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BULLETIN

PBI HONDURAS



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December 2017

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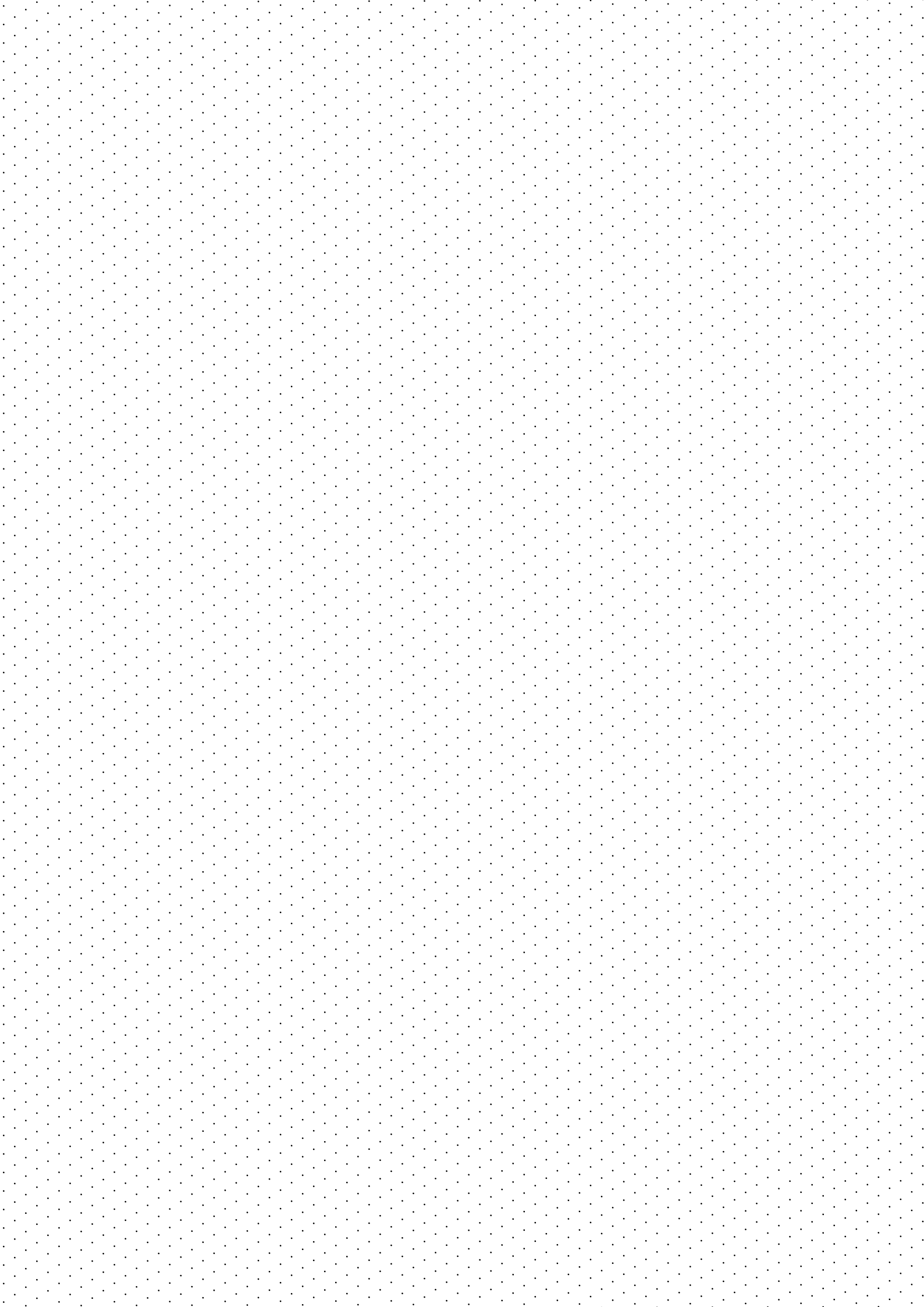
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EDITORIAL

2017 was marked by reports of grave human rights violations in the post-electoral context in Honduras as well as reports of corruption and lack of judicial independence. The most notable example of this was the report by the International Advisory Group of Experts (Grupo Asesor Internacional de Personas Expertas, GAIPE), published on 30 October. The findings presented in the report establish direct links between high-ranking state officials and non-state actors in the killing of environmental defender Berta Cáceres.

