



BREAKING DOWN IN ORDER TO REBUILD.

THE HUMAN RIGHTS SITUATION IN HONDURAS

MAY 2022

Days before the publication of this report, four human rights defenders from the Muñecas Collective were seriously injured by unknown assailants in Tegucigalpa. PBI expresses its indignation and total rejection of violence in all its forms.

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May 2022

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In the week prior to the 2021 Honduran Presidential Elections, Peace Brigades International (PBI) Honduras facilitated two spaces in San Pedro Sula and Tegucigalpa for experience-sharing with eight organisations defending human rights throughout the country. In light of Honduras's recent history, we used these spaces to discuss monitoring mechanisms and security protocols within the electoral context, as well as the challenges and pending issues the incoming government would face.

The analysis shared within this document speaks not only to the magnitude of the difficulties human rights defenders have overcome over the past twelve years, but also to the strength of their resistance and their work defending their communities and building a brighter future. Their tireless efforts in monitoring the human rights situation, their initiatives to affect change, and their empowerment of their communities are a constant source of inspiration for PBI. The voices of these groups form the core of this publication, and without their participation, this project would not have been possible.

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INTRODUCTION

2030 AGENDA

In September 2015, 193 member states of the United Nations unanimously adopted the Sustainable Development Goals (SDGs) as a global framework for efforts to eliminate poverty, combat inequality and injustice, and face the climate crisis for the year 2030. These commitments are known as the 2030 Agenda. The government of Honduras has presented two voluntary reports on the 2030 Agenda. The second and most recent report covers the years 2015-2019.^{L01}

UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review (UPR) is a mechanism of the United Nations Human Rights Council to review the human rights situation in each of the 193 UN member states every four and a half years. Honduras underwent its first review in November 2010. Since then, it has been reviewed on two further occasions, 2015 and 2020. In its most recent review, Honduras received 223 recommendations, of which it accepted 200, and took note of the remaining 23.

Over the past twelve years, Honduras has been a country of superlatives. In 2012, the homicide rate was eight times as high as the World Health Organisation's standard for declaring an epidemic.⁰¹ In 2014, The United Nations ranked Honduras as the country with the world's highest number of femicides per capita outside of an active war zone.⁰² In 2016, Global Witness classified Honduras as the world's most dangerous country for defenders of land and territory.⁰³ Honduras currently ranks in the top three countries in Latin America in terms of killings of journalists.⁰⁴

These issues severely deteriorated in the wake of the June 2009 coup d'état. This event represented a watershed moment for the human rights defenders interviewed for this report, and led to their request for the establishment of a Peace Brigades International field project in Honduras in 2013. However, to focus solely on the coup d'état as the root cause of these issues would ignore the structural factors that gave rise to the socio-political instability of 2009. Whether inequality in land and income, poverty, networks of corruption, the influence of economic and political elites, fundamentalist conceptions of sexuality and gender, or discriminatory narratives against peasants, indigenous peoples, and afro-descendent collectives, these are obstacles that have persisted and impeded the defence of human rights for decades. Now, these structural factors represent some of the most serious challenges for the new government.

Xiomara Castro won the 2021 general elections with over 51% of votes, in an election with a participation rate of almost 70% of eligible voters. Castro presented herself as the candidate for reform and a break with the policies of the post-coup administrations. She must now contend with a country with a country facing a poverty rate of almost 74%, a figure that has worsened in recent years due to the COVID-19 pandemic and the impacts of hurricanes Eta and Iota in 2020; a public debt that has topped over 60% of GDP; and a marked political instability, particularly in the National Congress, where two competing leaderships existed in the first weeks of the Castro administration.

Although election day passed without the social protests and repression that marred the previous elections in 2017 and left at least 33 protestors killed,⁰⁵ the pre-electoral period was still the most violent in Honduran history. According to data from the United Nations Office of the High Commissioner for Human Rights (UNOHCHR), at least 28 candidates, pre-candidates, and party activists

01. El Universo, *Over 49,000 Violent Deaths Registered in Honduras since 2000*, 4 July 2012

02. TeleSur, *Honduras is the Country with the World's Highest Rate of Femicides*, 29 August 2014

03. Global Witness, *Honduras: the deadliest country in the world for environmental activism*, 31 January 2017

04. El Tiempo, *Honduras, Third in Latin America for Journalist Killings*, 20 October 2021

05. Anti-Impunity Coalition, *Honduras: Monitoring of Human Rights Violations in the Context of Electoral Fraud*, January 2018

L01. National Commission for Agenda 2030 on the SDGs, *Second National Voluntary Report on the 2030 Agenda*, July 2020.

were killed during this period.⁰⁶ Other reliable sources place the figure as high as 68 killings.⁰⁷

This situation did not go unnoticed by human rights defenders, who confirmed to PBI that they had noticed an increase in their risks and security incidents in the months prior to the elections. The rate of incidents also corresponded to the political narratives that circulated during an election in which the fundamental rights of marginalised groups such as women and the LGBTI+ community were debated and called into question. At the same time, events like the last-minute approval of reforms to the Penal Code in October 2021 demonstrated the increasing restrictions placed on those who defend land and territory, and freedom of expression.

In spite of the persecution they have faced for their legitimate non-violent activism, the defenders interviewed here referred to one word more than any other: hope. It is something they have not felt in many years, and although they are careful to keep up the fight and continue to advocate for their rights, they view the proposals of the current government as an opportunity, a ray of hope.

This publication comes at an opportune time. This is not only a moment to reflect on the changes made since Castro's inauguration, but also to consider the human rights situation in the country in the context of the progress reported by the government in the implementation of the 2030 Agenda. The 2021 elections occurred almost exactly one year following Honduras's Universal Periodic Review (UPR), which provides the country with a series of recommendations in the area of human rights. Moreover, the inclusion of Honduras as one of the 47 members of the United Nations Human Rights Council in early 2022 invites a debate on the country's track record and direction in human rights, in the context of the first 100 days of the Castro government.

06. Deutsche Welle, Honduras: UNOHCHR "Concerned" by Violent Deaths Prior to Elections, 15 November 2021

07. El Heraldo, Honduras: 68 Murders of Politicians in the Last 10 Months, 17 November 2021



I. AN ACHILLES' HEEL: THE FIGHT AGAINST CORRUPTION AND IMPUNITY

"We have pointed out that it is important to show that these projects do not only violate the human rights of indigenous peoples, they are not only violent, they do not only steal land. They are also corrupt projects, that are built upon structures of corruption, and the manipulation of the state."⁰⁸

(Berta Zúñiga, General Coordinator of the Civic Council of Popular and Indigenous Organisations of Honduras [Consejo Cívico de Organizaciones Populares e Indígenas de Honduras – COPINH])

08. Mongabay, Berta Zúñiga Cáceres: 'Extractive Projects Usurp Territories and are Corrupt', 15 November 2021

TRUST IN PUBLIC INSTITUTIONS AT AN HISTORIC LOW

Since the 2009 coup d'état, Honduran society has witnessed a consistent decline in levels of trust towards state institutions. In the 2020 *Latinobarómetro* survey, these indicators reached an historic low for the country. Just 16% of the Honduran population had 'partial' or 'full' confidence in the judiciary, 13% had confidence in the National Congress and the National Electoral Council, and only 11% of respondents trusted the national government, reflecting an institutional crisis across all levels.

THE CLOSE TIES BETWEEN CORRUPTION AND POLITICS

Corruption was one of the most recurrent themes in the 2021 elections. Several presidential candidates faced charges of corruption and drug trafficking. Nasry Asfura, candidate for the National Party of Honduras, is facing charges of alleged misappropriation of public funds. Yani Rosenthal, Liberal Party presidential candidate, spent three years in a United States prison for laundering money related to drug-trafficking. Less than one month before voting took place, Santos Rodríguez Orellana, candidate for the Dignity and Hope Independent Movement, was arrested and accused of drug-trafficking and homicide.^{L01}

I.1 BACKGROUND

Corruption is an issue with serious impacts on Honduran institutions. According to the Corruption Perceptions Index, Honduras is the fourth most corrupt country in the Latin American region.⁰⁹ Over the past two decades, the country has fallen 75 places, ranking 157 out of 180 countries. According to the 2020 Rule of Law Index, Honduras ranked 116 out of 128 countries, dropping 17 places over the previous ten years.

There are numerous examples of corruption among those with the most power in the country, from the Pandora Case, which investigated 38 state officials for misappropriation of funds and other charges, to the recent extradition of Juan Orlando Hernández, former President of Honduras, to the United States on charges of drug trafficking and the use of illicit profits to fund his political career.

The fight against corruption in Honduras has not been easy, and has been seriously hampered by the decision to not renew the mandate of the Mission to Support the Fight Against Corruption and Impunity in Honduras (Misión de Apoyo Contra la Impunidad en Honduras - MACCIH) in January 2020. This body, which was created by the Organisation of American States (OAS), opened 13 cases of corruption, including the Pandora Case, and indicted a total of 80 public officials and 32 private individuals. The Mission's exit from the country represented a serious setback in the investigation of these cases, many of which were later abandoned. For example, of the 38 individuals initially accused under the Pandora Case, the charges were dismissed against 32 of the defendants.

Following MACCIH's exit from the country, the Public Prosecutor's Office announced the creation of the Specialized Prosecutorial Unit against Corruption Networks (Unidad Fiscal Especializada contra Redes de Corrupción – UFERCO). The Unit's primary goal is the investigation of cases of high-level corruption and networks of corruption, including certain cases initiated by MACCIH. However, UFERCO responds to the Prosecutor's Authority and does not have the authority to decide which cases to investigate. Although its work has been recognised by the international community and Honduran society, it has been hindered by a *"systematic pattern of criminalisation of prosecutors in charge of investigating and litigating cases of grand corruption involving powerful interests"*¹⁰ One example pointed to by civil society organisations denouncing such acts is the infringement by other elements of the Public Prosecutor's Office upon UFERCO's independence through disciplinary actions. In one such instance, a *"supervisory team"* was sent to the office of Unit Head, Luis Javier Santos. On several occasions, the disciplinary actions occurred during key moments of UFERCO's work, such as important trial dates during high-profile legal cases.

In October 2021, less than two months before the general elections, the Honduran National Congress approved a series of reforms to the Penal Code, the Criminal Procedural Code, and the Special Law on Asset Laundering. In an open letter, national and international organisations expressed their *"deep concern"* over the lack of transparency in the decision-making process, as the reforms

L01. France 24, *Corruption, Drug-Trafficking Unease Marr Elections in Honduras*, 26 November 2021

09. Transparency International, *CPI 2021 for the Americas: A Region in Crisis*, 25 January 2022

10. WOLA, *International Organizations Urge End of Attacks Against Honduran Prosecutor Luis Javier Santos and Express Alarm over Destabilization Campaign against UFERCO*, 29 June 2021

were approved during a week of national holidays and without prior debate. Nevertheless, the content of the reforms is even more concerning. According to the OHCHR, the reforms “*contradict the human rights obligations of the State of Honduras, restrict civic space, and limit the capacity to conduct effective investigations in cases of corruption*.”¹¹ The OHCHR also notes that at least 17 individuals accused of corruption and asset laundering had their cases dismissed as a result of the enactment of these reforms.

The upcoming selection process for the Supreme Court of Justice, the High Court of Auditors, and the Attorney General of Honduras are particularly important in light of the dubious circumstances surrounding the election and re-election of the Attorney General in 2013 and 2018.¹² While civil society organisations had identified irregularities when the Attorney General initially assumed the role in 2013, their opposition was even greater during his 2018 re-election. Despite not featuring on the list of the five potential candidates as proposed by a commission charged with identifying appropriate nominees to the position, Óscar Chinchilla was re-elected by the National Congress with 88 votes in favour, 38 against, and two abstentions.¹³ Yet another instance of a “*grave attack against democracy in Honduras*”, according to the United Nations, occurred in December 2012, when magistrates of the Constitutional Court of the Supreme Court of Justice were dismissed from their positions by the National Congress.

1.2 RECENT ADVANCES

The Castro government has formally requested the support of the United Nations in the fight against corruption, and has begun the process of establishing an International Commission Against Impunity and Corruption in Honduras (Comisión Internacional Contra la Impunidad y la Corrupción en Honduras – CICIH),¹⁴ based on Guatemala’s CICIG, which was unilaterally dissolved in September 2019. A verification mission visited the country in early May 2022 as part of this process.

