invitations and submission to a knowledge and psychological examination. Later the candidates are investigated regarding their social background to verify applicability. The trial period is of one year, before obtaining a definite position.

Its officials and employees cannot be engaged actively in political party activities during the period they are functioning. Additionally, the functions of the Public Ministry are incompatible with continuing a professional career and performing any other public or private position. (Art. 73 of the MP Law).

The non-conformation in performing their positions as employees and officials can only be done by judicial action, by being suspended from their position due to an arrest warrant or due to a pending administrative resolution.

There is a position classification manual that establishes the profiles and requirements for each position. Also defined are their administrative responsibilities that are instituted by resolution of the Personnel Counsel. There is also an ethical code for Public Ministry employees.

The organizational and position manual is updated periodically since it goes hand in hand with actions coming from institutional strengthening, as well as a constant revision of the organizational structure. New units or new prosecutors are created when it is required by law or due to bureaucratic efficiency.

The MP has attained the acquisition of high technology equipment to facilitate the work of its officials, however it is aware that it has to double the efforts in order to achieve a complete modernization of the institution.

The Public Ministry directly or in collaboration with the National Autonomous University of Honduras and the Judicial Power, organization, instruction and training programs for the personnel in the institution, as well as for candidates that would fill vacant positions (Art. 62 of the MP Law), even though at present these are not very systematic.

Citizen information: How to process petitions with the MP.

The MP must comply with the obligations imposed in the Transparency and Access to Public Information Law (LTAIP) regarding publishing by mandate, information in its transparency portal (<http://www.mp.hn/Transparencia/transparenciamp001.html>), which does not have a description of the services that it renders, nor the procedures to be followed, nor requirements (with the exception of the requirements and procedures to present a complaint). The only format that is included is for requesting information, and regarding rates and rights, it only mentions the fee for issuing references.

The portal includes information on its organizational, operational and objective structure, but does not mention its plans, programs, budget, minutes of activities and others. Regarding the IAIP evaluation report in 2010 on compliance with that law, there are indications that the MP obtained a score of 34/100.

The MP complies with its obligation of having a Public Information Officer to assist and process all requests for public information. The requests must be in writing and are resolved likewise. The MP also gives guidelines to citizens on their questions about procedures and paperwork over a radio program called "Justice for All".

Additionally, according to the officer interviewed while preparing this report, requests for training are accepted for schools, associations, town halls and non-governmental organizations. There is a program with the Ministry of Education and the Ministry of Health through which teachers and physicians are

trained on all the services provided by the Public Ministry, and on how to file complaints on issues that come to their attention.

Internal control mechanisms and addressing claims, grievances or complaints.

According to law, the General Attorney must strictly supervise the performance of officials and employees of the Public Ministry, either directly or by means of the Assistant Attorney and therefore must periodically visit and inspect them in order to be truly informed of the progress of the affairs and tasks performed by his subordinates (Art. 63 of the MP Law).

In order to do so, there is a National Supervision Unit that has implemented complaint and suggestion boxes in all of the prosecutor offices in the country. Additionally, this office has free access to supervisory actions both at central and regional levels.

The Attorney Directorate is the office that directly supervises the prosecutors, and this supervision is delegated to regional or local prosecutors so that they in turn can supervise their personnel.

There is also a mechanism to denounce irregularities in MP employees and officials that is called “fast processing module” which is also operated by the National Supervision Unit.

The MP also has its Internal Auditing Unit that reports to the Superior Tribunal of Accounts.

Allocation of budget resources.

The Public Ministry must annually prepare its budget project to be sent to the National Congress, through the Ministry of Finance, to be included in the General Income and Expense Budget of the Republic (Art. 24 of the MP Law).

Other ways of guaranteeing resources to perform its operations are donations and technical assistance from international cooperation and development organizations.

Coordination mechanisms with other institutions.

The law requires the Public Ministry to collaborate with the prosecutor institutions created by special laws (i.e. General Prosecutor for the Environment) performing judicial actions in order to achieve the unity of action needed as well as coordinating the stewardship of the interests of society.

In practice an important coordination mechanism includes the interinstitutional commissions of Penal Justice of which there is one at national level and many others in the rest of the country. Through these mechanisms practical and competency problems and are analyzed and resolved between the different justice operators.