In the face of the lack of credible results on November 26th, diverse sectors of the Honduran population began to protest across the entire country to demand a transparent electoral process. Human rights organizations have registered more than 30 killings related to the electoral crisis, most of them allegedly committed by militarized forces. In this context, PBI Honduras has observed with serious concern the dangerous situation of human rights defenders due to the increasing reports of attacks against them.

In this fifth edition of our bulletin, we would like to highlight some of the key human rights initiatives of Honduran social organisations, including the work of the feminist movement in relation to public policy reforms planned by the government of Juan Orlando Hernández, and strategies developed by organisations, individuals and communities who defend human rights to confront the inappropriate use of the justice system to criminalise social protest and the defence of human rights.

As in earlier editions of this bulletin, we also present the work of accompanied organisations. We have supported CEHPRODEC and Dina Meza since we arrived in Honduras, and we now also accompany the LGBTI Arcoiris Association and the indigenous organisation COPINH. Equally, we also accompany from time to time the Director of ACI Participa, Hedme Castro, and the environmental defender Kevin Ramírez. We hope to contribute in this way to raising awareness of and increasing recognition for the work of human rights defenders in the country and the risks they face every day.

More than one year since the launch of the OAS Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH-OEA) and the Office of the High Commissioner for Human Rights (OHCHR), the presence of the international community is more necessary than ever to support the work of these bodies and to guarantee, promote and protect international human rights law in Honduras.

We hope that 2018 brings freedom, security and respect.

OFRANEH, 40 YEARS OF STRUGGLE FOR THE HUMAN RIGHTS OF AFRO-DESCENDANT PEOPLE IN HONDURAS

The expulsion and extermination of our Garifuna People has been planned. We believe that if an indigenous people are without their territory, identity and culture, they are already dead. Miriam Miranda Coordinator of OFRANEH. Photo: OFRANEH



The Honduran Black Fraternal Organisation (Organización Fraternal Negra Hondureña - OFRANEH) was founded in 1979 with the aim of confronting racial discrimination, inspired by the struggles of the Afro-American community in the United States. OFRANEH also works to promote and defend the political, economic, social and cultural rights of 46 Garífuna communities who inhabit the Honduran Atlantic coast. According to Roy Guevara, one of the organisation's founders, "initially we were inspired by the ideas of Martin Luther King, bringing them to the indigenous struggle for land and culture."⁰¹ Miriam Miranda, current coordinator of the organisation, points out that "OFRANEH can be considered one of the precursors of the contemporary indigenous movement in Honduras, with which it is still closely linked today."

In the 1990s, the ways of life, traditions and territories of the Garífuna peoples began to be recognised and protected by international human rights law⁰². However, at the national level, an institutional campaign to discredit the Garífuna has prevailed "to dismiss our status as an indigenous people and to classify us as a non-indigenous ethnic minority (...) using the excuse that we arrived in Honduras two centuries ago," points out the Garífuna leader. According to OFRANEH, this strategy has legitimised the dispossession of their ancestral territories, turning them into foreigners in their own lands and denying their status as an indigenous people.

While the cultivation of bananas and the influence of agro-industrial companies may have earned Honduras the nickname of "banana republic" from the 1930s onwards, in more recent years, palm oil has become the new export product. At present it is estimated that there are 170 thousand hectares planted with African palm⁰³. According to data from OFRANEH, 75% of the Garífuna people's territories are surrounded by African palm mono-crops. The ever greater presence of these projects in the forests erodes communities' cultural identities and causes a deterioration of the environment, altering the relationship that exists between Garífuna culture and the land according to their spiritual beliefs.

On the other hand, according to Miriam Miranda, "in the 1980s, tourism entrepreneurs began to put pressure on our lands, by forming an alliance with the Honduran state to appropriate the places they considered strategic for possible investments." In August 2017, the Honduran Congress approved the Law for the Promotion of Tourism (Ley de Fomento al Turismo - LFT)⁰⁴, which has sparked concerns about the lack of transparency and participation during its preparation and approval. According to OFRANEH, aside from exempting investors from taxes, this law will also encourage land-grabbing⁰⁵ with the aim of "the 'developing' of the Caribbean coast of Honduras, where the Miskito and Garífuna peoples live."