In late 2021, the Supreme Court of Justice of Honduras noted that there were pending arrest warrants for between 14 and 16 Honduran citizens, whose extradition had been requested by the government of the United States of America.¹⁵ Although Court President, Rolando Argueta, claimed to “*not recall*” if the requests involved public officials, figures such as former Vice President Vicente Álvarez, and former Security Minister Julián Pacheco Tinoco, are just two of the political figures named in documents held in a United States federal court.¹⁶

In April 2022, former president Juan Orlando Hernández, was extradited to the United States on several drug-trafficking charges. US prosecutors claim that even prior to becoming president, “*Hernández participated in a violent*

THE CICIH MUST HAVE AUTONOMY AND INDEPENDENCE TO INVESTIGATE CORRUPTION

Autonomy, independence, and a clear mandate to fight corruption. These are the principles that must guide the new International Commission Against Impunity and Corruption in Honduras (CICIH), according to member organisations of the Anti-Corruption Coalition. They also state that its mandate should last at least two terms (as recommended by international experts to consolidate the fight against networks of corruption in Honduras), and strengthen the work of UFERCO.

11. UNOHCHR, UNOHCHR Expresses its Concern over Recent Legal Reforms that Contravene Human Rights Obligations and Restrict Civic Space in Honduras, 5 November 2021

12. PBI Honduras, Honduras – A new perspective on Human Rights? The defence of human rights and the 2013 Elections, January 2014

13. CESPAD, Possible Scenarios for Honduras’s Disgraced Attorney General, 13 December 2021

14. France 24, Honduras Asks UN to Create Anti-Corruption Commission, 18 February 2022

15. El Heraldo, Supreme Court President: There are 14-16 Active Warrants for Extradition, 21 December 2021

16. VoA, Which Honduran Political Figures are Included in US Federal Court Documents?, 2 March 2022

drug-trafficking conspiracy in order to receive shipments of multiple tons of cocaine". Prosecutors also claim to have evidence that Juan Orlando made Honduras into a "narco-state", alongside his brother 'Tony' Hernández, who was sentenced to life in prison in 2021 on charges of drug-trafficking.



PBI Honduras observation of the Lenca ceremony held in Río Blanco by indigenous organisation COPINH; Berta Cáceres presents the Goldman Environmental Prize to the Río Blanco community. 30 May 2015. Photo: PBI.

HUMAN RIGHTS DEFENDERS ARE KEY IN THE FIGHT AGAINST CORRUPTION: BERTA CÁCERES AND THE GUALCARQUE RIVER FRAUD

"They thought their impunity would last forever, but they were wrong; the people know how to make justice". Here Berta Cáceres clearly reflects how civil society continues to combat corruption and impunity.

The search for justice following the assassination in March 2016 of Berta Cáceres, co-founder and leader of the Civic Council of Popular and Indigenous Organisations of Honduras (Consejo Cívico de Organizaciones Populares e Indígenas de Honduras – COPINH), and winner of the 2015 Goldman Prize, has served as an example of the fundamental role played by civil society and human rights organisations in the fight against corruption. Through a lengthy and ongoing struggle, COPINH has ensured that seven material authors of the crime (three hitmen, two former soldiers, and two employees linked to the Energy Developments S.A. [Desarrollos Energéticos S.A – DESA]). Furthermore, in 2021, David Castillo, ex-President of DESA, was found guilty of planning the assassination. His sentencing was scheduled for 18 May, but was postponed for the third time to 17 June.

Today, relatives of Berta Cáceres and members of COPINH, alongside national and international organisations, continue to demand justice and a thorough investigation of the Atala Zablah family, one of DESA's main investors. COPINH also continues in the struggle to protect the environment. 'The Fraud over the Gualcarque River', an ongoing legal case over alleged irregularities in the granting of hydroelectric concessions, was initiated by MACCIH based on complaints made by Cáceres before her assassination.

I.3 OPPORTUNITIES AND THE ROLE OF THE INTERNATIONAL COMMUNITY

- **Call upon the government of Honduras to implement the recommendations of the International Commission of Jurists (ICJ), through the adoption of norms to interpret national legislation in line with the UN Basic Principles on the Independence of the Judiciary, and other international standards.** The OHCHR has already stated its *“commitment to provide technical assistance to Honduran authorities, so that national legislation may translate into progress in human rights issues”*. International support is key to ensuring that national laws comply with international standards and best practice in the protection of human rights defenders and the fight against corruption.
- **Support civil society demands on the establishment of the CICIH and the operations of UFERCO.** These initiatives, which have been driven by civil society actions, must be accompanied by the international community to ensure that the CICIH, and any other body dealing with this issue can operate in the country without institutional interference.
- **Ensure compliance with international principles during the election of high-ranking public officials in the Supreme Court of Justice, the High Court of Auditors, and the Attorney General of Honduras.** In November 2022, nine judges will be appointed to the Supreme Court of Justice. This decision will have lasting impacts on Honduran legislation, and create an opportunity to effect structural change beyond the fight against corruption and impunity.

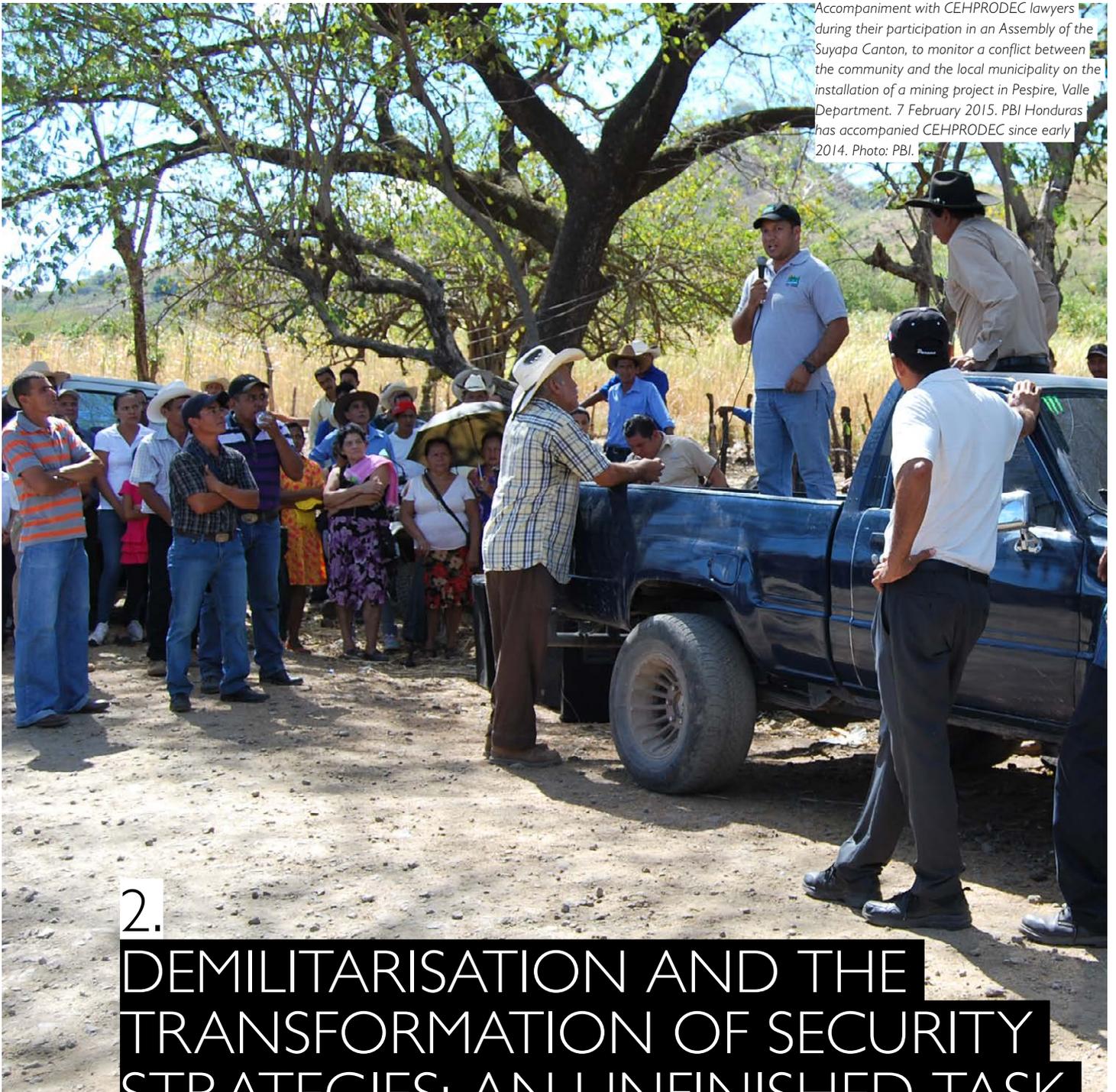
2020 UNIVERSAL PERIODIC REVIEW

Several states, including the United Kingdom and Norway, recommended that Honduras adapt its Penal Code to comply with international standards, before the reforms approved in 2021 caused even greater concern among national and international civil society organisations.

SUSTAINABLE DEVELOPMENT GOAL 16: PEACE, JUSTICE AND STRONG INSTITUTIONS

Without peace, stability, human rights, and effective governance based in the rule of law, it is impossible to achieve sustainable development. In its Voluntary National Report on the 2030 Agenda, Honduras refers to policies and indicators on combatting corruption and the quality of public institution. Their data does not coincide with the global corruption perceptions index or the Latinobarómetro results on Honduran society's perceptions and trust in their institutions, as shown in this report.

Accompaniment with CEHPRODEC lawyers during their participation in an Assembly of the Suyapa Canton, to monitor a conflict between the community and the local municipality on the installation of a mining project in Pespire, Valle Department. 7 February 2015. PBI Honduras has accompanied CEHPRODEC since early 2014. Photo: PBI.



2.

DEMILITARISATION AND THE TRANSFORMATION OF SECURITY STRATEGIES: AN UNFINISHED TASK

“Promoting a culture of peace will happen when the government repeals the mandates of the Military Police and FUSINA, through which they protect abusive extractive businesses that constantly intimidate defenders of common goods”.

Donald Hernández, Director, Honduran Centre for the Promotion of Community Development (Centro Hondureño de Promoción para el Desarrollo Comunitario - CEHPRODEC)

HUMAN RIGHTS VIOLATIONS COMMITTED BY THE ARMED FORCES.

The OHCHR registered 490 protests in 66 municipalities in 2021.^{L01} The Office observed that in certain instances, state security forces used excessive force, and on other occasions did not take necessary measures to protect protestors from attacks from third parties.

2.1 BACKGROUND

In the years following the coup d'état, Honduran society has become progressively militarised. Within a context of generalised insecurity (in 2011, two years after the coup d'état, Honduras had the highest homicide rate in the world),¹⁷ the Honduran executive published Decree PCM 075-2011, which granted police functions to the Armed Forces, and has been renewed on multiple occasions. At the same time, new state security forces were created, such as the Military Police of Public Order (Policía Militar del Orden Público - PMOP), the Special Operations Command (COBRAS) and the Special Comprehensive Governmental Security Response Unit (Unidad de Toma Integral Gubernamental de Respuesta Especial de Seguridad - TIGRES).

This militarisation has come at an enormous financial cost. Between 2008 and 2020, the budget allocated to the defence sector increased by 400%.¹⁸ However, its social cost has been even greater. Following his visit to the country in 2017, the United Nations Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, noted that according to information provided by civil society organisations, human rights abuses committed by the military increased following the militarisation of citizen security. As a result, between 2012 and 2014, Military Police agents were accused of participating in at least nine homicides, over 20 cases of torture, and approximately 30 illegal detentions.¹⁹

Over the past decade, many sectors of Honduran society have been affected by militarisation, including the agricultural sector and the judicial system. In the education system, the 'Guardians of the Homeland' initiative has brought the Armed Forces into Honduran schools, in order to provide "*civic, patriotic, and religious training*". Commenting on the continuous militarisation of society, the OHCHR stated in 2019 that, "*it is impossible to continue with a Military Police that is not trained to undertake the tasks of the Civil Police, as the risks of human rights violations are too high.*"

2.2 RECENT ADVANCES

Certain initiatives announced and adopted by the Xiomara Castro administration have signalled a possible process of demilitarisation. In her Plan of Government for 2022-2026, the President announced her intention to create a 'Community Police Unit', and to restore the mandate of the National Police. Following the entry of the Armed Forces into the country's prisons in the midst of a wave of violent deaths in late 2019, Castro ordered the demilitarisation of Honduran penitentiaries in March 2022, with a projected deadline of 10 months to transfer control of the prisons and the National Penitentiary Institute (Instituto Nacional Penitenciario - INP) to the National Police.

