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II. Executive summary

Republic of Honduras

1. Introduction: Overview of the legal and institutional framework of Honduras in the context of implementation of the United Nations Convention against Corruption

Honduras signed the Convention on 17 May 2004, ratified it on 20 April 2005 and deposited its instrument of ratification on 23 May 2005.

The Convention forms part of national law. In case of conflict between a law and a treaty, the treaty prevails (arts. 16 and 18 of the Constitution).

The legal system follows the continental tradition. Criminal procedure is based on a mixed accusatorial system and consists of the preparatory stage, the intermediate stage and public oral proceedings.

The leading authorities in the fight against corruption include the Public Prosecution Service, the Office of the Counsel-General of the Republic, the Supreme Court of Justice, the Office for the Administration of Seized Property, the Financial Intelligence Unit, the Higher Court of Audit, the National Police and the Presidential Directorate for Transparency, Modernization and State Reform. The National Anti-Corruption Council (CNA) is a civil society organization that assists the investigative authorities and promotes citizen participation.

At the time of review, Honduras was developing the draft of a new Criminal Code.

Honduras, together with the Organization of American States, has announced an initiative to combat corruption and impunity nationwide.

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

Active bribery of national public officials is covered by article 366 of the Criminal Code. That provision does not refer explicitly to “promise” or advantages for an entity. A definition of “public official” is set out in article 393 of the Criminal Code.

Passive bribery is covered by articles 361 to 365 and 369 of the Criminal Code, which establish penalties varying according to whether the act committed, or the failure of the official in question to act, was legal or illegal. The element of advantage for other persons or entities is not covered.

Active bribery of foreign public officials and officials of public international organizations (transnational bribery) is covered by article 366-A of the Criminal Code. Passive transnational bribery is not established as a criminal offence.

Articles 369-A to 369-C cover offences involving “trading in influence”, although they do not reflect the typical triangular structure of the offence (art. 18 of the Convention), nor do they cover the “promise, offering or giving” or “solicitation or acceptance” of undue advantages.

Active bribery in the private sector is not established as a criminal offence. Passive bribery in the private sector is an offence under article 394-A and 394-M of the Criminal Code, in the context of financial institutions, if it causes harm to the institution concerned.

Money-laundering, concealment (arts. 23 and 24)

Money-laundering is established as a criminal offence in article 36 of the Special Act against Money-Laundering. Participation and attempt are covered by the general provisions of the Criminal Code (arts. 14, 37 and 63); conspiracy and association are offences under article 38 of the aforementioned Special Act. Article 36 of the Special Act contains a list of predicate offences which include crimes against the public administration (arts. 346 to 393 of the Criminal Code), and refers to any property “whose origin has no economic or licit basis or justification.” Thus, all of the offences established in the Convention offences are predicate offences, as are acts committed or initiated abroad that would constitute an offence if committed in Honduras. The laundering of proceeds of crime is a separate offence; so-called “self-laundering” is also an offence.

Concealment is an offence under article 388 of the Criminal Code and article 36 of the Special Act against Money-Laundering.

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

The embezzlement of funds entrusted to a staff member is an offence under articles 370 to 372 and 377 of the Criminal Code. Benefits or advantages for other persons or entities are not covered.

Paragraphs (2) and (3) of article 349 of the Criminal Code cover elements of the offence of abuse of authority, although they do not include undue advantage.

Illicit enrichment of public officials is established as an offence under articles 62 and 63 of the Organic Act on the Higher Court of Audit, on the basis of article 233 of the Constitution. Those articles provide for presumption of enrichment in cases where the increase in the assets of a public official significantly exceeds his or her lawful income and where a public official fails to authorize the investigation by the Higher Court of Audit of deposits or transactions. Charges of illicit enrichment may be brought only if a report is first issued by the Higher Court of Audit.

Embezzlement in the private sector is established as an offence where committed by directors of entities (art. 370, second paragraph, of the Criminal Code) and in specific contexts (arts. 394-C and 394-G of the Criminal Code).

Obstruction of justice (art. 25)

The conduct described in article 25 (a) of the Convention is criminally punishable under articles 206-207 and 385 of the Criminal Code, but those provisions do not cover bribery committed in order to induce testimony or to interfere in the giving of testimony or the production of evidence.

