

Judiciary

The dismantling of the national anti-corruption jurisdiction

Honduras, based on the recommendations and guidelines issued by the dissolved Mission against Corruption and Impunity in Honduras (MACCIH), began the construction of an anti-corruption jurisdictional system, becoming the first country in Central America and the second in Latin America to have jurisdictional bodies to deal with and handle in a concentrated manner the cases promoted by the investigation of corruption cases.



The first steps were taken with the reform made to the Special Law of Jurisdictional Bodies with National Territorial Competence in Criminal Matters, through Legislative Decree No. 89-2016, which would give rise to the creation of specialized courts in corruption matters, innovating a special criminal system responsible for investigating, prosecuting and punishing unlawful conduct focused on the damage of the state administration, whereby its jurisdiction was delimited for the application of penalties and the prosecution of cases against the proper functioning of the public administration.

The purpose of the implementation of this specialized jurisdictional body

Was to innovate and strengthen the model for prosecuting and punishing corruption, through a renewal of the institutional architecture and the establishment of new judicial bodies and officials. At the same time, the selection of judges and magistrates, as well as the auxiliary personnel of the new courts and tribunals, was configured through a merit-based competition protocol in which representatives of the Judiciary, the MACCIH and members of civil society participated.

However, the lack of support for the bodies that investigate crimes against public administration, such as the Superior Court of Accounts and the Public Prosecutor's Office, the lack of political consensus and the uncertainty in the election of the officials who head these institutions, as well as the difficulty in individualizing the cases presented before these special jurisdictional bodies, have caused the judicial burden handled by the anti-corruption courts to be very low.

The invisibility of corruption, which has led to the ineffectiveness of the investigative bodies, has caused





the current authorities of the Judiciary to decide to dissolve the anti-corruption courts, passing the pending judicial burden to the courts unified with other matters that absorb a greater workload in the Honduran penal system.

This is undoubtedly a setback for the punishment and prosecution of cases against public officials and public officials who commit acts of corruption, given that the intention or nature of the imple-

mentation of these specialized bodies was to address the cases presented with greater effectiveness, with personnel and operators of justice trained in the matter, providing exemplary penalties and reducing the judicial delay that undoubtedly will continue to be the justification par excellence in the latent perpetuation of impunity in high impact cases that occur in the national territory.

On September 14, the new organization of Jurisdictional Bodies with national territorial competence in criminal matters related to Organized Crime and Corruption was published in the official gazette La Gaceta.



Honduras would not have access to Millennium Account assistance funds

As is generally known, corruption drains public resources and consequently limits the development of countries, and has also prevented Honduras from accessing external support funds that would help stimulate the country's economic and social development, and that could contribute to increasing the well-being and quality of life of the population.

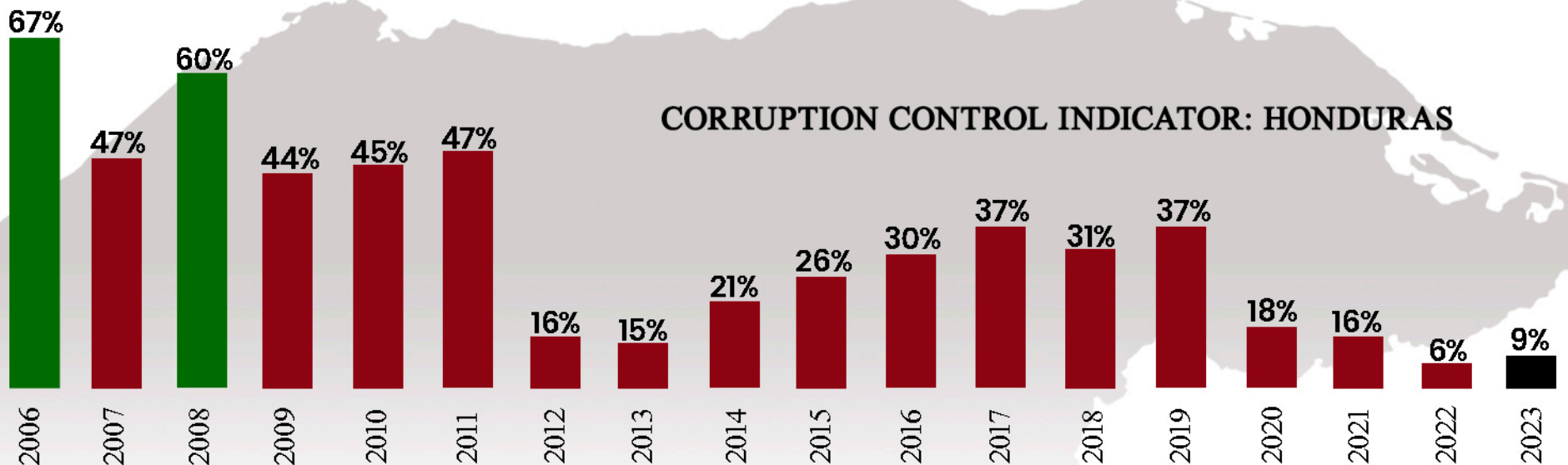
Such is the case of the Millennium Challenge Corporation (MCC), better known as the "Millennium Challenge Account," which is "an innovative foreign assistance program designed to reduce poverty in developing countries through sustainable economic growth" (MCC, 2022).

According to information available on the MCC website, the last time Honduras was able to access these funds through the signing of a compact program (around US\$200 million) was in 2005, when it was able to meet the performance standards established to be eligible for assistance funds from the U.S. government.

In terms of historical evaluations

for Honduras, it has not been able to meet one of the three main requirements established by the Corporation, which is to pass the Corruption Control Indicator (CCI), presented by the World Bank.

According to the estimates made by the CNA for this indicator, this year Honduras would be placed in the 9th percentile within the income group in which it is evaluated. This position is well below the average score (50%) required to meet this indicator and thus be eligible to access funds for fiscal year 2024. Finally, it is important to mention that the score of this indicator represents the results of the first year of President Iris Xiomara Castro's administration (2022).



Source: Prepared by the authors with data from the Millennium Challenge Corporation (MCC).

Note: the figure for 2023 corresponds to the estimate of the percentile in which Honduras would be located with respect to the other countries classified in the same income group. This classification is established by the MCC through the "Report on Selection Criteria and Methodology for Fiscal Year 2024".

