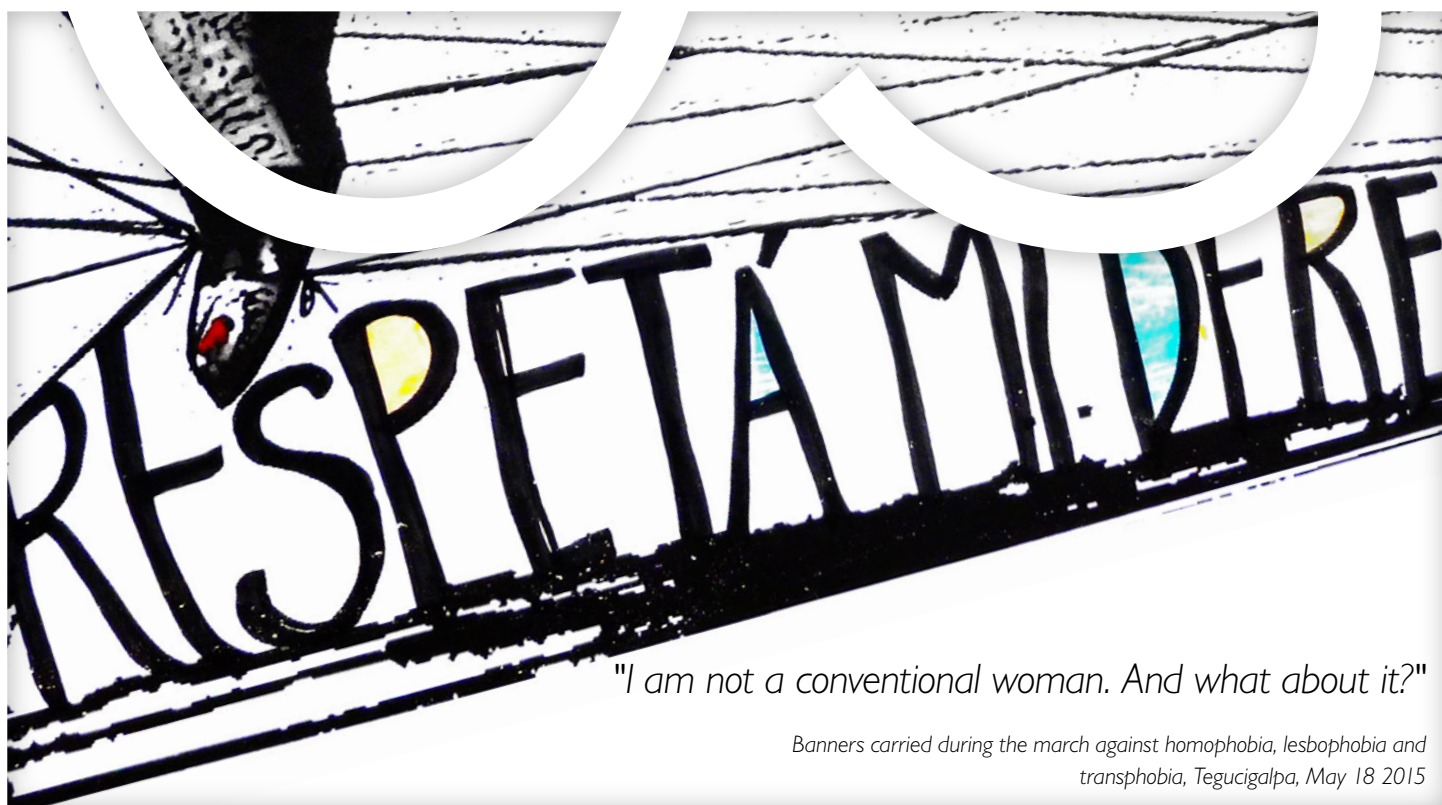


DECEMBER 2015



# BULLETIN

PBI HONDURAS



*"I am not a conventional woman. And what about it?"*

*Banners carried during the march against homophobia, lesbophobia and transphobia, Tegucigalpa, May 18 2015*

**BULLETIN** PBI HONDURAS **03**

December 2015

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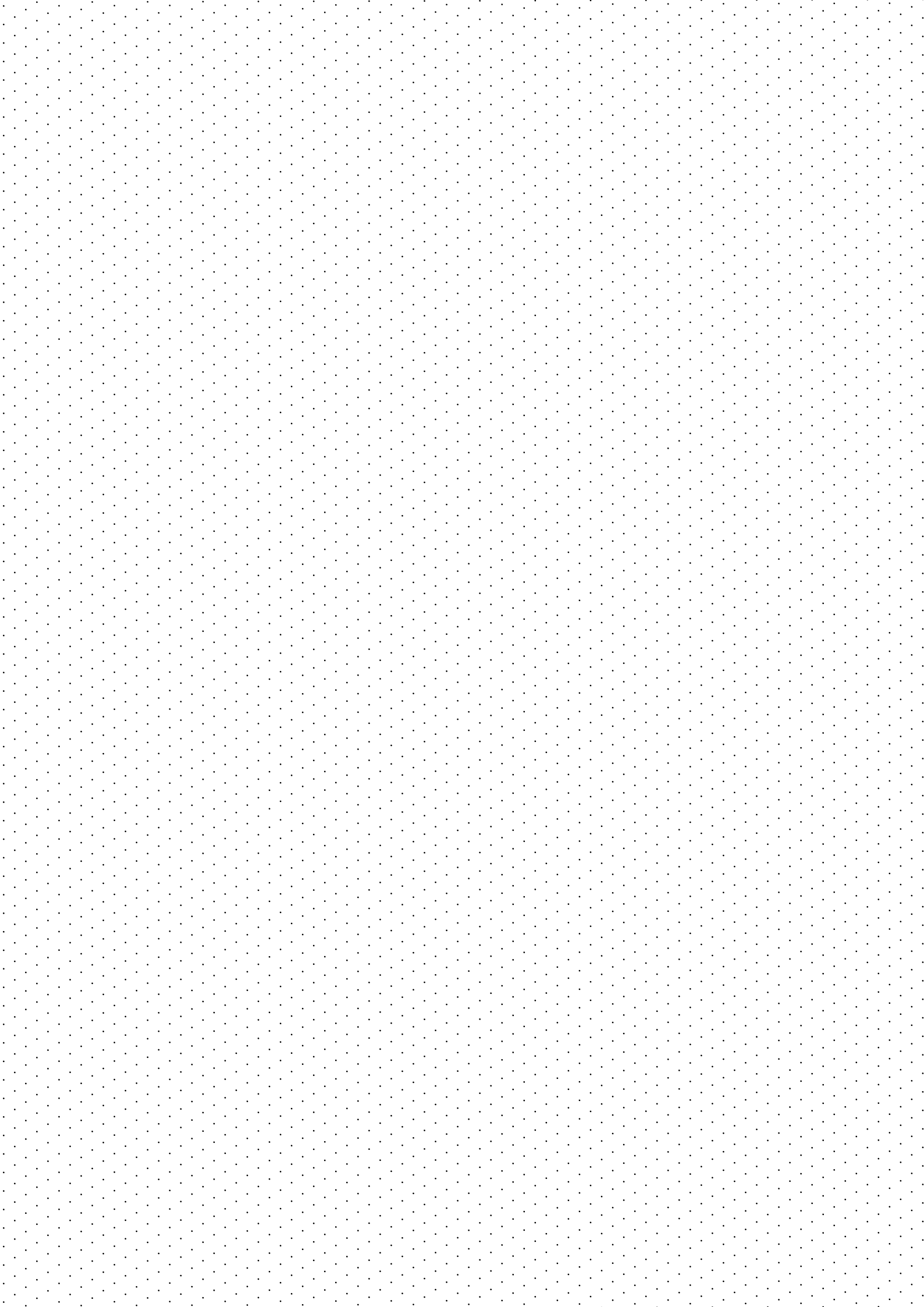
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# EDITORIAL

*Two years have already passed since the arrival of the first PBI team in Honduras and this is the third edition of our annual newsletter. In this edition we have compiled some issues related to human rights that have marked the year 2015. We consider the worrying situation of the LGBTI community and share a summary of the key moments of the "Central American Spring" experienced in Honduras in the second half of the year, which had a significant effect on the political situation in the country.*

*In this publication we also describe the work of our accompanied organisations, as we have done in previous years. In addition to CEHPRODEC and Dina Meza, who we have supported since the beginning of our work in Honduras, this year we also began accompanying Gladys Lanza, coordinator of the women's organisation Visitación Padilla, and the LGBTI organisation Arcoiris. Through this accompaniment, we hope to contribute to the visibility of and recognition for the work of human rights defenders in the country and the risks they face every day. PBI believes that it is essential to continue raising awareness about this reality and, through our publications, we aim to inform the international community about the need to take urgent action to end this situation. This Newsletter is intended not merely as a tool for information dissemination but also, and above all, to increase protection.*

*On this occasion we have decided to honour Chabelo Morales, a small-scale farmer from the Bajo Aguán region, who has been the victim of a process of criminalisation, and we extend this homage to all those who have suffered the consequences of the abuse of justice.*

*After two years of continuous presence in the country, PBI continues to observe patterns that perpetuate impunity and violence. Weak institutions, corruption and lack of judicial independence have led to a situation of extreme vulnerability for individuals, communities and organisations that defend human rights. The presence of the international community promoting respect for international human rights conventions is more necessary than ever. And the same goes for PBI's work to protect the workspace of human rights defenders, and to open up space for peace.*

*We sincerely hope that 2016 will be filled with freedom, security and respect.*

# TRIBUTE TO CHABELO MORALES: AN EXAMPLE OF FREEDOM<sup>01</sup>

José Isabel Morales, better known as “Chabelo”, is a member of the community of Guadalupe Carney, in the Bajo Aguán region, and of the Small-Scale Farming Movement of Aguán (Movimiento Campesino del Aguán - MCA). Before being arrested, he dedicated his time to working the land, selling ice cream and playing football. He was arrested on October 17, 2008, charged with the murder of 10 people, all family members and employees of Henry Osorto, a high-ranking police officer. He was held in prison for almost seven years, and was finally acquitted in October 2015. While he was in prison his three-year-old daughter, his father and his grandfather all died.

*“I lost seven years of my life, I also lost part of my face, I lost my way of speaking (there are certain words he cannot pronounce quickly), I lost my teeth, I had my lips and my tongue cut, I lost part of my sight and part of my nose was cut off”.*<sup>02</sup>

The Guadalupe Carney community is situated on land previously used for the operations of Regional Military Training Centre (Centro Regional de Entrenamiento Militar - CREM) used by the Honduran Armed Forces during the 1980s to train the armies of El Salvador and Nicaragua, involved in internal armed conflicts, under the direct coordination of the United States Pentagon and the State Department.<sup>03</sup> The Centre covered an area of 5,724 hectares in the region of Bajo Aguán. In 1993, the CREM closed and the State handed over the lands to the National Agrarian Institute (Instituto Nacional Agrario - INA) under the Agrarian Reform. On May 14, 2000, the State officially handed over the land to 700 farming families grouped together in the MCA, who founded the farming community of Guadalupe Carney that same day. According to data recorded by the Anti-Corruption Prosecutor’s Office, at the same time, the Municipal Corporation of Trujillo also illegally sold the same lands to landowners and members of the military.<sup>04</sup> The police officer Henry Osorto was one of these people. In response to this situation, on April 29, 2008, during the government of Manuel Zelaya, the Honduran Congress approved Decree 18-2008 that gave powers to expropriate the lands that had been illegally occupied and award them to the MCA, who formally recovered the lands in May of that year.<sup>05</sup>

01. We echo the words of the Honduran singer and champion of human rights KARLA LARA

02. “Chabelo Morales: perdí siete años de mi vida en prisión, por un crimen que no cometí”; (Chabelo Morales: I lost seven years of my life in prison for a crime I did not commit), Adital, September 4, 2015

03. “Chabelo free at last” Defensoresenlinea.com, October 21, 2015

04. “Honduras: Human Rights Violations in Bajo Aguán” International Verification Mission, February 25 to March 4, 2011

05. “Chabelo Morales: símbolo de resistencia”, (Chabelo Morales: symbol of resistance) Envío Digital, December 2014



*The third hearing should have started in September 2015, however, as the prosecution did not appear in the established time frame, the judges absolved Chabelo due to a lack of evidence. October 21, 2015. Trujillo, Department of Colon. Photo: Gre McCain*

From that moment, the tension between the farmers and landowners over the land tenure worsened, with numerous hostile situations, until on August 3, 2008 a crossfire confrontation was triggered between the two sides, in which ten people died, all family members of the police officer.

Two weeks after the tragedy, the court ordered an arrest warrant against 32 people from the Guadalupe Carney community in relation to the events, including Chabelo Morales, who was arrested in October of that year and transferred to the La Ceiba prison, accused of various crimes: murder, attempted murder, manslaughter, aggravated robbery and aggravated arson.<sup>06</sup>

On June 25, 2010, in the first trial, Chabelo Morales was acquitted on 13 counts but given a sentence of 20 years for the murder of Carlos Manrique Sorto Castillo, nephew of Deputy Police Commissioner Henry Sorto. During this first trial there were several inconsistencies, including in the witness statements. The judges also failed to take into account three defence witnesses who stated that the accused was at a football field, one kilometre from the slaughter, at the time of the events.<sup>07</sup>

In 2013 the defence filed an appeal due to the irregularities that occurred during the trial and this appeal was accepted by the Criminal Chamber of the Supreme Court, which meant that the process had to begin all over again. The second trial, held in early 2014, resulted in a 17-year sentence for the murder of the nephew of Osorto Canales.<sup>08</sup> In October of the same year another appeal was filed to contest this ruling. According to defence lawyer Omar Menjivar, the sentence given in early 2014 was a result of legal proceedings which did not respect procedural guarantees established by the Constitution of the Republic and the Code of Criminal Procedure.<sup>09</sup> On July 24, 2015 the trial court in the city of La Ceiba ordered the conditional release of the farming leader revoking the preventive custody.