The MP can have interrelations with any institution above all on the matters of technical surveys, since there are not many technical surveyors in the Public Ministry, and requests for support must be made to the different institutions that have the experts required by the MP for particular circumstances. Agreements have been signed with other Ministries of State, with non-governmental institutions, and above all, relations with the Ministry of Security are important, since it is the entity in charge of criminal investigation.

There are other entities that collaborate with the MP such as the Banking and Insurance Unit, and the Financial Information Unit.

Accountability mechanisms.

The MP must prepare an annual report on the work it has carried out as Public Ministry and present it to the National Congress for approval(Art. 24 of the MP Law).

This report is prepared based on the monthly reports prepared by each prosecutor and MP unit sent to the statistical department, and is then incorporated into the annual report, which is published. Each prosecutor sends his monthly evaluation that in turn is uploaded into the system, and it is there that they qualify each institution regarding their progress, and evaluate if the money the institution is given on a monthly basis is being used in accordance to what had been programmed for that month for monthly expenses according to the objectives in the system of each institution.

The Annual Report is not published in the website, therefore it is recommended to comply as soon as possible with the Transparency and Access to Public Information Law that is fully current.

Results attained.

No statistic data for the last five years could be obtained.

Difficulties and constraints in fulfilling its functions.

The main difficulty of MP in complying with its functions is in the investigation stage of offenses, because of the lack of a specialized technical entity to perform the necessary research regarding corruption. It also does not have the personnel needed to perform and direct the investigative process in a timely manner, and therefore, there is an accumulation and delay in the complaint process.

The budget is also a barrier since a witness protection system for people denouncing acts of corruption cannot operate, even though it has been repeatedly presented in the Annual Plans and the budget of the Special Prosecutor Against Corruption, it has never been included in the budget project that the Ministry of Finance sends to National Congress.

Some conclusions.

Overall it has a good performance in matters of internal control and in mechanisms to address complaints, claims and grievances against public servants. Within its organizational structure it has spaces with competencies to provide follow-up and resolve these issues.

The MP is not making a big enough effort regarding transparency and accountability towards citizens. In not complying with the Transparency and Access to Information Law it is placing itself in a precarious position regarding the relatively good perception there is of the work it is doing.

The Public Ministry, particularly the Special Prosecutor Against Corruption has not been able to achieve results in sanctioning crimes, thereby many cases are left in impunity, which is harmful for the foundations of the State of Law.

One of the strengths of the MP lies in the manner of designating mechanisms for their human resources within a labor stability guarantee, developing a professional career and training.

The low levels of trust in this agency seem to be related to the way their senior officials are appointed and the public questioning of this subject during recent years.

Some Recommendations.

The MP is strongly urged to proceed as soon as possible to comply with the Transparency and Access to Public Information Law that is current, regarding publishing their annual minutes of activities, results, statistics and procedures on the services it renders to citizens.

Make operational a protection mechanism for claimants and witnesses in the processes of public penal action related to acts of corruption.

Strengthen the technical investigation team of the Special Prosecutor Against Corruption, with technicians and experts in the type of crimes that are more frequently denounced both by citizens as well as by officials.

The General Attorney of the Republic (PGR)¹¹

The General Attorney of the Republic is the oldest Control agency in the country. It was created in 1957, through Decree 21-57 when a new Constitution of the Republic was promulgated. It is the institution that legally represents the State of Honduras, and it is governed by the General Prosecutor of the Republic Law, contained in Legislative Decree 074 of 1961.

The PGR has 135 employees on the payroll (as of April 2012), distributed among the directorate, administration, technical and general services personnel. It has an approved allocation, within the General Budget of the Republic of 2012, of approximately two million five hundred thousand American dollars (USD 2,576,922.00) that is equal to 0.03 % of that budget.

Objectives, functions and level of autonomy.

It has as its objective (mandate) to promote, represent and sustain State rights in all legal proceedings.

Among its main attributes, the following can be identified: i) exercise public and civil penal action against those that commit tax crimes or crimes against state property, Public Administration, the interior security of the State; as well as with those that attempt against the cultural assets of the nation; ii) promote demands before the Courts and Tribunals of the Republic defending the rights and assets of the State and to initiate any actions needed to execute the resolutions of Public Administration; as well as fines and civil responsibilities that are determined by other controlled agencies; iii) issue technical-legal criteria that would direct Public Administration in exercising its functions.

