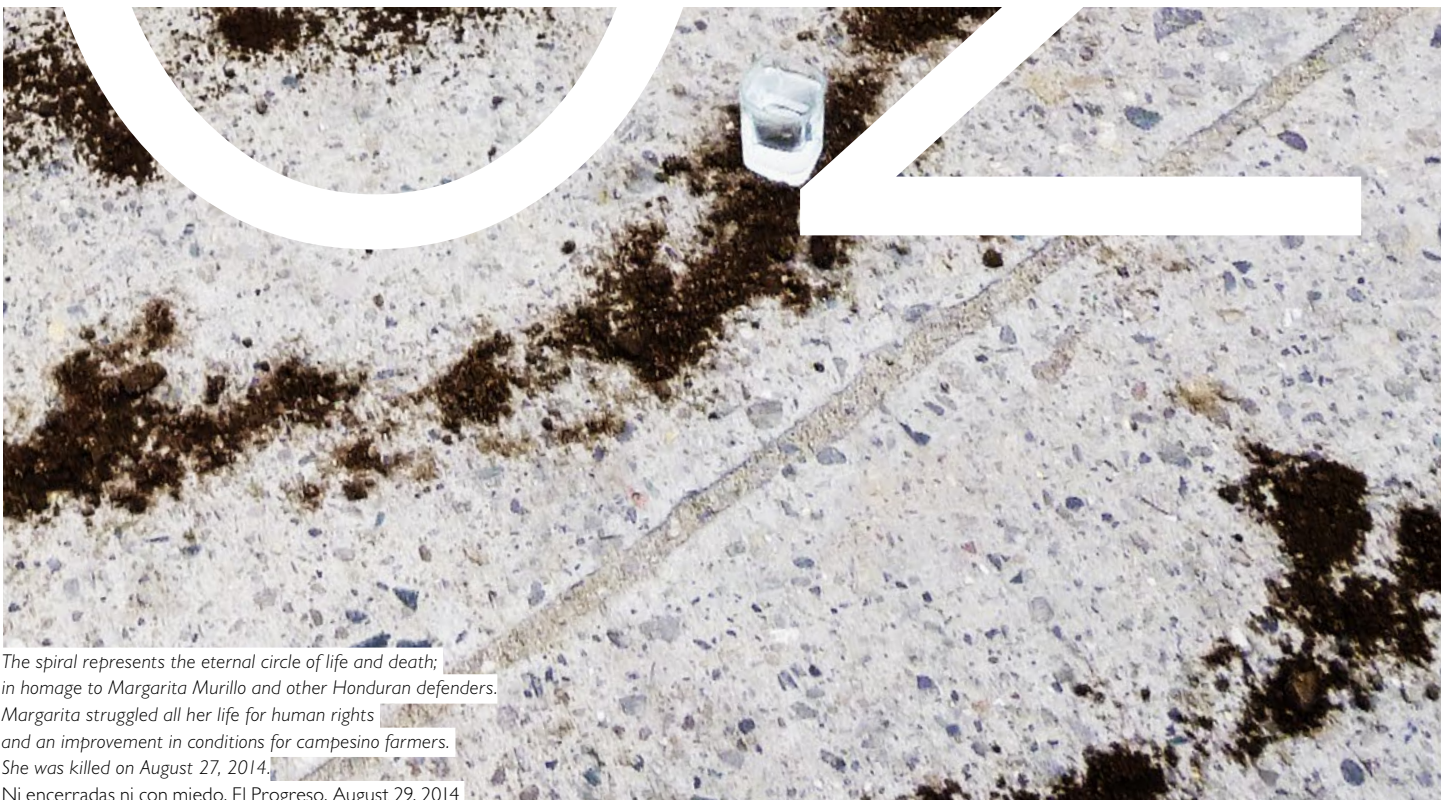


JANUARY 2015



BULLETIN

PBI HONDURAS



The spiral represents the eternal circle of life and death; in homage to Margarita Murillo and other Honduran defenders. Margarita struggled all her life for human rights and an improvement in conditions for campesino farmers. She was killed on August 27, 2014. Ni encerradas ni con miedo, El Progreso, August 29, 2014

BULLETIN PBI HONDURAS **02**

March 2015

CORRECTION:

Page 19 of the PBI Honduras Newsletter 02 contained a reference to the Inter-American Development Bank (IDB) as funders of the Intelligence Troop and Special Security Response Group (TIGRES).

Although the current Honduran President, who was president of the Congress of Deputies at the time of the statements, announced that the TIGRES were set to receive IDB financing*, this funding never materialised.

PBI Honduras has removed this information from the public versions of this report.

* "De tres fuentes procederá financiamiento para Tropas de Inteligencia", Última Hora, 27 of July 2012.

January 2015

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This publication has been produced with the financial support of Brot Fur die Welt, Caritas France,

COSUDE (Swiss Cooperation), Igelisa Valdes (PBI Italy), Misereor, Open Society, OPSEU, Trocaire and UNIFOR

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EDITORIAL

Margarita Murillo was killed on August 27, 2014. She was a survivor who had been a victim of torture, rape, threats and many other attacks, such as the forced disappearance of her son. But she always rose up again, dignified, to continue fighting.

Margarita is the 140th small-scale farmer (campesino) to be killed in the last three and a half years in Honduras. Their struggle for the defence of land and territory has made this sector a frequent target of attacks, including defamation, stigmatization and unfounded judicial proceedings, all as part of a strategy to weaken their struggle. Indeed, excessive use of force by the army and the police during community evictions has been on the increase in the year since the government of Juan Orlando Hernández came to power. The eviction in Barra Vieja, a Garifuna community in the department of Atlántida, is one of the latest to be carried out. Garifuna communities have been affected since the 1980s by construction industry speculation and twenty such communities are included in the project to implement Areas for Employment and Economic Development (Zonas de Empleo y Desarrollo Económico - Zedes). Organisations like OFRANEH are demanding compliance with ILO Convention 169, which requires consultation with affected communities before the installation of megaprojects.

It is not only campesinos and indigenous peoples who are facing alarming situations. Journalism and social communication have also become high-risk activities in Honduras. Since 2003, 44 journalists have been murdered and only four of these cases have led to a conviction, which highlights the high level of impunity, encouraging further attacks. The inability of the Honduran government to investigate and prosecute those responsible for these murders is not only a violation of the right to freedom of expression, but also the right of society to be informed and to know the truth.

Similarly, it is important to highlight the plight of justice operators and the LGBTI community. Eighty-six justice operators have been killed since 2010 and many more report being intimidated and harassed on a regular basis. This is particularly troubling because these are the very people who work for justice and

against impunity. The fact that they are unable to do so in conditions of freedom and security significantly weakens the rule of law. Since 2009, there have been 174 violent deaths in the LGTBI community. This violence is directly related to the prejudice and discrimination that the LGBTI community has suffered historically in the country. Honduras has become, along with Guatemala and El Salvador, one of the most dangerous countries for this community to live.

After just over a year of continuous presence in the country, PBI has observed that the situation for defenders continues to be unacceptable. This is reflected in figures and has been reiterated by the IACHR, after its visit to the country last December, which highlighted the worrying context of impunity, institutional weakness, corruption and the lack of independence of the judiciary, as well as the alarming situation of violence experienced by human rights defenders.

PBI would like to highlight this reality and, through our publications, inform the international community about the urgency of taking action for change. In this edition of our newsletter, we would like to pay homage to Margarita Murillo and to extend this tribute to all those who have lost their lives in the struggle for human rights in Honduras. We owe it to them. We also describe how the increasing militarization afflicting the country could jeopardize the work of human rights defenders. And finally, we focus on the Zede project which has been widely criticized by civil society for the impact it may have on the population.

We end 2014 with bleak figures for the human rights situation in Honduras. This makes the presence of the international community more important than ever to ensure respect for international human rights conventions. Also, more necessary than ever, is PBI's work in protecting the workspace of defenders and opening space for peace.

We sincerely hope that 2015 brings with it freedom, security and respect.

TRIBUTE TO MARGARITA MURILLO, “A PROPHETIC VOICE” IN THE SMALL FARMING (CAMPESINO) MOVEMENT

Margarita Murillo a leading figure in the small farming (campesino) movement, was killed on August 26, 2014. In an interview with PBI, Nelly Delcid from the Women's Forum for Life (Foro de Mujeres por la Vida)⁰¹ talks about her friend and companion in the struggle.

On August 27, 2014, in Villanueva (department of Cortés), masked gunmen shot Margarita Murillo while she was working in the cornfields of the rural workers' co-operative “Las Ventanas de la Producción”. She is the 140th campesino victim killed in Honduras during the last three and a half years, according to some sources⁰². She was the beneficiary of precautionary measures granted by the Inter-American Commission after the coup of 2009; however, the measures were never implemented, as reported by organisations such as Amnesty International⁰³.

Margarita Murillo spent her life fighting for rights and improving the living conditions of campesino farmers. In 1975 she participated in protests over access to land, as part of the “march of despair and hunger”, promoted by the National Farmers Union (Unión Nacional de Campesinos - UNC). In 1985 she founded the National Confederation of Rural Workers (Central Nacional de Trabajadores del Campo - CNTC) and was later a coordinator of the Valle de Sula Social Forum; an organisation that she continued to be involved with throughout the following years. A victim of repression, torture and repeated violations, she never stopped being an activist.

“Everything she lived through in the 80s, the torture she was subjected to, the fact that she was almost disappeared and killed, anyone else would have left the country and stayed away. She could have left for good, but she came back and took up the struggle again because she had a dream that the land should be for rural people, the campesinos who worked it. She handed her life over to that dream”, says Nelly, not without emotion.

After the coup, Margarita became active in the National Popular Resistance Front (Frente Nacional de Resistencia Popular - FNRP) and contributed to the founding of the Freedom and Refoundation party (Libertad y Refundación - LIBRE). It was at that time that Nelly met her and they became close friends. *“At the time of the coup she had such*

01. <http://www.forodemujeresporlavid.org/>

02. Margarita Murillo murió como vivió: sembrando semilla en la tierra por la que siempre luchó, ERIC, August 29, 2014

03. Urgent Action: Honduras: Campesino leader shot dead in Honduras: Margarita Murillo, Amnesty International, September 2, 2014

a clear voice, a voice that motivated us not to give in ... It was a voice that kept our spirits up to continue the struggle. At that time she was a prophetic voice, she was like a prophet when she spoke, she encouraged us. We believed in her".