17. ASJ, Homicides in Honduras, March 2021

18. Radio Progreso, Military Police Functions have become Normalised in Honduras, says Office of United Nations High Commissioner, 11 March 2019

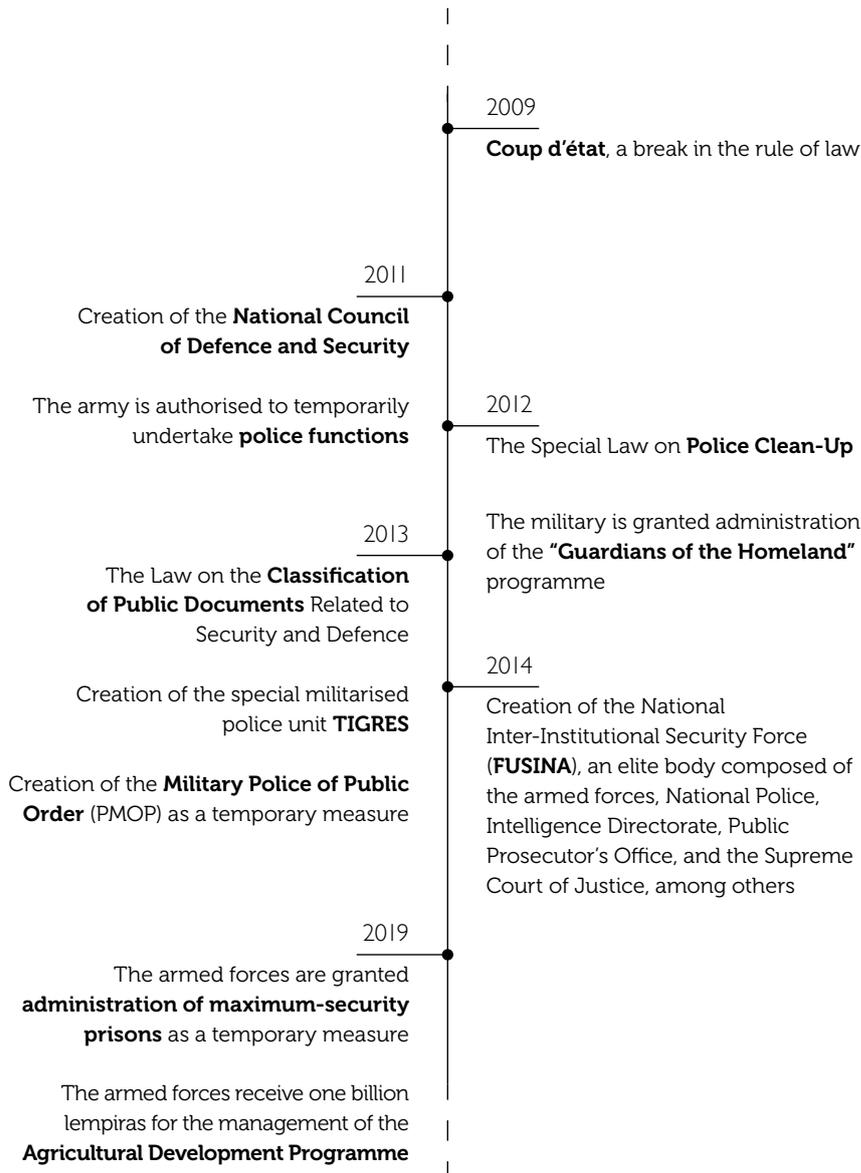
19. United Nations, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to Honduras, 11 April 2017

L01. UNOHCHR, Protest Monitoring Report

Rural areas may also see a reduction in military influence, following the Constitutional Court’s April 2022 resolution declaring Executive Decree PCM 052-2019 unconstitutional. The decree assigned the management of an agricultural development programme and its billion-lempira budget to the Armed Forces.

In budgetary terms however, the situation is less hopeful. Also in April 2022, the National Congress approved a budget of nearly ten billion lempiras (over 350 million euro) to the Secretary of Defence. This represented an increase over its assigned budget in 2021.²⁰ For comparison, it is estimated that the budget of state institutions attending to victims of human rights violations is below 250 million lempiras, or just 0.069% of the country’s general budget.²¹

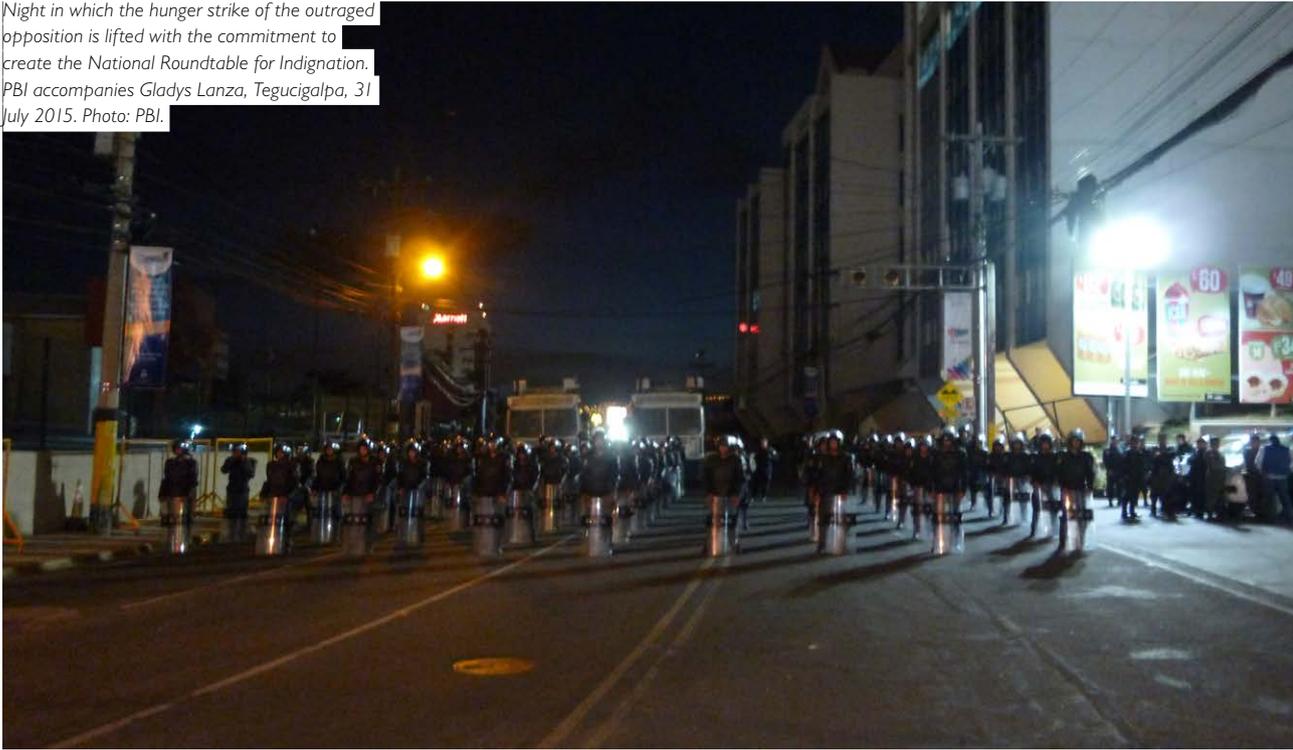
◀ REMILITARISATION OF HONDURAS: A BRIEF HISTORY SINCE 2009



20. Pasos de Animal Grande, According to Official Data: New Police and Military Budget set to Equal 2021, 18 April 2022

21. Pasos de Animal Grande, Less than One Percent of the General Budget of the Republic for Institutions Serving Victims of Human Rights Violations, 15 April 2022

Night in which the hunger strike of the outraged opposition is lifted with the commitment to create the National Roundtable for Indignation. PBI accompanies Gladys Lanza, Tegucigalpa, 31 July 2015. Photo: PBI.



DEMILITARISATION OF THE LAND CONFLICT IN THE BAJO AGUÁN

Several human rights organisations have denounced the militarisation of the land conflict in the Bajo Aguán valley in northern Honduras. The Permanent Human Rights Observatory of the Aguán and the San Alonso Rodríguez Foundation presented a statistical report on violent deaths related to the conflict in the area. The report denounced the 123 violent deaths and at least six disappearances that occurred in the 2008-2013 period, of which 90% remain unpunished.

According to the report, “victims include security guards, members of the military, police, bystanders, and a large percentage of peasants who lost their lives as a result of a structural violence, whose principal agents have been agro-industrial economic powers (the area’s land-owners) and the strong military presence (Operation Xatruch), that have conspired with the State, and disrupted the social fabric.”²² There are no data available for the violent deaths occurring in the area since this period.

According to CESPAD, the demilitarisation of this conflict must centre four key elements:

- i) Regulation of the agro-industrial sector’s private security companies,
- ii) Gradual withdrawal of the special military forces installed in the region,
- iii) Strengthening of a series of public institutions charged with promoting a culture of peace, and/or creating new ones, for a democratic transformation of land conflicts,
- iv) The construction of community safety networks, under a democratic model to permit progress in peacebuilding and healthy co-existence in communities afflicted by the land conflict.²³

22. Defensores en Línea, “Militarisation, Repression, and Impunity Surround 123 Violent Deaths Recorded in the Aguán”, 14 March 2014

23. CESPAD, Reflections on Managing the Agrarian Conflict in the Bajo Aguán, 3 March 2022

2.3 OPPORTUNITIES AND THE ROLE OF THE INTERNATIONAL COMMUNITY

- **Accompany the process to eliminate the Military Police of Public Order (PMOP).** Since the coup d'état, supposedly temporary interventions, such as the PMOP, have become lasting features in successive national security policies. In order to advance the demilitarisation of Honduran society, it is necessary to revise the mandates of special security bodies, including the PMOP, and develop procedures for their elimination.
- **Encourage the inclusion of other sectors in the demilitarisation processes.** The exit of the Armed Forces from the country's prisons is a positive step towards a wider demilitarisation. Other sectors that currently have a high degree of military influence, such as education, should also be included in this process.
- **Call for prosecution for human rights violations committed by state security forces.** State security forces have been singled out as perpetrators in numerous violent incidents against human rights defenders and Honduran society in general. A comprehensive demilitarisation must include the prompt, independent, and impartial investigation of the facts, and reparations and compensation for victims and their families.

2020 UPR

In its most recent Universal Periodic Review, Honduras received several recommendations focused on reducing militarisation and limiting the mandates of the Armed Forces. Norway recommended guaranteeing that the application of laws be the sole responsibility of the civil police forces, Canada recommended designing a plan to complete police reform and eliminating militarisation as a form of citizen security, and the United States recommended immediately investigating human rights violations and other abuses committed by state security forces.

DEMILITARISATION OF SOCIETY IN LINE WITH THE 2030 AGENDA

Another of the pillars of SDG 16 is the significant reduction of all forms of violence and the corresponding rates of mortality around the world through the strengthening of preventative polices and social inclusion. In its Voluntary National Report on the 2030 Agenda, the Government of Honduras pointed to security and public order policies intended to reduce levels of violence as an achievement in this area. Unfortunately, some of these measures have been denounced on multiple occasions by the OHCHR and the IACHR, who call for the demilitarisation of Honduran society.



3.

FREEDOM OF EXPRESSION: A RIGHT UNDER QUARANTINE

“If they go unpunished, these events will be repeated. As long as there are no exhaustive, impartial investigations that show they really did everything possible to reach the alleged perpetrators, we will continue to say that every death of a journalist is due to the exercise of their profession.”

Dina Meza, journalist, human rights defender, and executive director of the Association for Democracy and Human Rights in Honduras (Asociación por la Democracia y los Derechos Humanos de Honduras - ASOPODEHU)

ATTACKS ON JOURNALISTS DURING THE 2021 ELECTIONS

Attacks against journalists and social communicators increased during 2021 elections. Despite the absence of acts of social protest and state repression, news source Pasos de Animal Grande registered 15 attacks against journalists during voting day on 28 November, including physical assaults, death threats, surveillance, and obstruction of their work, primarily perpetrated by party activists and state forces.

^{L01} Prior to the elections, journalist Adriana Sivori was denied entry into Honduras. Sivori and her team from Venezuelan media network Telesur were previously detained by the Honduran state on the night of the 2009 Coup.

3.1 BACKGROUND

According to the 2022 World Press Freedom Index by Reporters Without Borders (RSF), Honduras ranks 165th in the world in terms of freedom of expression, in a context in which media pluralism is endangered by “*multinational corporate ownership of major media and political class ownership of smaller media.*” Between 2001 and 2020, a total of 92 journalists, social communicators, and media workers were killed in Honduras, according to the Committee for Free Expression (Comité por la Libre Expresión - C-Libre).²⁴ As is common for other groups, the rate of impunity in such cases is over 90%. During this same period, C-LIBRE documented over 2000 attacks against journalists in Honduras.