The conduct described in article 25 (b) is criminally punishable under articles 222 (1), 343 (2) and 344 of the Criminal Code, which establish the offences of extortion — for which the penalty is increased if the victim is a judicial or law enforcement officer — and attack against the public authorities. The latter offence is limited to

acts committed against public officials during the exercise by those officials of their duties, or in connection with those duties, and to specific circumstances (for example, it must be ascertained whether the offence was committed using a weapon).

Liability of legal persons (art. 26)

The Criminal Code establishes criminal liability of legal persons in articles 366, 366-A and 394-Q of the Criminal Code and articles 36 and 43 of the Special Act against Money-Laundering. The penalty for money-laundering is a fine of 100 per cent of the sum laundered.

Civil liability is incurred if a legal person has been used to commit an offence, without prejudice to the liability of the natural person concerned (art. 34-A of the Criminal Code).

There are also administrative penalties, such as cancellation of registration (art. 16 of the Code of Commerce) or suspension of participation in public procurement (art. 140, para. 4, of the Public Procurement Act).

Participation and attempt (art. 27)

Honduras has criminalized participation (arts. 31-33 of the Criminal Code) and attempt (arts. 15 and 16 of the Criminal Code). The sanctions applicable to those offences are those applicable to the principal offence reduced by one third (art. 66 of the Criminal Code).

The preparation of an offence is not, per se, a criminal offence.

Knowledge, intent and purpose as elements of an offence (art. 28)

Honduras deals with this issue on the basis of the principle of freedom of evidence (art. 199 of the Code of Criminal Procedure).

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

The Criminal Code establishes sanctions that can be adjusted according to the gravity of the offence, although some corruption offences could be subject to more severe sanctions.

High-ranking officials are no longer granted immunities. The Code of Criminal Procedure provides for trial by the Supreme Court of Justice in cases involving senior officials (arts. 414 to 417) and preliminary proceedings in cases involving judges and magistrates (arts. 420 to 423).

While criminal prosecution is mandatory, prosecutorial discretion may be exercised in certain cases (arts. 28 to 35 of the Code of Criminal Procedure).

Articles 172, 173 (5) to (10) and 174 of the Code of Criminal Procedure establish precautionary measures that may be imposed in order to ensure the presence of the defendant at proceedings. Provisional detention has only recently begun to be ordered in connection with the offences established by the Convention.

Articles 76 to 79 of the Code of Criminal Procedure regulate parole for convicted offenders who have served half of their sentence. In money-laundering cases, prior fulfilment of civil obligations is required.

Article 173 (12) of the Code of Criminal Procedure provides for the suspension of officials accused of an offence against the public administration and article 88 of the Organic Act on the Higher Court of Audit for the suspension of officials accused of illicit enrichment.

Disqualification is an accessory penalty (arts. 48 and 49 of the Criminal Code and art. 40 of the Special Act against Money-Laundering).

Criminal and disciplinary proceedings are separate.

Persons who cooperate with the law enforcement authorities may benefit from immunity from prosecution, but those prosecuted and convicted do not benefit from a reduction of their sentence. Immunity may also be granted if an agreement on compensation for damages is concluded. Persons who cooperate with the authorities may be regarded as witnesses and as such may benefit from the relevant protection. Honduras has not concluded any international agreements on cooperation with the law enforcement authorities.

Protection of witnesses and reporting persons (arts. 32 and 33)

Victim and witness protection is regulated by articles 5, 236, 237 and 248 of the Code of Criminal Procedure and by the Act on the Protection of Witnesses in Criminal Proceedings. Those provisions apply to the offences established by the Convention and set out all available protection measures.

Honduras has not concluded any agreements with other States for the international relocation of witnesses, experts or victims.

Victims are entitled to present their views (arts. 16, 32, 45 and 334 of the Code of Criminal Procedure).