The third trial should have started in September 2015, but the prosecution did not appear within the established time, and so the judges acquitted Chabelo of the charges due to a lack of evidence.<sup>10</sup>

The case of José Isabel Morales is emblematic of the injustice and impunity in Honduras, where many people are held in prison for agrarian conflicts and conflicts related to land tenure. According to some sources, some 5,000 small farmers have been given alternative sentences to prison, including 815 women.<sup>11</sup>

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06. "Injusticia e ilegalidad: Chabelo Morales declarado culpable", (Injustice and illegality: Chabelo Morales declared guilty) Voselsoberano.com, February 11, 2014

07. "Honduras: no aparece testigo clave en caso Chabelo", (Honduras: key witness does not appear in Chabelo case) Tiempo, September 30, 2015

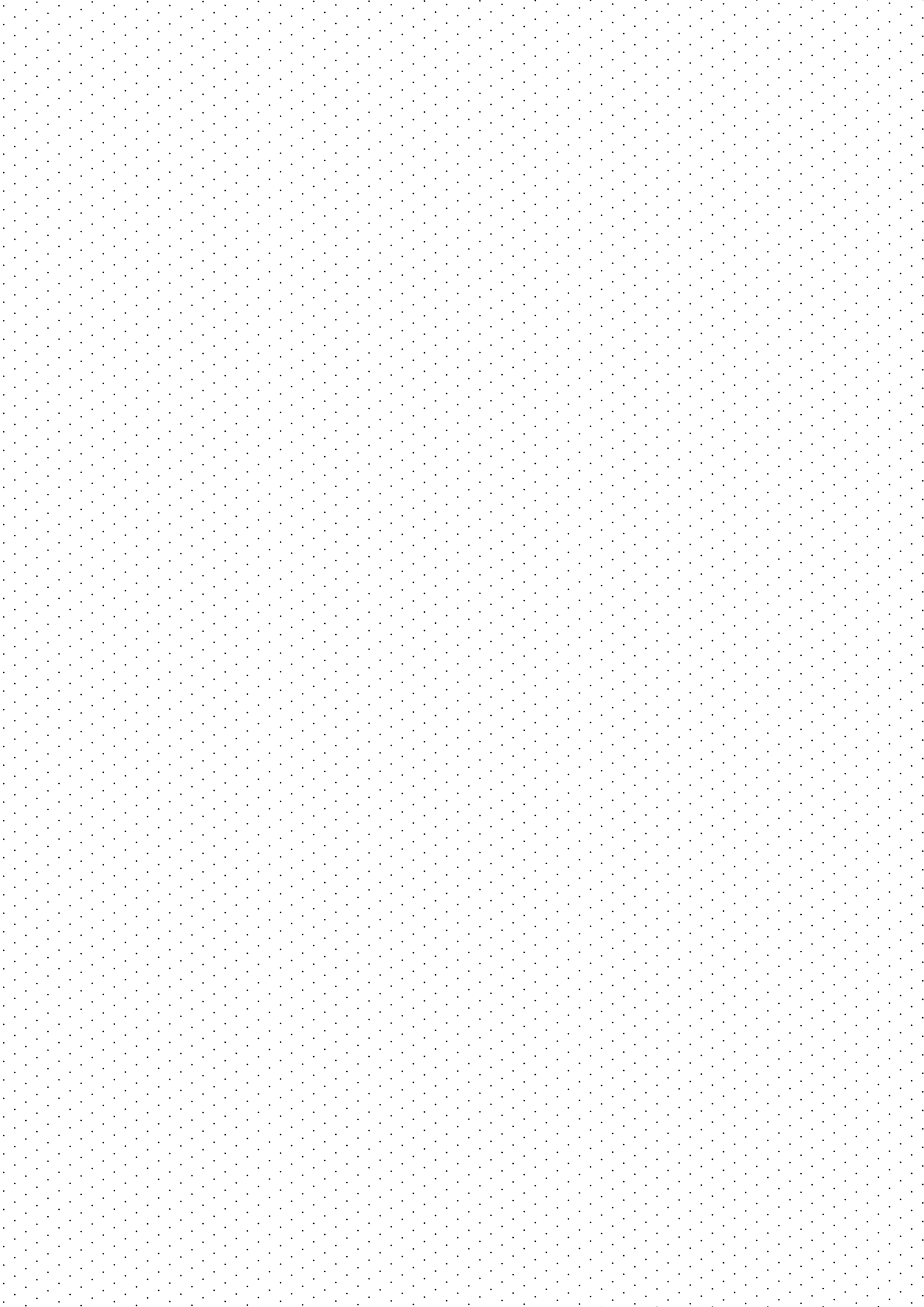
08. "Tras casi siete años de injusta prisión, decretan libertad condicionada a "Chabelo" (After nearly seven years of unjust imprisonment, "Chabelo" is freed), Pasos de Animal Grande, July 27, 2015

09. "Defensa de Chabelo denuncia, a testigos, Fiscales y Tribunal que lleva el caso", (Chabelo's defence complains about witnesses, prosecutors and court handling the case), Defensoresenlinea.com, April 10, 2014

10. "Jueces absuelven a Chabelo Morales", (Judges absolve Chabelo Morales) Tiempo, October 21, 2015

11. "Campesinos exigen liberación de quienes luchan por la tierra", (Farmers demand release of those who struggle for land), Defensoresenlinea.com, April 22, 2015





# HUMAN RIGHTS SITUATION: NEWS ABOUT OUR WORK

## PBI ACCOMPANIMENT

On July 20, 2015, "Land of Corn"<sup>L01</sup> was released – a PBI documentary that uses four emblematic cases to show the impact of medium and large-scale foreign investment projects on the lives of people, communities and organisations that defend their right to land and territory in Latin America. The documentary shows PBI's accompaniment of Lenca indigenous communities in La Paz, Honduras. On July 8, 2015, PBI presented the documentary to 28 representatives from the external relations Human Rights Group in the EU Council (its French acronym is COHOM). At the event, PBI spoke about the need to seek greater coherence between EU policies, notably on trade and human rights.

## CEHPRODEC, THE HONDURAN CENTRE FOR THE PROMOTION OF COMMUNITY DEVELOPMENT (CENTRO HONDUREÑO PARA LA PROMOCIÓN DE DESARROLLO COMUNITARIO - CEHPRODEC)

Founded in 1991, CEHPRODEC works on the right to food linked to the defence of economic, social and cultural rights (ESCR). The organization provides legal and technical assistance to indigenous and small farming communities working to defend their territory, as well as promoting training, organizational and protection processes, with the aim of guaranteeing the rights of people affected by extractive and hydroelectric development projects. In most cases, the legal assistance offered is focused on defending members of these communities facing lawsuits because of their opposition to these projects in their territory. Currently, CEHPRODEC works in 10 of the 18 departments of Honduras and coordinates the National Coalition of Environmental Networks (Coalición Nacional de Redes Ambientales - CONROA). In December 2014, CEHPRODEC received a prize from the Asociación Madre Tierra.

PBI Honduras has been accompanying CEHPRODEC since May 2014. Throughout 2015, the organization has reported 27 security incidents to PBI, 15 of which occurred in the second half of the year. These incidents are taking place in a context of extreme vulnerability for the defence of economic, social and cultural rights, making Honduras the most dangerous country in the world to promote these rights<sup>12</sup>. Reported attacks have included surveillance, wiretapping, threats, sabotage, theft and physical and psychological aggression against community members who the organization accompany.

L01. Documentary film Land Of Corn. PBI Colombia, July 2015.

12. How many more?, Global Witness, April 20, 2015



Image from the video, Land of Corn. Martin Gomez and his colleagues from the MILPAH indigenous movement oppose the implementation of the hydroelectric project in the Chinacla River, Department of La Paz, July 2015. Photo: PBI

**Right to land and territory**

CASES REPORTED	Between 2002 and 2014, 111 defenders of the environment and land were killed in Honduras. 12 of these in 2014. This is the highest per capita rate in the world according to the annual report of the international organisation Global Witness. <sup>T01</sup>
	According to statistics from Via Campesina in mid-2015 more than 5,000 farmers had been given alternative prison sentences, including 815 women, and in addition, 11 were being held in prison in different jails throughout the country. <sup>T02</sup>

PROGRESS IN INVESTIGATIONS	The State, for its part, did not inform the IACHR about specific measures to prevent murders and acts of violence against leaders and defenders of the rights of indigenous peoples.
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**Independence of the judiciary**

CASES REPORTED	According to CONADEH, 102 lawyers have been murdered in Honduras between 2010 and September 2015 <sup>T03</sup> . According to PBI's records 22 legal professionals were killed in the last year.
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PROGRESS IN INVESTIGATIONS	94% of the cases are in impunity <sup>T04</sup> .
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◀ **VIOLENT ATTACKS AND "UNFOUNDED PROSECUTION" OF HUMAN RIGHTS DEFENDERS**

T01. "How many more?", Global Witness, Abril 2015

T02. Campesinos exigen liberación de quienes luchan por la tierra, (Farmers demand release of those fighting for land), Defensores en Línea, April 2015

T03. Más de un centenar de abogados asesinados en Honduras en casi seis años, (More than a hundred lawyers murdered in Honduras in nearly six years), La Tribuna, September 17, 2015.

T04. "Honduras: En 56 meses han sido asesinados 81 abogados", (Honduras: In 56 months 81 lawyers have been killed), El Herald, September 21, 2014



Observation of a CONROA event. CONROA is a coordination network of 35 national organisations and communities that have been affected by environmental conflicts. The network covers 16 of the 18 departments in Honduras and is divided into 4 regions. CEHPRODEC facilitates and coordinates this network.

Observation of a march organised by the CONROA to protest against the international Mining Congress, Tegucigalpa, July 8 2015. Photo PBI.

Indigenous peoples represent between 7 and 13% of the total population, in nine culturally different Peoples including the Pech, Nahua, Lenca, Tolupan, Garifuna, Misquito, Tawahka and Chorti Peoples. Photo: Nina Kreuzinger.

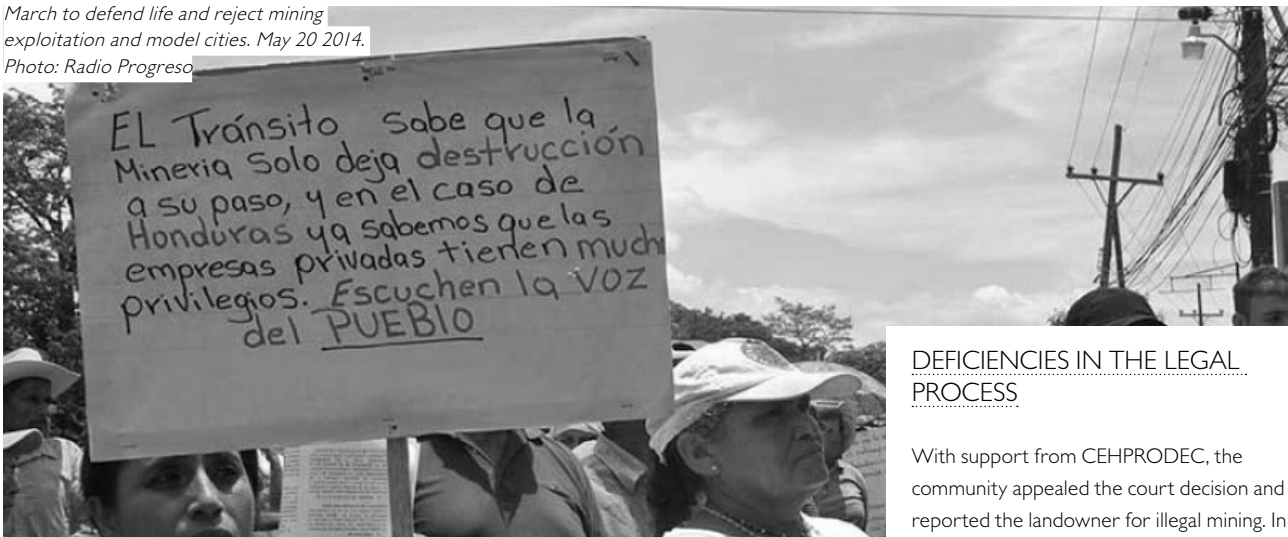


**COMMUNITY CONSULTATION PROCESSES**

5 municipalities have held consultations with their populations and declared their territories free from mining and, in some cases, hydro-electric power. Some of these are: Dulce Nombre de Culmí in Olancho, San Francisco in Atlántida, Balfate in Colón and El Porvenir in Francisco Morazán.

In the capital, Tegucigalpa, we observed several activities organized by CONROA and CEHPRODEC, to show the national authorities their opposition to the 1st International Mining Conference held in Honduras. The event, organized by the Council for Mining and Extractive Industries, Trade and Investment (Consejo de la Minería y de la Industria Extractiva, Comercio e Inversiones - Comicoin), was held in San Pedro Sula between Wednesday 12 and Thursday 13 August, and was attended by more than 40 delegations of businessmen from 28 countries. The civil society organisations were concerned about the lack of progress on the constitutional motion they filed on the current Mining Law, which included a request to make prior community consultation a legally binding obligation. In Valle de Siria, we observed an open meeting about the Hot Springs Tourist Project in the municipality of San Ignacio. This project is allegedly funded by the European Union. The meeting was requested by the Environmental Committee of Santa Bárbara (Comité Ambientalista de Santa Bárbara) in the neighbouring town of Porvenir to determine the acceptance or rejection of the project.

March to defend life and reject mining exploitation and model cities. May 20 2014. Photo: Radio Progreso



**DEFICIENCIES IN THE LEGAL PROCESS**

CEHPRODEC has provided legal advice to the community of El Tránsito affected by illegal mining carried out by the company Cerro del Sur and has accompanied legal proceedings against members of the community brought by the company. The community's resistance process began more than ten years ago. The company had been exploiting underground resources until its concession was revoked in 1989, when it was determined that this activity was causing irreparable pollution to water sources and that this was seriously harming the community. Despite this, the landowner has continued to rent mining sites without legal permission, and pressed charges for "robbery" against eight people in the community, who were convicted in October 2014.