In terms of killings per capita, today Honduras is the most dangerous country in Latin Americas to be a journalist or social communicator. However, the most dangerous time for these groups was in the wake of the 2009 coup d’état. In total, 12 journalists were assassinated between 28 June 2009, when the coup occurred, and 31 December 2010.²⁵ Many others reported attacks and intimidation during this period.

According to an analysis from PEN International, journalists and social communicators have pointed to public officials as the greatest source of attacks against freedom of expression, not only for their direct involvement in violent actions like the repression of protests, but also for the inaction of public institutions in the face of rights violations.²⁶

Women journalists face an even greater risk, even at their places of work. According to a 2021 survey, 48% of women journalists in Honduras have experienced sexual harassment while at work.²⁷ In an analysis of 112 countries by Reporters Without Borders, Honduras was ranked one of the ten most dangerous countries for women journalists.²⁸ Moreover, this investigation also found that women journalists in Honduras feel obligated to change their style of dress in order to carry out their work, and adopt false identities for their protection.

Another measure that seriously limited freedom of expression was the Law for the Classification of Public Documents Relating to National Security and Defence. The Law, also known as the Law of Secrets, was approved in January 2014, and assigned the Honduran government the power to classify certain facts of public interest for up to 25 years, a power previously exclusively held by the Institute of Access to Public Information. This law was strongly denounced by journalists and civil society organisations.²⁹

24. C-Libre, Honduras: Disinformation – The Platform for a Regime. Report on Freedom of Expression in 2020, 2021

25. Pasos de Animal Grande, Journalists Assassinated in Honduras

26. PEN Internacional, PEN Canada and the International Human Rights Programme, Honduras: Journalism in the Shadow of Impunity, 2014.

27. Criterio, Harassment between the Lines, 10 May 2021

28. Reporters Without Borders, Sexism’s Toll on Journalism, 8 March 2021

29. Pasos de Animal Grande, Journalists Mark 91 years of Commemoration, and 20 Years of Suffering, 24 May 2021

L01. Pasos de Animal Grande, 15 Attacks Against Journalists and Social Communicators Mark Monitoring of Elections, 28 November 2021

3.2 RECENT ADVANCES

The decision to repeal the Law of Secrets on 1 March 2022 eliminated a serious obstacle to the work of journalists and social communicators in the country, and opened a path forward in the fight against corruption.

“Without a doubt, the repeal of this law constitutes an extraordinary opportunity to strengthen anti-corruption efforts in Honduras. This will give us greater possibilities to advance investigations, and, above all, to dismantle the large corruption networks which have taken root in the country, particularly over the past 12 years”, explains Wilmer Vásquez, Executive Director of the COIPRODEN Network and a member of the Anti-Corruption Coalition in Honduras.



Observation of the exhumation of the body of indigenous leader and social communicator Pablo Hernández. This action was based on a request from COFADEH. 15 February 2022. Photo: PBI.

PABLO HERNÁNDEZ, ANOTHER KILLING THAT REMAINS UNPUNISHED

In January 2022, human rights defender and social communicator Pablo Hernández was assassinated in San Marcos de Caiquin, Lempira Department. Hernández worked as a social communicator in the Tenan community radio station, where he denounced the injustices committed against the Lenca indigenous people. Berta Oliva, coordinator of COFADEH, said that, *“There is never any response when it comes to the killing of a son of the people; the Public Prosecutor turns a blind eye and acts with a paralysing indifference”*. In the face of this inaction, COFADEH has arranged for the exhumation of Hernández’s body, in order to advance the investigation and identify those responsible.

2022 UPR

Any attack against those who defend freedom of expression must be investigated and punished. This was one of the most frequent recommendations made at the 2020 UPR; countries such as Australia, the United Kingdom, Portugal, Russia, and the Dominican Republic made reference to this urgent situation in their contributions.

MEDIA CONTRIBUTION TO THE 2030 AGENDA

The contribution of the media to good governance and development is recognised in SDG 16 (Peace, Justice, and Strong Institutions). In its Second National Voluntary Report on the 2030 Agenda, the Government of Honduras did not explicitly reference freedom of the press as an element of achieving this goal.

3.3 OPPORTUNITIES AND THE ROLE OF THE INTERNATIONAL COMMUNITY

- **Advocate for advancing the protection of journalists.** An important step in this field would be the full implementation of the *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*,³⁰ in order to contribute to the security of journalists and social communicators and recognise the importance of their work.
- **Advocate for the review of the classification of the crimes of libel and defamation within the Penal Code.** In 2017, the OHCHR called upon Honduras to reform articles 155 and 157 of the Penal Code, referring to libel, and article 335 on “*inciting and justifying acts of terrorism*”, which carries a penalty of up to eight years’ imprisonment. International human rights bodies demand that these so-called crimes against honour be remitted to civil courts, which apply penalties like fines and fees rather than prison.
- **Monitor progress towards greater levels of transparency in public information and the revision of articles related to the National Intelligence Law and the Law on Transparency and Access to Public Information.** Although the repeal of the Law of Secrets represents an important step forward, certain laws still contain articles that may be used to restrict the right to public information, such as articles 18 and 19 of the National Intelligence Law, which has in place since January 2013. Access to public information may also be restricted by articles 17-21 of the Law on Transparency and Access to Public Information.
- **Call upon the State of Honduras to actively participate in the Media Freedom Coalition.** Established in 2019 by the governments of Canada and the United Kingdom, the coalition is composed of signatory countries that have pledged to joint action and dialogue to defend and promote press freedom. Although Honduras has signed this pledge, it has not yet participated actively within the Coalition.

30. UNOHCHR, *United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity*



4.

ACCESS TO LAND IS KEY IN RESPONDING TO THE FOOD CRISIS

“After the coup d’état, we have seen a wave of ever-increasing violence in this country, with an increase in the criminalisation of the peasantry, human rights defenders, and social leaders. However, after the elections, our expectations are more hopeful; we believe that many things will improve, although it will not be easy.”

Melvin Orellana, member of the National Council of the National Centre of Field Workers (Central Nacional de Trabajadores de Campo – CNTC). PBI Honduras has accompanied the CNTC since April 2018.

INEQUALITY IN NUMBERS

Although the agriculture sector employs 36% of people in Honduras, just 15% of land owners hold over half of the country's arable farmland. Meanwhile, just 20% of arable land is held by small-scale peasant farmers. In reference to the unequal concentration of land, the FAO has concluded that, "currently, there is practically no land available".¹⁰¹

RURAL WOMEN DEMAND THE IMPLEMENTATION OF CREDIMUJER

The situation for rural women is even more difficult, as peasant women were highly disadvantaged in previous land reform initiatives. Women could only benefit from the 1962 land reform if they had children in their care. In the 1975 land reform, women were not recognised as farmers or producers of food. Although this situation has improved somewhat over the years, there is still a discrepancy in land titles. Estimates indicate that 86% of rural women do not have access to land, in comparison with 64% of rural men.¹⁰² Moreover, of the 78,975 land titles granted by the National Agricultural Institute (Instituto Nacional Agrario - INA) between 2011 and 2020, just 37.3% were granted to women.

To address this issue, and following many years of struggle by organisations of peasant women, Honduras established CREDIMUJER, the National Programme of Solidarity Credit for Rural Women.

The Programme promised to grant access to land, credit, and technical assistance to over 500,000 women. However, the Honduran state has yet to fulfil this promise.

4.1 BACKGROUND

As is common to almost all of Latin America, the question of unequal land ownership is an historic and persistent problem in the Republic of Honduras. Approximately 80% of land held in private hands does not have a corresponding or accurate land title.³¹ Legal uncertainty in land tenure, property rights, and land use; private land titles granted over ancestral lands; and authorities' limited capacity to prevent and resolve land conflicts and guarantee peasant and indigenous communities' rights to land and territory are some of the most alarming aspects of this issue.³² Past government initiatives have given signs of hope for the improvement of this situation. The agrarian reform approved under the administration of Manuel Zelaya (PCM 18-2008), is just one example pointed to by peasant organisations. However, this wide-reaching decree was one of the victims of the 2009 coup d'état, when it was declared unconstitutional by the Supreme Court and the National Congress. Since then, the fight for land access has become one of the flashpoints of social conflict in the country.

During the COVID-19 pandemic, the Honduran government approved several reforms that caused even further harm to the peasantry. In addition to the aforementioned PCM 052-2019, another notable example is executive decree PCM 030-2020, which declared the agro-industrial and agro-export sectors as national priorities while displacing small and medium farmers and worsening the food crisis.³³ "Worst of all, the state ordered an survey and registration of all national lands, to set them aside for these activities. In other words, to hand them over to the private sector. This will lead to the sharpening of the peasant and indigenous struggle, and an increase in evictions and criminalisation", explains Franklin Almendárez, General Coordinator of the CNTC. The United Nations warns of worsening food insecurity in Honduras, a situation that already affects 2.5 million people in the country, and which could intensify even further as a result of the global surge in food and grain prices and the Russo-Ukrainian War.

Peasant organisations also point to landowners, agribusiness, and occasionally state actors as the main aggressors against the rights and physical integrity of the peasantry. According to La Via Campesina (LVC) and the CNTC, between 2010 and 2021 at least 165 persons were killed for defending land and territory in Honduras. In these crimes, the rate of impunity is 96%.³⁴ According to information provided by these organisations, a large part of this conflict is driven by the, "inefficiency of the INA and the biased actions of the local and regional justice system." Between 2010 and 2021, at least 2,470 persons were criminalised in Honduras for their work in defence of land and territory, in cases that clearly demonstrate the highly-damaging impacts of criminalisation on human rights defenders.³⁵

31. UN, Visit to Honduras: Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, June 2020

32. UNOHCHR, 2021 Annual Report on the Human Rights Situation in Honduras 2021, March 2022

33. CESPAD, PCM-030-2020 and the Worsening Food Crisis in Honduras, 5 May 2020

34. LVC Honduras and CNTC, Criminalisation and Prosecution of Land and Territory Defenders, October 2021

35. Ibid.

L01. FAO, Gender and Land Rights Database

L02. Oxfam, Current Situation for Rural Women in Honduras, November 2021

Even in cases that do not lead to pre-trial detention, the substitutive measures applied instead carry an enormous burden. In the majority of cases accompanied by PBI Honduras, the conditions of these substitutive measures include a ban from entering the disputed land and a requirement to periodically sign a court register. These measures have negative impacts on the personal, familial, community, and organisational levels, and imply a large economic and emotional cost by forcing the defender to travel to courthouses (which may be many kilometres away), prohibiting travel outside the country or local area, and treating defenders as criminals. In one case observed by PBI Honduras, these measures lasted over 12 years as a result of delays in the judicial system.



PBI accompaniment with the “Tierras del Padre” indigenous Lenca community during an attempted eviction. We accompanied the Network of Women Human Rights Defenders at the eviction, which was planned for 6 a.m. in Tierras del Padre, Francisco Morazán Department. The disputed lands have been occupied by the Lenca people since 1739. In this case, a private business with a property title requested their displacement. We observed the presence of 600 police agents, who behaved violently, attacking a pregnant woman. The eviction was not carried out due to pressure from the Secretary for Human Rights. However, the order for eviction is still pending. 9 February 2022. Photo: PBI.