Honduras does not have legislation on the protection of reporting persons.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

Honduran legislation regulates both confiscation (whereas “decomiso” is used in the Spanish text of the Convention for “confiscation”, “comiso” is the term used in Honduras) based on a conviction (art. 55 of the Criminal Code) and permanent deprivation or confiscation without a conviction (Act on Permanent Deprivation of Assets of Illicit Origin). Confiscation applies to the proceeds of crime and instrumentalities used in an offence, but not to instrumentalities destined for use in an offence, property transformed or converted or property of licit origin with which proceeds of crime have been intermingled, to the value of the intermingled proceeds. Both confiscation and permanent deprivation apply to income or other benefits derived from proceeds of crime.

Property may be seized by order of the judge (“confiscation” and “sequestration” are the terms used in articles 217-219 of the Code of Criminal Procedure) or the Public Prosecution Service (art. 33 of the Act on Permanent Deprivation of Assets of Illicit Origin).

Property seized during criminal proceedings (art. 220 of the Code of Criminal Procedure) is kept together with items of evidence in storage facilities. Once the court has issued its final sentence, that property becomes the property of the State. Property that has been the object of money-laundering and is subject to permanent confiscation is managed by the Office for the Administration of Seized Property, which, once the court has issued its sentence, distributes the property according to a system established by law for that purpose.

Capacity for investigations relating to and preservation of property could be strengthened. There are no unified rules on the preservation of financial documents.

The Public Prosecution Service may seize bank records (art. 273 (4) of the Code of Criminal Procedure).

Honduras requires that an alleged offender demonstrate the lawful origin of alleged proceeds of crime; if he or she fails to do so, those proceeds are permanently confiscated (art. 42 of the Act on Permanent Deprivation of Assets of Illicit Origin).

Both confiscation (art. 55 of the Criminal Code) and permanent deprivation of ownership (art. 4, para. 2, of the above-mentioned Act) apply without prejudice to the rights of third parties.

Honduras has established procedures for the lifting of bank secrecy by order of the court (art. 274 of the Code of Criminal Procedure), the Public Prosecution Service or the Financial Intelligence Unit (arts. 20 and 21 of the Act on Permanent Deprivation of Assets of Illicit Origin).

Statute of limitations; criminal record (arts. 29 and 41)

The statute of limitations period is the maximum sentence for the offence in question increased by one half (art. 104 of the Criminal Code) and for offences committed by public officials is the same period doubled, starting from the time at which the official leaves office.

Cases in which an alleged offender has previously been convicted in another State are not provided for.

Jurisdiction (art. 42)

Honduras has established its jurisdiction over all of the offences covered by the Convention except offences committed by its nationals, acts preparatory to money-laundering that are committed abroad and cases in which it does not extradite the alleged offender for reasons other than their nationality.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

According to article 321 of the Constitution, any act carried out illegally by an official is invalid; however, Honduras has not established any legislative provisions in that respect.

In Honduras, a person subject to criminal liability is also subject to civil liability (arts. 105-111 of the Criminal Code and 49-53 and 432-440 of the Code of Criminal Procedure). The State as injured party is represented by the Counsel-General's Office.

The Code of Civil Procedure does not contain provisions allowing civil society entities to participate in criminal proceedings as complainants.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

The Public Prosecution Service has a dedicated prosecutor's office for transparency and combating corruption.

Honduras has established mechanisms for the inter-agency exchange of information and an agreement on inter-agency cooperation in combating corruption.

The authorities cooperate with the private sector through such activities as awareness-raising campaigns. The authorities mentioned challenges with respect to reports of suspicious transactions. An integrity pact was recently concluded between the private sector and the President of Honduras. Citizens are encouraged, through awareness-raising campaigns, web pages and hotlines, to report acts of corruption.

2.2. Successes and good practices

Criminalization and law enforcement:

- An agreement concluded between the President of the Republic of Honduras and Transparency International;
- The possibility of prosecuting the offence of laundering with respect to any property whose origin has no economic or licit basis or justification (art. 23);
- The abolition of immunities for high-ranking officials (art. 30, para. 2);
- Adoption of the Agreement on Inter-Agency Cooperation in Combating Corruption (art. 38);
- Conclusion of an integrity pact between the private sector and the President of Honduras (art. 39, para. 1).