It has complimentary competencies with the TSC since it is charged with performing the civil and criminal actions that arise from the prosecuting interventions of the Superior Court of Accounts¹² except those related to Municipalities.

It has concurrent competencies with the Public Ministry since both can exercise public penal action when the damaged party is the State. The mechanisms to solve competency conflicts are within the Interinstitutional Penal Justice Commissions.

The functions of the General Attorney of the Republic are autonomous, except in the cases where, according to the Law, it must address special instructions (Art. 7 of the PGR Law)

In spite of the importance of its mandate and its long trajectory, citizens have little knowledge of the PGR, as according to the National Transparency Report of 2011 only one out of every two people surveyed know anything about it. Regarding the perception on the quality of its work, from the percentage of population (47.2%) that says they have heard of it, only 26.7% feels that it is doing a good job, which again highlights the efforts that control agencies must make to inform and be accountable to the citizens.

Decision making and applicable resources.

Decisions fall upon the General Attorney of the Republic since it has to coordinate the harmonious operation of the institution and resolve the issues that arise between officials within the same attributions of competency matters. (Art. 22 of the PGR Law).

¹¹ The sole superior control agency that did not agree to the interview requested for the preparation process of this report.

¹² In this regard, PGR indicated in the INT 2007 of the CNA, that the main problem found in the fight against corruption is that the reports from the Superior Court of Accounts, are not complete. Signatures are missing, documents or resolutions are not attached, and in other cases they are delivered when these redresses are still going through the courts.

Regarding decisions made by the highest authorities, no resources have been established to be used within this agency. Any external decisions of the Attorney are subject to the resources within the Administrative Procedure Law of review and reposition.

Provision of senior positions and their responsibility.

The Attorney and Assistant Attorney General of the Republic are elected by the National Congress of the Republic for four years, and cannot be reelected. (Art.229 of the Constitution of the Republic).

The General Attorney of the Republic and the Assistant Attorney, are according to the Law responsible of the felonies, violations or omissions in which they incur, during the operation of their responsibilities and they are subject to National Congress for the acts that are executed in their functions. They can only be removed when it is proved that they have incurred in grave irregularities or crimes. (Art. 34 of the PGR Law).

In spite of these norms that regulate the responsibilities of the highest authorities of the PGR, the level of trust that citizens have in the PGR is quite low. The 2011 National Transparency Report reveals that of the percentage of the population that knows the PGR (47.2%) only 21.8% state that they have some degree of trust in this agency.

Human resources. Function and procedure manuals.

The employees of PGR are of free contracting and removal by the General Attorney (Art. of the PGR Law and Art. 6 of the Internal Work Regulation). In the Regulation the minimum and general requirements are established for aspiring candidates to work in PGR (Art. 9). Additionally, for the Attorney Agents it is established that these must have the same qualities and requirements that the Law requires to be a Middle Judge (Decree 175-2000).

Regarding the existence of Manuals and other documents that describe the functions of PGR personnel, attaining or verifying information about them was not possible, however, the existence of a Code of Ethics and Conduct was verified, as well as an Exclusive Labor Agreement, that states that is incompatible to hold any position in the PGR at the same time as any other, whether public or private.

Personnel that have family ties cannot have positions in PGR if they have a hierarchical order of dependence (Art. 9 of the PGR Law).

Access to technology by PGR employees in order to fulfill their functions is quite limited. Regarding training, the 2010 Activity Report states that 121 officials, of the legal administrative and support areas, received 25 one-day training workshops on different topics.

Citizen information. How to process petitions with the PGR.

The PGR must comply with the obligations required by the Transparency and Access to Information Law (LTAIP), in relation to publishing official information in their transparency portal (<http://www.pgrhonduras.gob.hn/Transparencia.html>), among which can be found description of two services it renders, procedures to follow, requisites, formats, rates and rights. The portal includes information regarding its organizational structure, plans, programs, budget, and others, but in a very limited and organized manner.

The PGR also fulfills its obligation of having a Public Information Officer to assist and process all requests for public information received from citizens both verbally and in writing. In this regard, the evaluation report done by IAIP in 2010 regarding compliance of said law indicates that the PGR received an 89/100 qualification. The Transparency Portal of PGR was reviewed during the process of preparing

this report and verified that the level of compliance of this agency regarding information that must be published by mandate does not correspond to the evaluation, since additionally, they must also inform regarding the relations with the legal processes in which public institutions are involved, and they should inform regarding their final judgments, and this latter information is not available or updated.