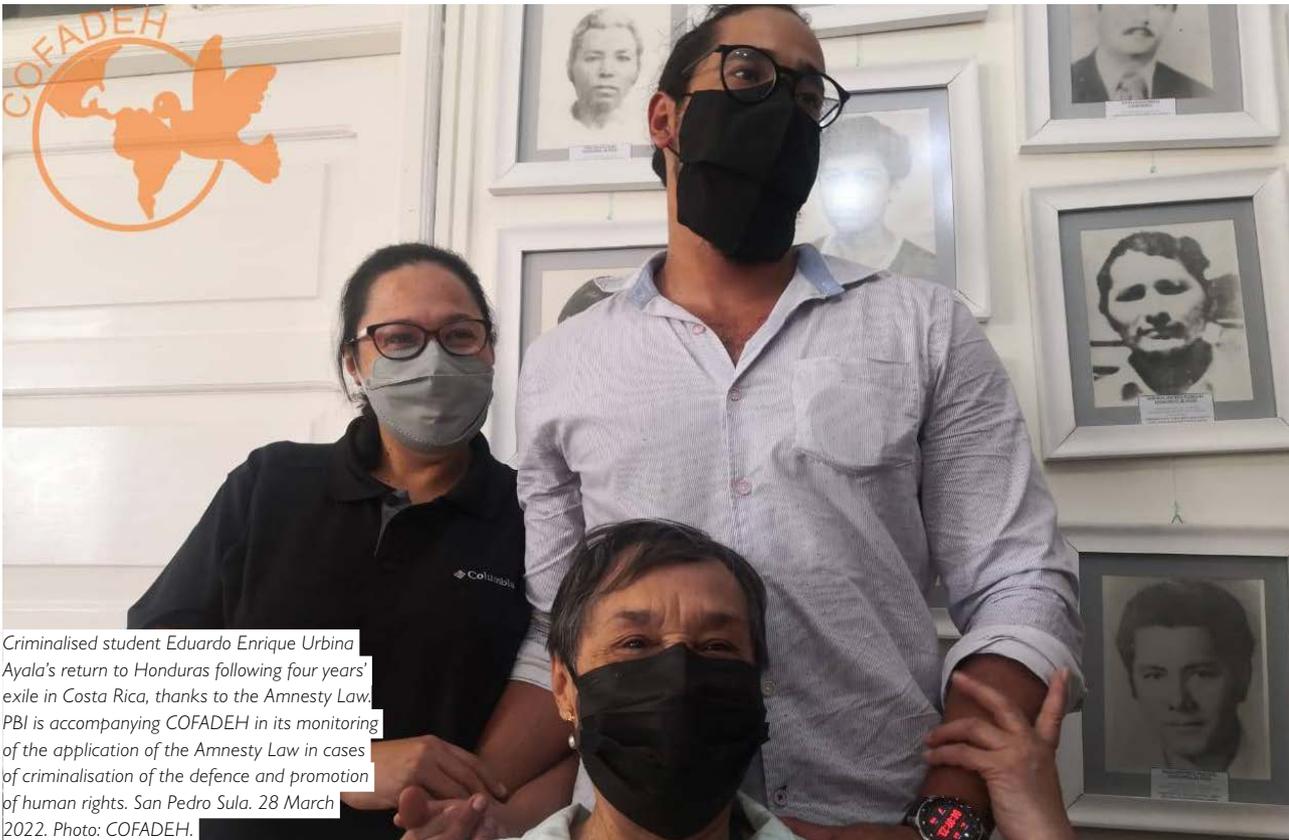
LILIAN BORJAS, NINE YEARS OF CRIMINALISATION, AN EXAMPLE OF RESILIENCE

Lilian Borjas is a peasant leader in the CNTC Regional Council in the Department of Yoro. In 2013, Lilian and her peasant group began a process of land recuperation in El Negrito (Yoro). Despite guarantees from the INA that the disputed lands were communal, the group suffered several attacks. In 2013, Borjas was arrested on charges of land-grabbing, and was criminalised through substitutive measures alongside two other members of the community. In principle, substitutive measures cannot last longer than the minimum penalty of the charges (in this case, one year). However, Lilian has spent almost ten years with substitutive measures. Although the charges against her were dismissed in 2020, Lilian is still awaiting her release letter and the definitive end of her criminalisation. Lilian Borjas’s case is not unique; at least 559 peasant women in Honduras have faced criminalisation in the past decade.

4.2 RECENT ADVANCES

The Amnesty Law for the Release of Political Prisoners and Prisoners of Conscience was one of the first legislative initiatives approved by the Xiomara Castro government. Although the law has been criticised by legal experts for failing to distinguish between criminal and common offences, and for its subjectivity,³⁶ it nevertheless represents an important advance for thousands of criminalised defenders in Honduras, and particularly for the peasantry. By April 2022, the Committee of Relatives of the Detained and Disappeared in Honduras (Comité de Familiares de Detenidos Desaparecidos en Honduras - COFADEH) had already ensured that 50 individuals would benefit from the Amnesty Law, with further cases of various peasant groups still pending.

Elsewhere, in an important victory for the peasantry, the Law for the Protection of New Varieties of Plants, commonly known as the 'Monsanto Law', was declared unconstitutional by the Supreme Court in early 2022.³⁷ This law, approved in 2012, prohibited stockpiling, handing out, or trading seeds, and was fiercely opposed by the peasantry and organisations like the CNTC and the National Association for the Promotion of Ecological Agriculture (Asociación Nacional para el Fomento de la Agricultura Ecológica - ANAFAE). The latter lodged the constitutional challenge that led to the repeal of the law, on the grounds of "violating constitutional provisions in favour of life, human dignity, and the rights of all Hondurans to an adequate quality of life", among other reasons.



Criminalised student Eduardo Enrique Urbina Ayala's return to Honduras following four years' exile in Costa Rica, thanks to the Amnesty Law. PBI is accompanying COFADEH in its monitoring of the application of the Amnesty Law in cases of criminalisation of the defence and promotion of human rights. San Pedro Sula. 28 March 2022. Photo: COFADEH.

36. La Prensa, The CICIH Would be Restricted by Amnesty Approved in National Congress, 4 February 2022

37. ANAFAE Network, Supreme Court of Justice Defends Food Sovereignty in Honduras, 28 February 2022

Moreover, in April 2022, the government of Xiomara Castro announced the re-activation of the Council for Farming Development (Consejo de Desarrollo Agropecuario – CODA). This council is composed of ten public-sector agricultural bodies such as the INA and the Secretary of Agriculture and Livestock (Secretaría de Agricultura y Ganadería – SAG), and aims to coordinate and align their activities in this sector.

4.3 OPPORTUNITIES AND THE ROLE OF THE INTERNATIONAL COMMUNITY

- **Promote the incorporation of the United Nations Declaration on the Rights of Peasants and other People Working in Rural Areas into national legislation.** This December 2018 declaration recognises the key role played by the peasantry in food production, by asserting their rights to common goods, collective organisation, political participation, land, seeds, and gender equality. Although the declaration is non-binding, its full adoption would strengthen rural governance and the peasantry as a social actor. Honduras abstained from voting when this declaration was discussed in September 2018.
- **Monitor the implementation of a comprehensive agricultural reform law with a gender focus.** Some of the measures that could be taken to implement this reform and improve the ongoing food crisis include the strengthening of institutions related to the granting of land titles, such as the National Agricultural Institute (Instituto Nacional Agrario – INA), the investigation of cases of criminalisation, and improvements to the justice system in order to streamline cases of conflict over land. Similarly, it is necessary to implement the CREDIMUJER programme, and guarantee the participation of women’s organisations within the initiative.
- **Express concern over decrees that violate the rights of peasants.** PCM 030-2020 has been harshly criticised by experts, state institutions, and the peasant communities that are forced to live with its consequences. Any agricultural project must include the peasantry, indigenous communities, and the Garífuna people as its primary stakeholders. In relation to the farming census included within this decree, any survey must be undertaken in a transparent and inclusive manner, with the participation of affected communities and the accompaniment of international bodies like the FAO.
- **Draw attention to and observe the hearings of criminalised peasants arguing under the Amnesty Law, and other open cases.** Despite concerns over how this Law is currently formulated, COFADEH has announced that it will work intensely to ensure its application. It is necessary to follow up on cases where this law may be applied, and the international community must bear witness to its compliance with due process.

2020 UPR

Respect the rights of indigenous peoples (Switzerland) and refrain from criminalising human rights defenders (Norway) are two of the recommendations the State of Honduras received in its last UPR in relation to the rights of the peasantry and access to land.

THE DECLARATION ON THE RIGHTS OF THE PEASANTRY IS KEY IN THE 2030 AGENDA

Ending hunger, achieving food security, and promoting sustainable agriculture are included in SDG 2 in the 2030 Agenda. In its Second Voluntary Report on the 2030 Agenda, the Government of Honduras refers to the improvement in food security levels in 2014-2018, claiming they are a result of the implementation of social programmes, like the Strategic Life Plan. Social organisations such as CESPAD question the efficacy of these strategies due to their clientelist nature, which seeks to consolidate the electoral base of the President’s political party. Governmental agricultural initiatives undertaken during the pandemic were also strongly criticised for their impacts on the food crisis.



Juana Ramona Zúñiga is the Secretary of the Community Council and a member of the Environmental Committee of Tocoa, a municipality located in the Colón Department in northern Honduras. Juana Ramona Zúñiga is married to Jose Abelino Cedillo, one of the eight defenders imprisoned for over two years in the Guapinol Case. Photo used in a webinar on the occasion of COP 26, in November 2021. Photo: PBI.

5.

ACCESS TO A CLEAN AND HEALTHY ENVIRONMENT IS A HUMAN RIGHT

“They say that the communities are against development, but that is not true. We want a development that respects human rights, and does not damage the river or the environment. They sold us a development with principles, but it only brings family breakdown, harassment, and criminalisation”.

Juana Zúñiga, Defender of the Guapinol River. PBI has accompanied the Guapinol Case since January 2019.

THE HONDURAN MINING LAW, THE MOST REGRESSIVE IN THE REGION

According to an analysis by researchers from the University of Wageningen, Honduras's General Mining Law is one of the most regressive in the region.^{L01} The law, which was approved in 2013 and reformed in 2019 when six articles were declared unconstitutional, continues to suffer from numerous issues. For example, although there is a maximum time limit on concessions (Article 22-A), mining companies may renew them. The law also establishes that companies must hold a free, prior and informed consultation in indigenous territories, and town hall meetings in every municipality included in the concession (Articles 67 and 68). However, if these communities reject a project, the company can hold another consultation after one year, compared to three years as stipulated in the law prior to the reform. Moreover, Decree 13-2020, published in December 2020, again reformed the Mining Law to offer incentives for the exploitation and export of petroleum products.

5.1 BACKGROUND

Honduras, one of the most vulnerable countries in the world to the impacts of climate change, is situated in the so-called "dry corridor", a drought-prone region that extends from Guatemala to Panama. Deforestation (according to data from the Tropical Agronomics Research and Teaching Centre, over the past sixty years roughly 1.2 million hectares of Honduras have been deforested), and the large number of mining projects (in 2021, there were more than 545 mining projects according to the Honduran Centre for the Promotion of Community Development [Centro Hondureño de Promoción para el Desarrollo Comunitario – CEHPRODEC], have also caused a severe reduction in the clean water available to rural communities.

In addition to mining, extractivism in Honduras also includes logging, hydro-electric projects, monoculture plantations, hydrocarbons, and the establishment and expansion of tourist installations in coastal regions. In its visit to Honduras, the United Nations Working Group on Business and Human Rights reported receiving, "alarming information regarding the systematic lack of access to information affecting all stakeholders in environmental decision-making, including the status of licencing and concession processes, and the companies and investors involved". The Working Group also highlighted the lack of a transparent environmental legal framework, particularly in regards to the qualifications necessary to undertake environmental and social impact surveys.³⁸

This context of socio-environmental conflicts made Honduras the most dangerous place in the world to defend land and the environment in 2016,³⁹ and the second-most dangerous in 2020.⁴⁰

Due to the location of their ancestral lands, the Garífuna, an afro-indigenous people, have been severely impacted by extractivism through the installation of tourism projects and the numerous ensuing socio-environmental conflicts. In a landmark 2015 case, the Inter-American Court of Human Rights found the State of Honduras responsible for failing to comply with the right to free, prior and informed consent in the planning and execution of tourism projects on the lands of the Garífuna community in Triunfo de la Cruz, Atlántida Department. In light of the COVID-19 crisis, the community held an assembly in June 2020, in which it decided to use the mainly vacant land, and authorised its division between the families and particularly the youth of the community. One month later, in July 2020, five members of the community were kidnapped by armed individuals dressed as police officers. Those kidnapped include Alberth Centeno, land and territory defender with OFRANEH and president of the community council.⁴¹ Their whereabouts have yet to be discovered.

38. UN, Visit to Honduras: Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, June 2020

39. Global Witness, Honduras: the deadliest country in the world for environmental activism, 31 January 2017

40. Global Witness, Last Line of Defence, 13 September 2021

41. CESPAD, How the Garífuna Leaders were Kidnapped from Triunfo de la Cruz, 21 July 2020

L01. Middeldorp et al., Social mobilisation and violence at the mining frontier: The case of Honduras, 16 November 2016



Members of OFRANEH on day two of a COPINH protest in front of the Presidential Palace in Tegucigalpa, demanding justice in the Berta Cáceres case. Miriam Miranda, coordinator of OFRANEH, has warned that, "Garífuna territories have become an object for disputes and land-grabbing by an institutional mafia. Any leader or community organiser that denounces this situation risks reprisals," and called to, "dismantle the criminal institutional mafia". May 2016. Photo: PBI Honduras.

5.2 RECENT ADVANCES

In a message published by MiAmbiente in February 2022, the government of Honduras declared a ban on open-pit mining. It also stated its intention to revise, suspend, and cancel the environmental licenses of existing mining projects, a very important initiative in light of the 130 concessions located within or next to indigenous territories, according to data from FOSDEH. However, the lack of an executive decree leaves the initiative without the official support of the executive branch, and with little clarity on when and how the decision will be applied.