2.3. Challenges in implementation

Criminalization and law enforcement:

It is recommended that Honduras:

- Ensure that the proposed draft Criminal Code contains provisions that are in line with the Convention;
- Ensure that legal persons are included in the meaning of "other person" and that "promise" continues to be included in the meaning of "offering" with respect to the offence of active bribery. In the event that, in the future, the courts do not interpret the law in this way, it will be necessary to clarify the law through legislative reform (art. 15, para. (a));
- Amend its legislation to include the element of advantages for third persons or entities with respect to all passive bribery offences (art. 15, para. (b));
- Consider criminalizing passive transnational bribery (art. 16, para 2);
- Ensure that private funds entrusted to a public official and benefits for other persons or entities are covered by provisions on embezzlement offences. In the

event that, in the future, the courts do not interpret the law in this way, it will be necessary to clarify the law through legislative reform (art. 17);

- Consider criminalizing active and passive trading in influence, in line with the Convention (art. 18);
- Consider including the obtaining by a public official of an undue advantage for him- or herself and for other persons or entities (art. 19);
- Eliminate, in implementation of the right against self-incrimination, the presumption of illicit enrichment that applies to an official who fails to authorize the investigation of deposits and transactions (art. 20);
- Consider the possibility of enabling the Public Prosecution Service to initiate investigations relating to illicit enrichment without the need for the prior issuance of a report by the Higher Court of Audit on the basis of its own evidence (art. 20);
- Consider the possibility of criminalizing active bribery in the private sector (art. 21, para. (a));
- Consider expanding the offence of passive bribery in the private sector to encompass all private-sector entities, removing the concept of “harm to the institution” and adding the element of undue advantage (art. 21, para. (b));
- Consider expanding the range of persons that may be liable for embezzlement in the private sector (art. 22);
- Amend its legislation to include concealment of the origin of or rights with respect to property of illicit origin, as well as the use of such property (art. 23, para. 1 (a) (ii) and (b) (i));
- Amend its legislation to cover bribery used to induce a person to provide false testimony, as well as the use of physical force, threats or intimidation or bribery in order to interfere in the giving of testimony or the production of evidence (art. 25, para. (a));
- Amend its legislation so that interference with the exercise of duties by a judicial or investigative official entails broad criminal liability, not only in connection with the exercise of those duties, and without the restrictions set out in article 344 of the Criminal Code (art. 25, para. (b));
- Consider establishing criminal penalties applicable to legal persons with respect to a wider range of offences established by the Convention (art. 26);
- Examine the possibility of penalizing participation with sanctions equivalent to those applicable to the principal where the accomplice is a public official or civil servant (art. 27, para. 1);
- Consider criminalizing preparation for an offence established in accordance with the Convention (art. 27, para. 3);
- Amend its legislation to increase penalties, especially for offences under articles 19, 24 and 25 (b) of the Convention and for participation in any capacity, as provided for in article 27 (art. 30, para. 1);

- Examine the possibility of providing for the removal of public officials accused of an offence established in accordance with the Convention (art. 30, para. 6);
- Strengthen the capacities of law enforcement entities in order to ensure that the investigation of offences established by the Convention comprises, from the outset, the investigation, identification and preservation of assets that are the proceeds of crime (art. 31);
- In order to ensure the effectiveness of financial and other investigations, reform its legislation to establish the obligation to preserve data and records, particularly financial records, for at least 10 years (art. 31);
- Amend its legislation to provide for the confiscation of instrumentalities destined for use in the commission of an offence (art. 31, para. 1 (b));
- Encourage the Office for the Administration of Seized Property to provide the public with greater and more detailed information on the assets it manages and distributes, in accordance with the resolutions adopted by the National Council for Defence and Security (art. 31, para. 3);
- Endeavour to strengthen the system for the administration of seized property that has no evidentiary value (art. 31, para. 3);
- Consider providing training for officials responsible for the administration and custody of seized property (art. 31, para. 3);
- Amend its legislation to allow the confiscation of proceeds of crime where such proceeds have been transformed or converted, in part or in full, into other property and, where the proceeds of crime have been intermingled with property acquired from legitimate sources, the confiscation of property of the assessed value of the intermingled proceeds (art. 31, paras. 4 and 5);
- Consider entering into agreements or arrangements for the international relocation of witnesses and experts;
- Consider adopting measures for the protection of reporting persons, including the prevention of retaliation in the workplace (art. 33);
- Ensure that authorities representing the State as injured party endeavour, from the outset of proceedings, to secure compensation (art. 35);
- Examine the possibility of reforming the Code of Criminal Procedure in order to enable legally constituted civil society organizations to participate in criminal proceedings in connection with offences established by the Convention, including as complainants (art. 35);
- Examine the possibility of providing law enforcement entities with greater budgetary resources in order to enable them to respond more effectively with regard to the prosecution of offences established by the Convention (art. 36);
- Adopt regulations implementing the Organic Act on the National Police and adopt a law on the personnel of that entity (art. 36);
- Strengthen the capacity of the technical units (financial analysis, money-laundering, property evaluation) of the Office of the Special Prosecutor for Transparency and Combating Corruption (art. 36);