With support from CEHPRODEC, the community appealed the court decision and reported the landowner for illegal mining. In May 2015, a reconciliation process between the community, the owner and the State was proposed and it was agreed that the illegal mining would not continue and that the complaint against the community would be withdrawn. However, due to deficiencies in the minutes of the official agreement, which do not include the signature of the Prosecutor, the judge has ruled that the agreement is invalid.



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

## UNSOLVED MURDERS AND DISAPPEARANCES

On January 5, 2015 the body of Juan Francisco Martínez, a member of MILPAH, was found showing signs of torture. Juan Francisco was active in the movement and members of MILPAH have alleged that his death is linked to a land conflict between the organization and a group from the Coffee Growers Association (Central de Cafetaleros), who are supported by the mayor of Santa Elena, Víctor Ventura<sup>L01</sup>. The mayor has repeatedly declared himself to be against MILPAH's activities in opposition to the construction of the Los Encinos SA dam. On June 1, 2015 the organization reported to the Prosecutor's Office the murder of Silvestre Manueles, a member of a community in the municipality of Santa Elena, who was found murdered a month earlier in the Chinacla River<sup>L02</sup>. During visits to the area, PBI has also received information on two other disappearances.

CEHPRODEC's legal team follows up on cases of prosecution and serious attacks against members of communities from the Independent Lenca Indigenous Movement of La Paz (Movimiento Indígena Independiente Lenca de La Paz - MILPAH). These attacks stem from their opposition to the Aurora SA projects in the municipality of San José, and Los Encinos SA, legally nationalized lands occupied for more than five years by Lenca indigenous villages in the municipality of Santa Elena. Indigenous councils have organised activities to reclaim their lands, as set out in the Law on Agrarian Reform. They oppose the project because they were not informed or consulted about it and have expressed alarm about possible violations of the right to food, access to water, and the harassment and criminalisation of community members and their families. PBI reported this situation in December 2014, on International Human Rights Day<sup>13</sup>.

L01. "Honduras – Asesinato y tortura del defensor de derechos humanos Juan Francisco Martínez", (Honduras - Murder and torture of human rights defender Juan Francisco Martínez), Front Line Defenders, January 16, 2015

L02. "Denuncia en la Fiscalía de las Etnias el brutal asesinato de indígena en las riberas del Río Chinacla", (Reporting in the Office of the brutal murder of Ethnic Indian on the banks of the River Chinacla) CEHPRODEC, June 8, 2015

13. "Briefing PBI Honduras, Santa Elena", PBI Honduras, December 10, 2014

PBI ACCOMPANIMENT

In June 2015 PBI issued an alert<sup>L01</sup> due to an increase in security incidents reported by the journalist. PBI then held follow-up meetings with CONADEH, the Ministry of the Interior, Human Rights, Justice and Decentralisation and the Ministry of Security. Meetings were also held with the diplomatic corps and Ms. Meza. In these meetings the national authorities committed to ensuring the safety of journalists in compliance with IACHR precautionary measures.

DINA MEZA, PEN HONDURAS

Dina Meza is a celebrated independent journalist, defender of the rights to freedom of expression and information and is President of PEN Honduras. With her "Journalism and Democracy" initiative she provides legal, educational and informative accompaniment to at-risk professional journalists and social communicators. She has also created and edits the online newspaper "Pasos de animal grande". In 2014 she was awarded the Oxfam Novib / PEN International Freedom of Expression prize.

PBI has been accompanying Dina Meza since May 2014, due to the multiple threats and harassment suffered by her and her family, attacks related to her journalism and investigative work, within a general context of high levels of violence against journalists in Honduras. Due to this situation of uncertainty and risk, Ms. Meza was forced into exile in 2013, for nearly five months. She also states that no progress has been made in the investigations into the reports she has made about attacks against her, and that despite having repeatedly requested her official records, to date she has not had access to them. Ms. Meza continues to be the beneficiary of precautionary measures from the IACHR since 2006. Between January and October 2015 she informed PBI of 36 security incidents against her, at least 12 of which occurred since June.

VIOLENT KILLINGS AND "UNFOUNDED PROSECUTION" OF HUMAN RIGHTS DEFENDERS

Freedom of expression

CASES REPORTED

According to the IACHR 28 journalists have been killed in Honduras since 2010. 150 have been killed in the whole continent<sup>T01</sup>. The Committee for Free Expression (C-Libre) reports a total of 61 murders related to journalism since 2003<sup>T02</sup>.

In 2015 C- Libre issued 160 alerts on different attacks on freedom of expression. According to the Honduran organisation, "stigmatisation against journalists critical of the government worsens, and attacks by the police and military against news coverage of public demonstrations"<sup>T03</sup>.

PROGRESS IN INVESTIGATIONS

Over 90% of the killings of journalist remain unpunished.

- T01. Office of the Special Rapporteur calls for an end to the impunity for crimes against journalists. Washington, D.C., November 2, 2015
- T02. Honduras: piden esclarecer muerte de 54 periodistas, (Honduras: asked to clarify death of 54 journalists) C- Libre, November 3, 2015.
- T03. "Honduras: La estigmatización contra periodistas críticos del gobierno empeora", (Honduras: The stigma against journalists critical of the government worsens), C-Libre, September 25, 2015.

Intervention by the UPR Coordination Group during the UPR. Geneva, September 24 2015. Photo: Dina Meza.

SMEAR CAMPAIGN

In April 2015 senior Honduran government officials questioned the legitimate work of human rights organizations during regional and international human rights fora, including the Universal Periodic Review (UPR). The organizations were accused of acting as part of a "smear campaign" by "political leaders or activists" in order to "affect our country's image"<sup>L02</sup>.

- L01. "Alerta por la situación de seguridad de Dina Meza", (Alert on the security situation of Dina Meza) PBI Honduras, July 20, 2015.
- L02. "Partidos de oposición en campaña de desprestigio contra el Gobierno de Honduras", (Opposition parties in smear campaign against the Government of Honduras) Government of Honduras, April 7, 2015



Participation in the second Universal Periodic Review (UPR) of Honduras at the United Nations Human Rights Council. Dina Meza reported restrictions and attacks on freedom of expression. Ms. Meza and other representatives of social movements that participated in the UPR were later subjected to a smear campaign by the Honduran government.



Observation of the second Candlelit March, Tegucigalpa, June 15 2015. Photo: PBI

ATTACKS ON FREEDOM OF ASSEMBLY AND ASSOCIATION

Dina Meza reported the expulsion of accredited journalists and the use of psychological tactics, physical violence and persecution by the public security forces in these events. In the days following her reports, Ms. Meza reported surveillance at public events and in the street.

Coverage of the Candlelit Marches and hunger strikes led by the "Indignant Opposition" (Oposición Indignada) that demanded the installation of a International Commission Against Impunity in Honduras (CICIH) and the resignation of President Juan Orlando Hernández. As president of PEN Honduras, Ms. Meza filed an appeal to the Supreme Court of Justice with other human rights organizations, for a violation of constitutional rights<sup>14</sup>.



Gladys Lanza was sued by the director of the Foundation for the Development of Social, Urban and Rural Housing in Honduras (FUN-DEV), Juan Carlos Reyes, after she made statements in support of a woman who reported that he had sexually assaulted her. Photo: PBI

FREEDOM OF EXPRESSION PROSECUTED

Several cases have been reported by journalists and members of social organizations criticising the improper use of the courts to limit press freedom. This is the case of Gladys Lanza, Ernesto Alvarado and the recent case of the IHSS worker charged with defamation and dishonour against the institution because she posted articles on Facebook against corruption.

Raising awareness of reports issued by various media, including Radio Globo and Canal 36, as part of the coverage of the alleged corruption case in the Honduran Institute of Social Security, (Instituto Hondureño de Seguridad Social - IHSS). Dina Meza criticized censorship by the State, which led to charges against journalists for defamation, libel or slander, the control of the frequencies of many community radio stations and their closure.

14. "Honduras: Huelguistas y organizaciones de DD.HH. presentan recurso de amparo por violación de derechos constitucionales"; (Honduras: Strikers and human rights organisations present recourse for violation of constitutional rights), CONEXIHON, July 3, 2015

PBI accompaniment to Dina Meza during the takeover of UNAH, July 30 2015. Photo: PBI



## MURDERS AND THREATS REPORTED

M. Héctor, a representative of the Union of Workers from the National Autonomous University of Honduras (Sindicato de Trabajadores de la Universidad Nacional Autónoma de Honduras - SITRAUNAH), was killed on June 17, 2015, despite being a beneficiary of precautionary measures granted by the IACHR<sup>L01</sup>. Elizabeth Zuñiga, a journalist and professor at the UNAH, reported an attempted murder against her and intimidation of her family during the weeks after the murder of her colleague<sup>L02</sup>.

Support for students at the National Autonomous University of Honduras (Universidad Nacional Autónoma de Honduras - UNAH), who in the wake of strikes during university protests were accused of usurping the administrative building and reported that they were suffering from surveillance, harassment and threats<sup>15</sup>. Ms. Meza also accompanies the cases of Héctor Orlando Martínez Motiño and Elisabeth Zuñiga, who were sued after reporting 34 cases of human rights violations related to the university staff.

## GLADYS LANZA, THE VISITACIÓN PADILLA WOMEN'S MOVEMENT FOR PEACE: "LAS CHONAS"

Founded in 1984, "Las Chonas" is a women's movement that promotes human rights and challenges violent structures used against women in Honduras. The organisation is part of the Coalition Against Impunity<sup>16</sup> and provides psychosocial care and legal advice to women survivors of violence, and training for communities. It also carries out advocacy work with local authorities and international actors on sexual and reproductive rights and violence against women. In 1994 the organization successfully campaigned for the abolition of compulsory military service with a hunger strike lasting 14 days<sup>17</sup>. Some other campaign successes include the adoption of the Law Against Domestic Violence and the creation of the National Institute for Women.

L01. "Comunicado de prensa: CIDH condena asesinato de líder sindical en Honduras", (Press Release: IACHR condemns murder of union leader in Honduras), IACHR, June 24, 2015

L02. "Honduras: intimidación y amenazas contra Elizabeth Zuñiga, defensora de derechos humanos", (Honduras: Intimidation and threats against Elizabeth Zuniga, human rights defender), Front Line Defenders, August 25, 2015

15. "Honduras: poner fin al acoso al miembro de PEN a juicio por protestas estudiantiles", (Honduras: an end to harassment member of PEN trial for student protests), PEN International, August 17, 2015.

16. The Coalition Against Impunity is composed of more than 35 civil society organisations in Honduras, who work together to call for a return to constitutional order, democracy and respect for human rights. Two organisations from this coordination group, Visitación Padilla and Arcoíris are being accompanied by PBI.

17. "El servicio militar obligatorio quedó atrás", (Compulsory military service is behind us) Envío Digital, June 1994





*In Honduras, as in other countries in the Central American region, femicide rates are extremely high. Photo: Nina Kreuzinger*

Since July 2015, PBI Honduras has been accompanying Gladys Lanza, coordinator of “Las Chonas”. At a very young age, Lanza joined the Young Catholic Workers (Juventud Obrera Católica - JOC) and the Cooperative Movement. In the 80s she became involved in social struggles and led the Union of Workers from the National Electricity Company (Sindicato de Trabajadores de la Empresa Nacional de Energía Eléctrica - STEN). In 2009, the IACHR extended the precautionary measures MC 196-09, designed to safeguard the integrity of those who are at risk in Honduras and Gladys Lanza was one of the people who benefitted from this expansion. In the second half of 2015, the organization reported 6 six security incidents to PBI. These incidents follow a pattern of surveillance, harassment and threats.

The coordinator of “Las Chonas” was sued under criminal law by Juan Carlos Reyes, the director of the Foundation for the Development of Social Housing, Urban and Rural Honduras (Fundación para el Desarrollo de la Vivienda Social, Urbana y Rural de Honduras - FUNDEVI), following statements made during a demonstration to support a woman who claimed to have been sexually harassed by him. On March 26, 2015, Lanza was sentenced to 18 months in prison for defamation, with additional penalties of “disqualification and civil interdiction”, which would mean not being able to defend political rights or assume the leadership of the organisation<sup>18</sup>. On April 30 of the same year, Gladys Lanza filed an appeal before the Supreme Court, but at the time of writing this article the institution has not ruled on the case, even though it should have done so within 60 days after the appeal was filed. In the event that the Court dismisses the appeal, the defender will go to prison. Lanza has already stated that she will not ask for an alternative sentence even though she could do this, because that would mean accepting that supporting victims in their quest for justice is illegal<sup>19</sup>.

18. “Un año y seis meses de prisión a Gladys Lanza”, (One year and six months in prison for Gladys Lanza) El Heraldohn, October 24, 2015

19. “Caso Gladys Lanza: Solicitan Prompta Respuesta ante dilación de recurso de Casación en Corte Suprema de Justicia”, (Gladys Lanza case: They ask for Prompt Response in light of delay on appeal in Supreme Court), Pasos de Animal Grande, August 25, 2015

## PBI ACCOMPANIMENT

PBI has accompanied Lanza in meetings with the European Delegation and COSUDE. In one meeting, the EU committed to considering the possibility of observing the hearing of Gladys' case. PBI has also accompanied the defender in meetings with various authorities such as the National Institute for Women (Instituto Nacional de la Mujer - INAM), the Ministry for Human Rights, Justice, the Interior and Decentralization, CONADEH and the Public Ministry. In all these meetings, PBI has called for the effective implementation of Ms. Lanza's security measures and compliance with the recommendations of international bodies<sup>L01</sup> on criminal matters and that criminal law not be used to hinder the defence of human rights.