Allocation of budget resources.

The State must assure the needed funds for an adequate organization and operation of the PGR (Art. 231 of the Constitution of the Republic), through a budget allocation in the General Budget of the Republic.

The budget of the General Attorney of the Republic and its dependencies must be stated in a special section of the General Budget of the Republic (Art. 7 of the PGR Law). As can be seen in the following table, the budget allocation of this agency increases slightly year after year.

Table No 4 Annual budget approved for the PGR in the last 3 years

Year	Annual Budget Approved by National Congress (in Lempiras)
2009	47,431,400.00
2010	48,738,000.00
2011	48,745,800.00

Source: Authors based on information in www.pgr.honduras.gob.hn

Additionally, the PGR generates its own resources that proceed from fines, diverse penalties and compensations, with which it finances part of the activities that are not covered by the budget approved by National Congress. As with the majority of public institutions, more than 80% of its budget is assigned to paying salaries.

Coordination mechanisms with other institutions.

All the agencies of the Public Administration must collaborate with the General Attorney of the Republic in complying with its attributes in the manner determined by the Laws (Art. 231 of the Constitution of the Republic). However, when the General Attorney has requested the Ministries of State for instructions related to any specific issue, and the legal term has expired without having received a reply, it will proceed to formulate its own petition according to its own criteria and in accordance with the laws (Art. 19 of the PGR Law).

However, regarding the fight against corruption, the PGR stated that one of the more serious problems that this agency is facing, has to do with the resolutions of the Judicial Power, as well as with a disagreement between different State institutions at the moment of establishing amounts owed or to be recovered (National Transparency Report 2007, pg. 69)¹³, which highlights the absence of a formal coordination and harmonization mechanism from the Superior Control agencies of Honduras, to focus efforts on the prevention, detection and sanction of corruption¹⁴.

Accountability mechanisms.

¹³ http://www.tsc.gob.hn/Documentos_estrategicos/EVALUACION_TSC.pdf

¹⁴ Even though an Anti-corruption Interinstitutional Commission of Honduras (CIAH), has been created, the results of their operations have not been gathered, what could be verified is that of the replies made in the request for interviews in preparing this report.

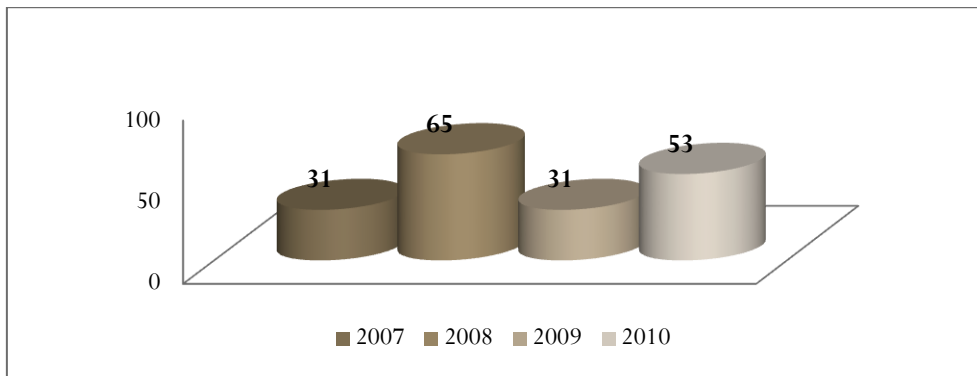
The PGR must prepare an Annual Report to present to the National Congress within the first 15 days of the month of January of each year. To prepare this report all the data of the activities of each one of its sections has to be collected, and later summarized in the Planning Budget and Statistics Management that consolidates the information and presents it to the Attorney for revision, approval and delivery to Congress.

These Annual Reports are not published in the PGR transparency portal as is required by law, therefore it is recommended that they proceed to place them in the section of activities within the window of planning and accountability.

Results attained.

It is never an easy task to obtain statistics and results indicators from the public agencies, especially if information needs to be broken down. What was obtained is the number of processes initiated by the PGR in the civil action environment, that includes, but is not limited to, those that result in a prosecuting intervention of the TSC.