01. Agudelo, C. "Los garífuna. Múltiples identidades de un pueblo afrodescendiente de América Central". Las poblaciones afrodescendientes de América Latina y el Caribe. Pasado, presente y perspectivas desde el siglo XXI. Universidad Nacional de Tres de Febrero/Universidad Nacional de Córdoba. 2012.

02. United Nations Human Rights Committee. General Comment N° 23 to article 27 of the International Covenant on Civil and Political Rights (CCPR/C/21/Rev.1/Add.5). 50th period of sessions. 6 April 1994.

03. SAG/UPED. Análisis de coyuntura del cultivo de palma africana en Honduras. II Trimestre 2016. 2016.

04. The LFT is part of the National Program for the Creation of Employment and Economic Growth "Honduras 20/20", an alliance between the public and private sector established for a period of five years (2016-2020), the aims of which include the development of tourism in Honduras.

05. OFRANEH. "Honduras 2020, la consulta Ley de Turismo y la consultora Mckinsey". 3 August 2017. Available at: <https://ofraneh.wordpress.com/2017/08/03/honduras2020-la-consulta-ley-de-turismo-y-la-consultora-mckinsey/>

The situation has become so alarming that OFRANEH and two Garífuna communities brought two cases against the Honduran state before the Inter-American Court of Human Rights (IACtHR or the Court) – the cases of Triunfo de la Cruz and Punta Piedra. In the first case, the Court declared the state of Honduras responsible for the violation of the right to collective property to the detriment of the Garífuna community of Triunfo de la Cruz and its members⁰⁶, since part of the territory (a protected area) was sold to a tourism company and third parties. In the second case, the state was found responsible for the violation of the right to collective property and the right to cultural identity to the detriment of the community⁰⁷. Another omission on the part of the state, according to the ruling, is that of not having complied with its international commitment to carry out a free, prior and informed consultation regarding the decisions that were taken about the aforementioned territory.

The right to free, prior and informed consultation, recognised in International Labour Organisation (ILO) Convention 169 on indigenous and tribal peoples, is one of OFRANEH's areas of work. Together with the Civic Council of Popular and Indigenous Organisations of Honduras (Consejo Civico de Organizaciones Populares e Indígenas de Honduras - COPINH), they presented a bill to the Honduran Congress in May 2016 which, after being stalled for one year, is now one step away from being replaced by the Bill of Law on the Procedure for the Application of Free, Prior and Informed Consultation and Consent with Indigenous and Afro-Honduran Peoples (Ley de Procedimiento para la aplicación de la Consulta y Consentimiento Libre, Previo e Informado a los Pueblos Indígenas y Afrohondureños). This initiative is being driven by a high-level roundtable composed of eight government institutions. The bill includes references to previous drafts submitted to the Congress, as well as recommendations issued by international organisations⁰⁸.

Agro-industry and tourism threaten the Garífuna communities' territory and environment and also their culture, spiritual beliefs and health, endangering their survival. This is occurring despite the 2001 recognition of the Garífuna culture as an intangible cultural heritage of humanity⁰⁹. "Instead of protecting the Garífuna, as is their duty, state officials exhibit racist and discriminatory behaviour that promotes the destruction of Garífuna beliefs, spirituality, language, oral traditions and even our traditional way of dressing, or they simply do not fulfil their minimum obligations in terms of health and education services," explains Miriam Miranda.

It should be noted that OFRANEH is a matrifocal organisation, and women are considered to be the backbone of the organisation, as they play a central role both in spiritual activities and in the conservation of the land. Women are responsible for reproduction and the transmission of culture and are very important in de-

06. The State did not facilitate access to a collective title to their ancestral territory and did not formalise its size and boundaries, or protect it from third parties. IACtHR. Community Garífuna Triunfo de la Cruz and its members vs. Honduras. Sentence of 8 October 2015 (Merits, Reparations and Costs).

07. IACtHR. Case of the Garífuna Community Punta Piedra and its members vs. Honduras. Sentence of 8 October 2015 (Merits, Reparations and Costs).