L01. “Comunicado de Prensa: en el día mundial de la libertad de la libertad de prensa, la Relatoría Especial llama a los Estados a abstenerse de usar el derecho penal para silenciar las voces críticas”. (Press Release: World Day on freedom of the press freedom, the Special Rapporteur calls upon States to refrain from using the criminal law to silence critical voices), Inter-American Court of Human Rights: Special Rapporteur for Freedom Expression, May 2015

PBI ACCOMPANIMENT

PBI has accompanied the LGBT Arcoiris Association in meetings with the Delegation of the European Union, COSUDE and the German and United States embassies. In addition and as a result of serious security incidents related to the organization's computer system, PBI facilitated an introductory workshop on information security to members of the organization. In September 2015, during the adoption of the recommendations of the second Universal Periodic Review, PBI facilitated several meetings with representatives from the international community in which Arcoiris could share their concerns and present recommendations on the situation of the LGBTI community in Honduras. On that occasion, Reyes visited several cities in Switzerland, Germany, France, Norway and Spain.

THE LGBT ARCOÍRIS ASSOCIATION

Founded in 2003, Arcoiris is committed to empowering and informing the LGBTI community from Comayagüela and Tegucigalpa on issues of holistic health, the defence and promotion of human rights related to sexual diversity, advocacy, research and outreach. The populations they work with are lesbian and bisexual women, gay and bisexual men and transgender women and men (transsexual, transgender, transformist and transvestite). They also work with the wider population to raise awareness in order to challenge stigmatisation and discrimination based on sexual orientation. Arcoiris is part of the Committee on Sexual Diversity and the Honduras UPR Platform and recently Donny Reyes, coordinator of the Association, was elected by representatives of civil society to join the National Council for the Protection of Human Rights as a deputy member<sup>20</sup>.

PBI began accompanying the organisation in July 2015. The leaders of the Association report being the victims of attacks, threats and harassment, which aim to destabilise the organisation. During the second half of 2015, PBI has reported more than 15 security incidents against members of the LGBT Arcoiris Association, including surveillance, harassment, detentions, assaults, robberies, theft, threats, sexual assault and even murder. Several members have been forced into exile abroad, including Donny Reyes<sup>21</sup> and Esdra Yaveth Sosa<sup>22</sup>. Since 2009, Donny Reyes has been the beneficiary of precautionary measures issued by the IACHR to protect his safety, but to date the Honduran authorities have not properly implemented these measures, as reported by several international organisations<sup>23</sup>.

VIOLENT KILLINGS AND "UNFOUNDED PROSECUTION" OF HUMAN RIGHTS DEFENDERS

LGTBI Rights

CASES REPORTED	From 2009 to date, a total of 208 killings of members of the Lesbian, Gay, Bisexual and Transgender community have been registered by the authorities and organisations defending their rights.
PROGRESS IN INVESTIGATIONS	According to the Special Unit of the Prosecutor for Crimes against Life, in the Honduran Public Ministry, by 2014, 33 cases had been prosecuted in the country, with nine convictions and three acquittals. <sup>T01</sup>

T01. "En menos de un mes, cuatro "crímenes de odio" contra la comunidad LGTBI", (In less than a month, four hate crimes against the LGBTI community), Conexihon, September 23, 2015.

20. "C-Libre, CEM-H, Arcoiris y GSC integran el Consejo Nacional de Protección", (C-Libre, CEM-H, Rainbow and GSC up the National Council for Protection) CONEXIHON, August 3, 2015  
 21. "Resistencia LGTBI en Honduras", LGTBI Resistance in Honduras), Made for Minds, July 31, 2014  
 22. "Honduras : intimidación de la Sra. Esdra Yaveth Sosa Sierra, defensora de derechos LGTBI" , Front Line Defenders, 4 de julio de 2014(Honduras: Intimidation of Ms Esdra Yaveth Sosa Sierra, LGTBI rights defender) Front Line Defenders, July 4, 2014  
 23. "Urgent Action: LGBT activist's life in danger", Amnesty International, August 12, 2012

Side event during the adoption of the Honduran UPR recommendations, organised by the UPR Coordination Group and facilitated by PBI. Geneva, September 24 2015. Photo: PBI.



# PROGRESS ON PROTECTION MECHANISMS

## LAW FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS, JOURNALISTS, SOCIAL COMMUNICATORS AND JUSTICE WORKERS

### PROGRESS AND SETBACKS IN PROTECTION 2015

	PROGRESS	LACK OF COMPLIANCE
	<b>Nationally</b>	
T01. Conadeh y Corte IDH, firman acuerdo para fortalecer vigencia de DDHH en Honduras, (CONADEH and IACtHR, sign agreement to strengthen enforcement of human rights in Honduras) Proceso Digital, September 12, 2015	In April, the Law on the Protection of Human Rights Defenders, Journalists, Communicators and Justice Operators was approved.	Severe cuts continue to be made to institutions for the promotion and realisation of human rights.
T02. Partidos de oposición en campaña de desprestigio contra el Gobierno de Honduras. (Opposition parties in smear campaign against the Government of Honduras). Presidency of Honduras, April 7, 2015.	In September CONADEH and the IACtHR signed a collaboration agreement with the aim of coordinating efforts to strengthen relations, deepen knowledge of the law and disseminate international instruments on human rights <sup>T01</sup> .	In April statements were made by senior officials from the Honduran government questioning the legitimate work of human rights organisations during the UPR <sup>T02</sup> .

### NATIONAL COUNCIL FOR PROTECTION (CONSEJO NACIONAL DE PROTECCIÓN)

In August 2015, civil society elected two representatives and two deputies to serve on the National Council for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers. Selected for the posts were Suyapa Martínez from the Centre for Women's Studies (Centro de Estudios de la Mujer - CEM-H) and Eddy Tábora of C-Libre, while Jessica Sánchez from the Civil Society Group (Grupo Sociedad Civil GSC) and Donny Reyes from the Arcoiris Association (Asociación Arcoiris) were elected as deputies<sup>L01</sup>.

L01. "C-Libre, CEM-H, Arcoiris y GSC integran el Consejo Nacional de Protección", (C-Libre, CEM-H, Arcoiris and GSC in the National Council for the Protection) ConexiHon, August 3, 2015

On April 16, 2015 the Honduran Congress approved the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Workers, a week before the Universal Periodic Review (UPR) of the Honduran State by the United Nations Human Rights Council. This resulted in complaints by several organisations, that saw this as an act of opportunism that responded to the need for the government to clean up its image before the UPR, and they criticised the lack of a real commitment for the protection of human rights defenders<sup>24</sup>.

According to experts who have analysed the law, it has weaknesses and strengths. Among its strong points are its recognition for the role of human rights defenders, the inclusion of a high percentage of recommendations made by social organisations and the fact that the creation of the protection mechanism is a result of orders issued by the Inter-American Court to the State of Honduras. The identified weaknesses include: ambiguities caused by incorporating aspects not shared with human rights organisations, the leadership given to the Ministry of Security on risk analysis, the lack of decentralisation and the lack of an adequate budget which will lead to difficulties in implementation<sup>25</sup>.

24. "Sistema de Protección para defensores y defensoras "es más bien un maquillaje del gobierno", (Protection System for defenders "is more like makeup from the government") Pasos de Animal Grande, July 9, 2015

25. "COFADEH socializa la Ley de defensores de derechos humanos, plantea retos y desafíos", (COFADEH shares the Law on human rights defenders, poses challenges and challenges) Defensores en Línea, August 29, 2015

On August 13, 2015, 22 national and international organisations called upon the Government, via Human Rights Minister Rigoberto Chang Castillo, to postpone for a few months the adoption of regulations and protocols for the implementation of the Law, so that a broad debate could begin to find a consensus on the proposed texts and gain legitimacy for the process<sup>26</sup>. PBI requested information from the Ministry about the process for the preparation and consultation of these regulations, without obtaining a response to date.

PBI ACCOMPANIMENT

Throughout 2015, PBI held more than 35 meetings with the Honduran national authorities. As part of these meetings, explicit reference was made to the human rights situation and the relevant authorities were invited to observe events and activities considered high risk for the defence of human rights.

**UNITED NATIONS SYSTEM (UN)**

PROGRESS	LACK OF COMPLIANCE
<b>United Nations</b>	
In November Honduras received a visit from the Special Rapporteur on Indigenous Peoples.	In May, the Director of UNESCO issued a statement.
In December it is expected that the Office of the High Commissioner for Human Rights (OHCHR) will open.	In June, the Special Rapporteur on human rights defenders issued a statement expressing concern about the political situation.
	The optional protocols on CEDAW and ESCR have not yet been ratified.

◀ **PROGRESS AND SETBACKS IN PROTECTION 2015**

During the second UPR, the Honduran government delegation presented its progress in relation to human rights, arguing that 106 of the 129 recommendations made during the previous review had been fulfilled and that 20 are in the process of being fulfilled. In this second review, Honduras received 190 recommendations, many of them coinciding with those made in 2010. According to the Honduras UPR Platform, which includes more than 50 human rights organisations, the mechanism resulted in "a strong wake-up call to the State of Honduras to take the human rights situation in the country seriously"<sup>27</sup>.

UPDATE ON THE OPENING OF THE OHCHR OFFICE

On May 5, 2015, an agreement was signed with the government of Honduras to open an office in the country. The mandate of the office will be to monitor the situation of human rights and issue public reports, give training in the field to the national authorities and lead on advocacy work. According to information received by PBI, work is currently being carried out on the installation of the office. The phase of selection and appointment of staff is expected to be completed in December 2015. In March 2016 the OHCHR should present its first report on the human rights situation in the country.

Among the concerns reflected in the recommendations made by the countries that participated in the process, and which were accepted by Honduras, are discrimination against indigenous peoples and the LGBTI community, as well as the situation of extreme violence. The government was also urged to review the budget cuts to national institutions responsible for the respect and promotion of human rights. Among the requests that the State of Honduras took some time to review and decide whether to accept, are the ratification of the protocol on Economic, Social and Cultural Rights (ESCR), the optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Gender Identity Law, the reform of the criminal code and the alignment of public security policies with international human rights standards.

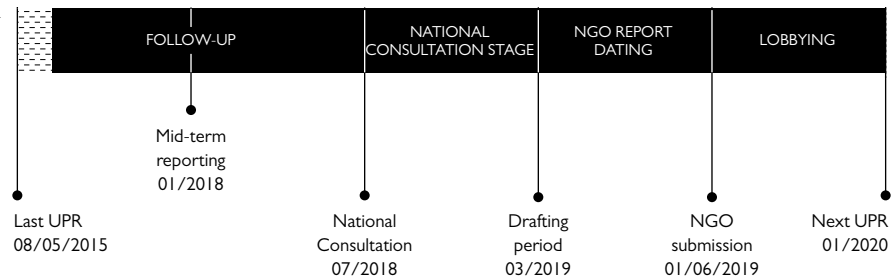
26. "Primero el consenso: Gobierno debe posponer reglamentos y protocolos de Ley de protección", (First the consensus: Government should postpone regulations and protocols of the Protection Law) Pasos de Animal Grande, August 15, 2015

27. "Honduras cuestionada por la ONU ante violaciones a Derechos Humanos", (Honduras questioned by the UN on human rights violations) El Heraldo, May 13, 2015

Presentation by Donny Reyes during the UPR. September 2015. Photo: PBI.



CHRONOLOGY OF THE UPR OF HONDURAS



PBI ACCOMPANIMENT

In July 2015 PBI Honduras participated in a meeting of experts convened by the United Nations Special Rapporteur on human rights defenders, in which specific concerns and recommendations relating to Honduras were shared.

Moreover, in May 2015, UNESCO held an event in Honduras to discuss the state of freedom of expression in the world. During this event, Edison Lanza, Special Rapporteur for Freedom of Expression, noted the context of violence faced by journalists and media professionals in America and made an explicit reference to the case of Honduras. In August of the same year, the UNESCO Director General expressed strong concerns about the situation of journalism in Honduras.

*“Using violence to silence journalists cannot be tolerated because it is also an attack on society as a whole. I call on the authorities to end impunity for crimes against journalists and ensure that their perpetrators are brought to justice”, Irina Bokova declared in a statement<sup>28</sup>.*

28. “Unesco condena recientes asesinatos de tres periodistas hondureños”, (Unesco condemns murders of three Honduran journalists), La Prensa, July 15, 2015

## EUROPEAN GUIDELINES ON THE PROTECTION OF DEFENDERS

In 2013, dialogue began between the EU and a group of international cooperation agencies working in Honduras for human rights and development (ACI DDHH), around the implementation of the EU instrument for the protection of defenders, known as the "guidelines". During this dialogue an idea emerged to create a Liaison Group through which at-risk human rights activists can present their case to the diplomatic corps. In February 2015, the EU delegation visited Guatemala, accompanied by a group of international organisations, to learn about the functioning of the Filter Group in that country, the counterpart of the Liaison Group in Honduras, after 12 years of operation. In 2015 the Liaison Group held four meetings in which cases of at-risk activists were presented. Among the topics discussed were the situation in prisons and cases of torture, the situation of people with disabilities and human rights defenders and the independence of the justice system. The next and final meeting of the year will probably be on labour rights.

The EU delegation also paid a visit to the Bajo Aguán region, where they met with the social movement, small-scale farming organisations and government agencies responsible for investigating the killings in the region, as well as the Dinant Corporation and other companies operating in the area. On September 28, 2015, the delegation issued a press release expressing concern about the situation of human rights defenders, in particular the LGBTI community<sup>29</sup>.

For its part, the Swiss cooperation agency (COSUDE) held bimonthly analysis meetings with UN representatives and international accompaniment organisations PBI and PROAH. Cases of at-risk defenders were also presented in these meetings. In 2015, journalist Dina Meza, lawyer and member of CEHPRODEC Donald Hernández, and Gladys Lanza, director of the Visitation Padilla organisation, were received by COSUDE to present their cases. Ms. Meza, Mr. Hernández and Ms. Lanza are now in regular contact with the consular office and the Swiss Embassy in Guatemala.