In April 2022, the National Congress unanimously repealed the Zones for Employment and Economic Development (Zonas de Empleo y Desarrollo Económico - ZEDES), one of the most wide-reaching popular demands in recent years. These zones, originally conceived in 2009, consist of areas of Honduran national territory that are subject to a "special regime", where investors control tax, security, and conflict-resolution policies. Days later, the repeal was approved by President Xiomara Castro. However, ongoing attention must be paid to the ZEDES, as the decision must be ratified and published in the official newspaper, La Gaceta, in order to be fully repealed.

2021'S HISTORIC UNITED NATIONS RESOLUTION

On 8 October, a resounding applause was heard in the Assembly Room of the UN Human Rights Council in Geneva. A battle that had been fought by environmental activists and human rights defenders for decades had finally been won. For the first time, the United Nations body responsible for promoting and protecting human rights around the world approved a resolution that recognised access to a healthy and sustainable environment as a universal right.^{L01}

L01. ONU, The right to a healthy environment, 17 October 2021

Observation of the trial of Guapinol River defender Jeremías Martínez. 17 March 2021.
Photo: PBI Honduras.



GUAPINOL AND THE CRIMINALISATION OF THE DEFENCE OF WATER

Hundreds of land and environmental defenders have been criminalised for their legitimate defence of our planet. This was the case of the eight Guapinol River defenders, who were subjected to a lengthy criminalisation process and arbitrary pre-trial detention (according to the UN Working Group on Arbitrary Detention),⁴² for almost two and a half years for defending the Carlos Escaleras Natural Park from the mining operations of Los Pinares Investments, owned by Honduran businessman Lenir Pérez.

Although six of the defenders were found guilty of damages, arson, and unjust deprivation of liberty in February 2022, thanks to the constant work of national and international organisations, and public declarations from organisations like Amnesty International,⁴³ and Members of the European Parliament,⁴⁴ The Constitutional Court of the Supreme Court of Justice ruled in favour of the environmentalists, dismissing their guilty sentence.

At the same time, extractive activity in the area continues to leave a huge environmental impact on the Guapinol River and nearby communities. According to a technical report presented in 2021 to the Secretary for Natural Resources and the Environment, the road giving access to the mine is contaminating the Guapinol and San Pedro rivers with sediment. Moreover, over 35 streams have been directly affected by the mining activity.⁴⁵

42. Working Group on Arbitrary Detention, Grupo de Trabajo sobre la Detención Arbitraria, Opinions Adopted at its 89th Session, February 2021

43. Amnesty International, Honduras: Amnesty International demands justice for the Guapinol eight, 3 February 2022

44. European Parliament, Open Letter: Call to free Guapinol rights defenders amidst COVID crisis, 6 April 2020

45. Criterio, Report Published on Pollution caused by Mining on the Guapinol River in Tocoa, Colón, 29 June 2021

5.3 OPPORTUNITIES AND THE ROLE OF THE INTERNATIONAL COMMUNITY

- **Call upon the government of Honduras to sign and ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (The Escazú Agreement).** Escazú represents the first environmental accord for the Latin American region, and the first international agreement to include specific measures to protect environmental defenders. Escazú aims to establish mechanisms for access to information on environmental issues, participation in decision-making, and protection for those affected by environmental damage. Honduras is one of nine countries in the region that have neither signed nor ratified the agreement.
- **Demand compliance with the rulings of the Inter-American Court of Human Rights that guarantee the territorial rights of Garífuna communities.** In March 2021, IACHR representative Joel Hernández lamented that Honduras had not complied with two sentences dictated by the court five years earlier, which recognised the rights of Garífuna communities. Specifically, Honduras has not fulfilled its obligation to clear the territory of Punta Piedra, Colón Department, of third parties, and has not demarcated territory and granted a collective land title in the case of Triunfo de la Cruz, Atlántida Department.
- **Guarantee the use of free, prior, informed, and culturally appropriate consultation.** Although Honduras has ratified ILO Convention 169 on the rights of indigenous peoples to free, prior, informed consent, state adherence to this principle has not been consistent. A draft Law on Free, Prior, and Informed Consultation has been held up in Congress for several years due to the lack of support from indigenous organisations. In February 2020, Berta Zúñiga, General Coordinator of COPINH, stated that the law as it was then formulated would, *“repeat the crime against Berta Cáceres, as it would give free rein to extractive projects, while communities would not be able to voice their opinion”*. Moreover, any violation of the principle of consultation must be investigated in an independent, impartial, and prompt manner.
- **Promote the implementation of the United Nations Guiding Principles on Business and Human Rights through a National Plan.** Adherence with these principles, and their realisation within a National Plan on Business and Human Rights, would support state protection of human rights, contribute to the respect of human rights defenders by private businesses, and provide for access to legal recourse in the case of violations. In January 2020, the Honduran Council on Private Business announced its business and human rights policy, which includes such commitments as promoting respect for human rights, responsible business conduct, and practices to combat corruption among its members and the business sector.⁴⁶

UPR 2020

During the recent UPR, several states centred their recommendations on improving care of the environment. Ireland, among others, recommended ratifying the Escazú Agreement, Colombia recommended continuing discussions on the National Business and Human Rights Action Plan, while Switzerland recommended respecting the right to free, prior, informed consent.

THE ESCAZÚ AGREEMENT IS ESSENTIAL TO AGENDA 2030

The Escazú Agreement provides a solid base for taking the necessary steps to protect the right of those living in Latin America and the Caribbean to a healthy, safe, and sustainable environment. Numerous academic and professional contributions from throughout the region have explained the link between the agreement and Agenda 2030 and the SDGs. Honduras is one of nine countries in the region that have neither signed nor ratified the Agreement. The OHCHR has called upon Honduras to ratify the Agreement on several occasions.

46. UN, Visit to Honduras: Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, June 2020

A march in defence of LGBTI rights in Tegucigalpa. 17 May 2017. From the exhibition "Living by Defending Rights – 20 Visual Stories of the Defence of Human Rights". PBI/Mundubat. Photo: Francesca Volpi.



6.

LGBTI+ RIGHTS: BREAKING DOWN IN ORDER TO REBUILD

"The setbacks we have seen in human rights over the past 12 years have been terrible. And we have grown accustomed to it. Violence has been normalised, discrimination has been normalised, all kinds of actions that harm others have been normalised. So, we have to break them down in order to rebuild."

Donny Reyes, Arcoiris LGBTI Association. PBI has accompanied Arcoiris since early 2015.

HATE SPEECH IN THE 2021 ELECTORAL CAMPAIGN

The 2021 electoral campaign clearly showed the grave impacts of hate speech. In a speech commemorating 200 years of Honduran independence, then-President Juan Orlando Hernández described LGBTI+ rights defenders as “enemies of independence”. His comments were widely condemned by Honduran civil society, who feared possible repercussions against the LGBTI+ community. Their concerns were proved correct just ten days later, when trans woman and National Party activist, Erika Tatiana, was killed in the western department of Copán.¹⁰¹ This is a familiar story for LGBTI+ Hondurans. Grecia O’Hara, Communications Coordinator in the LGBTI+ organisation Centre for LGBTI Cooperation and Development (Centro para el Desarrollo y la Cooperación LGTBI – SOMOS CDC), explains: “Mass media are one of the main dangers to our community, because they are the ones spreading an incorrect message, an incorrect image of what it means to be an LGBTI person... These implicit and explicit narratives on LGBTI issues will always have consequences. If they are not stopped in time, they can end in tragedy.”

6.1 BACKGROUND

Since the coup d’état, discrimination and unequal treatment towards the LGBTI+ community in Honduras have increased. These patterns are reflected in legislative rollbacks to the rights of the LGBTI+ community and in acts of violence. From 2009 to March 2022, at least 409 members of the LGBTI+ community were killed in Honduras.⁴⁷ According to Sin Violencia LGTBI, a network of Latin American LGBTI+ organisations, during this time Honduras became one of the most dangerous countries in the world in which to be LGBTI+, alongside Mexico and Colombia.⁴⁸

Although these killings are the most serious expression of the hate and structural violence the LGBTI+ community in Honduras faces, homophobia, biphobia, and transphobia are also reflected in verbal, physical, and sexual assaults, harassment, defamation campaigns, and a lack of access to employment and public services. Limited access to public services has wide-reaching implications, particularly in relation to access to justice.

According to data published by CONADEH, over 90% of crimes against LGBTI+ persons go unpunished.⁴⁹ Data gathered by the CATTRACHAS Lesbian Network’s Observatory show that of the 409 killings registered since 2009, just 91 have been taken to trial. Even when cases reach the courts, the majority conclude without a guilty sentence.

In over half of the security incidents reported to PBI by members of the LGBTI+ community, state actors, particularly the National Police, Preventative Police, and the Army, are described as aggressors. This situation not only implies an inversion of the functions of state officials, who violate rather than protect the rights of citizens, but also prevents victims of hate crimes from reporting these acts. In the words of the Sexual Diversity Platform, “The levels of impunity indirectly contribute to the popular notion that violence and discrimination against the LGBTI+ population are accepted by the state and its officials... Could you imagine going to the police to report the police?”

6.2 RECENT ADVANCES

In March 2022, the Office of the Attorney General and the Secretary for Development and Social Inclusion (Secretaría de Desarrollo e Inclusión Social – SEDIS), announced the creation of the ‘Vicky Hernández Education Scholarship for Trans Women’, fulfilling one of the reparation measures requested by the Inter-American Court of Human Rights. On Monday 9 May 2022, the Government of Honduras recognised its responsibility in the death of Vicky Hernández, publicly “asking forgiveness for this terrible murder”. The historic sentence was declared in March 2021, when the Court found the State of Honduras responsible for the violation of the life and physical integrity of the trans woman and human rights defender, who was assassinated in the context of the coup d’état.⁵⁰ Other measures included within this sentence have yet to be fulfilled.

47. Catrachas, Observatory of Violent LGBTI Deaths

48. Sin Violencia LGTBI, Deciphering Violence in a Time of Quarantine, June 2021

49. CONADEH, Honduran Ombudsman Demands End to Hate Crimes Against Members of the LGBTI Community, 29 September 2021

50. IACHR, Vicky Hernández et Al. vs Honduras; Judgment from 26 March 2021

101. Washington Blade, Erika Tatiana is Killed 10 Days after JOH’s Hate Speech against LGBTQ Persons in Honduras, 28 September 2021

One month after this public apology, the Honduran Secretary of Foreign Affairs ratified a request before the UN to join the Group for the Protection of the Rights of Members of the LGBTI Community.⁵¹ In its official communication concerning the initiative, the government stated its intention to, “*promote safety, combat violence and discrimination, and lead more actions like this request to be recognised within the UN Group*”.



Solidarity march following the 2016 Pulse Nightclub massacre in Orlando (USA), demanding justice for LGBTI+ victims of violence. June 2016. Photo: PBI Honduras.

VICKY HERNÁNDEZ, AN HISTORIC SENTENCE FROM THE IACHR

In June 2021, the Inter-American Court of Human Rights found the State of Honduras guilty for the death of Vicky Hernández, a trans woman and human rights defender who was killed during the 2009 coup d'état. This marked the first time in history that a state was ruled responsible for the murder of a trans person. According to the court decision, adopted 12 years after the killing, there are “*several indications of the participation of state agents*” in the defender’s death. During the trial, which was held virtually, the State recognised its “*partial international responsibility, because the authorities did not comply with due process during the investigation of the murder*”. Moreover, the Court found that in life and in the investigation of her death, “*her rights to the recognition of her legal person, freedom from discrimination, and to her gender identity were violated*”.

51. Reportar sin Miedo, Honduras Requests Admittance into UN LGBTI Protection Group, 4 April 2022

2020 UNIVERSAL PERIODIC REVIEW

In the 2020 UPR session, more than ten countries recommended that Honduras advance the protection and equality of the LGBTI+ population in the country. They were particularly concerned by the high degree of impunity, lack of investigation, and the urgent need to combat discrimination against this group through the adoption of public policies to promote and protect their rights, and educational plans to prevent attacks.^{L01}

6.3 OPPORTUNITIES AND THE ROLE OF THE INTERNATIONAL COMMUNITY

- **Demand progress in compliance with the IACHR ruling in favour of Vicky Hernández.** Pending actions include continuing investigations into this murder, creating and implementing a permanent training programme for state security agents, and adopting protocols for investigation and the administration of justice. The implementation of these measures should be a priority in countering patterns of discrimination and other forms of violence affecting the LGBTI+ population.
- **Promote guarantees for same-sex marriage.** Honduras is currently the only country in the Central American region to prohibit equal marriage, through Article 112 of the National Constitution. In addition to violating the rights of the LGBTI+ population, this article violates a January 2018 IACHR ruling, which established equal marriage as a core element of the American Convention on Human Rights. In recent years, national organisations like SOMOS CDC and Arcoiris LGBT Association have entered several constitutional complaints against the ban. However, they have not yet obtained results. On 18 January 2022, the Constitutional Court of the Supreme Court dismissed one such complaint which had been entered in 2018.⁵²



PBI accompanies members of Arcoiris to the funeral of Thalia Rodriguez, a trans woman and LGBTI+ rights defender who was killed on 10 January 2022. Photo: PBI.