- Consider suspending the statute of limitations where immunity is granted on the basis of an agreement for the compensation of damages, until the agreement is executed (art. 37, para. 2);
- Consider providing for the possibility of mitigating punishment of persons who cooperate with the judicial authorities (art. 37, para. 2);
- Consider the possibility of entering into agreements or arrangements concerning the mitigation of punishment of, or granting of immunity from prosecution to, a person who cooperates with the law enforcement authorities of another State Party (art. 37, para. 5);
- Coordinate action to ensure that reports of suspicious transactions and other types of report are of better quality (art. 39, para. 1);
- Consider providing for cases in which alleged offenders have previously been convicted of an offence in another State (art. 41);
- Consider establishing its jurisdiction over offences committed by nationals or stateless persons who have their habitual residence in its territory; acts of participation in money-laundering that are committed abroad; and cases in which it does not extradite the alleged offender for reasons other than their nationality (art. 42, paras. 2 (b) and (c) and 4).

2.4. Technical assistance needs identified to improve implementation of the Convention

Honduras indicated that it required legislative assistance in the criminalization of offences established by the Convention and other instruments, specialized training in the detection, investigation and prosecution of offences under the Convention and the assistance of an on-site anti-corruption expert.

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Extradition is regulated in articles 101, 102 and 313 (4) of the Constitution, four bilateral and two multilateral treaties, articles 5.2 and 10 of the Criminal Code and article 150 of the Code of Criminal Procedure. The Supreme Court of Justice has adopted a decision (auto acordado, a decision agreed by all branches of the Court) on extradition proceedings and a draft law on extradition has been prepared. Honduras has submitted extradition requests to other States in two corruption-related cases, but as yet has received no requests for extradition in connection with such cases.

Honduras makes extradition conditional on the existence of a treaty in the case of requests made by other States for the extradition of its nationals. Honduras considers the Convention as the legal basis for extradition.

The decision as to whether or not to extradite lies with the Supreme Court of Justice, and appeals may be made to the Court in plenary session.

Honduras considers dual criminality a requirement, in application of the principle *nulla poena sine lege* (art. 98 of the Constitution and art. 11 of the Criminal Code).

Nationals may be extradited in cases of drug trafficking, terrorism or organized crime. The principle of “extradite or prosecute”, which is reflected in article 5.2 of the Criminal Code, applies to all other offences. The serving of sentences imposed abroad is not provided for. The Convention may be used as a legal basis in such cases, although to date there have been none.

Extraditable offences are those that are punishable by a minimum term of imprisonment of one year (art. 10 of the Criminal Code), and include most but not all of the offences established by the Convention. Extradition for ancillary offences that do not comply with that requirement is regulated by a treaty concluded with Spain.

The treaty concluded between Honduras and the United States of America sets out a list of extraditable offences that does not include all of the offences established by the Convention. Consequently, Honduras does not consider all of the offences established by the Convention to be covered by that treaty. Following its ratification of the Convention, Honduras signed a treaty with Paraguay in which offences incurring a minimum sentence of one year were included as extraditable offences. At the time of review, Honduras was negotiating two other treaties. Honduras does not consider the offences established by the Convention to be political offences.

Honduras has not established legislative provisions on the time frame for extradition proceedings or on expedited proceedings, for example, where the person sought agrees to be extradited. Honduras grants extradition if the relevant requirements are met; evidence of guilt is not required.