## SERIOUS CONCERN FROM EUROPEAN CIVIL SOCIETY

From 4 to 11 May, eight Swiss citizens from the Honduras-Switzerland Forum conducted interviews with representatives of civil society, international and national organisations, CONADEH and communities affected by the mining industry. "We express our deep concern about the concentration of power by the Executive, (...) the militarisation of society and State apparatus, high levels of impunity and corruption, and lack of freedom of expression", they expressed after these meetings<sup>L01</sup>.

## PBI ACCOMPANIMENT

Throughout 2015 PBI held 30 meetings with embassies in Honduras. At these meetings PBI reiterated the importance of strengthening the human rights work of the EU Delegation and the need to ensure the effective application of the Swiss, Norwegian and EU guidelines for the protection of defenders. In coordination with the International Platform Against Impunity, PBI also gave a series of workshops dedicated to deepening existing knowledge of the European guidelines and trying to establish mechanisms to monitor and measure their impact.



Observation of a meeting in the Gregorio Chavez community, during the visit of the European Union Ambassador to the Bajo Aguán region. May 15 2015. Photo: PBI.

29. "Nota de prensa sobre la situación de derechos humanos y la comunidad LGBTIQ en Honduras", (Press release on the situation of human rights and the LGBTIQ community in Honduras), EU Delegation, September 28, 2015

L01. "Observadores Suizos: situación sobre DDHH en Honduras, no ha mejorado", (Swiss observers: Situation of Human Rights in Honduras, has not improved) Defensores en Línea, May 11, 2015.

## INTER-AMERICAN HUMAN RIGHTS SYSTEM

### PROGRESS AND SETBACKS IN PROTECTION 2015

#### PROGRESS

#### LACK OF COMPLIANCE

#### Inter-American System

In August the 53rd Special Session of the Inter-American Court will be held in Honduras in response to an invitation from the government.

In June, Héctor Orlando Martínez union representative from UNAH was killed despite having precautionary measures from the IACHR.<sup>T01</sup>

In August, the State signed an agreement to comply with the IACHR recommendations and taking responsibility for the murder of environmentalist Carlos Escaleras, which took place 18 years ago in the city of Tocoa, Colón.

In September, the IACHR requests that CONADEH strengthen precautionary measures.

In October the State of Honduras ignored a call from the IACHR and did not attend hearings on corruption and judicial independence.

T01. PM 253/14 - Héctor Orlando Martínez and Family, Honduras, ICHR, May 19, 2015.

### HISTORIC JUDGMENT OF THE IACTHR

The State of Honduras was found responsible for the violation of various rights in the case of judges and a magistrate expelled from office in 2009, including freedom of expression, assembly and association, among others. It is the first time that a ruling by the Court includes references to the coup d'état and makes a pronouncement on the right of members of the judiciary to participate in politics<sup>L01</sup>.

In August, the Inter-American Court of Human Rights (IACTHR) held its 53rd extraordinary session in Honduras. During the session it paid an in situ visit to gather legal information relating to cases of the Garifuna communities in Triunfo de la Cruz and Punta Piedra and held a private hearing on monitoring compliance with six of its judgments from the 1990s in which it ruled that the Honduran State was guilty of the murder of several environmental leaders<sup>30</sup>.

Between September and October, the Inter-American Court issued three new rulings on cases, finding against the Honduran State. On November 11, one of these was made public, namely the judgment in the case "López Lone et al vs Honduras" in favour of three judges and a magistrate who were removed from office for demonstrating against the 2009 coup d'état. The other two judgments refer to cases of the Garifuna communities of Punta Piedra and Triunfo de la Cruz.

### PBI ACCOMPANIMENT

PBI Honduras provided information on the situation of defenders in the two IACHR hearings. In the hearing on social protest and human rights in America, reference was made to Honduras, to warn about the worrying trend of criminalisation and violent repression of those exercising the right to social protest. PBI also gave information for the hearing on the human rights situation of environmental activists and extractive industries. The organisation also observed hearings related to the case of "López Lone et al vs Honduras" before the IACTHR.

Two ordinary sessions of the IACHR were also held in March and October. The State of Honduras ignored the IACHR's call and did not attend a hearing on corruption and judicial independence. At the same meeting the President of the IACHR called the democracies of the Americas "a total disgrace" for failing to protect those who defend rights to land, territory and the environment. This was after hearing the high risks faced by activists working on issues related to companies in 17 countries in the continent, including Honduras<sup>31</sup>.

Honduras is the subject of 33 lawsuits pending admissibility reports in the Inter-American Commission on Human Rights (IACHR), 10 admitted cases and 10 in friendly settlement processes<sup>32</sup>. In 2015, the Commission issued five precautionary measures on behalf of individuals, communities and organisations that defend human rights in Honduras. In the same period the IACHR urged the Honduran government, in six press releases and other bilateral communications, to take specific actions related to protection.

L01. "Corte IDH ordena restitución de jueces y magistrada en Honduras", (Inter-American Court orders restitution of judges and magistrate in Honduras), CEJIL, November 11, 2015

30. "La Corte IDH concluye sesiones extraordinarias revisando 6 casos de Honduras", (The Inter-American Court concludes special session reviewing 6 cases in Honduras), Eldiario.es, August 29, 2015

31. "Nuevo informe regional subraya riesgos para defensores/as de tierra, territorio y ambiente en las Américas; Presidenta de CIDH denomina la situación "una desgracia total", (New regional report highlights risks to defenders of land, territory and environment in the Americas; IACHR President calls the situation "a complete disgrace"), ISHR, October 20, 2015

32. Conadeh y Corte IDH, firman acuerdo para fortalecer vigencia de DDHH en Honduras, (CONADEH and IACTHR sign agreement to strengthen enforcement of human rights in Honduras), Proceso Digital, September 12, 2015



MC 460/15	Kevin Donaldó Ramírez y familia, Honduras
MC 293/15	Rony Alejandro Fortín Pineda y otros, Honduras
MC 147/15	Donatilo Jiménez Euceda, Honduras
MC 253/14	Héctor Orlando Martínez (asesinado) y familia, Honduras
MC 65/15	Martha Ligia Arnold Dubond y sus cinco hijos, Honduras

◀ LIST OF PEOPLE GRANTED PRECAUTIONARY MEASURES BY THE IACHR IN 2015



*Observation by PBI Honduras of the hearing in the case of the judges and magistrates who were removed from their posts in 2009. Costa Rica, February 2015.*

# SEXUALITY AND GENDER: RESISTANCE FOR EQUALITY IN HONDURAS

The inherent rights to freedom of sexual preference or orientation and gender identity or gender expression (SOGI) are being widely violated in Honduras. According to official data, in May 2012, 10% of the population was sexually diverse<sup>33</sup>. In its 2014 annual report, the National Human Rights Commissioner (CONADEH) reports that this sector of the population suffers from “physical, psychological, patrimonial and sexual violence, both within the family and in the fields of education, health, work, within the church and bodies for the application of law and justice”. PBI has noted, throughout its two years working in the country, that the violence, impunity and discrimination faced by the LGTBI community are similar to the situation in other countries in Central America. This is the case despite the different existing laws and international protection mechanisms.

## LACK OF OFFICIAL DATA

The IACHR has expressed concern about the lack of official data recorded by OAS member states to document violence against LGBTI people. All member states have committed to producing data on homophobic and transphobic violence in order to promote public policies to protect the human rights of LGBTI people.

## CONTEXT: DISCRIMINATION, VIOLENCE AND IMPUNITY

*“It is alarming that of every five hate crimes committed in the Central American region, 3 are perpetrated in Honduras, and that most of these crimes remain in complete impunity”.*<sup>34</sup>

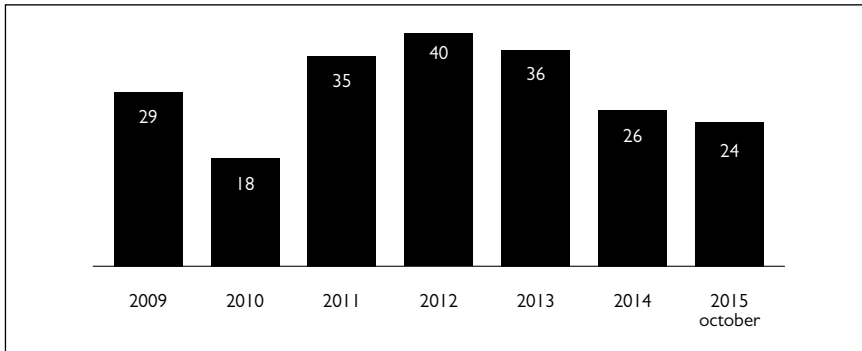
Between January 2013 and March 2014 at least 594 people were killed in the American continent because of their sexual orientation or gender diversity and at least 176 suffered serious attacks on their lives, all of them motivated by the fact that the perpetrator believed that the victim had transgressed established gender norms. The Inter-American Commission on Human Rights (IACHR) is aware that the number of non-lethal attacks reported does not reflect the real situation. Cases often go unreported because the people attacked fear reprisals or do not trust the police or the judiciary, and therefore do not wish to identify as LGBTI.<sup>35</sup>

33. “Report by Tracy Robinson, Rapporteur on Honduras and Rapporteur on the Rights of Women in the Inter-American Commission on Human Rights (IACHR)”, Cattrachas – Feminist Lesbian Organisation, May 15, 2013.

34. “Otro crimen de odio impacta a la comunidad de la diversidad sexual”, (Another hate crime impacts the sexually diverse community) Pasos de Animal Grande, June 29, 2015.

35. Register of Violence against LGBT persons, IACHR, December 17, 2014.

In Honduras, the LGBTI community has noted an increase in violence and crime against its members since the coup d'état in 2009. Between 1994 and 2008, 20 violent deaths were recorded, which multiplied significantly over the following six years. From 2009 until the end of 2014, there were 184 violent deaths. The group that registered most victims was gay men, with 103 murders; followed by 71 murders of transgender people and 15 lesbians. In October 2015, in the absence of official and updated figures, the number of murders of LGBTI people stood at 24, increasing the death toll to 208 since the coup d'état.<sup>36</sup>



◀ NUMBER OF VIOLENT KILLINGS OF LGTBI PEOPLE IN HONDURAS

SOURCE: RED LESBICA CATRACHAS

## ACCESS TO JUSTICE IS THE GREATEST CHALLENGE

*Honduras ranks seventh in the Global Impunity Index for 2015.*<sup>37</sup>

It is not only the numbers of violent deaths which are alarming, but also the number of cases that remain unpunished without the necessary investigations by the State. Of the 208 murders committed against LGBTI people from 2009 to the present, only 33 have been tried. Of the 26 murders reported in 2014 it appears that only one case was tried and resulted in the acquittal of the accused due to a lack of evidence<sup>38</sup>.

Erick Martínez Avila was spokesman for Kukulcán, an organisation which defends the rights of gay, lesbian, bisexual and transgender persons. According to Reporters Without Borders, he was found dead after being strangled on May 7, 2012, two days after he had disappeared. Erick was also an active member of the National Popular Resistance Front (Frente Nacional de Resistencia Popular - FNRP) and aspired to become an elected representative of the Free Party (Partido Libre). The trial court ruled that the prosecution could not prove the evidence against the accused and for that reason Martínez's death has gone unpunished.<sup>39</sup> In 2012 the Director General of UNESCO expressed concern about his death and called on the authorities to "bring to justice the perpetrators of this crime against the basic human right to freedom of expression"<sup>40</sup>.

36. See information on the website of CATRACHAS.

37. Report of the Global Impunity Index in 2015, Centre for Studies on Impunity and Justice (Centro de Estudios sobre Impunidad y Justicia - CESIJ) of the University of the Americas in Puebla.

38. "Ofensiva gais al Congreso Nacional de Honduras", (Gay offensive in the National Congress of Honduras), La Tribuna, May 15, 2015

39. "Descalificación, exclusión social y odio contra comunidad LGTBI en Honduras", (Disqualification, social exclusion and hatred against LGBTI community in Honduras) Pasos de Animal Grande, September 5, 2015.

40. Director General deploras murder of Honduran journalist and activist Erick Martínez Ávila, UNESCO, 15 May 2012.

This situation is aggravated when the alleged perpetrators are part of public institutions. According to an assessment prepared by the LGBT Arcoiris Association and the National AIDS Forum, the National Police continue to be the main aggressors against the LGBTI population, including making arbitrary and unlawful arrests and committing acts of harassment, extortion and other human rights violations<sup>41</sup>. In most cases these attacks are not reported for fear of further repression and violence, and because the victims feel that there will not be any improvement in their situation<sup>42</sup>. Added to this is the increased risk of sexual violence for LGBTI persons deprived of their liberty as well as other acts of violence and discrimination at the hands of other prisoners and security personnel<sup>43</sup>. According to the Inter-American Court of Human Rights (IACtHR), this situation is caused by the lack of "effective mechanisms for the prevention and punishment of police abuses against LGBTI people" in the country<sup>44</sup>.

OFFICE FOR THE INVESTIGATION OF HIGH-IMPACT KILLINGS (UNIDAD DE INVESTIGACIÓN DE MUERTES DE ALTO IMPACTO)

In February 2011 an Office was created in the Public Ministry dedicated to investigating violent killings of LGBTI people. The creation of this office was promoted by LGBTI organizations and the Committee on Sexual Diversity with the support of the US Embassy.

Walter Tróchez was killed on the night of December 13, 2009 in downtown Tegucigalpa. He was a leading advocate for the rights of the LGBTI community. Witnesses present stated that Tróchez died from a gunshot wound fired by an agent from the National Police<sup>45</sup>. Four days earlier, Tróchez had reported in the media and to the Committee of Relatives of the Disappeared in Honduras (Comité de Familiares de Detenidos Desaparecidos de Honduras - COFADEH) that he had been kidnapped and severely beaten in a park in Comayagüela by masked agents from the National Bureau of Criminal Investigation (Dirección Nacional de Investigación Criminal - DNIC) travelling in an unmarked patrol car<sup>46</sup>. On April 3, 2013 Germán Eduardo Mendoza Rivera, a member of the LGBTI community, was arrested and charged with the murder of his friend Walter Tróchez. Germán remained in custody for nearly two years until he was acquitted due to lack of evidence in March 2015. During his time in prison, he reported having suffered physical and psychological torture aimed at forcing him to plead guilty to the crime<sup>47</sup>. The murder of Walter Tróchez remains unpunished.