L01. Spain, Germany, France, Italy, Netherlands, Iceland, Norway, Austria, Canada, Chile, and others.

52. Conexihon, LGBTI Community Continues Fight for Equal Marriage, 20 January 2022

- **Monitor advances in the recognition of gender identity.** LGBTI+ organisations have called upon the State of Honduras to adopt, *“legislative, administrative, and other measures to achieve the recognition of the self-perceived gender identity of trans persons”*. They specifically referred to the Gender Identity Law and the reform of the Law on the National Register of Persons (Ley del Registro Nacional de Personas – RNP), which would guarantee that trans individuals appear in registers and personal documents under their chosen name and gender. In November 2021, the Sexual Diversity Committee entered a proposed reform to the RNP Law, with over 4,400 signatures.
- **Support the approval of the Equality and Equity Law,** a draft law designed in conjunction with several organisations representing marginalised sectors of the population, such as the LGBTI+ community, indigenous and afro-descendant peoples, and people living with disabilities.
- **Call for the creation of a centralised observatory of violence against the LGBTI+ community.** To date, organisations representing the LGBTI+ community have had to monitor the human rights violations affecting the LGBTI+ population, and advocate for legislative initiatives to lower these attacks alone. Although these actions speak to the resilience of this community, they have also entailed an additional burden to the defence work they already undertake. The lack of official statistics, and of an inter-institutional commission to promote legislation with a critical and intersectional focus, represents a large impediment to understand and lower attacks against LGBTI+ individuals.
- **Include an intersectional and cross-cutting focus as a priority in public policies.** The lack of an intersectional protocol for medical care, or a Law for the Comprehensive Protection of LGBTI+ Persons, for example, increases violence against this group. In order to combat structural inequalities and patterns rooted in discrimination, and in recognition of the plurality and diversity of LGBTI+ individuals and the multi-faceted discrimination they face, this focus must be integrated into policy.
- **Advocate for the classification of hate crimes based on sexual orientation and gender identity and expression in the Honduran Penal Code.**

THE VICKY HERNÁNDEZ RULING AND THE 2030 AGENDA

The commitment to leave no-one behind is central to the 2030 Agenda, and it will be impossible to achieve the Sustainable Development Goals if LGBTI+ persons are not included. In its Second Voluntary Report, the Government of Honduras does not refer to any action undertaken to counteract discrimination based on gender identity or sexual orientation. The implementation of all measures included in the IACHR ruling on Vicky Hernández must be a priority in order to combat discrimination and other forms of anti-LGBTI+ violence, and advance in the 2030 Agenda.

In September 2017, PBI Honduras sadly bid farewell to a heroic and historic woman human rights defender: Gladys Lanza Ochoa, General Coordinator of the Visitación Padilla Movement of Women for Peace, who had been accompanied by PBI since 2015. Gladys Lanza was the subject of a criminal complaint from Juan Carlos Reyes, Director of the Foundation for the Development Social, Urban, and Rural Housing in Honduras (Fundación para el Desarrollo de la Vivienda Social, Urbana y Rural de Honduras – FUNDEVI), due to her public support of a woman who claimed he had sexually harassed her. 26 March 2014. Photo: PBI.



7.

WOMEN'S RIGHTS: A TIME OF OPPORTUNITY

“Xiomara’s victory opens up enormous possibilities for us. However, we are still aware that we are surrounded, and that she is surrounded, by a sexist society.”

Cristina Alvarado, Director, Visitación Padilla Movement of Women for Peace. PBI accompanied Gladys Lanza from April 2015 until the day of her passing.

2021 ELECTORAL PROCESS

To Honduran women, Xiomara Castro's victory in the 2021 elections represented an important step forward in the political participation of women, 66 years after the introduction of female suffrage. However, the electoral campaign and the misogynistic narratives that circulated also underline the challenges that remain to be overcome.

Although the number of women deputies elected to the National Congress increased to 34, in comparison with the 27 deputies elected during the previous electoral cycle, they are still a clear minority, representing just 26.5% of Congress.^{L01} On the municipal level, the figures are more alarming still. Of the 298 municipalities in Honduras, just 17 are led by women.^{L02} Feminist organisations point to the coup d'état as one of the causes of this regression, when "the women of Honduras lost 50 years of democratic progress", according to Cristina Alvarado.

The political violence that defined the 2021 electoral campaign had an even greater impact on women. According to UN Women, between September and November 2021, there were at least 19 instances of gender-based political violence against women candidates.^{L03} In light of this situation, the National Electoral Council (Consejo Nacional Electoral – CNE) presented its first-ever Protocol Against Gender-Based Political Violence, pointing to online harassment, defamation campaigns, and physical and sexual assaults as some examples of this violence.^{L04}

L01. El Heraldo, *Women are Again a Minority in Honduran Congress*, 4 December 2021

L02. El Heraldo, *Out of 298 Municipalities in Honduras, Just 17 will be led by Women*, 22 December 2021

L03. EFE, *UN Women Calls for Punishment for Political Violence Against Women in Honduras*, 25 November 2021

L04. CNE, *Protocol Against Gender-Based Political Violence*, 6 November 2021

7.1 BACKGROUND

According to data from the Women's Rights Centre (Centro de Derechos de la Mujer – CDM), at least 342 women were killed in Honduras in 2021. This amounts to one femicide every 28 hours, and an increase of 23% over the 278 femicides recorded in 2020.⁵³ With a femicide rate of 6.2 killings per 100,000 women, Honduras is the most dangerous country in Latin America for women.⁵⁴ Over 95% of these cases remain in impunity.⁵⁵

In terms of sexual violence, the Public Prosecutor registered 2,129 reports of sexual violence in 2020, according to the most recent available data, equalling an average of six reports per day. This is an issue with even greater impacts on young women and girls, and it is estimated that three minors give birth every hour in Honduras.

The high rate of impunity in cases of gender-based violence (just 5% of cases are prosecuted) is a huge obstacle to justice and gender equity. Even when perpetrators are punished, there are no guarantees that the punishment will be proportional to the seriousness of the crime. The reform to the Penal Code approved in May 2019 marked, "a regression in terms of human rights", according to former Minister for Human Rights, Karla Cueva, as it reduced penalties for the crimes of femicide and human trafficking.⁵⁶

The question of women's health and reproductive rights became one of the most-discussed topics in the recent electoral process. Following a reform to Article 67 of the Constitution approved by Congress in January 2021 to hinder a future legalisation of abortion in Honduras, current president Xiomara Castro announced a possible decriminalisation of abortion on three grounds in her plan for government.

However, her position was widely criticised by her political opponents, who portrayed it as an unrestricted decriminalisation of abortion.⁵⁷ In at least one case, an image of Castro stabbing a pregnant woman in the abdomen appeared on a banner during a political rally, accompanied by the words: "Yes to life, No to Xiomara #IamNotAMurderer".⁵⁸ In response to the widespread circulation of misinformation in electoral campaigns, the feminist network Somos Muchas, released an international message supported by over 140 organisations in 18 countries, which condemned, "the cruelty [of the National Party of Honduras] in referring to women and girls facing unwanted pregnancies, and using their pain as a tool in this political campaign".⁵⁹

53. Women's Rights Centre, *Statistics on Violence Against Women in Honduras*

54. MUNDOSUR, *Femicides in Latin America in the Pandemic Context: Second Annual Report*, September 2021

55. Radio Cadena Voces, *95% of Femicides go Unpunished in Honduras*, 13 October 2021

56. SEDH, *SEDH Concerned over Reduction of Penalties for Crimes of Gender-Based Violence*, 20 May 2019

57. El Heraldo, *David Chávez: 'Xiomara Castro is Pro-Abortion'*

58. CESPAD, *The Hate Campaign against Women behind the Political Campaign of the Ruling Party*, 10 November 2021

59. Somos Muchas, *Announcement: International Alert on the Hate Campaign against Honduran Women*, 10 November 2021



Honduras is currently the only Latin American country to prohibit the emergency contraceptive pill, an essential medicine according to the World Health Organisation, and a “*fundamental treatment in women’s healthcare*”, according to Doctor Marcelo Fernández, Médecins sans Frontières’ Head of Mission in Honduras.⁶⁰ The prohibition of this medication, which was banned following the 2009 coup d’état, hinders medical care for all women in Honduras, and particularly for victims and survivors of sexual violence, in a country that also lacks adequate protocols to prevent and treat cases of HIV and HPV.

60. Doctors without Borders, Honduras: Without the Emergency Contraceptive Pill, Women’s Lives are at Risk, 23 September 2019

Observation of the ceremony for the first anniversary of the femicide of Keyla Martínez, 6 February 2022. This activity was carried out following a request from the Women Human Rights Defenders Network (Red de Defensoras de Honduras). Photo: PBI.



KEYLA MARTINEZ, FROM AN AGGRAVATED FEMICIDE TO SIMPLE HOMICIDE

In March 2021 in La Esperanza (Intibucá Department), Keyla Martínez was detained for breaching lockdown protocols and transferred to a police station. She was later found dead alone in her cell. An autopsy determined her death was caused by homicide by mechanical asphyxia. One month later, the Public Prosecutor’s Office issued an arrest warrant for aggravated femicide against a police officer, marking the first time this charge was used against a member of the state security forces. In September however, the crime was reclassified as a simple homicide by an appeals court that did not incorporate a gender focus in its analysis of the case.

7.2 RECENT ADVANCES

In April 2022, the Gender Equality Commission of the National Congress began the process of socialising and analysing the Comprehensive Law for the Eradication of Violence against Women. The draft law tackles the causes and expressions of violence against women, strengthens existing institutions and promotes new actions, and is the result of years of work by women defenders and social organisations, such as the Centre for Women’s Rights (Centro de Derechos de Mujeres – CDM).⁶¹

61. CDM, Proposal for a Comprehensive Law against Gender-Based Violence, April 2022



7.3 OPPORTUNITIES AND THE ROLE OF THE INTERNATIONAL COMMUNITY

- **Share state recommendations to advance the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).** Although Honduras ratified the Convention in 1983, there are serious questions regarding the implementation of all its recommendations. For example, General Recommendation 35 stipulates that the criminal penalties in cases of gender-based violence must be, *“proportional to the severity of the crime.”*
- **Monitor progress on the Comprehensive Law for the eradication of Violence against Women.** This legislative initiative was promoted by civil society and aims to guarantee the right of Honduran women to, *“a life free from all forms of gender-based violence.”*
- **Support the creation of a protocol of care for victims and survivors of sexual violence.** Women’s organisations have called for such a protocol, which must include the investigation and prosecution of these crimes. The protocol of care should also focus on non-revictimisation and the health and psycho-social needs of the survivors.

2020 UNIVERSAL PERIODIC REVIEW

During Honduras’s November 2020 UPR, over 50 countries made recommendations towards improving the protection of women and girls in the country. Some of the most frequent recommendations were the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), combatting violence against women, and ensuring women’s sexual and reproductive rights, with particular emphasis on access to contraception and the decriminalisation of abortion. In the 2020 UPR, 13 states recommended that Honduras implement CEDAW’s Optional Protocol, which establishes mechanisms to allow women to denounce serious violations of the protocol.

CEDAW AND THE 2030 AGENDA

The strategies and actions towards gender equality mentioned in the Honduran Government's Second Voluntary Report on the 2030 Agenda make reference to the Second National Policy on Women and the 2010-2022 Plan for Gender Equality and Equity. Important projects fall within this framework, such as the Ciudad Mujer Programme and the National Programme of Solidarity Credit for Rural Women (CREDIMJUER). Whereas the Ciudad Mujer programme has been well-received by civil society, CREDIMJUER has not been implemented to date. Other recommendations gathered in the most recent CEDAW report on Honduras must also be addressed. In October 2022, the CEDAW Committee will conduct another evaluation of the Honduran situation.