Margarita Murillo had been targeted for a long time. She had recently received death threats and her family had been subjected to a number of attacks. Her husband was shot and wounded during a military action targeted at campesinos who were protesting about access to land in the town of Choloma. On July 23, 2014 a group of soldiers kidnapped her son Samuel, 23, and his whereabouts are still unknown⁰⁴.

From 2010 to 2012, 684 cases were brought against campesina women involved in land reclamation processes in Honduras. In 2013, more than 700 court cases were registered against campesina women⁰⁵. In many ways the case of Margarita Murillo is emblematic. It not only illustrates the systematic criminalisation of campesinos in Honduras, but also the double vulnerability of women human rights defenders because of their work and their gender.

Many organisations have paid tribute to Margarita and the government has demanded justice so that her murder does not go unpunished. PBI Honduras would like to add its voice to these deserving tributes, in recognition of the continuous and tireless work Margarita carried out on behalf of human rights.

Finally, there are no better words than those of Nelly, to keep Margarita's memory alive:

"I will always remember her love for people, and the love people felt for her. She is a symbol of a lifetime's struggle. She is the kind of fighter we need right now. We all need to be like Margarita Murillo so that we can keep resisting".



Observation of the march against gender-based violence "Neither locked up nor silent", department of Yoro, August 29, 2014. During this march, a number of tributes were paid to Margarita Murillo. Photo: PBI

04. Asesinan a dirigente campesina y destacada activista de la Resistencia. Imparable ola de asesinatos de militantes sociales y populares, Rel-UITA, G. Trucchi, August 29, 2014, <http://www.rel-uita.org/index.php/es/derechos-humanos/item/5384-asesinan-a-dirigente-campesina-y-destacada-activista-de-la-resistencia>

05. El rostro femenino e infantil de la criminalización campesina, Plataforma Agraria, August 2014, <http://www.plataformaagraria.hn/images/generales/descargas/publicaciones/2014/criminalizacionCD.pdf>

NEWS ABOUT OUR WORK

PBI'S ACCOMPANIMENT

Throughout 2014 PBI held meetings with the national authorities, including representatives of the National Police, the Armed Forces, the Public Prosecutor's Office, and the National Human Rights Commission (Comisión Nacional de Derechos Humanos - CONADEH). In all these meetings we expressed our concerns about the security situation of the people we accompany and the effects of this on compliance with international human rights law.

The PBI Honduras Project has been accompanying the Honduran Centre for the Promotion of Community Development (Centro Hondureño de Promoción al Desarrollo Comunitario - CEHPRODEC) and journalist Dina Meza since May 2014.

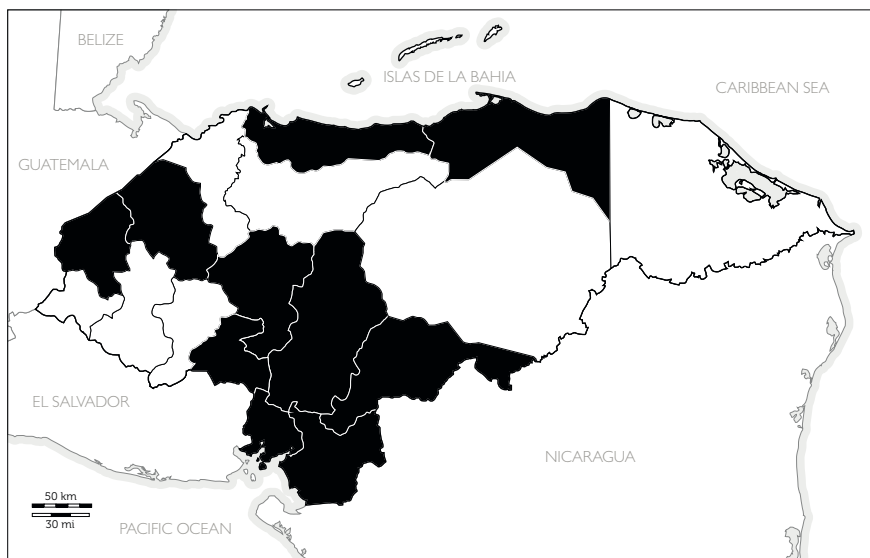
HONDURAN CENTRE FOR THE PROMOTION OF COMMUNITY DEVELOPMENT (CENTRO HONDUREÑO DE PROMOCIÓN AL DESARROLLO COMUNITARIO - CEHPRODEC)

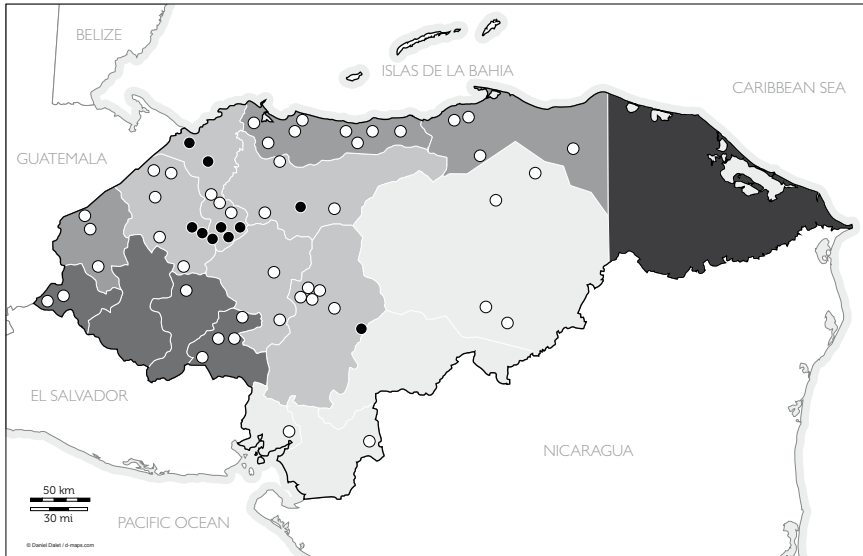
PBI has been accompanying CEHPRODEC members during their legal support and training processes with rural communities and indigenous Lenca people organised in the Lenca Indigenous Movement for Peace in Honduras (Lenca Indigenous Movement of La Paz - MILPAH) and other organisations belonging to the National Coalition of Environmental Networks (Coalición Nacional de Redes Ambientales - CONROA).

CEHPRODEC has reported significant impacts on the rights to land, access to drinking water, territory and food, stemming from the implementation of economic projects. In most cases, these projects are being implemented without respect for prior consultation as established in ILO Convention 169.

AREAS WHERE CEHPRODEC WORKS

Source: CEHPRODEC





◀ **HYDROELECTRIC PROJECTS AND INDIGENOUS PEOPLES**

Since 2010, 40 contracts have been awarded affecting rivers, to private companies for power generation projects and the construction of hydroelectric dams. In the territories of the indigenous, 21 hydroelectric projects have been detected.^{L01}

Source: UNESCO and AHPER

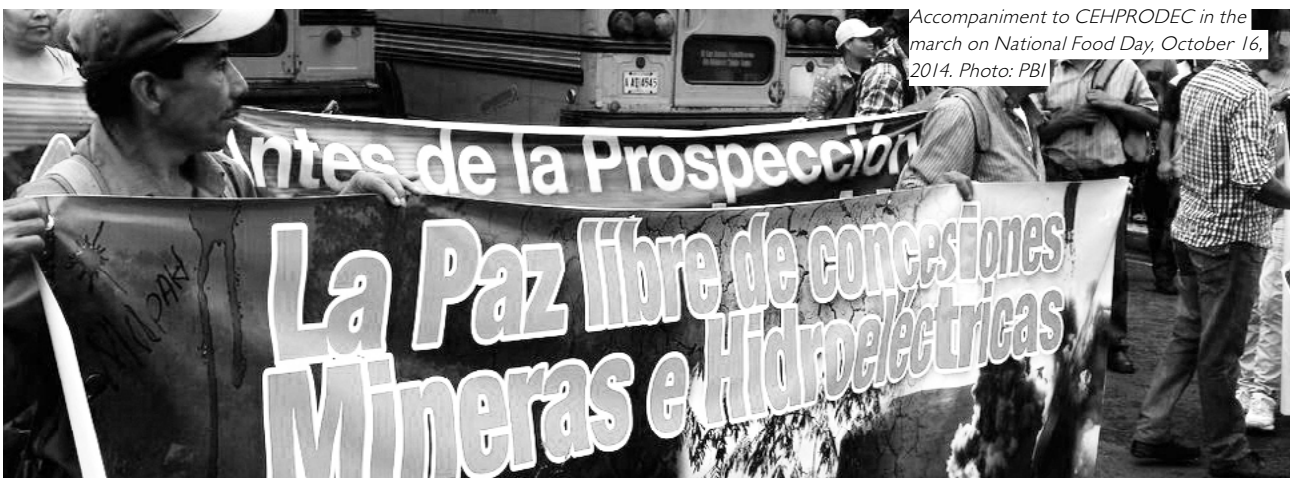
- 0,09 / 0,87
- 0,88 / 3,98
- 3,99 / 7,51
- 7,52 / 43,86
- 43,87 / 86,60

- Renewable projects
- Plants in commercial operation

Throughout 2014 PBI's accompaniment to CEHPRODEC consisted of the following activities:

In the department of Francisco Morazán, PBI made regular visits to the offices of CEHPRODEC and accompanied them during several activities in which they registered legal complaints alleging the unconstitutionality of the new General Mining Law⁰⁶ and delivered proposals for reforms to the law.

PBI accompanied CEHPRODEC on their visits to the Community of Tránsito, in the department of Valle, to monitor the legal proceedings brought against eight members of the community for their opposition to underground mining activity carried out in the area. This has been deemed illegal, due to the fact that the current owners do not have the required permits. Honduras granted the exploitation concession to the Cerros del Sur mining Company, which abandoned the area decades ago, when it was found that the mine was causing the pollution of water sources⁰⁷.