To counteract the impunity suffered by the LGBTI community in Honduras, in February 2011, a Research Unit into High Impact Killings was created within the Public Ministry, dedicated to the investigation of the violent deaths of LGBTI people. The creation of this unit was promoted by LGBTI organisations and the Committee for Sexual Diversity (Comite de la Diversi-

41. "Diagnóstico de situación de las violaciones de los derechos humanos y los crímenes de odio en contra de la población LGTBI en Honduras y la posibilidad de identificar fortalezas, debilidades y oportunidades de trabajo con las instancias de toma de decisión, operadores de justicia y aliados estratégicos" (Diagnosis of the situation of human rights violations and hate crimes against LGBTI people in Honduras and the ability to identify strengths, weaknesses and opportunities of working with decision-making bodies, judicial and strategic partners)

42. CONADEH, Annual Report 2014.

43. IACHR Expresses Concern about Violence and Discrimination against LGBT Persons Deprived of Liberty, IACHR, May 21, 2015

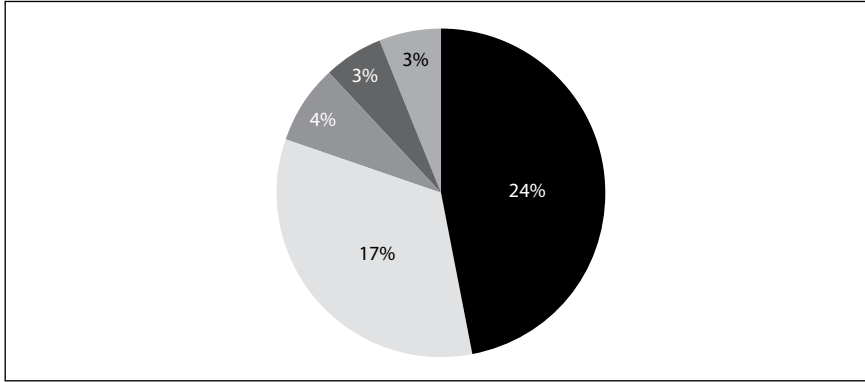
44. Diagnóstico sobre los crímenes de odio motivados por la orientación sexual e identidad de género en Costa Rica, Honduras y Nicaragua" (Diagnosis of hate crimes motivated by sexual orientation and gender identity in Costa Rica, Honduras and Nicaragua), CEJIL, May 2013

45. "Rights activist who protested Honduras coup killed", The Guardian, December 16, 2009.

46. Ibid 1

47. "Walter y German dos exponentes de la discriminación LGTBI en la negación del acceso a la justicia de la víctima y de los derechos fundamentales del procesado en razón de su orientación sexual en Honduras." (Walter and German two examples of LGBTI discrimination in the denial of access to justice for the victim and the fundamental rights of the accused because of their sexual orientation in Honduras), Cattrachas, July 15, 2015.

dad Sexual). The US Embassy provided institutional strengthening for these bodies with the support of FBI agents to clarify the violent deaths that had occurred since September 2008. The units are composed of a Prosecutor, an analyst and three researchers under the supervision of the Prosecutor's Office for Common Crimes, and accompanied by FBI agents<sup>48</sup>. Despite these efforts, the results are still minimal according to information given to PBI by several organisations.



◀ TYPES OF CRIMES COMMITTED BY MEMBERS OF THE POLICE AGAINST LGBTI PEOPLE

- Illegal arrest
- Physical attacks
- Sexual violence and harassment
- Threats
- Killings or killing attempts



Since the day of the murder of Trochez, APUVIMEH holds marches and demonstrations on the 13th day of every month. The marches end at the Public Ministry Offices where they hand in a statement to the Human Rights Prosecutor. Photo: PROAH-APUVIMEH.

48. Ibid I

SEXUAL DISCRIMINATION: THE “STATUS QUO”?

According to the feminist lesbian organisation Cattrachas, discriminatory legislation exists in Honduras against lesbian, gay, bisexual, transvestite, transgender and intersex persons. Some examples are found in the Constitution of the Republic and the Family Code. Other violations occur during the interpretation of the Law, as in the case of the Law on Police and Social Affairs, issued by the National Congress as Law No. 226-2001<sup>49</sup>. This law, written in vague and general terms, punishes a wide range of public behaviours, allowing the arrest or detention of persons on the basis of their sexual orientation and their gender identity or expression<sup>50</sup>. Specifically, Chapters VIII and IX of Title I which address the “Suppression of Human Trafficking and the Exploitation of Others via Prostitution” and “vagrancy and pernicious gangs” have been used by the National Police to detain, harass and commit abuses of authority against LGBTI people.

GENDER IDENTITY LAW

Law Despite recent advances in criminal law, one of the most common requests from the LGBTI community is that a Gender Identity Law be passed, allowing transgender people to be legally recognised as the gender they identify as. However, according to LGBTI groups, the present government shows no political will to fulfil the recommendations made during the UPR process<sup>L01</sup>.

The ambiguous application of Honduran legislation in this area may also result in violations of other rights such as political participation, education, access to decent work, and health. CONADEH has reported that job applications are often rejected based on the features, gestures or clothing of LGBTI people, who often feel the need to explicitly pretend to be heterosexual in order to get work. The same report states that health workers often manifest homophobic attitudes, particularly towards the transgender community. The LGBTI community also experience discrimination in educational settings, with bullying and violence from other students permitted and sometimes encouraged by teachers, leading to high dropout rates among LGBTI youth.



*The LGBTI community does not ask for special or additional rights but compliance with the same rights as other human beings; universal rights enshrined in the Universal Declaration of Human Rights*

*Observation of a march against gay, lesbian and transphobia, May 18 2015. Tegucigalpa. Photo: PBI*

49. Ibid 6.

50. Ibid 1

L01. Ibid 7

## SITUATION FOR THE DEFENCE OF LGBTI RIGHTS

### SPACE GAINED BY LGBTI ORGANISATIONS

The year 2004 was extremely important for sexual diversity and gender identity organisations: the Violeta Collective Association (Asociación Colectivo Violeta), the Kukulkán Association (Asociación Kukulkán) and the Sampedrana Gay Community (Comunidad Gay Sampedrana) for comprehensive health, all achieved legal status, despite opposition from the Church<sup>51</sup>. This means that the State recognises them and LGBTI organisations can become legal entities with the capacity for collective action, act as subjects under law, acquire and own property, contract obligations and prosecute and defend their human rights.

Following pressure from LGBTI organisations during the first Universal Periodic Review (UPR) of the Honduran State, on February 21, 2013 the criminalization of hate crime was included via Legislative Decree 23-2013 in the Criminal Code (Article 21), as was the criminalization of discrimination based on sexual orientation or gender identity (Article 321). Most of the recommendations made in this reform must be implemented effectively and not be altered as part of the current reform to "harmonise" the Criminal Code<sup>52</sup>. In light of the case against the evangelical pastor, Evelio Reyes, for the crime of discrimination against gay and lesbian people, a campaign has been implemented to promote the reform of Article 321, with the aim of eliminating references to categories of sexual orientation and gender identity.

The statements made in 2012 by Evelio Reyes, pastor from the Abundant Life Evangelical Church, (Iglesia Evangélica Vida Abundante) had a significant impact on the LGBTI community. Several sexually diverse people registered for election as Free party (partido LIBRE) deputies. According to the information shared by the media, Evelio Reyes asked God in one of his masses to illuminate Hondurans to not vote for corrupt people or homosexuals in the next election. LGBTI community members reported the pastor to the Public Ministry for sexual discrimination. After investigating the case, Evelio Reyes was convicted in the first instance for these statements, but was later released without charge<sup>53</sup>.

### IN THE SPOTLIGHT

People who defend LGBTI rights are challenging traditional social structures and for this reason they are perceived as a threat to the social order. As with women defenders, those who fight for the human rights of the LGBTI community are doubly vulnerable: firstly, because they defend human rights, and secondly because they defend the rights of a marginalised group. Various national and international bodies have reported that in Honduras, human rights defenders are the target of threats, surveillance, kidnappings, rape, intimidation and murder<sup>54</sup>. The Delegation of the European Union and the embassies of Germany, Spain, France and the UK,

### HATE CRIMES

Under the second UPR, a UN Human Rights Council mechanism, it was recommended that Honduras investigate and punish the perpetrators of hate crimes. These crimes are those that occur when the motive for the attack is the fact that the victim belongs to a particular social, religious, ethnic or ideological group, or because of their gender identity or sexual orientation. The cases documented by the IACHR show a high degree of cruelty based on sexual orientation and gender identity.

### THE SEXUAL DIVERSITY COMMITTEE OF HONDURAS (COMITÉ DE LA DIVERSIDAD SEXUAL DE HONDURAS - CDSH)

This is a space for sexual diversity organisations in Honduras to converge and make political decisions. Created in 2010, it is comprised of the following organisations: Violeta Collective Association, Kukulcan Association, Association for a Better Life for People Living with HIV/AIDS in Honduras (Asociación para una Vida Mejor de Personas Infeccionadas por el VIH/SIDA en Honduras - APUVIMEH), the Arcoiris Association of Honduras (ARCOÍRIS Association), Ixchel Group (Grupo Ixchel), the Litos Lesbian and Bisexual Group (Grupo Lésbico Litos) and the Cozumel Bisexual and Trans Association (Asociación Cozumel Bisexual Trans).

51. "Revista Movimiento LGTB en Honduras: Trayectoria histórica y desafíos actuales", (Magazine of the LGBT Movement in Honduras: Historical Background and current challenges) Sexual Diversity Committee of Honduras, November 2012.

52. "Petición Alto a la contrarreforma del Código Penal", (Petition to Stop the Reform of the Criminal Code) Catrachas, August 25, 2015.

53. "Sobreseimiento definitivo para Evelio Reyes", (Definitive dismissal for Evelio Reyes) EL Heraldo.hn, August 30, 2013

54. Front Line Defenders submission to the 22nd session of the UPR regarding the situation of human rights defenders in Honduras (May 2015)

drew attention to this issue in a press release on the situation of human rights and the LGBTI community<sup>55</sup>. They expressed concern at the death of people associated with the LGBTI community in recent months, including human rights defender and journalist, Juan Carlos Cruz Andara,; human rights defender and member of Arcoiris, Angy Ferreira; and human rights defender, Violet R.; as well as the number and nature of attacks reported by members of Honduran LGBTI organisations.

Angy Ferreira Midence was killed in Comayagüela on 25th of June 2015 while talking to some colleagues. Four unknown assailants arrived in a vehicle and shot her, also injuring one of her companions. Angy was an elementary school teacher and coordinated the 'Muñecas' group of trans women, in the Arcoiris Association. The organisation reported that the crime scene showed a police patrol car assigned to the fourth police station in Comayagüela. At the time, Angy asked for help from her colleagues but the police officers did not allow this and refused to take her to a hospital in a patrol car<sup>56</sup>.

## THE YOGYAKARTA PRINCIPLES

The Yogyakarta Principles are a set of principles developed in this Indonesian city by a group of experts, to set out the ways in which international human rights law applies to issues of sexual orientation and gender identity. The 29 principles relate to binding international legal standards.

## LET'S TALK ABOUT HOW TO IMPROVE PROTECTION

Despite the continuing high levels of discrimination and violence against LGBTI people in the Americas region, the IACHR has reviewed some of the measures taken between November 2013 and April 2014 by several of the member states of the OAS, including Honduras, in order to protect the human rights of the LGBTI community in the region.

The Honduran government received several calls to attention concerning this issue during its second Universal Periodic Review (UPR) in Geneva. Among the 190 recommendations made by different countries, seven were focused on improving the situation of the LGBTI community in the country. Uruguay, Slovenia, Austria, Colombia, Lebanon, Norway and Denmark requested that Honduras implement public policies to eradicate discrimination against LGBTI people.

While there are some opportunities to ensure greater protection of LGBTI defenders' rights, such as the approval of the national law on the protection of defenders and journalists, and the upcoming opening of the Office of the UN High Commissioner<sup>57</sup>, LGBTI community organisations are calling upon the State to repeal its national security policy, which is militarising the country, given that this policy has led to a significant increase in attacks. They also request that the perpetrators and masterminds of hate crimes based on gender identity and sexual diversity be investigated, prosecuted, brought to justice and appropriately sanctioned. They also call for the Yogyakarta Principles to be used as a tool for public policy<sup>58</sup>.

55. Press release on the situation of human rights and the LGBTI community in Honduras, September 28, 2015

56. "Otro crimen de odio impacta a la comunidad de la diversidad sexual", (Another hate crime impacts the sexually diverse community), Pasos de Animal Grande, June 29, 2015.

57. See page xx of this report for further info on when and how the Office of the UN High Commissioner will be opened in Honduras.