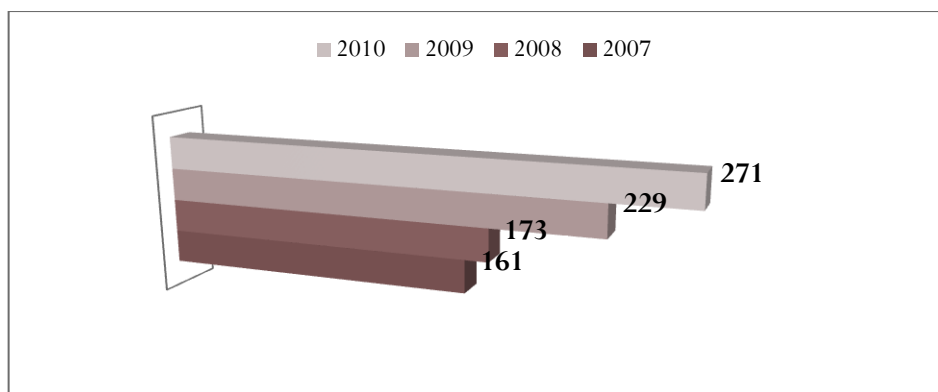
Graph No 2: Total civil actions initiated by PGR 2007-2010



Source: Author based on general inventory of demands promoted by the State of Honduras in the Civil Middle Courts of Francisco Morazán (2007 – 2010)

The number of complaints was obtained, that in the jurisdiction of the administrative contentions that the State of Honduras faces, within which there could be actions to determine the administrative responsibilities of public servants, in exercising their functions, including, but not limited to those promoted by TSC.

Graph No 3. Total actions in the administrative contentious jurisdiction against the Sate of Honduras 2007-2010



Source: Author based on general inventory of demands promoted by the State of Honduras in the Civil Middle Courts of Francisco Morazán (2007 – 2010)

Difficulties and constraints in fulfilling its functions.

The obsolete legal framework of the PGR and the lack of highly trained human resources that could have a career within this agency is one of its main limitations, as well as the low level of access to technology to aid its employees in fulfilling their functions.

The consequences of the non-harmonized changes in the legal realm, the adoption of new laws and procedural codes, and the creation of new institutions with unclear or concurring competencies have made interinstitutional coordination very difficult and therefore affected the efficiency of the PGR.

Some Conclusions

In spite of being an institution of many years, it is among the three control agencies that are least known by citizens, perhaps due to its weak organizational structure, since both its senior officials as well as all its employees are subject to changes in each government period.

The difficulties of access to technology and training by their officials hamper their management results.

Regarding accountability towards citizens, the performance of PGR is low, even though it shows some progress in the area of transparency; the challenges are still quite big.

The production, management and provision of statistics and outcome indicators constitute an area of opportunity for improvement of the PGR.

The current legal framework for organization, operation and management of the PGR is obsolete and disperse.

Some Recommendations

Update the legal frame that governs its agencies and functional structure so as to establish transparent mechanisms for decision-making and define the resources that could be the object of these decisions both within and outside the PGR.

Establish coordination and harmonization mechanisms with other Honduran superior control agencies to focus efforts of preventing, detecting and sanctioning corruption.

It is recommended that total compliance be made of the Transparency and Access to Public Information Law, and to proceed as soon as possible to upload their annual reports in the section of activities within the planning and accountability windows of its transparency portal. Likewise in relation to final verdicts in those cases where they are parties, in order to account to citizens their acts and above all else their results.

IV. GENERAL CONCLUSIONS

Following are some conclusions on the progress of Honduras towards compliance with the Inter-American Convention against Corruption, based on the replies to the survey provided by the Experts Committee to be analyzed in the MESICIC Fourth Round, in relation to control agencies.

Considering that the most important way that control agencies can guarantee the budgeted resources necessary for functioning is in the annual assignment of the General Budget of the Republic, and if we add up the amounts assigned to the four control agencies analyzed in this report, for 2012, they do not even amount to 1% of the general budget. Therefore we can conclude that the main difficulty these agencies is facing in order to comply with their functions, definitely lies within their budget limitations. The importance of these agencies, due to their role in preventing, detecting and sanctioning corruption has not been reflected in the Government priorities.

The low credibility of the Honduran State controlling entities originates in the way they appoint their highest authorities and officials and in the few concrete results found in the fight against corruption, particularly regarding matters of prevention and sanction.