Some treaties (such as the treaty concluded with Spain) provide for custody for the purposes of extradition. In accordance with the aforementioned decision of the Supreme Court of Justice, a formal extradition request is a prerequisite for preventive custody; however, the Honduran authorities indicated that, in practice, they find solutions for ordering preventive custody before such a request is received, for example, on the basis of an INTERPOL Red Notice.

The issues of requests made for the purpose of prosecuting or punishing a person on discriminatory grounds and requests made in connection with offences involving fiscal matters are covered by some treaties. The above-mentioned decision of the Supreme Court of Justice specifically addresses fundamental rights in extradition proceedings (art. 3) and provides for the participation of the requesting State Party throughout the proceedings (third, fifth and sixth provisions).

Honduras has concluded four bilateral agreements and a multilateral treaty concerning the transfer of sentenced persons, and has carried out transfers of persons convicted of corruption offences.

Honduras cannot transfer criminal proceedings to other States Parties.

Mutual legal assistance (art. 46)

Mutual legal assistance is governed by the three bilateral treaties and five multilateral treaties to which Honduras is party, and by the Special Act against Money-Laundering. Honduras reported having made seven requests for mutual legal

assistance and received two such requests in connection with corruption cases over the course of 2014 and 2015.

Dual criminality is a requirement with respect to assistance involving coercive action; the treaties to which Honduras is party take various positions on that issue. Honduras can also provide assistance in the form of non-coercive measures with respect to offences with which a legal person is charged.

Honduras can facilitate a broad range of procedures, in accordance with the Special Act against Money-Laundering.

Honduras often transmits information to other States Parties without prior request and applies general restrictions on confidentiality to information received likewise without prior request (art. 278 of the Code of Criminal Procedure). Honduras does not decline to render mutual legal assistance on the ground of bank secrecy, but applies the general rules applicable to the lifting of bank secrecy (see art. 40 above).

The transfer of detained persons for evidentiary purposes is not regulated by law, but is provided for in other treaties and can be carried out on the basis of direct application of the Convention.

The central authority under the Convention is the Ministry of Human Rights, Justice, the Interior and Decentralization, while under other treaties the Public Prosecution Service, the Supreme Court of Justice, the Ministry of Foreign Affairs, the Higher Court of Audit or the National Anti-Corruption Council have been designated as central authorities. The Ministry of Human Rights, Justice, the Interior and Decentralization transmits requests to the International Affairs Unit of the Public Prosecution Service, which works in coordination with the Office of the Special Prosecutor for Combating Organized Crime. The central authority has no unit or personnel specialized in combating corruption. It communicates directly with foreign central authorities.

When Honduras provides assistance on the basis of the principle of reciprocity, the request is transmitted through diplomatic channels. Requests are required to be submitted in writing and in Spanish. In urgent circumstances, requests may be received through INTERPOL or by e-mail or made orally.

Procedures are carried out in accordance with Honduran legislation, although Honduras may execute requests in accordance with the procedures specified in those requests, to the extent not contrary to Honduran law. Honduras may use videoconferences on the basis of the principle of freedom of evidence (art. 199 of the Code of Criminal Procedure), and has availed itself of that measure, although not, to date, with respect to corruption offences.

Honduras does not have legislation on such aspects as the principle of speciality or of confidentiality of requests or reasons for refusal (except article 83 of the Special Act against Money-Laundering, which provides for lack of competence of the requesting institution); however, it may apply the Convention and other treaties directly.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

The law enforcement authorities cooperate at the international level through networks such as the Ibero-American Legal Assistance Network (IberRed), the Hemispheric Information Exchange Network for Mutual Assistance in Criminal Matters and Extradition, the Asset Recovery Network of the Financial Action Task Force of Latin America against Money-Laundering, the Global Focal Point Initiative on Asset Recovery, supported by the Stolen Asset Recovery (StAR) Initiative and INTERPOL, the Ibero-American Association of Public Prosecutors (AIAMP), the Organization of Latin American and Caribbean Supreme Audit Institutions (OLACEFS) and the Network of Prosecutors against Organized Crime (REFCO). They also cooperate through INTERPOL and the Egmont Group of Financial Intelligence Units. Honduras uses the secure communication platforms of the above-mentioned networks, inter alia in order to respond to corruption offences committed through the use of modern technology. It cooperates with foreign embassies in Honduras through its investigation teams.