58. Shadow Report by the Sexual Diversity Committee for the Universal Periodic Review of Honduras, September 2014



## ◀ UPR RECOMMENDATIONS

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URUGUAY	<b>Implement</b> policies and programs that promote tolerance and non-discrimination of LGBTI people, and ensure compliance with existing legislation in order to punish hate crimes and violence
SLOVENIA	<b>Carry out</b> awareness-raising campaigns and programs to promote tolerance and to address violence against LGBTI people
AUSTRIA	<b>End</b> discrimination in law and practice against indigenous peoples and Afro-Hondurans and strengthen the protection of LGBTI persons
COLOMBIA	<b>Continue</b> with the effective implementation of measures to combat discrimination and violence based on sexual orientation and gender identity, including through the use of differentiated approaches to ensure the enjoyment of the rights of LGBTI people
LEBANON	<b>Improve</b> the Criminal Code, so that it punishes hate crimes
NORWAY	<b>Take</b> further measures for the effective investigation, prosecution and punishment of hate crimes against LGBTI people and women, including femicide and crimes against human rights defenders, journalists, judicial officers and members of the small-scale farming community in Bajo Aguán
DENMARK	<b>Ensure</b> that all hate crimes are classified as such and thoroughly investigated

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# THE CENTRAL AMERICAN SPRING UNDER THREAT IN HONDURAS

Six years after the coup d'état, earlier this year multiple revelations of corruption scandals rocked Honduras at the same time as a series of other events threatened stability: a wave of protests began in Guatemala, allegations emerged of a smear campaign against members of Honduran civil society<sup>59</sup> and strong criticism was launched against the Constitutional Court decision in favour of presidential re-election. In light of information made public by journalist David Romero<sup>60</sup> and confirmation by the Public Ministry and the Multiparty Commission in the National Congress regarding the extent of the corruption scandal, strong indignation was aroused in the country when it was confirmed that for five years the Honduran Institute of Social Security (Instituto Hondureño de Seguridad Social - IHSS) had diverted public money to shell companies. Several of these companies financed the political campaign of the National Party who are currently in power<sup>61</sup>.

## CONTEXT

### SUPREME COURT OF JUSTICE RESOLUTION (CORTE SUPREMA DE JUSTICIA - CSJ) OPENS THE DOOR FOR PRESIDENTIAL RE-ELECTION

On April 22, 2015, the Constitutional Chamber of the Supreme Court declared Article 239 of the Honduran Constitution to be unconstitutional and opened up the possibility for presidential re-election. In early August, the Faculty of Law at the National Autonomous University of Honduras (UNAH) requested that this ruling be declared null and void and demanded accountability on the part of those who adopted the resolution.

At the end of May 2015 a series of mass rallies began in the streets of several cities and regions of the country and these then became weekly events. The "candlelit marches" and hunger strikes, promoted by the "Indignant Opposition" demanded, among other things, the formation of an International Commission Against Impunity (Comisión Internacional contra la Impunidad - CICI) in Honduras, based on the Guatemalan model, and the renunciation of the President of the Republic, Juan Orlando Hernández. In response, in mid-June 2015, the government proposed to Congress the creation of a Honduran Integral System to Combat Corruption and Impunity (Sistema Integral Hondureño de Combate a la Impunidad y la Corrupción - SIHCIC)<sup>62</sup>, composed of national institutions and international advisors who are experts in the field. The proposal not only failed to convince the "indignant" movement but also, according to human rights defender Reina Rivera, "weakens [accountability] and has the effect of preserving the status quo". In August 2015, Congress declared unfavorable a Bill presented by the opposition, calling for a plebiscite on the CICI in Honduras. The Bill was rejected by a unanimous vote of the entire caucus of the ruling National Party.

59. In coordination with other international organisations, PBI Honduras sent a letter to the diplomatic corps in Honduras calling attention to some statements made by the current government aimed at stigmatising the defence of human rights during the UPR held in April 2015.

60. "Popular Protests Are Spreading Across Central America, and Washington Is Getting Nervous", *The Nation*, July 7, 2015.

61. "MP confirma emisión de cheques con fondos del IHSS al Partido Nacional" (MP confirms issuing cheques using IHSS funds for the National Party), *HRN La Voz de Honduras*, May 15, 2015.

62. "Presidente Hernández propone un sistema hondureño contra impunidad y corrupción" (President Hernández proposes a Honduran system against impunity and corruption), *Proceso Digital*, 2 June 23, 2015.



14 marches involving thousands of Hondurans have been staged and organised through social media.

Observation of the second Candlelit March, Tegucigalpa, June 15 2015.  
Photo PBI.

From July to September, the government tried to establish working groups via the National Dialogue<sup>63</sup> process, and the “indignant” sectors organized Indignant Roundtables<sup>64</sup> to channel the demands of the various sectors. In light of this situation and at the request of Honduran stakeholders, the Organization of American States (OAS) and the United Nations (UN) visited the country twice, meeting with authorities, business representatives and civil society organizations. These visits resulted in a commitment to provide technical support aimed at facilitating dialogue between the parties<sup>65</sup>. The OAS shared with the Honduran government a proposal for the reform of the judicial system which included a series of recommendations that were accepted<sup>66</sup>. The UN, meanwhile, stated that it did not know the details of the proposal and reiterated that it should be Hondurans themselves who develop such a plan<sup>67</sup>. At the same time in the neighboring country of Guatemala, the CICI investigation led to the resignation of President Otto Pérez Molina in early September 2015. He is now facing trial.

63. “Centrales obreras descartan “paro nacional” y participan en diálogo presidencial”, ConexiHon, 6 de julio 2015.

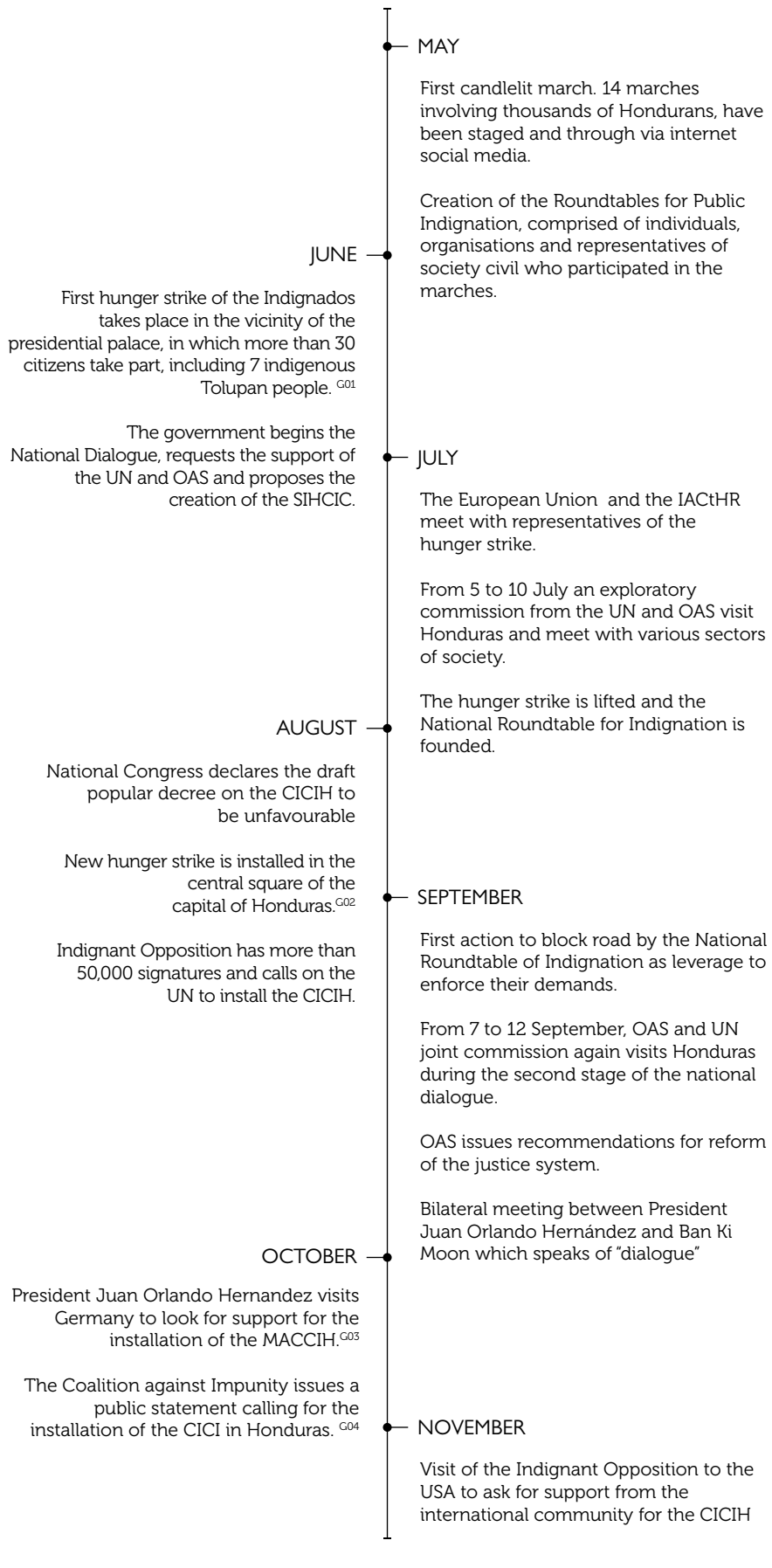
64. “Mesas de la Indignación: una vía para canalizar iniciativas y articular demandas”, (Indignation tables: a way to channel initiatives and articulate demands) Radio Progreso, July 10, 2015.

65. “ Sectores políticos serán llamados a mesa de diálogo”, (Political sectors will be called to dialogue table), El Heraldo, August 24, 2015

66. “Sectores políticos serán llamados a mesa de diálogo”, El Heraldo, 24 de agosto de 2015

67. ConexiHon, 6 de julio 2015

TIMELINE SHOWING DETAILS  
OF THE PROTESTS AND THE  
INTERNATIONAL REACTION



G01. Indignados suspenden huelga de hambre", El Heraldo, 31 de Julio del 2015 (Indignados suspend hunger strike), El Heraldo, July 31, 2015

G02. "De nuevo grupo de Indignados hondureño sen huelga de hambre", El Libertador , 18 de agosto del 2015 (Indignados hondureños go again on hunger strike) El Libertados, August 18, 2015.

G03. Alemania respalda la instalación de la MACCIH" La Tribuna, 28 de octubre 2015. (Germany supports the installation of MACCIH) La Tribuna, October 28, 2015.

G04. Honduras demanda una Comision internacional contra la Impunidad beligerante y comprometida en la lucha contra la corrupcion y la impunidad" Coalicion contra la Impunidad, 28 de octubre 2015. (Honduras requests a International Commission Against Impunity to fight against corruption and impunity), Coalition against Impunity, October 28, 2015.

A few days after the visit of the OAS and as part of an ongoing negotiation on the issues to be addressed during the Partnership for Prosperity Plan (Plan Alianza para la Prosperidad), the United States Congress raised the possibility of providing two million dollars “as a contribution from the United States to an international commission against impunity in Honduras, if such a commission is established”<sup>68</sup>. According to two legislative sources in Washington, the United States has a strong interest in ensuring that the issue of corruption is included in the Plan, to the extent, in the case of Guatemala, in making the continuation of financial support conditional on the extension of the CICIG deadline<sup>69</sup>. The “G16”, an informal association of ambassadors in Honduras, met with the President and asked him to hold dialogue with society, so that a consensus could be reached and the fight against corruption could be made effective. Peter Karlsen, European Union representative for Honduras, considered the protests to be a positive element for the country, because “having examples of freedom of expression is part of the demonstration of democracy and is an opportunity that must be seized to strengthen dialogue”<sup>70</sup>.

## HUMAN RIGHTS SITUATION

Many initiatives of the “Indignant Opposition”, backed by human rights organizations and particularly journalists, have faced stigmatization, intimidation and criminalization by the current government<sup>71</sup>. During the protests PBI Honduras noted with concern a closure of the space for the defense of human rights and civil liberties. Michel Forst, Special Rapporteur on the situation of Human Rights Defenders, also expressed his deep concern about “the inhospitable and unfavourable climate in which human rights defenders in Honduras operate” and the high level of impunity in relation to attacks against activists and violations of their rights<sup>72</sup>.

## STIGMATIZATION AND UNFOUNDED PROSECUTION, SERIOUS OBSTACLES TO FREEDOM OF EXPRESSION

People who demonstrated in the peaceful candlelit marches have been accused of “wanting to stop the fight against organized crime”<sup>73</sup> or of being interested in “scaring away investors”<sup>74</sup>. Several national human rights organizations have reported that institutional discourse and the “corporate” media have stigmatized the opposition, critical journalism and those who promoted the demonstrations<sup>75</sup>. According to independent journalist Dina Meza, these actions threaten freedom of expression and association and other fundamental rights such as the right to life<sup>76</sup>.

68. “Honduras recibe fondos para lucha contra impunidad”, (Honduras receives funds to fight against impunity) Prensa Gráfica, July 11, 2015

69. Ibid

70. “Diplomacia exige a presidente hondureño respetar marchas de indignados”, (Diplomacy requires Honduran president to respect marches of the Indignados) El Libertador, June 9, 2015

71. “Marchas tienen un componente legítimo pero también intereses oscuros: Presidente Hernández” (Marches have a legitimate component but also dark interests: President Hernández), Proceso Digital, June 3, 2015.

72. Report of Michel Forst, Special Rapporteur on the situation of Human Rights Defenders, March 4, 2015.

73. “Policías infiltrados y levantamiento de perfiles acechan a juventudes indignadas”, Pasos de Animal Grande, 20 de Agosto del 2015

74. “Manifestaciones pueden ahuyentar las inversiones”, (Demonstrations can scare away investments) El Heraldo, June 14, 2015.

75. “Presidente desprestigia a protestantes que piden su renuncia por corrupción”, (President discredits protesters calling for his resignation for corruption) Conexihon, June 22, 2015.

76. “Policías infiltrados y levantamiento de perfiles acechan a juventudes indignadas”, (Police Infiltrators and the creation of profiles of Indignado youth) Pasos de Animal Grande, August 20, 2015.

## PARTNERSHIP FOR PROSPERITY PLAN

On February 26, 2015 the first meeting of the Partnership for Prosperity Plan was held in Honduras. This regional Plan was developed by the governments of El Salvador, Guatemala, Honduras and the IDB, with U.S. support, in order to address the flow of Central American immigrants to the United States. U.S. President Barak Obama approved one billion dollars to implement the Plan, but his proposal requires authorization by U.S. Congress<sup>L01</sup>. Human rights defenders across the region criticized the lack of consultation with affected populations, arguing that the Plan had been developed “behind closed doors”<sup>L02</sup>. The organizations consulted by PBI fear that the Plan could consolidate policies for the militarization of public security that have resulted in serious violations of human rights.