The perception that impunity reigns due to the lack of sanctioning corruption crimes, is a disincentive for denouncing these actions, as well as the absence of a witness protection system which the State of Honduras is obligated to, as part of its commitments to implement the Convention.

The central challenge of all Honduran control agencies is the need to generate objective, truthful and timely information, particularly statistics and indicators on the progress, difficulties and results related to their operations and in implementing the Convention.

The efforts made by the control agencies regarding transparency and accountability before the citizens are not sufficient, and are not complying with their minimum legal obligations, and this further impairs its weak legitimacy.

There are no systematic training programs provided for the public servants of the different control agencies, who require technical strengthening, in order to appropriately fulfill their functions.

V. RECOMMENDATIONS

The following are specific recommendations that strive to transfer the discussion of the issue of the control agencies to the practical area of concrete and possible solutions.

Provide sufficient budget resources to the control agencies so that they can fulfill their functions. Annually evaluate the performance of the control agencies regarding the efficacy and efficiency of this measure, and based on this, determine each year whether or not to increase its Budget.

Regulate the mechanisms for appointing the highest officials of all control agencies in an appropriate way as to guarantee the participation of civil society, through Public Audiences as observers and guarantors that the procedure of designating the officials is based on merit at the phase when candidates are being appointed.

Establish a formal conflict and competency mechanism of coordination and harmonization of functions similar to that of the justice operators, but in this case specialized in control agencies to prevent, detect and sanction corruption practices, both at national and sub-national levels.

Guarantee the active participation of superior control agencies in coordination instances already established, directing the agenda towards the support and collaboration of other authorities, as well as civil society in the compliance of their functions as control agencies.

Initiate the needed legal reforms to guarantee that human resources in all control agencies are selected based on merit and can maintain labor stability.

Design adequate access to public information and accountability mechanisms of the control agencies towards the citizens in order that knowledge about their existence can be generalized, as well as in their functions and results.

BIBLIOGRAPHIC AND DOCUMENTAL REFERENCES

Association for a More Just Society, *Asociación para una Sociedad Más Justa*. TCS audit of the education system: 901 million in unwarranted payments to teachers. Tegucigalpa M.D.C. 2012.

Coalition for Strengthening Justice, *Coalición para el Fortalecimiento de la Justicia*. The third General Attorney of the Republic. Nominating and election process Tegucigalpa M.D.C. 2005

<https://www.unah.edu.hn/uploaded/content/category/318056959.pdf>

National Anti-corruption Council, *Consejo Nacional Anticorrupción*. Note of the History of the Corruption in Honduras, Tegucigalpa M.D.C 2004

http://www.cna.hn/uploads/files/apuntes_historicos_sobre_la_corru_en_honduras.pdf

National Anti-corruption Council, *Consejo Nacional Anticorrupción*. Good Practices of Professionalization: Superior Court of Accounts: Professionalization of public auditors of both genders, Tegucigalpa M.D.C. 2008.

www.cohep.com/Centro_doc/BP%20profesionalizac%20TSC.pdf

National Anti-corruption Council, *Consejo Nacional Anticorrupción*. Social Evaluation of the Superior Court of Accounts, Tegucigalpa M.D.C. 2007

http://www.tsc.gob.hn/Documentos_estrategicos/EVALUACION_TSC.pdf

National Anti-corruption Council, *Consejo Nacional Anticorrupción*. National Transparency Report 2007. Towards a National Integrity System. Tegucigalpa M.D.C. 2007

<http://www.cna.hn/archivos/int07.pdf>

National Anti-corruption Council, *Consejo Nacional Anticorrupción*. National Transparency Report 2009. Towards and integrated anti-corruption polity. Tegucigalpa M.D.C. 2009

<http://www.cna.hn/archivos/int2009.pdf>

National Anti-corruption Council, *Consejo Nacional Anticorrupción*. National Transparency Report 2011. Towards recovering confidence and social capital. Tegucigalpa M.D.C. 2011

[http://www.cna.hn/Informe%20Nacional%20de%20Transparencia%202011\(%20Feb%202012\).pdf](http://www.cna.hn/Informe%20Nacional%20de%20Transparencia%202011(%20Feb%202012).pdf)

Federation of Private Organizations for the Development of Honduras, *Federación de Organizaciones Privadas para el Desarrollo de Honduras*. Corruption and Impunity. Tegucigalpa M.D.C 2010