Accompaniment to CEHPRODEC in the march on National Food Day, October 16, 2014. Photo: PBI

06. Approved via Decree number 238-2012 and published in the official Gazette La Gaceta on April 2, 2013.

07. Currently there are complaints against the Patronato del Tránsito and the Comité de Defensa del Medio Ambiente de la Comunidad de La Baraja in relation to contamination of water sources caused by the exploitation of the mine.

L01. Report presented to the IACHR at the hearing on prior consultation and Megaprojects in Honduras. See: El Derecho a la Consulta, acciones penales en contra de funcionarios estatales y criminalización social. P. 17

In the Department of La Paz, several visits were made to Lenca communities living in the cities of San Jose and Santa Elena, who are facing lawsuits, intimidation and threats because of their opposition to the Aurora 1 and Encinos SA hydroelectric dams.

In the department of Atlántida, CEHPRODEC is currently supporting the defence of the Cuyamel river basin in the face of a hydroelectric dam being built by the San Francisco Energy Company SA de CV, affecting the water supplies of 14 communities the area.

DINA MEZA

PBI accompanies Dina on working trips and during her investigative journalism work. This year, the defender told PBI that herself and her family have suffered surveillance and intimidation. In addition, precautionary measures which she had been granted by the Inter-American Commission on Human Rights (IACHR) were withdrawn. Dina Meza had been granted these measures as a member of COFA-DEH, an organisation which she belonged to until January 2014. PEN International is supporting the journalist to request new protection measures.

PEN International is an international organisation of journalists, writers and novelists, based in over 100 countries. In 2014 they presented an alternative report to the UN on the situation of freedom of expression in Honduras, condemning the high levels of impunity for crimes against journalists and the climate of terror and violence in which this group carries out their profession. Photo: Dina Meza



During 2014 accompaniment to Dina Meza consisted of the following activities:

In November, PBI observed a press conference held to launch the PEN Honduras Centre, opened in response to the climate of increasing violence against journalism and social communication. The Centre aims to fight against the persistent impunity in attacks against this sector. Dina Meza is among the journalists who promoted the opening of the centre and.

Presentation and follow-up with the IACHR of the case of Julio Ernesto Alvarado: as part of her work with PEN Honduras, Dina Meza has closely monitored the case of journalist Julio Ernesto Alvarado. This is an emblematic case relating to the violation of freedom of expression in Honduras for political reasons. In 2006, during his news program "Mi nación", Alvarado spoke about the alleged involvement of the Dean of the Honduran Autonomous University in influencing and faking university degrees. Following a complaint lodged by the University, Alvarado was convicted of defamation, sentenced to 16 months in prison and disqualified from his profession. Several appeals were filed to try to overturn the disqualification, but none succeeded. Throughout this process the journalist has been targeted by threats, surveillance and even an assassination attempt. In response to this situation, following a petition by PEN Honduras, the IACHR granted precautionary measures to Alvarado and asked the Honduran State to suspend the sentence and to refrain from taking any action to disqualify Alvarado. At the time of writing this report, he is still prohibited from practising journalism.⁰⁸

PBI also accompanies the reporter on her visits to the Public Prosecutor to request information about progress in the investigations into the threats she has suffered since 2012. To date, no progress has been reported.

SPEAKING TOURS IN EUROPE

The presence of PBI in more than 12 countries in Europe enabled organisations we accompany to visit the continent during the month of December 2014, in order to ask the international community to support the implementation of Honduras' international human rights commitments. Donald Hernandez, a CEHPRODEC lawyer, participated in the Business and Human Rights Forum organized by the UN in Geneva and also met with national authorities, members of the legal profession and European civil society in the United Kingdom, Ireland, Switzerland, Italy, Norway and France. Meanwhile, journalist Dina Meza participated in a forum on human rights for NGOs organized by the European Union in Brussels and the "Human Rights Café" which discussed the risks to journalists in Central America. She also met with the Dutch Foreign Minister and several international agencies.

08. "Honduras: End judicial harassment of journalist and PEN member Julio Ernesto Alvarado", PEN International, December 4, 2014

PROGRESS ON PROTECTION MECHANISMS

UPDATE ON THE INTER-INSTITUTIONAL HUMAN RIGHTS COMMISSION (COMISIÓN INTERINSTITUCIONAL DE DERECHOS HUMANOS)

This Commission was created in 2006 to implement the recommendations made by international human rights bodies. It has the power to “harmonise” legislation, to monitor precautionary measures issued by the IACHR and to make recommendations to the government. However, the Commission has not been effective because it lacks clear regulations, its recommendations are not binding and it lacks its own permanent staff.

In order to achieve effective results in international accompaniment work, it is essential to understand the social situation in Honduras and policies aimed at protecting defenders in the country.

LAW ON THE PROTECTION OF HUMAN RIGHTS DEFENDERS, JOURNALISTS, COMMUNICATORS, AND JUSTICE OPERATORS

As we highlighted in the previous newsletter, this Law still is under review by Congress⁰⁹, and has been heavily criticised by social organisations. They believe that the legislation lacks a preventive approach because it focuses mainly on the use of the police and other “strong measures” such as armoured vehicles and bulletproof vests¹⁰. Moreover, during the visit of the Inter-American Commission on Human Rights (IACHR) in December 2014, civil society expressed serious concerns about the institutional complexity of the legislation, claiming that it could lead to a possible duplication of roles because of the lack of clarity in its operational structure. There are also fears that the risk analysis model proposed by the Law does not take into account the needs of all people.

The allocation of financial resources to implement the legislation has also raised serious concerns. Despite the President’s assurances that funds would be allocated in the 2015 general budget to finance the Law, serious doubts remain about whether or not the legislation is really a priority on the government’s agenda. Civil society has noted that although some sectors were consulted during the drafting process, they still do not know the actual content of the bill, which could be tabled for debate in Congress in the near future¹¹.

PBI is concerned about several statements made in November 2014 by a number of State representatives, stigmatising the beneficiaries of the new legislation. In one example, Mauricio Olivia, President of the Honduran Congress, suggested that journalists should take care of their own security¹², which would reduce the scope and effectiveness of the legislation.

09. “Ley de protección para periodistas en Honduras, paso de avance para derrotar la violencia”, Sociedad Interamericana de Prensa, June 6, 2014.

10. “Informe sombra para el Examen Periódico Universal”, Coalición contra la impunidad, September 2014

11. Preliminary Observations concerning the Human Rights Situation in Honduras, December 5, 2014

12. “La mejor medida de seguridad es uno solo”, aconseja a hondureños presidente del Congreso”, El Libertador, November 6, 2014.

THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW

The second Universal Periodic Review of Honduras will take place in Geneva on May 8, 2015. A number of organisations, as well as the Honduran State itself, have already submitted reports on progress and setbacks to human rights in the country. There has been a change in government since the Mid-Term Report was issued, which detailed the progress made by the State of Honduras in complying with the recommendations made during the last Universal Periodic Review, and described consultations that took place between February 2013 and the end of 2014.

In his first year of government, President Juan Orlando Hernández has received severe criticism from civil society. In particular his government has been criticized for allowing the use of military forces as part of its civilian security policy. PBI has heard a number of complaints about the impact of this militarization process on the protection of human rights in the country. Civil society has criticized the way in which the government has restructured several institutions in charge of promoting and protecting Human Rights, such as the National Commissioner for Human Rights (CONADEH), the Ministry of Justice and Human Rights and the Ministry for Indigenous Peoples and Afro-Honduran People. These institutions have been fused with other ministries and rebranded as sub-offices or delegations, losing their autonomy and independence, and suffering severe budget cuts.

The enactment of the Law on the Classification of Security Documents and National Defence has also caused concern among civil society in relation to its impact on access to information and the right to freedom of speech and freedom of the press.

In light of the upcoming UPR in Honduras, PBI considers that it is important to raise awareness on the reports written by organisations, communities and defenders regarding human rights. We recommend visiting the website of the Centre for Human Rights Research and Promotion (Centro de Investigación y Promoción de Derechos Humanos - CIPRODEH), where you can consult the different reports published. We call upon the international community to reiterate the recommendations made in these reports during the UPR this year.¹³

FEBRUARY 2013: MID-TERM REPORT

According to the Mid-Term Report, only 71 of the recommendations issued by the UPR have been implemented; 52 are still in the process of being implemented and 6 are not being implemented at all. The Honduran Ministry of Justice and Human Rights is in charge of overseeing the implementation of these recommendations.

OPENING OF UNHCHR OFFICE

The Honduran government has officially requested the opening of an office of the United Nations High Commissioner for Human Rights (OHCHR) and in late September they formally requested funds from donors^{L02}.

PBI is currently participating in regular meetings with representatives of the OHCHR, the United Nations Development Program (UNDP) and the Swiss cooperation agency, who have expressed their willingness to support the opening of the Office in Honduras.

During his visit to Honduras in January 2015, UN Secretary General Ban ki-Moon confirmed that the office would be opened.