## SUPPORT OF HUMAN RIGHTS ORGANIZATIONS FOR SOCIAL PROTEST

The initiatives were supported by C-Libre, the Association for Participatory Citizenship (Asociación por una Ciudadanía Participativa - ACI-PARTICIPA), the PEN-HONDURAS Centre, the Centre for the Prevention, Treatment and Rehabilitation of Victims of Torture (Centro de Prevención, Tratamiento y Rehabilitación de Víctimas contra la Tortura - CPTRT), the Centre for Human Rights Investigation and Promotion in Honduras (Centro de Investigación y Promoción de los Derechos Humanos en Honduras CIPRODEH), the National Network of Human Rights Defenders in Honduras (Red Nacional de Defensoras de derechos Humanos en Honduras - RNDH), the International Ecumenical Human Rights Observatory (Observatorio Ecuménico Internacional de Derechos Humanos - OEIDH) and the Broad Movement for Dignity and Justice (Movimiento Amplio por la Dignidad y la Justicia - MADJ).

L01. Ibid 8

L02. “Organizaciones de la sociedad civil expresan seria preocupación sobre el propuesto Plan de la Alianza para la Prosperidad del Triángulo Norte durante la Cumbre de las Américas”, Defensores en Línea, 12 de abril 2015.



Observation of strikes organized in the vicinity of the Presidential Palace, with the participation of more than 30 citizens, including 7 indigenous Tolupan People.

PBI Honduras accompaniment to Dina Meza during her work monitoring the hunger strikes. Tegucigalpa, July 2, 2015. Photo: PBI

There have also been cases of misuse of public institutions with the ultimate goal of censoring voices that are critical of the government. Such is the case of journalist David Romero, director of the opposition channel Radio Globo - Globo TV who has been accused of defamation and libel as a result of his revelations about the IHSS case, and the director of Canal 36 Esdras Armado López.

David Romero Case: At the preliminary hearing against journalist David Romero, demonstrators who had gathered outside the Supreme Court entered the courtroom to take him to CONADEH, denouncing the lack of due process and asking for guarantees for his life in light of the risks he was facing<sup>77</sup>. David states that his trial is political and that the legal system suffers under direct pressure exerted by the executive branch<sup>78</sup>. He further states that he will have to limit the publication of future evidence to guarantee the security of the lives of his sources<sup>79</sup>.

Ezra Armado López Case: On August 14, 2015 protective measures (armed escort) granted to journalist Esdras Amado López were withdrawn. López is director of Canal 36 Choluta Sur, and a member of the LIBRE party, and had been granted these measures as a beneficiary of precautionary measures from the IACHR. The Committee of Relatives of the Disappeared in Honduras (Comité de Familiares de Detenidos Desaparecidos en Honduras - COFADEH) said that the decision came within weeks of the publication of an interview with a judge who revealed that the President wanted to see journalist David Romero imprisoned<sup>80</sup>.

#### USE OF THE PUBLIC SECURITY FORCES TO DETER AND SUPPRESS PEACEFUL INITIATIVES

Peaceful marches repeatedly faced an "exaggerated amount of police [who] bothered the protesters"<sup>81</sup>. According to the media, on several occasions the security forces cracked down on demonstrators who tried to approach the presidential palace in Tegucigalpa or tried to block main roads in other regions<sup>82</sup>. PBI Honduras witnessed the deployment of military forces, especially in the vicinity of the presidential palace where a hunger strike was held. During the first hunger strike there was a heavy police and military presence, resulting in constant intimidation according to the protesters, and there were reports of assaults by members of the national police and harassment by unknown assailants during the night, with no reaction from the public authorities who were present<sup>83</sup>. Representatives of human rights organizations present in the area reported that members of the security and defense corps physically forced the strikers' camp abruptly relying on violent abuse<sup>84</sup>.

77. Honduras: un journaliste menacé de mort (Honduras: journalist threatened with death), Le Figaro, July 27, 2015.

78. El Heraldo, Conadeh investiga injerencia de Teodoro Bonilla, 7 de agosto del 2015.

79. Tengo una grabación que sólo sale al aire y 24 horas después... la fuente está muerta (I have a recording aired and just 24 hours later... the source is dead) Conexhion, July 24, 2015.

80. "Reestructuración Policial deja sin protección a periodista" (Police Restructuring leaves journalist unprotected) Defensores en Línea, August 14, 2015.

81. "Provocación estatal no impidió movilización de las antorchas" (Provocation by the State did not prevent march of the torches), The Libetador, June 20, 2015.

82. "Antidisturbios reprimen protesta de huelguistas en Honduras" (Riot police repress strikers' protest in Honduras), HispanTV, July 17, 2015.

83. "Huelguistas y organizaciones de DD.HH. presentan recurso de amparo por violación de derechos constitucionales", (Strikers and human rights organisations present a civil case for protection after violation of constitutional rights), Conexhion, July 3, 2015.

84. "Alerta 105-15: En medio de amenazas e intimidaciones militares, reubican a huelguistas", (Alert 105-15: Amid threats and military intimidation, strikers relocated), C-Libre Honduras, July 6, 2015

#### AN OPPORTUNITY FOR REFORM OF THE CRIMINAL CODE

The Honduran Criminal Code establishes sentences of two to three years in prison for the crime of libel, one to two for slander and up to a third more for defamation. According to UN agencies and representatives from the Inter-American system of human rights, these acts should be classified under civil law with remedies being to correct misinformation or to provide public apologies, rather than being deemed as criminal offences leading to punishment through incarceration which has a chilling effect on freedom of expression. The decriminalization of these actions is urgently needed and in no case "should they be used by public officials in the exercise of their office, because the office itself implies public visibility and the criticism that any society can make"<sup>L01</sup>.

#### VIOLENT EVICTIONS OF DEMONSTRATORS

On September 2, organisations from the National Indignation Roundtables blocked seven major roads in the country as a form of pressure related to the lack of response to their requests. During the blockades there were reports of "violent evictions that left protesters and journalists with beatings and fractures", conducted by the National Police. In some of these cases the people demonstrating were arrested and taken to police stations<sup>L02</sup>.

L01. "Represión a población indignada y ataque a periodistas deja violentos desalojos en Honduras", (Repression of the Indignado population and attack on journalists after violent evictions in Honduras), Radio Progreso, September 4, 2015

L02. "Represión a población indignada y ataque a periodistas deja violentos desalojos en Honduras", Radio Progreso, 4 de septiembre de 2015

DEMANDS OF THE STRIKERS FROM THE INDIGENOUS TOLUPAN PEOPLE

On August 25, 2013, three indigenous Tolupan leaders from Locomapa and members of the MADJ were killed while participating in a peaceful demonstration to defend their lands, territories and natural resources. Because of this fact 18 members of MADJ and their families were granted precautionary measures by the IACHR. Their current demands include state protection and the investigation, arrest and punishment of those responsible for the attacks they suffered. All this led to the participation of seven community members in the protests and hunger strikes, from June 30, 2015 onwards<sup>L01</sup>.

Violent evictions of demonstrators: On September 2, organizations from the National Indignation Roundtables blocked seven major roads in the country as a form of pressure related to the lack of response to their requests. During the blockades there were reports of “violent evictions that left protesters and journalists with beatings and fractures”, conducted by the National Police. In some of these cases the people demonstrating were arrested and taken to police stations<sup>85</sup>.

REPORTS OF HARASSMENT, THREATS AND KILLINGS

In August, Elmer Ávila, a leader from the Indignados citizens’ protest movement, was murdered in the municipality of Bonito Oriental in the department of Colón, and other movement members received death threats<sup>86</sup>. Following these events, the National Commissioner for Human Rights (CONADEH) urged “the government to protect the democratic exercise of the freedoms of assembly and peaceful demonstration, expression, opinion and the right to petition and avoid reprisals against demonstrators”<sup>87</sup>. Meanwhile, the seven indigenous Tolupan people who participated in the hunger strike reported having suffered constant harassment ranging from phone calls to death threats because they had supported the strike, also reported by the international organization Honduras Accompaniment Project (Proyecto de Acompañamiento Honduras - PROAH)<sup>88</sup>. In early September, a farmer from the Bajo Aguán region was killed after being involved in a road blockade<sup>89</sup>.



L01. Honduras: El Estado de Honduras debe garantizar la vida e integridad personal de líderes indígenas tolupanes, Amnesty International, 29 de julio de 2015. (Honduras: The State of Honduras should guarantee the life and physical integrity of tolupan indigenous leaders.) Amnesty International, July 29, 2015.

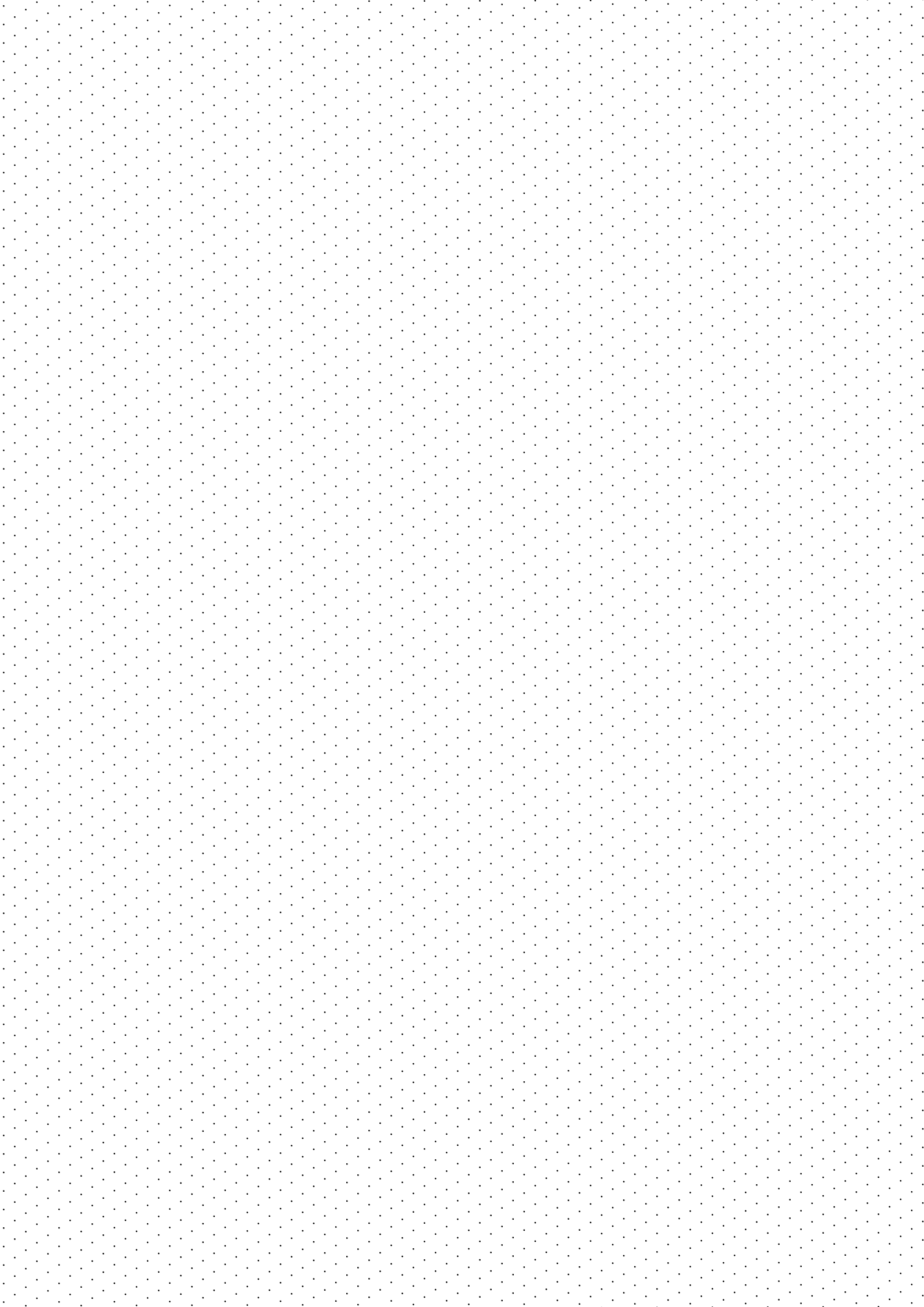
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- 85. “Represión a población indignada y ataque a periodistas deja violentos desalojos en Honduras”, (Repression of the Indignado population and attack on journalists after violent evictions in Honduras), Radio Progreso, September 4, 2015
  - 86. “Matan a dirigente de Indignados y amenazan a doctora en Honduras”, (Indignados leader killed and Doctor threatened in Honduras) El Libertador, August 22, 2015
  - 87. “CONADEH continuará acompañando a “oposición indignada” en “marcha de las antorchas”, (CONADEH continue to accompany “indignant opposition” in “march of the torches”), CONADEH statement, August 22, 2015
  - 88. “ACCION URGENTE: Preocupación por la situación de miembros de la Tribu de San Francisco de Locomapa” (Urgent Action: Concern about the situation of members of the Tribe of San Francisco de Locomapa) PROAH, July 16, 2015
  - 89. “Un asesinato y estigmatización tras participar en protesta”, (Murder and stigmatisation after participating in protest), C-Libre Honduras, September 9, 2015.





*Night when the hunger strike was lifted after a commitment was made to establish the National Roundtable for Indignation.*

*PBI accompaniment to Gladys Lanza, Tegucigalpa, July 31, 2015. Photo: PBI*



# PRESENTATION

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

## PBI'S MANDATE IN HONDURAS

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

## INTERNATIONAL ACCOMPANIMENT

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

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

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

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

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

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

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

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



OUR WORK IS MADE POSSIBLE BY THE FINANCIAL SUPPORT OF THE FOLLOWING DONORS