- **Advocate for the reform of legislation regarding the sexual and reproductive health of women.** Reforms in areas such as the emergency contraceptive pill are important for compliance with internationally-recognised health standards.
- **Call for the 'Ciudad Mujer' project to be maintained and incorporated within a non-political body, such as the National Women's Institute.** This initiative, which *"seeks to contribute to the improvement of the living conditions of women in Honduras in the areas of economic autonomy, care following gender-based violence, sexual and reproductive health, community education, and related areas"*, was well-received by civil society during its creation. They are now calling for the project to continue, to avoid losing the progress achieved in these areas.
- **Evaluate the Protocol Against Gender-Based Political Violence** for its potential application in other situations of political violence.
- **Advocate compliance with the so-called 'trenzas' or gender quotas on electoral rolls.** Although Honduras now has its first female president, structural barriers continue to hinder the political participation of women.
- **Call upon the Government of Honduras to take full operational responsibility for safe houses for women survivors of gender-based violence, as established by draft law proposed in 2018.** Although there are currently around ten safe houses in the country, their funding depends on international aid. The law, which was driven by the work of women's organisations, international development workers, and certain governmental institutions, seeks to make the Government responsible for the maintenance of these sites. However, the initiative has spent almost four years before the National Congress without being debated.



8. THE PROTECTION OF HUMAN RIGHTS DEFENDERS

“The current situation of the Mechanism speaks to the lack of political will, and the need for a deep review.”

Donny Reyes, member of the Arcoiris LGBTI Association, beneficiary of protective measures, and civil society representative on the National Protection Council, which monitors the functioning of the SNP.

2021 IN NUMBERS OF ATTACKS AGAINST HUMAN RIGHTS DEFENDERS

According to information gathered by the OHCHR, at least 209 human rights defenders and 93 journalists were victims of attacks in 2021, ranging from threats and harassment, to targeted killings.

AGGRESSIONS REPORTED TO PBI IN 2022

From 1 January to 24 May, PBI Honduras registered 57 attacks against human rights defenders in Honduras, representing a 30% increase over the same period in 2021. These figures include eight killings. Defenders of economic, social and cultural rights are the most affected by this new escalation of violence.

8.1 BACKGROUND

The National Protection System (SNP), also known as the National Protection Mechanism, was established in 2015, based on the recommendations Honduras had received during the previous Universal Periodic Review (UPR) to improve the security situation for human rights defenders and journalists. Between July 2015 and December 2021, the Mechanism registered a total of 645 requests for protective measures, of which 437 were accepted. However, by 31 December 2021, only 128 active cases remained (72 individual cases and 56 collective cases).⁶² Since 2020, at least two persons under Mechanism protection have been killed: Marvin Damián Castro Molina, member of the MAS Vida Environmental Movement in the south of Honduras; and indigenous Lenca defender Juan Carlos Cerros, who had opposed the 'El Tornillito' hydroelectric dam⁶³ and initially received protective measures following an attack he suffered the year before. Moreover, in December 2020, Lenca indigenous leader Félix Vásquez was assassinated in the Department of La Paz, two months after he requested protective measures from the Mechanism after receiving death threats.⁶⁴

Since its establishment, certain aspects of this institution have been strongly criticised by individuals and organisations in receipt of protective measures. One of the most frequent criticisms is the lack of an adequate budget, which hinders the effective execution of the Mechanism's activities. The National Protection System's 2021 budget was 10.4 million lempiras (€385,000), a significant decrease compared to the 21 million lempiras (over €800,000) assigned to the Mechanism in 2020. This deficit has had both internal and external impacts. On the internal level, it has led to burnout, as staff must use personal mobile phones to communicate with beneficiaries, and there is a lack of adequate personnel to attend the Mechanism's 24-hour emergency phone line.⁶⁵ For human rights defenders, this lack of resources has led to delays in sending important documents, a lack of maintenance of the equipment included in protective measures, and the use of inappropriate measures such as the installation of CCTV cameras in locations that do not have a stable source of electricity or generators.

There are also serious questions over the nature of the protective measures. More than a quarter of the measures implemented by the Mechanism are based on the police forces. However, state security forces have been identified as aggressors in numerous cases of human rights violations perpetrated against defenders, which has created deep-rooted feelings of mistrust towards the police. Moreover, the agents assigned to implement the measures frequently lack knowledge and training in human rights matters, and the constant rotation of personnel leads to a lack of coordination.

62. Data reported by the National Protection Mechanism on 15 February 2022

63. Defensores en Línea, Alert: Indigenous Leader and Environmentalist from Santa Bárbara Assassinated, 22 March 2021

64. International Federation for Human Rights (FIDH), Honduras: Indigenous Leaders Félix Vásquez and Adán Mejía Killed, 7 January 2021

65. Reporters without Borders, Protection Paradigm: Making Protection Mechanisms work for Latin American Journalists, February 2022



Accompaniment with CEHPRODEC in Santa Elena, to observe the burial of Juan Francisco Martínez, a member of MILPAH who was found murdered in Santa Elena on 4 January. 8 January 2015. Photo: PBI.

Beneficiaries of the National Protection Mechanism also report that the SNP's analysis lacks awareness of the context and specific risks they face, particularly for women, the LGBTI+ community, and indigenous peoples. This situation hinders the adoption of intersectional and collective measures that contribute to a comprehensive protection. There is also a lack of interpreters for indigenous languages, creating additional complications.

Another shortcoming identified by Honduran civil society and the OHCHR in its 2021 Annual Report is a lack of *"co-responsibility of the different bodies that compose the Protection Mechanism"*.⁶⁶ This shortfall is also seen in spaces for decision-making and the implementation of protection plans for human rights defenders. A concrete example of this is the National Protection Council. Although its legal framework (Decree 34-2015) stipulates that the Council must meet on a monthly basis, just half of these meetings were held in 2021 due to the repeated absence of certain institutions.

Meanwhile, cases of attacks against human rights defenders face almost total impunity; in 2021 the IACHR estimated an impunity rate of 90% in such attacks, making Honduras one of the most dangerous countries in Latin America in which to defend human rights. The creation of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators (Fiscalía Especial para la Protección de los Defensores

MISTRUST: THE GREATEST CHALLENGE

The cumulative result of these shortcomings is reflected in the lack of trust beneficiaries feel towards the National Protection Mechanism. The most recent survey undertaken by the SNP General Directorate in November 2020 found that just 9% of defenders felt the functioning of the SNP was "very adequate", while just 30% felt it was "adequate". In other words, over 60% of beneficiaries of the National Protection Mechanism do not feel protected.

66. UNOHCHR, 2021 Annual Report on the Human Rights Situation in Honduras 2021, March 2022

de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia – FEPRODDHH) in 2018 has not lowered this percentage. Between March 2018 and October 2021, of over than 200 cases reported to this body, the majority for threats and abuse of authority, FEPRODDH presented just one summons.⁶⁷ This track record, alongside controversial decisions like an October 2019 ruling to close complaints against the National Police, has led to calls for FEPRODDHH's closure.

8.2 RECENT ADVANCES

As of early May 2022, the main findings of an OHCHR audit into the functioning of the National Protection Mechanism, requested by the National Protection Council, have not yet been released.

Some progress has been made in the monitoring of certain rulings by the Inter-American Court of Human Rights. The Specialised Inter-Institutional Group, created in 2019 based on an IACHR ruling in the case of Escaleras Mejía and Others vs Honduras, took a positive step in 2021, when the Group agreed on a workplan and timeline that includes space for consultation and the participation of civil society to *“approve and implement a due-diligence protocol for the investigation of crimes committed against human rights defenders.”*⁶⁸

8.3 OPPORTUNITIES AND THE ROLE OF THE INTERNATIONAL COMMUNITY

- **Follow up on the financial and budgetary situation of the National Protection Mechanism.** Although Honduran defenders continue to face very high risks, the budget dedicated to the Mechanism responsible for their protection has decreased in recent years. Civil society organisations like ASOPODEHU and the School of Journalists of Honduras, as well as international bodies like the Inter-American Commission on Human Rights, have called upon the State of Honduras to increase the Mechanism's budget.
- **Ensure that those responsible for implementing protective measures are trained in human rights issues.** In order to build relationships of trust, it is essential that all people connected with the Mechanism, particularly police liaisons, understand the important role played by human rights defenders. This training should include a cross-cutting gender and intersectional focus, and include protocols on the importance of secrecy when handling sensitive information.
- **Include a preventative and intersectional approach in all areas.** One concrete step to advance in this goal would be the comprehensive implementation of the ‘Manual for the Application of a Gender and Intersectional Focus in Care’, already approved by the Mechanism. With the lack of a true preventative and intersectional focus, the Honduran state is failing to comply with a 2017 recommendation from the Inter-American Commission on Human Rights.

2020 UNIVERSAL PERIODIC REVIEW

In the most recent UPR, Ireland, France, and Spain reminded the State of Honduras that the provision of adequate resources is essential to the function of the SNP.

67. Pasos de Animal Grande, UNOHCHR Report Signals Grave Human Rights Situation in Honduras, 11 March 2021

68. IACHR, Escaleras Mejía et Al. vs Honduras. Judgement of 26 September 2018

- **Evaluate the efficacy of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators.** The lack of prosecution in the cases reported to FEPRODDHH has raised serious questions among civil society. This situation speaks to the need of a deep evaluation or audit of this body, in order to ensure that human rights defenders and journalists have an institution that can respond to their complaints in a rapid, effective, independent and impartial manner.
- **Create an inter-institutional group specialised in crimes against human rights defenders, and ensure the co-responsibility of other member institutions of the National Protection Mechanism.** In line with United Nations and Inter-American Human Rights recommendations, this special inter-institutional group should develop a protocol for the investigation of crimes against human rights defenders.
- **Support the strengthening of CONADEH.** It is essential that the Commissioner have a proactive strategy to prevent and handle attacks against human rights defenders.

HUMAN RIGHTS DEFENDERS ARE THE DRIVING FORCE BEHIND THE 2030 AGENDA

Promoting just, peaceful, and inclusive societies is a fundamental element of sustainable development. In its Second National Voluntary Report on the 2030 Agenda, the government of Honduras referred to the percentage of protective measures granted (roughly 98%) under the Law of Protection for Human Rights Defenders, Journalists, Social Communicators, and Justice Operators as an example of the progress made. Sadly, these figures do not correspond with recent data from the OHCHR. The UN Office expressed its concern over the increase in the rate of rejection of requests for protection made before the Mechanism, which increased from 16.85% in 2018 to 58.06% in 2021.

ABOUT PBI

Peace Brigades International (PBI) is a non-governmental organisation that promotes the protection of human rights and the transformation of conflicts by non-violent means. Through international accompaniment, PBI provides protection to individuals, organisations, and communities taking action in defence of human rights. PBI always works based on requests from defenders and in response to their needs. In this manner, it contributes to protecting the space for initiatives in favour of human rights, social justice, and peace. PBI currently has projects in Honduras, Colombia, Guatemala, Mexico, Nicaragua, Kenya, Nepal and Indonesia, as well as 14 Country Groups active in Europe, North America, and Oceania.

PBI IN HONDURAS

The PBI Honduras project was permanently established in the country in the year 2013. Since then, PBI Honduras has sought to contribute to the improvement of the human rights situation, and to the development of participative processes in the country, through an international presence that supports, protects, and opens the space for action for those facing repression for their work. To achieve this, we accompany organisations defending land and territory, freedom of expression, the rights of the LGBTI+ community, and other issues.

INTERNATIONAL ACCOMPANIMENT

PBI's international accompaniment and observation work is inspired by three principles:

NON-VIOLENCE – We accompany individuals, organisations, and other social movements that defend human rights in a peaceful manner.

NON-PARTISANSHIP – PBI is independent of political and economic powers. We deal with all legal actors implicated in conflict, such as social organisations, authorities, and others.

NON-INTERFERENCE – We respect the autonomy of all organisations we accompany, without interfering in their decision-making.

WE PROVIDE INTERNATIONAL ACCOMPANIMENT THROUGH:

PHYSICAL PRESENCE – We accompany individuals, communities and organisations in their activities in defence of human rights, always based on their requests. We also visit the offices of the organisations and communities we accompany, and observe public events, demonstrations, marches, and assemblies.

MEETING WITH AUTHORITIES – We inform authorities on the general human rights context in the country, and express concern over the attacks suffered by the individuals, organisations, and social movements that we accompany.

COMMUNICATIONS – We share information with our support network inside and outside of Honduras, in order to demonstrate the reality for defenders and human rights in general.

CAPACITY-BUILDING – We offer comprehensive protection workshops to human rights organisations and communities, in order to provide tools for physical, digital, and emotional protection, and facilitate the development of plans for security, emergencies, and other situations.



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