13. <http://www.ciprodeh.org/hn/Noticias/ArtMID/3057/ArticleID/1056/INFORMES-PRESENTADOS-PARA-LA-SEGUNDA-RONDA-DEL-EXAMEN-PERIODICO-UNIVERSAL-A-HONDURAS>

L02. "Honduras solicita ayuda a donantes para apertura de oficina especial de ddhh", El Libertador, October 8, 2014

PATTERNS OF ATTACKS ON DEFENDERS

Restriction to the right to freedom of expression and association

Reduction of space	Despite the positive measures by the National Telecommunications Commission (Comisión Nacional de Telecomunicaciones - CONATEL) to ensure access by community radio stations to the full spectrum of broadcasting frequencies, complaints from communities continue. The National Association of Community Radio Stations reported that the government is violating free speech by controlling their content and preventing them from expressing political points of view. CONATEL replied that this is a legal requirement which leads to legal sanctions if violated. ^{T01}
Violent forced evictions	According to the information shared by small-scale farming organisations with PBI Honduras, the use of violence during evictions has increased under the government of Juan Orlando Hernández. Two examples of this practice were reported during evictions in La Trinidad and El Despertar, on May 21, 2014, and Paso Aguán, on July 3 of the same year. Both farms had been legally recovered for MARCA by the late lawyer, Antonio Trejo. ^{T02}

Criminalization

According to figures provided by the Committee of Family Members of the Detained and Disappeared in Honduras (Comité de Familiares Detenidos Desaparecidos en Honduras - COFADEH), since 2010 there have been 3,064 cases of criminalization as a result of the improper use of criminal law to weaken defenders^{T03}. This figure includes more than 700 cases of criminal proceedings brought against small-scale farmers in response to land recovery processes.^{T04} On the other hand, during the IACHR visit to the country, justice operators reported that prosecutors were using the crime of “prevarication” to intimidate judges into not issuing decisions contrary to their interests. Since 2013, this crime may not be punished with alternative measures. In addition, the IACHR has received information on the use of the crime of sedition to criminalize journalists during social protests.^{T05}

Attacks to physical integrity

- T01. “Radios comunitarias denuncian violaciones a la libre expresión”, El Tiempo, May 3, 2014
- T02. “IACHR expresses concern over threats against and arrests of campesino leaders in Bajo Aguán, Honduras”, IACHR, August 29, 2014
- T03. “Preliminary Observations concerning the Human Rights Situation in Honduras”, IACHR, December 5, 2014
- T04. Presentation of the report and documentary entitled “el rostro femenino e infantil de la criminalización campesina”, Tegucigalpa, October 15, 2014
- T05. Ibid T03
- T06. “Honduras persiste impunidad en muerte de periodistas en Honduras”, La Prensa, May 3, 2014
- T07. According to data given to the EFE media agency by the coordinator of the Centroamérica Diferente project, Francesco Dal Pra, July 2014
- T08. Ibid T03
- T09. “Honduras: En 56 meses han sido asesinados 81 abogados”, El Heraldo, September 21, 2014
- T10. “Margarita Murillo murió como vivió: sembrando semilla en la tierra por la que siempre luchó”, ERIC, August 29, 2014
- T11. Ibid T03

Journalists and social communicators	According to the National Commissioner for Human Rights (Comisionado Nacional de los Derechos Humanos - CONADEH), a total of seven journalists were killed in 2014, and a total of 47 journalists and media workers since November 2003. 91% of cases remain in complete impunity. ^{T06}
LGBTI community	The northern triangle of Central America, formed by El Salvador, Guatemala and Honduras, is the most dangerous area of the region for gay people, 282 of whom have been killed since 2009: 59.6% (168) in Honduras, 24.8% (70) in Guatemala and 15.6% (44) in El Salvador. ^{T07} The State reported that between 2013 and 2014, 32 investigations were opened into violent deaths, which have resulted in 15 requests for prosecution, two warrants, three convictions and four acquittals. ^{T08}
Justice operators	According to publicly available information, at least 20 judges received death threats in 2014. In addition, CONADEH official records show that 81 justice operators have been killed since 2010. 97% of cases are unpunished. ^{T09}
Land and territory	140 small-scale farmers have been killed in the last three and a half years, according to data from small-scale farming organisations. The state, meanwhile, did not inform the IACHR about any specific measures it has made to prevent murders and acts of violence against indigenous leaders and defenders. ^{T11}

EU GUIDELINES ON HUMAN RIGHTS DEFENDERS

Recently an international delegation composed of Ketil Karlsen, head of the European Delegation; Philippe Ardanaz, French Ambassador; Miguel Albero, the Spanish Ambassador; Beatrix Kania, the German Ambassador; and Andrew Tate, a representative from the UK Embassy, travelled to the municipalities of Jesus Otoro, La Esperanza and Intibucá to meet with several indigenous Lenca communities. During this trip they met the leaders of the Civic Council of Popular and Indigenous Organisations of Honduras (Consejo Cívico de Organizaciones Populares e Indígenas de Honduras - COPINH)¹⁴ in La Esperanza. According to information received by PBI, there was little coordination with international organisations during the planning of the objectives and agenda of the visit.

INTER-AMERICAN HUMAN RIGHTS SYSTEM

The Inter-American Commission on Human Rights (IACHR) conducted an in situ visit to Honduras from December 1-5, 2014, with the purpose of observing the general human rights situation in the country. The Commission found high levels of violence, impunity and corruption as well as serious repercussions caused by the presence of organized crime in the country. In particular, the Commission also received information about the continued lack of implementation of precautionary measures granted to individuals and communities who defend human rights.

In April 2014 the government of Juan Orlando Hernández asked the Commission to suspend a number of precautionary measures that it had granted, arguing that the context in which these precautionary measures were issued had changed substantially and that the country had overcome the 2009 political crisis, proof of which were the elections held in November 2013. The Commission does not made any reference to this issue in the preliminary observations to its visit; instead, they remind the State that it is unacceptable to take any form of retaliation or to stigmatize a person for appearing before the Inter- American system to exercise their rights.

The Inter-American Court of Human Rights (IACtHR) issues binding sentences to member states of the OAS. In the Case of Carlos Antonio Luna López, who was killed on May 18, 1998 in the city of Catacamas, Olancho, the Court ruled that the State of Honduras was responsible for violating its duty to guarantee the right to life and ordered them to publically apologize for killing the environmentalist, in compliance with a sentence issued in October 2013¹⁵.

14. "UE apoya a indígenas lenca", Honduprensa, October 11, 2014.

15. Inter-American Court of Human Rights, CASE OF LUNA LÓPEZ V. HONDURAS SENTENCE OF OCTOBER 10, 2013 (Merits, Reparations and Costs). "Estado de Honduras pide perdón por asesinato de ambientalista Carlos Luna", Proceso Digital, May 19, 2014.

COLLABORATION AGREEMENT BETWEEN THE EU AND THE IASHR

In March 2014 the EU and the Inter-American Human Rights System signed an agreement entitled "Support and Strengthening of the Work of the Inter-American Human Rights System through the promotion and protection of the rights of the most vulnerable and excluded communities and groups in the Americas". The EU has been a permanent observer in the Organization of American States (OAS) since 1998; since then it has contributed almost \$17 million to programs for the promotion of democracy, cooperation and electoral observation, conflict resolution, human rights, public safety and sustainable development.^{L03}

PBI'S ACCOMPANIMENT

In the second half of 2014, PBI held 14 meetings with representatives of different embassies in Honduras: French Ambassador Mr. Philippe Ardanaz; Ms. Motsabi Rooper and Mrs. Rita Grajeda from the UK Embassy; Spanish Ambassador Mr. Miguel Albero; Swiss Ambassador Mr. Jürg Benz; and Ketil Karlsen, the head of the Delegation of the European Union. The importance of strengthening the work of the EU with respect to Human Rights was discussed in these meetings, as well as the need to create spaces to effectively monitor the implementation of the Guidelines issued by Switzerland, Norway and the EU to protect defenders.

L03. "OAS and European Union Sign Financing Agreement to Strengthen the Inter-American Human Rights System", IACHR, March 22, 2014.

MILITARIZATION IN HONDURAS CONTRADICTS INTERNATIONAL HUMAN RIGHTS STANDARDS

With a homicide rate in 2013 of 79 per hundred thousand inhabitants, Honduras has been rated one of the most violent countries in the world. The government attributes these figures to the expansion of organized crime, common crime and trafficking of drugs and weapons, and has responded by implementing reforms that promote the involvement of the Armed Forces in police work. According to Reina Rivera, national director of the organisation Diakonia, this strategy involves the “pre-dominance or intrusion of the military in civilian life, either by military means or through military values: the military establishment taking part in domestic affairs and in the political power of the State”¹⁶. In the case of Honduras, a country that suffered a breakdown of the rule of law in 2009, this strategy may pose a threat to human rights.

“The history of the Hemisphere shows that, broadly speaking, the intervention of the armed forces in internal security matters is accompanied by violations of human rights in violent circumstances. Therefore, practice teaches us that it is advisable to avoid the intervention of the armed forces in matters of internal security since it carries a risk of human rights violations”. - Report on Citizen Security and Human Rights, Inter-American Commission on Human Rights (IACHR), 2009

BACKGROUND

Until the 1990s, the Armed Forces in Honduras were in charge of public safety. The Public Security Force (Fuerza de Seguridad Pública - FUSEP), directed by the army, carried out intelligence functions and acted as a repressive force against social groups and political opponents. The formal separation of the police and the armed forces occurred after 1992 as part of regional peace agreements, and is part of a process of democratic transition.

There have been three police reforms since that time:

The first was in 1993 and involved: a) the separation of the Police of the Armed Forces, b) the creation of the National Police, c) the abolition of the National Office for Investigation (Dirección Nacional de Investigación), and, d) the creation of the General Office for Criminal Investigation (Dirección General de Investigación Criminal – DGIC), under the management of the National Prosecutor’s Office.

16. Quoted by Reina Rivera in “Honduras: Sector Seguridad y Reforma Policial”, 2011, p.1

In 1998, with the approval of the National Police Organic Law (Ley Orgánica de la Policía Nacional), criminal investigation ceased to be under the jurisdiction of the National Prosecutor's Office and fell under the powers of the Ministry of Security, through the General Office for Criminal Investigation (DGIC). Several organisations argued at the time that this second reform was more of a counter-reform, because once again criminal investigation was left in the hands of the police. Also in this period there was an attempt to cleanse police personnel, however many former military leaders continued in command of police units and departments.

The third reform began in 2012 with the Special Law for Police Cleansing, (Ley Especial de Depuración Policial) and the creation of the Commission for the Reform of Public Safety (Comisión de Reforma del Sistema de Seguridad Pública - CRSP), to debug and intervene in law enforcement structures, as called for by civil society. However, civil society organisations criticize how this process is being carried out, arguing that it is not given the importance it deserves and that there is a lack of willingness on the part of the State to combat corruption in the National Police.

DE FACTO GOVERNMENT OF MICHELETTI AND PORFIRIO LOBO SOSA (2009-2013)

After the coup d'état that hit the country in June 2009 the tendency to grant extraordinary powers to the armed forces has increased as part of public policy, and this has been accompanied by an increase in military spending.

