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Honduran Ley Picapiedra Puts Prisoners to Work, Isolates Dangerous Inmates

by George Rodríguez

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Hondurans serving jail sentences are soon to be put to work six days a week, five hours a day, in what the government presents as an effort to end inmates’ idleness, seen as a key element for prisons to actually serve as crime centers.

The recently passed Ley de Trabajo para Privados de Libertad y Régimen Especial para Reos de Alta Peligrosidad is focused on prisoners being kept both busy and productive, in response to a concern expressed by Honduran President Juan Orlando Hernández in the law’s explanatory introduction.

The new work force will not receive money, but the proceeds of their production will help cover the prisons’ food budget, thus saving the state millions of lempiras, in Hernández’s view.

Local media report that the Honduran state spends some 450,000 lempiras (approximately US $20,550) a day, adding up to around 162 million lempiras (just under US$7.4 million) per year, on food for the more than 15,000 prisoners being held in the overcrowded facilities of the Honduran penitentiary system.

By keeping inmates occupied, the law also seeks to prevent jail violence and reduce prison-planned crime—a constant situation in this country’s detention centers (NotiCen, March 13, 2014).

As established in the new legislation, commonly referred to by local media as the ley picapiedra (stone-breaking law), highly dangerous prisoners—mainly those convicted of activities related to organized crime—will be kept apart from the rest and must wear a distinctive uniform.

Media dubbed the law after the expression used by Hernández earlier this year while promoting the initiative, when he said that prison authorities should have inmates "break stone" (picar piedra).

The concept dates back to the times of the ruthless, corrupt Honduran dictator Tiburcio Carías (1936-1949), who invested heavily in building highways nationwide, mainly to benefit banana companies. To build the highway network, Carías used prisoners, who, among other forced activities under semi-slave-labor conditions, had to break stone to produce gravel for constructing the roads.

President outlines law’s goals

In the new law’s introduction, JOH—as Hernández is commonly referred to by local media—said that, "because of their idleness and lack of activity in penitentiary facilities, inmates devote time to plan criminal activities. This situation is common to all penitentiary facilities, turning them into authentic crime schools, which causes the loss of one of the aims of prison sentences, such as rehabilitation."

The president—a former deputy of the ruling rightist Partido Nacional (PN) and a former president of the unicameral Congreso Nacional—said, "This law will solve problems of overpopulation and idleness in prisons and internal violence, and, most of all, will ease the cost of prisoner care."
The 16-article text—which includes changes in the Ley del Sistema Penitenciario Nacional—aims at "regulating the mandatory work inmates must perform as a part of the rehabilitation, social-rehabilitation, and occupational-therapy processes," as well as "overcoming idleness and compensating society’s investment in their upkeep."

Congress passed the text in September. In compliance with the law, each year, the Instituto Nacional Penitenciario (INP) must carry out at least one mandatory work program in each prison facility in activities—some beyond prison walls—such as recycling inorganic and organic materials, reforestation, and production of school supplies including blackboards and desks.

Another activity pointed out in this regard is constructing housing and road infrastructure and producing material such as bricks, blocks, and gravel, as well as digging ditches.

Deputy José Tomás Zambrano said inmates would be trained to carry out their new jobs. The Instituto Nacional de Formación Profesional (INFOP) "will have key participation, because it will be in charge of training prisoners to learn new skills," he explained.

In May, as the law was going through the mandatory three-debate process, congressional secretary Mario Pérez described the text as a "legal instrument the Honduran people want," because "no one wants to see prisoners enjoying a vacation and using penitentiary facilities as hotels or for planning crimes that are committed outside."

"People want to see inmates in rehabilitation, inmates working, active inside penitentiary facilities, carrying out activities that benefit themselves as well as the population, the victims of crime, and the families they left unprotected outside the penitentiary facility," Pérez told journalists.

In separate statements, Bishop Rómulo Emiliani then pointed out that the work to be carried out by prisoners "must not be forced but planned so it protects the inmates’ human dignity. Every person deserves rehabilitation. A lot of people in jail want to learn a trade; every person should be doing something in jail, every person has the right to be in a system of emotional, mental, and spiritual recovery. An initiative could be to set up maquilas and shops inside jails, so the inmates don’t have to leave the penitentiary facilities."

**Norms for "highly dangerous" prisoners**

After passage in the third congressional debate, David Chávez, who headed the congressional committee that initially studied the text, described it as "an important law in which the state commits itself to reintegrate prisoners into society ... in accordance with international agreements signed by Honduras regarding work, in the sense that work is a right, but essentially a duty."

"It can’t be allowed that, from penitentiary facilities, inmates keep extorting business people or order that a person be kidnapped or killed. With this law, inmates must now work for the common good," Chávez said.

Regarding highly dangerous prisoners, Chávez described them as "those people convicted of drug trafficking, extortion, murder, kidnapping, and rape, who must be confined in maximum-security facilities," and they "must do mandatory work for at least 1,400 hours" a year.

Also, for this specific jail population, "with this law other things are limited, such as the conjugal visit and the entry of electronic devices, and their relatives won’t be allowed to bring them money, be it cash or of any other kind," Chávez added.
As stated in the new law, high-risk inmates will have the right to one hour of sunlight per day and must wear a specific uniform to be determined by prison authorities.

**Overcrowded prisons and deadly fires**

Meanwhile, more than 15,000 prisoners are locked up in the country’s jails under inhuman and degrading conditions, almost double the system’s planned capacity. Estimates by the Comisionado Nacional de los Derechos Humanos (CONADEH) indicate this Central American nation’s 24 penitentiaries are fit to hold up to 8,280 prisoners. Prison overcrowding fuels recurrent situations of internal violence and partly accounts for the more than 500 lives lost, as a whole, in three prison fires in the past 12 years.

The first occurred in 2003, at the Centro Penal El Porvenir in the northern port city of La Ceiba, on the Caribbean coast, some 400 km north of Tegucigalpa, with 67 killed (NotiCen, May 20, 2004).

The second happened in 2007, at the Centro Penal in the northern city of San Pedro Sula, the country’s key textile maquila industrial center, some 250 km northwest of Tegucigalpa, killing 107 people (NotiCen, May 8, 2008).

The latest of the three incidents, in 2012—considered the worst prison fire in the country’s history—claimed at least 360 lives at the Penitenciaria Nacional de Comayagua, also known as Granja Penal de Comayagua, named after the central Honduran city where it is located, some 80 km northwest of the capital (NotiCen, March 1, 2012).

The official explanation that the Comayagua fire was accidental has since been questioned by human rights and grassroots organizations. Their position is based on facts, including prisoners caught in the fire and repeatedly calling out for locked cells to be opened, or shots fired inside the prison during the blaze, which were registered in a cell-phone video by a neighbor, or firefighters not allowed in the prison until some 25 minutes after arriving at the main gate.

As Honduran human rights activist Bertha Oliva told NotiCen, the three blazes were state-terror actions aimed at reducing prison overcrowding.

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