Cooperation between the relevant institutions and their foreign counterparts is governed by article 81 of the Special Act against Money-Laundering. The Financial Intelligence Unit has signed 20 memorandums of cooperation with its counterparts and the Higher Court of Audit has signed six memorandums, while the National Police is party to an agreement on police cooperation in Central America. Honduras can consider the Convention as the legal basis for such cooperation.

Honduras has no legislation on the establishment of joint investigation teams, but has concluded memorandums of understanding covering that issue with Colombia and the United States of America. It has established such teams within the framework of the Network of Prosecutors against Organized Crime, and may establish them on a case-by-case basis.

The special investigative techniques referred to in the Convention are regulated in articles 49 to 60 of the Special Act against Money-Laundering. With the exception of use of undercover agents, which is limited to cases involving organized crime and money-laundering, they are applicable to all offences. The court authorizes the use of such techniques, including at the international level, at the request of the Public Prosecution Service, on the basis of the Convention and on a case-by-case basis, since there are no specific agreements on their use.

3.2. Successes and good practices

- Informal sharing of intelligence and greater use of informal and electronic channels to transmit requests (art. 46, para. 13);
- Participation in various platforms for international cooperation that facilitate intelligence-sharing, mutual assistance and joint investigations (arts. 46, 48 and 49).

3.3. Challenges in implementation

With regard to international cooperation, it is recommended that Honduras:

- Strengthen its system for statistics on requests for international cooperation in order to be able to provide information on the offences concerned, the time

frame for execution of requests and the procedure to be followed, as well as grounds for refusal (arts. 44, 45 and 46);

- Make progress towards the adoption of legislation on extradition and ensure that that legislation sets out all of the elements provided for in the Convention (art. 44);
- Grant extradition in the absence of dual criminality (art. 44, para. 2);
- Grant extradition in respect of offences related to those established by the Convention that do not meet the minimum penalty requirement, where such cases are not regulated by the treaty that is used as the legal basis for extradition (art.44, para. 3);
- Consider all of the offences covered by the Convention as extraditable offences in extradition treaties that follow a list-based approach, and include those offences as grounds for extradition in its future treaties (art. 44, para. 4);
- Recognize all of the offences established by the Convention as extraditable offences (art. 44, para. 7);
- Consider including in its future legislative reforms reasonable time frames for extradition procedures and a simplified procedure in appropriate cases (art. 44, para. 9);
- Clarify in its future legislative reforms that, for the purposes of extradition, a person may be taken into preventive custody prior to receipt of a formal request for extradition (art. 44, para. 10);
- Consider the possibility of providing for refusal of a request for extradition that is made for the purpose of prosecuting or punishing a person on discriminatory grounds and concerns the observance of human rights (art. 44, para. 15);
- Analyse whether the establishment of legislation on mutual legal assistance applicable to all offences under the Convention could contribute to the effectiveness of such assistance. Such legislation could cover aspects that are not currently provided for in detail, for example, relevant procedures, the transfer and receiving of detained persons for evidentiary purposes, the principles of speciality and confidentiality, reasons for refusal and the obligation to justify such refusal, the obligation to consult with the requesting State, the postponement of execution of requests, safe conduct or costs (art. 46);
- Ensure that it is able to fulfil the requirement that a State Party that transmits information without prior request respect the confidential nature of that information with regard to the suspect (art. 46, para. 5);
- Consider providing a wider scope of assistance in the absence of dual criminality, including with regard to coercive action (art. 46, para. 9 (c));
- Consider the desirability of designating a single central authority for all treaties and providing it with the necessary resources (art. 46, para. 13);
- Consider the possibility of allowing the transfer of criminal proceedings in the cases provided for in article 47;

- Endeavour to promote the exchange of personnel, including the posting of criminal investigation liaison officers, and the informal sharing of intelligence at the embassies of Honduras abroad (art. 48, para. 1 (e));
 - Continue endeavouring to cooperate with other States to respond to offences committed through the use of modern technology (art. 48, para. 3);
 - Include in its legislation the possibility of using undercover agents with respect to all of the offences covered by the Convention (art. 50, para. 1).
-