PUBLIC POLICIES

In 2010 the Ministry of Defence was instructed to collaborate once again in police work.

In 2011 the National Defence and Security Council (Consejo Nacional de Defensa y Seguridad) was created under the leadership of the President and composed of himself, the President of Congress, the Ministry of Defence, the Ministry of Security, the Attorney General, and the Supreme Court of Justice. According to Edy Tabora of the Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Families (Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de Tortura y sus Familiares - CPTRT), the creation of the Council means the centralization of power and, therefore, the disappearance of the power balances required under the rule of law. It also strengthens the shared responsibility of the National Police and the Armed Forces for internal security tasks¹⁷.

In 2011 the National Congress interpreted Article 274 of the Constitution, stating that the armed forces can perform specific police functions when a public safety emergency has been declared. On December 5, 2011 the first emergency was decreed for a total of 90 days, and extended until January 27, 2014.

The National Office on Investigation and Intelligence, (Dirección Nacional de Investigación e Inteligencia) was created in April 2013. The Office has taken on many police roles during crisis situations, but without there being any real control over their activities, as reported by Honduran organisations¹⁸.

17. "Seguridad Pública en Honduras 2013 y 2014", Edy Tabora, Friederich Ebert Stiftung, July 2014

18. Presentation of the ERIC organisation during the 150th edition of the IACHR hearings in April 2014

MILITARY SPENDING

According to a report by the Friederich Ebert Stiftung Institute¹⁹, the role of the armed forces in public security responds to a post-coup tendency shown by, among other things, a gradual increase in the budget of the Ministry of Security and to a greater extent, The Ministry of Defence. Spending by both Ministries increased by 42% and 129% respectively during the years 2008-2014, when the increase in spending in other sectors such as education, research and culture, was only 12% on average.

INDEX OF HOMICIDES IN HONDURAS

SOURCE: Observatory on Violence, National Autonomous University of Honduras (Universidad Nacional Autónoma de Honduras - UNAH) / Ministry of Security via SEPOL

YEAR	N ° OF HOMICIDES	RATE PER 100,000
2008	4473	57.9
2009	5265	66.8
2010	6239	77.5
2011	7104	86.5
2012	7172	85.5
2013	6757	79.0
2014	3432 (until August 4, according to SEPOL)	42.4 (until August 4, 2014)

This increase in security and defence did not lead to a decrease in violence in the country between 2008 and 2013, as the homicide rate did not decline²⁰. It is important to note that a change has been observed in 2014, at least up until August, with homicide figures falling in comparison to the same period in the previous year.

INCREASE IN BUDGET ASSIGNATION BETWEEN 2008 AND 2014

SOURCE: Observatory on Violence, National Autonomous University of Honduras (Universidad Nacional Autónoma de Honduras - UNAH) / Ministry of Security via SEPOL

MINISTRY OF DEFENCE	MINISTRY OF SECURITY
129.30%	42.38%

However, it is difficult to compare the figures for these periods, because in September 2013 the Law for the Classification of Public Documents Related to National Security and Defence, (Ley para la Clasificación de los Documentos Públicos Relacionados con la Seguridad y Defensa Nacional) was created, under which the Ministry of Security stopped providing data to the leading independent statistics centre in Honduras, the Observatory on Violence at the National Autonomous University. The Centre for Women’s Rights (Centro de Derechos de Mujeres -CDM), which carries out its own statistical monitoring on violence against women, reported that the state had failed to register a total of 45 violent deaths between January and June 2014.

“We are concerned that in recent months the Ministry of Security has intentionally concealed the figures for violent deaths to pretend that there is a climate of security, which does not exist”, stated Hilda Rivera, director of CDM.

19. “Seguridad Pública en Honduras 2013 y 2014”, Edy Tabora, Friederich Ebert Stiftung, July 2014

20. “Militares en las calles son amenaza gravísima para la ciudadanía”, Leticia Salomón, August 8, 2012

GOVERNMENT OF JUAN ORLANDO HERNÁNDEZ (2014)

Against a backdrop of corruption in sectors of the police, the failure of the 2012 police reform process, and high levels of public insecurity, the first year of government of Juan Orlando Hernández has been marked by the consolidation of policies to militarize the country.

MILITARIZATION OF THE POLICING MODEL

In June 2013 Juan Orlando Hernandez, at that time president of Congress, created the Intelligence Troop and Special Response Security Groups (Tropa de Inteligencia y Grupos de Respuesta Especial de Seguridad - TIGRES), whose members are subject to ethics, discipline and military hierarchy, but which depends on the Ministry of Security. It is located in the headquarters of the Armed Forces and receives training from the Jungle School of Colombia a, a command of the Colombian police which has military training and the USA 7th Special Forces Group, a Special Operations unit of the United States Army. The troop is funded by the security tax.²¹

"States should limit to the maximum the use of the armed forces (...), since the training they receive is aimed at defeating the enemy, and not at protecting and controlling civilians, training which is typical of police authorities"
Inter-American Court of Human Rights (IACtHR), 2006

In January 2014, a few days after taking office, Juan Orlando Hernández created the Public Order Military Police (Policía Militar de Orden Público - PMOP), a special force formed by members of the armed forces whose function is to maintain public safety. The army is already permanently undertaking police tasks. Article 274 of the Honduran Constitution prohibits the permanent use of the armed forces in police duties. The National Party (Partido Nacional) proposed a reform to this article, which would give the PMOP constitutional status. On January 24, 2015 the Congress threw out the proposal and President Juan Orlando Hernández has asked for a referendum via a fourth ballot box at the next elections in 2017.²² PMOP soldiers receive training for three months during which they are taught techniques such as how to dissolve blocked highways and violent demonstrations²³. The PMOP are also financed by the security tax and receive expert training from Israel, the US and²⁴ Colombia.

Various human rights bodies have expressed concern about the new Law on the Military Police. For example, Leticia Salomón, of the Honduran Documentation Centre (Centro de Documentación de Honduras - CEDOH), argues that "this idea of throwing them into the streets without being trained for this situation, has led to dangerous, although predictable situations, because their training is aimed at combating enemies. These situations have included shooting to kill a young man (June 2012) who was trying to evade a police / military checkpoint and did

21. Website of the Colombian National Defence Ministry

22. "Honduras: Congreso no ratificó rango de la PM", El Herald, January 25, 2015

23. "Policía Militar en Honduras lista para combatir a narcos", La Prensa, September 17, 2014

24. Ibid. 23

Honduran Military Police
Photo: Radio América



WHAT'S THE TAX SECURITY?

The security tax is paid by businesses and Honduran citizens in order to strengthen the fight against crime. 34% of the funds are allocated to the Ministry of Defence, 33% to the Ministry of Security, and 16% to the National Office of Investigation and Intelligence^{L04}.

Under the new Mining Law of September 2013, mining companies pay 1-2% of taxes to this new levy. CEHPRODEC has criticized these direct payments by mining companies to the Ministry of Defence: "The mining law and the new PMOP law establish a direct financial relationship between mining companies and the PMOP, converting them into partners. This leads to a conflict between private and public interests"^{L05}.

not obey orders to stop"²⁵. Indeed, activists such as human rights defender Dana Frank have strongly questioned U.S. support for military police training while military involvement in policing in the United States has been banned since 1878²⁶. In February 2014, the National Defence and Security Council created the National Interagency Security Force (Fuerza Nacional de Seguridad Interinstitucional - FUSINA), to oversee the daily operations of the security and justice bodies in the country. This body is coordinated by the Prosecutor's Office and is composed of the Military Police, the Army, the Office for Investigation and Intelligence, the National Office of Special Investigation, and justice operators nationwide. Just after its creation, the FUSINA launched "Operation Morazán", a large-scale joint operation between the TIGRES and PMOP to combat public insecurity, creating a "hybrid between national security and public safety".

Concerns about the impact on human rights of the militarization of police work are based on the daily reality in Honduras, as shown by several recent examples of human rights violations involving the armed forces. On September 27, 2014, twelve soldiers and four officers of the National Police shot and wounded three inhabitants of the municipality of Wampusirpi, in the department of Gracias a Dios²⁷. Three days later it was reported that members of the military police had tortured a young man in the artisanal mine in the village of San Juan de Arriba, located in the department of Choluteca²⁸. On October 1, in Tegucigalpa, a member of the military police fired on a minibus that failed to stop at a police checkpoint, leading to four passengers being injured²⁹. On Saturday November 22, a woman reported that several soldiers had raped her when she was returning from work in a maquila in Choloma, Cortés³⁰.

25. "Documento de análisis: Las fuerzas armadas hondureñas: entre la defensa externa y la seguridad externa", Leticia Salomón. In: RESDAL, Atlas Comparativo de la Defensa en América Latina y Caribe, 2012

26. "En Honduras, el ejército toma el poder con la bendición de EEUU", Honduprensa, September 17, 2013

27. "Militares cometen graves violaciones a los derechos humanos en Honduras", Conexihon, October 1, 2014

28. Ibid. 23

29. "A prisión envían a policía militar que disparó contra bus en Tegucigalpa", La Prensa, October 7, 2014

30. "Mujer denuncia que varios militares la violaron en Choloma", La Tribuna, November 22, 2014

L04. Website of the security tax: tasadeseguridad.hn

L05. PBI Interview with Carlos Padilla, CEHPRODEC member, October 2014



The "Guardianes de la Patria" prevention program has been criticised by wide sectors of Honduran civil society. Photo: Radio América

THE OTHER SIDE OF THE COIN: "GUARDIANS OF THE HOMELAND" - "GUARDIANES DE LA PATRIA"

The security strategy of the current government has two faces: on one hand the model of public safety has been transformed, and on the other, the "Guardians of the homeland" program has been promoted by the armed forces, through which children and young people who are considered "at risk of losing track in their lives" report to military units every Saturday for seven hours. The goal is to instill in young people, principles and moral and spiritual values and establish a love of country³¹. The program will be implemented nationally to integrate 25,000 children between 5 and 21 years old who enrol voluntarily in military units³²

The program has been widely criticized by social organisations who have filed complaints with the UN system and writs for constitutional protection with the Supreme Court of Justice (SCJ)³³. In May 2014, Carlos Moisés Del Cid García, Coordinator of the Human Rights Program for Children and Adolescents in the National Human Rights Commissioner's Office, concluded in research he published on the program, that "Honduras needs a similar prevention program, but under another name and with someone other than the military to implement it"³⁴. After delivering the report, Del Cid was dismissed³⁵. Recently the United Nations Committee on the Rights of the Child has requested clarification from the Honduran State, questioning the military nature of the prevention program³⁶.