Social Forum of External Debt and Development of Honduras, *Foro Social de la Deuda Externa y Desarrollo de Honduras*. Status of progress in access to public information in Honduras, Tegucigalpa M.D.C. 2009

Institute for Access to Public Information, *Instituto de Acceso a la Información Pública*. Report of the Evaluation of the Institutes Obligated in Complying with the Transparency and Access to Public Information Law, Tegucigalpa M.D.C. 2010

<http://www.iaip.gob.hn/pdf/Informacion%20para%20OIP's/Informe%20de%20Evaluacion%20de%20las%20Instituciones%20Obligadas%20en%20el%20Cumplimiento%20de%20la%20Ley%20de%20Transparencia%20y%20Acceso%20a%20la%20Informacion%20Publica.pdf>

Legal Body Consulted on IAIP

Transparency and Access to Public Information Law, 2007

http://www.iaip.gob.hn/transparencia/pdf/Ley_de_Transparencia_2.pdf

Regulation to the Transparency and Access to Public Information Law, 2008

http://www.iaip.gob.hn/transparencia/pdf/Ley_de_Transparencia_2.pdf

IAIP Sanction Regulations. 2008

<http://www.iaip.gob.hn/transparencia/pdf/ACUERDO%20REGLAMENTO%20SANCIONES%20IAIP..pdf>

Labor Statute of the Officials and Employees of the Access to Public Information Institute, 2010

<http://www.iaip.gob.hn/transparencia/pdf/ACUERDO%20No.%20003%20ESTATUTO%20LABORAL%20DEL%20IAIP.pdf>

Legal body consulted on the TSC

Organic Law of the Superior Court of Accounts. 2002

http://www.tsc.gob.hn/Normativa%20Vigente/Ley_Organica_TSC_2011.pdf

Regimen of the career of Superior Court of Account officials and employees. 2008

http://www.tsc.gob.hn/Normativa%20Vigente/Normativas%20Internas_PDF/REGIMEN_DE_CARRERA_2008.pdf

Organization and Functions Manual

http://www.tsc.gob.hn/Portal_de_Transparencia/Funciones_y_Atribuciones_2011.pdf

Legal body consulted on the MP

Public Ministry Law, 1994

<http://www.mp.hn/Biblioteca/Ley%20del%20Ministerio%20Publico.htm>

Statute for the Public Ministry Career

http://www.oas.org/juridico/spanish/mesicic2_hnd_anexo2.pdf

Legal body consulted on the PGR

Constitution of the Republic. 1982

http://www.pgrhonduras.gob.hn/PGR_Web/Info_PGR/Informacion%20que%20consta%20en%20la%20Pagina,%20Sept.%202011/Regulación%20Normativa/Leyes/Constitucion%20de%20la%20República1982.pdf

General Attorney of the Republic Law.

http://www.pgrhonduras.gob.hn/PGR_Web/Info_PGR/Informacion%20que%20consta%20en%20la%20Pagina,%20Sept.%202011/Regulación%20Normativa/Leyes/Ley%20Organica%20de%20la%20PGR.pdf

Internal Work Regulation

http://www.pgrhonduras.gob.hn/PGR_Web/Info_PGR/Informacion%20que%20consta%20en%20la%20Pagina,%20Sept.%202011/Regulación%20Normativa/Reglamentos/Reglamento%20Interno%20e%20Trabajo%20de%20la%20P.G.R..pdf

ANNEXES

1. List of Interviewed Officials During the Process of Preparing this Report

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3. IAIP Organizational Chart

http://www.iaip.gob.hn/transparencia/index.php?option=com_content&view=article&id=20&Itemid=15

4. TSC Organizational Chart
[http://www.tsc.gob.hn/Portal de Transparencia/Organigrama/ Organigrama.pdf](http://www.tsc.gob.hn/Portal_de_Transparencia/Organigrama/Organigrama.pdf)
5. MP Organizational Chart
<http://www.mp.hn/Transparencia/Estructura/ORGANIGRAMAMP1.pdf>
6. PGR Organizational Chart
http://www.pgrhonduras.gob.hn/PGR_Web/Info_PGR/Informacion%20que%20consta%20en%20la%20Pagina,%20Sept.%202011/Estructura%20Organica/ORGANIGRAMA%20PROCURADURIA.pdf