31. "Conadeh analizará programa 'Guardianes de la patria', Hondudiario.com, April 28, 2014

32. "Informe Final: investigación sobre el Programa Guardianes de la Patria", Carlos Moisés Del Cid García, Programa Derechos Humanos de Niñez y Adolescencia del Comisionado Nacionales de los Derechos Humanos, 2014

33. "Diputado del PAC: Piden la inconstitucionalidad de 'Guardianes de la Patria'", La Tribuna, May 19, 2014

34. "Informe Final: investigación sobre el Programa Guardianes de la Patria", Carlos Moisés Del Cid García, Programa Derechos Humanos de Niñez y Adolescencia del Comisionado Nacionales de los Derechos Humanos, 2014

35. "CONADEH despide a funcionario que investigó Programa 'Guardianes de la Patria'", Sandra Marybel Sánchez, honduraslaboral.org, June 11, 2014

36. Departamento19, "ONU pide a Honduras informar sobre estrategia nacional que atienda todas las formas de violencia contra la niñez y adolescencia", departamento19,hn, July 1, 2014

PBI Observation of the march Ni Encerradas Ni con Miedo. *El Progreso*, August 29, 2014. Photo: PBI.



USE OF MILITARIZATION TO HAMPER THE DEFENCE OF HUMAN RIGHTS

Meanwhile, civil society reports that the militarization of the country is aimed at suppressing and hindering the defence of human rights. Analyst Fabricio Herrera argues that the State's goal is to "counter social protest with weapons and prosecute those who defend human rights"³⁷. Moreover, Carlos Padilla of CEHPRODEC argues that the PMOP law is criminalizing social protest, given that blocking highways and demonstrations are strategies commonly used by social movements to demand their rights. In his opinion, the mission of the armed forces has been transformed from the defence of national sovereignty into the persecution of the domestic enemy, so that the established political and economic power can be maintained³⁸.

The intervention of the armed forces was observed in the following social conflicts:

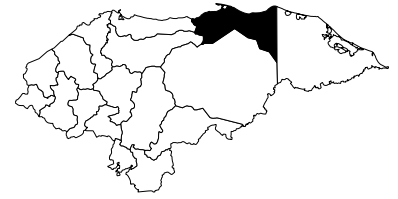
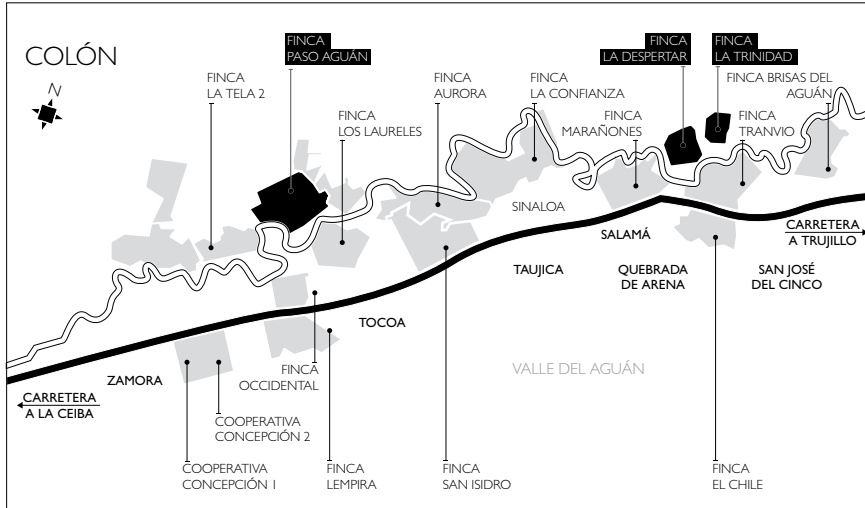
Agua Zarca: on July 15, 2013, the army opened fire on protesters in the Lenca indigenous communities of Río Blanco, Santa Bárbara department. A campesino leader was shot dead, and his son was seriously wounded. According to reports, the demonstration was peaceful and marched under the supervision of the police and army. Indigenous communities were expressing their opposition to the installation of the Agua Zarca hydroelectric project in the lands where they have been living for centuries, a project which has been implemented without prior consultation³⁹.

37. "Rango Constitucional de Policía Militar amenaza los derechos humanos en Honduras", Fabricio Herrera, May 8, 2014. At: radioprogreso.net

38. PBI Interview with Carlos Padilla, CEHPRODEC member, October 2014

39. Urgent Action: Honduras: Army fires on protesters in Honduras, Amnesty International, 23 July 2013

◀ CONFLICTS IN BAJO AGUÁN



In addition to the abovementioned evictions in the farmlands of El Trinidad and El Despertar, on July 3, 2014 the National Preventive Police (Policía Nacional Preventiva), members of the Xatruch III Joint Taskforce and the 15th Battalion of the Special Forces, evicted 350 families from the Gregorio Chávez Campesino Movement Foundation (Movimiento Campesino Fundación Gregorio Chávez - MCRCG) at the Paso Aguán farmlands. According to the information reported to the IACHR, the families were evicted violently, with use of teargas. A number of campesino farmers were injured and seven were arrested, including two leaders who are beneficiaries of precautionary measures granted by the IACHR.

Bajo Aguán: a number of human rights organisations have denounced the militarization of the land conflict in the Bajo Aguán region. The Permanent Observatory for Human Rights in Aguán (Observatorio Permanente de Derechos Humanos del Aguán) and the San Alonso Rodríguez Foundation (Fundación San Alonso Rodríguez) presented a statistical report of violent deaths related to the agrarian conflict in the region, arguing that in the period 2008-2013, 123 violent deaths and at least 6 forced disappearances had occurred, 90% of which remain unpunished. According to the report “among the victims were guards, soldiers, police, collateral victims and a large percentage of campesino farmers who perished because of structural violence whose main actors were the agro-industrial economic power (the landowners in the area) and a heavy military presence (Operation Xatruch) who acted in collusion with the State, unleashing disorder upon social coexistence”⁴⁰.

One of the main strategies of President Juan Orlando Hernández to combat organized crime in Honduras has been the militarization of public and civil life. This is not, however, a new strategy; it emerged as a post-coup trend demonstrated by a gradual increase in expenditure on security and defence. Existing data shows that the militarization of Honduras between 2010 and 2014 has not led to a decrease in the numbers of homicides, but instead raises concerns among human rights defenders about the continued involvement of the State forces in human rights violations.

In conclusion it is important to reflect on the statement made by the IACHR in its report “Citizen Security and Human Rights”:

“Issues that have to do with citizen security are the exclusive purview of the civilian police force, which is to be organized and trained in the manner described in this report. The Inter-American Commission concurs with the following: ‘The State must be ready and willing to deal with conflicts through peaceful means, as this is an axiom of citizen security which holds that differences arise between citizens who are to be protected, not between enemies one has to fight’”

40. “La militarización, la represión y la impunidad rodean a 123 muertes violentas registradas en El Aguán”, Defensores en línea, March 14, 2014

ZONES FOR EMPLOYMENT AND ECONOMIC DEVELOPMENT, ADVERSE MODELS FOR DEVELOPMENT IN HONDURAS

WHAT IS A ZEDE?

They are areas of land with special conditions granted to investors, subject to different rules from the rest of the country, and with their own autonomy. They would have the same functions, powers and duties as municipalities, and their own power structure: a technical secretariat serving as an executive power, and a legislative council known as the Committee for the Adoption of Best Practice (Comité para la Adopción de Mejores Prácticas - CAMP), appointed by the President of the Republic and ratified by Congress.

HOW IS A ZEDE CREATED?

The Zede are created by Congress via Decree, with the following rules:

- 1) When the affected area has a low population density the National Statistics Institute will be required to issue a certification that this is the case, in accordance with the provisions of Article 329 of the Constitution.
- 2) When the affected area has a high population density a plebiscite must be held and the establishment of the Zede will only be decreed if the result of this consultation is favourable.

Article 39 of the Organic Law on Zones for Employment and Economic Development^{L06} (hereinafter the Zede Law) states that areas with low population density located in departments adjacent to the Gulf of Fonseca and the Caribbean Sea will be covered by this current scheme.

L06. Ley ZEDE, Decreto Legislativo No. 120-2013, published in the National Gazette on September 6, 2013

Following the decision of the Honduran Congress to create Special Development Zones in Honduras, social organisations are questioning the true impact of these “model cities” on community development.

“The Zede model in Honduras is not just another economic zone like the 3,500 which already exist in the world; ours is very different because it is comprehensive. The Zede jurisdiction has legal, economic, administrative and political dimensions. The Honduran Zede is a leader in the field (...) and is a leap forward in both competitiveness and welfare”.

That is how President Juan Orlando Hernández presented the Special Zones for Employment and Economic Development (hereinafter Zede) in his address to the 69th United Nations General Assembly, inviting the participants to discover “this great opportunity that Honduras is offering the world”.⁴¹

Nevertheless, several human rights and environmental organisations fear that this leap forward excludes affected populations from the promises of development and has a strong impact on their territories. Some, including the Honduran Centre for the Promotion of Community Development (Centro Hondureño de Promoción al Desarrollo Comunitario - CEHPRODEC), describe it as a return to the enclave economy that the country lived through in the past, such as mining enclaves in the years 1870-1920, and banana plantations from 1920- 1970. The organisation considers that, rather than development, these enclaves brought poverty and social unrest⁴².

ORIGINS OF THE PROJECT: MODEL CITIES

The first proposal for model cities, the Law on Special Development Regions (RED Law), was declared unconstitutional by the Supreme Court in October 2012. The reasons given were that “non-reformable” aspects of the Constitution were being amended, such as Honduran sovereignty, the lack of national governance over these areas, and the creation of parallel powers to the government.⁴³

41. “El discurso del Presidente Juan Orlando Hernández en la ONU”, El Heraldo, September 24, 2014

42. “Report of the National Lawyers Guild Delegation Investigation of Zones for Economic Development and Employment in Honduras”, National Lawyers Guild (NLG), September 2014

43. “Inconstitucional decreto de ‘ciudades modelo’”, El Heraldo, October 17, 2012



Observation of the march against the creation of ZEDES in the municipality of Amapala, department of Valle, October 23, 2014. Photo: PBI

It is important to note that, less than two months after this legal opinion on the RED Law, Congress dismissed four of the five judges who ruled against the Law⁴⁴. This dismissal was heavily criticized by the Inter-American Commission on Human Rights (IACHR) and the United Nations Special Rapporteur on the independence of judges and lawyers, who considered that the Congress was exercising too much control over the judiciary, and that this was incompatible with the separation of powers, a fundamental element in the rule of law⁴⁵.

THE CURRENT PROJECT: THE ZEDE

The new draft Zede Law was approved on September 6, 2013. "The Bill's name was changed but not its purpose, which is to give all the land in the country away to foreign investors, with their own rules, own courts and own tax system", stated Oscar Cruz, the legal representative of more than 50 organisations who have filed a constitutional complaint. He added that "even though the judgment declared the first Bill on model cities to be unconstitutional and stated that it should not be presented again, three months later, Congress took up the proposal again and proceeded to approve the second Bill"⁴⁶. In May 2014, the Supreme Court decided to declare inadmissible the various constitutional challenges presented, thereby opening the door to the feasibility studies stage and the implementation of the law⁴⁷.

44. "Charter cities in Honduras?", Arthur Philips, 7 January 2014

45. "Grave atentado a la democracia en Honduras la destitución de magistrados de la Sala Constitucional", OHCH, January 29, 2013

46. "Interponen recurso de inconstitucionalidad contra las zede", La Tribuna, February 26, 2014

47. "Honduras: Corte Suprema rechaza recurso de inconstitucionalidad contra ZEDES", Adriana Peralta, June 20, 2014

DISMISSAL OF JUDGES AND LACK OF INDEPENDENCE OF THE JUDICIARY

On December 12, 2012 the National Congress dismissed four of the five member judges of the Constitutional Chamber, namely Rosa Linda Cruz Sequeira, José Antonio Gutiérrez Navas, Gustavo Enrique Bustillo Palma and José Francisco Ruiz Gaekel, and immediately proceeded to appoint four substitutes. It is noteworthy that prior to their dismissal, the judges had been criticised by the President and other authorities because of their declaration that certain confidence tests used for police clearance processes were unconstitutional. The 2013 report of the National Human Rights Commissioner (Comisionado Nacional de los Derechos Humanos - CONADEH) criticised the dismissal of the four judges, considering that this had no legal basis and requesting their reinstatement. Likewise, the office requested an onsite visit to the country by the IACHR and precautionary measures for the judges. The International Commission of Jurists denounced the context in which the dismissals took place, comparing it to what had happened during the 2009 coup^{L07}. More than two years after her dismissal, former judge Rosalinda Cruz Sequeira said that she and her colleagues are being persecuted and that there is a situation of impunity regarding the violation of their rights^{L08}.

According to an analysis by the National Bar Association, the Zede Law represents a broader, more flexible, and particularly aggressive version of the existing Zede model, including the one implemented in Shenzhen and Singapore, because it goes beyond proposing incentives for trade liberalisation. The Honduran model gives away competencies which should be exclusive to the State, such as the creation of laws, regulation of the security forces, as well as tax, education, labour and health systems. There are also misgivings about the powers and composition of the CAMP, which consists of 21 members of which only four are Hondurans. Among the most important concerns are potential conflicts of interest related to the approval of investments by members of CAMP, and their excessive power to appoint the technical secretary and approve the internal regulations without any control by the Honduran government⁴⁸.

FIRST ZEDE IN THE GULF OF FONSECA?

In June 2014 a Honduran government delegation, together with the mayors of Amapala, Alianza and Nacaome travelled to South Korea to get to know the model implemented in Busan, the world's fifth busiest seaport. The mayors told the media that they were impressed by the results of the Zede and ensured that they will lead to a positively radical change in Honduras⁴⁹.

In August 2014, the project took on an international dimension when the Presidents of Honduras, Nicaragua and El Salvador signed a joint declaration for the establishment of a special economic zone between the three countries for the development of the Gulf of Fonseca, and the creation of a ferry connecting the ports in the Gulf⁵⁰. One month later, during the visit of President Juan Orlando Hernández to New York to attend the UN General Assembly, the Korean International Cooperation Agency gave him the results of the first three pre-feasibility studies in the Gulf of Fonseca. Three municipalities are being considered: Amapala for the construction of a port, Alianza for the installation of a logistics area, and a centre for agricultural research and development in Nacaome. The second stage, which involves the completion of the design and a full feasibility study, is planned for the first quarter of 2015.

FUTURE PROJECTS ON THE CARIBBEAN COAST

The second region referred to in the Law as a potential area for the Zede is the Caribbean coast. No specific projects have been publicly announced, but on the government website, Sico Paulaya, Punta Castilla, La Ceiba, Puerto Cortes, Bajamar, Cuyamel and Santos Guardiola are listed as "areas suitable for investments", despite being considered to be territory of the Garifuna people⁵¹.

L07. "La independencia del poder judicial en Honduras (2004-2013)", International Commission of Jurists, May 2014

L08. "‘Estamos siendo perseguidos’ denuncia ex magistrada Cruz Sequeira, Defensoras en línea, May 22, 2014

48. "Report of the National Lawyers Guild Delegation Investigation of Zones for Economic Development and Employment in Honduras", National Lawyers Guild (NLG), September 2014

49. "Nacaome, Alianza y Amapala sueñan con ser primera ciudad modelo", La Prensa, September 30, 2014

50. "Ferry unirá a Honduras, Nicaragua y El Salvador en Golfo de Fonseca", La Prensa, August 26, 2014

51. http://zede.gob.hn/?page_id=108



◀ LOCATION OF AREAS PLANNED FOR THE ZEDES

Source: Zede.gob.hn

CONCERNS OF AFFECTED COMMUNITIES

Despite promising studies that announced the creation of one hundred thousand jobs, large segments of the affected population are not convinced of the benefits of the project. PBI observed a march in Amapala in October 2014 which was attended by about 500 people from the departments of Valle and Choluteca, to express concern about the Zede, which they do not identify as a possibility for sustainable development in their region.

“They promise employment, but what kind of employment? Who for? For how many people? Until when? To be nothing more than a waiter for a businessman?” wonders Petrona Zavala from the Pespirenses Development Association (Asociación de Desarrollo Pespirenses - ADEPES). *“How many of us who live in rural areas are engineers? How many are specialists in tourism and know different languages? We do not have these abilities yet. If we are talking about model cities why not turn working the lands into a model, and develop local, small farming abilities? This is a law that takes away all the rights we have as citizens, a law that violates the Constitution. What are our opportunities?”*⁵²

LACK OF INFORMATION AND PRIOR CONSULTATION WITH INDIGENOUS PEOPLES

Several communities and human rights organisations have expressed alarm over the lack of transparency regarding the nature of the projects and their possible consequences. They are also concerned that the affected populations do not have the opportunity to make decisions about the implementation of the Zede in their territories and their possible lack of future participation in local governance⁵³. During the open meetings conducted by the municipality of Amapala, the mayor informed the community about his visit to South Korea to get to know examples of model cities, but gave no specific data on the projects in Amapala.

52. Interview with Petrona Zavala from the Pespirenses Development Association (Asociación de Desarrollo Pespirenses - ADEPES), Peace Brigades International (PBI), October 23, 2014

53. “Report of the National Lawyers Guild Delegation Investigation of Zones for Economic Development and Employment in Honduras”, National Lawyers Guild (NLG), September 2014

IACtHR: THE CASES OF GARIFUNA COMMUNITIES IN TRIUNFO DE LA CRUZ AND PUNTA PIEDRA

The Garifuna community of Triunfo de la Cruz, in the Bahía de Tela, has been affected since 1989 by the implementation of mega tourism projects. More than 10 years after presenting their case before the Inter-American human rights system, it was referred to the IACtHR due to the lack of State compliance with the recommendations established by the Commission. In its report the Commission refers to the "failure to act to protect the ancestral territory of the Triunfo de la Cruz Community from occupation and dispossession by third parties. This has triggered and maintained a situation of permanent conflict for the community due to actions in its territory by third parties, both private individuals and public authorities (...) even murders or arrests of community leaders and authorities"^{L09}. It also highlights the lack of prior consultation before project approval. A delegation of 70 Garifuna participated in the IACtHR hearing in May 2014 and the case is awaiting judgement.

The mayor himself said he had no knowledge of the Zede Law, its implementation in the Gulf of Fonseca, its implications on the management of the municipal corporation and the transition to a government run by the CAMP in municipal lands⁵⁴.

The Honduran Black Fraternal Organisation (Organización Fraternal Negra Hondureña -OFRANEH) is particularly concerned about the inclusion of 24 Garifuna communities within the future Zede and highlights the right to consultation, as stipulated in ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples⁵⁵. According to OFRANEH, Honduras has been systematically eluding the application of these international conventions and for this reason the organisation has already presented two cases before the Inter-American Court of Human Rights (IACtHR), which are pending resolution.

With the judgments of the Inter-American Court, the Garifuna communities hope to gain jurisprudence to protect them in case of future projects in their territory, including the Zede. Alfredo Lépez, deputy coordinator of OFRANEH, foresees that "if the right to consultation is not applied, our communities will be buried by development for the powerful elite and transnational capital"⁵⁶.

INCREASE IN PRESSURE ON LAND AND TERRITORY

In Honduras, land is highly concentrated in the hands of the few, leading to high levels of poverty among the rural population. Taking as an example the peninsula of Zacate Grande, where the municipality of Amapala is located, it appears that five thousand families distributed in ten communities have little or no access to land. The land conflict has been a reality in the peninsula since the 90s, because of the lack of land titles: 99% of lands are not titled and have not been recognized as communal lands⁵⁷. The arrival of big business to install private residences with access to the sea has resulted, according to Honduran organisations, in the displacement of communities who have lived in these areas for over 90 years⁵⁸.

The Association for the Development of the Zacate Grande Peninsula (Asociación para el Desarrollo de la Península de Zacate Grande - ADEPZA), has reported the pressures of investments promised in certain areas, leading to evictions, threats, and prosecution of community leaders. They mention 27 leaders presently indicted for offences such as theft of land, and damage to the environment and private property⁵⁹. The Committee for the Defence and Development of the Gulf of Fonseca (Comité de la Defensa y Desarrollo del Golfo de Fonseca - CODDEFFAGOLF), also opposes the implementation of the Zede, especially in coastal municipalities in the south, because of the irreversible damage that this would have on mangroves. The destruction of these ecosystems would mean the elimination of natural barriers that limit the impacts of climate change. The environmental organisation also

54. "En lanchas se movilizan en contra de ciudades modelo en Amapala", Radio Progreso, October 23, 2014

55. "Las ZEDE y la falta de aplicación de la consulta-consentimiento previo libre e informado", OFRANEH, June 26, 2014

56. "Caso de la comunidad Garifuna de Triunfo de la Cruz vrs Honduras en la Corte IDH 20 mayo 2014", OFRANEH

57. Municipal lands

58. "Zacate Grande: ¡Un feudo de ricos avorazados!", COFADEH

59. Interview with Miguel Ángel Vasquez, journalist from the Voz de Zacate Grande, Peace Brigades International (PBI), October 23, 2014

L09. IACHR Takes Case involving Honduras to the Inter-American Court, Organization of American States (OAS), April 4, 2013



*Eviction of the Garifuna community of Barra Vieja, in the municipality of Tela, department of Atlántida, September 30, 2014.
Photo: OFRANEH*

denounces the aggression that the Zede model implies for natural resources, due to the large consumption of energy and water involved⁶⁰.

On the northern coast, other Garifuna communities face similar conflicts, such as Barra Vieja in Bahía de Tela, directly affected by a tourism megaproject. This community was evicted on September 30, 2014 by police and the military, and they returned to their land the same day because, as noted by one community member, it has belonged to them since 1802, when their ancestors arrived⁶¹.

Vallecito, in the department of Colón, is defenceless against the pressure of the oil palm business, oil exploration, the presence of illegal actors involved in the drug trade who use neighbouring lands as a runway, and the passivity of the local authorities⁶². Puerto Castilla, strategically located in the Bay of Trujillo, another area contemplated for a Zede, is being affected by real estate speculation. The community, which has had an ancestral title to the lands since 1889, was evicted in 1940 in favour of the national port company and suffered a second eviction in August 2014 at the hands of a landowner⁶³.

Irregularities in the consultation process, pressure on Community territory, threats to their traditional way of life and insufficient impact studies are just some of the concerns of the communities. The installation of Zede in Honduras is one example of how communities and governments continue to face development issues in the country, and demonstrates the importance of further analyzing these processes.

IACHTR: THE CASE OF PUNTA PIEDRA

According to OFRANEH, in the 1990s the community of Punta Piedra was occupied by settlers supported by senior military officers, who seized the Miel river basin. In 2003, after years of conflict, the community decided to go to the Inter-American system as they considered that the state was not responding to their complaints. A decade later, in 2013, the Inter-American Commission transferred the case to the Court. In September 2014 a public hearing took place during which the Commission emphasized the responsibility of the State for the violation of the right to property of the Garifuna community of Punta Piedra. Also included among its recommendations were the adoption of an effective remedy to protect traditional territories, measures to prevent similar events from happening again in the future and guarantees that the traditional way of life of community members would be respected^{L10}.

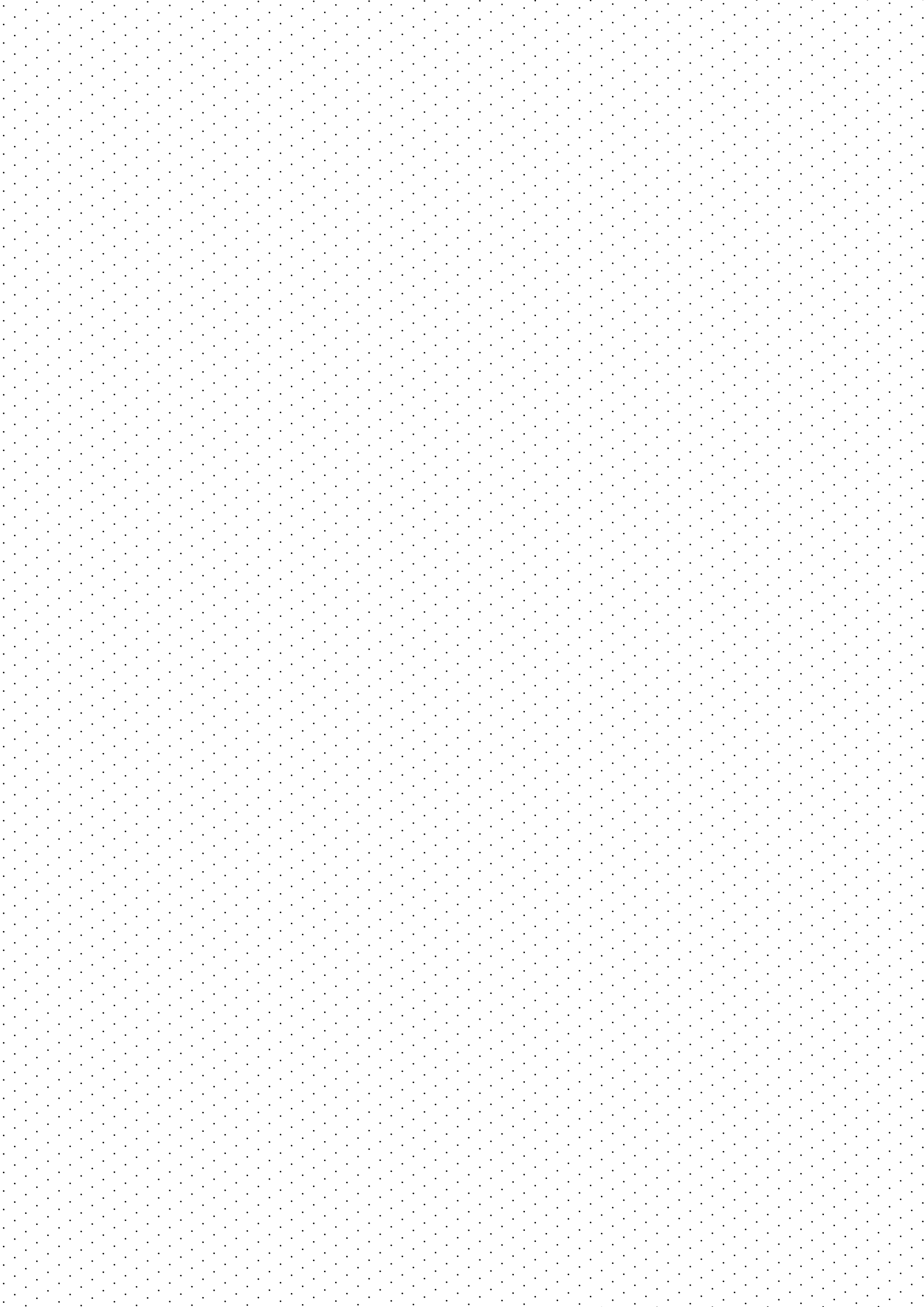
60. "Carta abierta Zonas Especiales de Empleo y Desarrollo Económico (ZEDE)", CODDEFFAGOLF, February 17, 2014

61. "Desalojo en Barra Vieja conforma estrategia de expulsión del pueblo garifuna", Radio Progreso, October 3, 2014

62. "El secuestro de Vallecito, Honduras: palma africana y petróleo", OFRANEH, July 23, 2014

63. "Desalojo en la comunidad garifuna de Puerto Castilla", OFRANEH, August 29, 2014

L10. IACHR Takes Case involving Honduras to the Inter-American Court, Organization of American States (OAS), October 11, 2013



PRESENTATION

Peace Brigades International (PBI) is a non-governmental organisation that promotes the protection of human rights and conflict transformation through nonviolent means. Via international accompaniment, PBI provides protection for individuals, organisations and communities who carry out actions to promote and defend human rights, always at their request and in response to their needs. In this way, PBI helps to protect the space for human rights, social justice and peace initiatives. PBI currently has projects in Colombia, Guatemala, Mexico, Kenya, Nepal, Indonesia and Honduras, and 16 active national groups in Europe, North America and Australia.

PBI'S MANDATE IN HONDURAS

PBI Honduras seeks to contribute to improving the human rights situation and the development of participatory processes in the country, through an international presence that offers support to protect and extend the workspace of individuals, organisations and other social initiatives that face repression for their work defending human rights.

INTERNATIONAL ACCOMPANIMENT

Our international accompaniment and observation work is based on three principles:

NON VIOLENCE – we accompany individuals, organisations and other social initiatives that peacefully defend human rights.

NON PARTISANSHIP – PBI is independent of political and economic powers. We maintain working relationships with the different parties involved in the conflict, such as social organisations and public authorities.

NON INTERFERENCE – we respect the autonomy of organisations. We accompany human rights defenders without interfering in their decision-making processes.

INTERNATIONAL ACCOMPANIMENT FOR THE PROTECTION OF HUMAN RIGHTS IS CARRIED OUT THROUGH:

PHYSICAL PRESENCE – we visit the headquarters of accompanied organisations and communities – we also attend public events and meetings when they request it.

MEETINGS WITH AUTHORITIES – we explain our work to local, district, national and international authorities. We express concern over attacks against the individuals, organisations and social initiatives that we accompany.

DISSEMINATION OF INFORMATION – we send information to our support network within and outside the country, in order to raise awareness on the reality for human rights defenders.



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