08. OFRANEH. "Honduras: Consulta Previa y la urgencia del Estado en la aprobación de una Ley Espuria". 7 September 2017. Available at: <https://ofraneh.wordpress.com/2017/09/07/honduras-consulta-previa-y-la-urgencia-del-estado-en-la-aprobacion-de-una-ley-espuria/>

09. On 18 May 2001, the Garífuna language, dances and music were proclaimed by UNESCO to be Masterpieces of the Oral and Intangible Heritage of Humanity.

cision-making within the home and the community. These are fundamental elements within territorial struggles for the defence of their communities. As OFRANEH leader, Miriam Miranda points out "it is women who are supporting the struggles, and at the same time, it is women who are being arrested and taken to the prosecutor's office, with criminal charges against them."

As a result of their activities to promote and defend the rights of the Garífuna people, several members of the organisation have been attacked or have been called to appear before the Honduran justice system.

In March, the National Telecommunications Commission (Comisión Nacional de Telecomunicaciones - Conatel) accused Radio Waruguma in Trujillo of rebellion, threatening this community radio station with closure. It was the second time that Radio Waruguma had been the subject of these accusations. Sugua Community Radio, in Sambo Creek, was also threatened with closure by Conatel in 2014¹⁰. According to OFRANEH, community radio stations play a key role in informing and culturally strengthening communities, given the lack of official means of communication in indigenous languages. The organisation has supported the creation and running of seven community radio stations.

On 31 July, Miriam Miranda, Medalime Martina David, Neny Heidi Avila and Lety Bernárdez, all from OFRANEH, were notified of a case being brought against them for the alleged crime of libel and defamation against Canadian businessman Patrick Daniel Forseth¹¹. Four members of the organisation had already been arrested and tried for the same crime in November 2016.

On 5 September, two members of the Police Investigations Unit (Dirección Policial de Investigaciones - DPI) and one Conatel official arrived at the OFRANEH offices and informed Miriam Miranda of a court injunction against her. When they did not find her in the office, the police threatened that they would arrest her when they found her. "The only thing we have done is to report collusion between local authorities and foreign companies, and for that we are accused of taking over our own territory. They are criminalising and prosecuting the defence of Garífuna ancestral territories and communal property," says Miriam Miranda¹².

In spite of everything, the Garífuna people have refused to be stripped of their territory, their ancestral livelihoods and their culture. They have refused to disappear. On the contrary, they are defending their right to their own culture.

After four decades, OFRANEH has become recognised for their great work defending and promoting the political, economic, social and cultural rights of the Garífuna people, questioning a development model that is bringing more inequality, marginalisation and oppression to the country.

10. C-Libre. "Conatel amenaza con cerrar radio comunitaria del pueblo Garífuna". 27 July 2017. Available at: <http://www.clibrehonduras.com/alerta/conatel-amenaza-con-cerrar-radio-comunitaria-del-pueblo-gar%C3%ADfuna>

11. Criterio.hn. "Criminalizan a defensoras de OFRANEH". 6 August 2017. Available at: <http://criterio.hn/2017/08/06/criminalizan-defensoras-ofraneh/>

12. Giorgio Trucchi/Alba Sud. "Honduras: vientos de persecución en tierra garífuna". 1 November 2017. Available at: <http://www.albasud.org/noticia/989/honduras-vientos-de-persecuci-n-en-tierra-gar-funa>

HUMAN RIGHTS SITUATION: NEWS ABOUT OUR WORK

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

The organisation CEHPRODEC was founded in 1991, with the aim of working on food and land sovereignty with families who live in rural areas of Honduras. Since 2009, the organisation has been focusing its work on the defence of human rights, in particular on economic, social, cultural and environmental rights. They offer technical and legal advice to indigenous and small-farming communities and facilitate organisational, training and protection processes. CEHPRODEC is present in 11 of the 18 departments in the Republic of Honduras and coordinates the National Coalition of Environmental Networks and Organisations (Coalición Nacional de Redes y Organizaciones Ambientales - CONROA).



Communities from all over the country demonstrate in Tegucigalpa about the impact of mining projects on communities, 26 July 2017.
Photo: PBI Honduras

PBI Honduras has been accompanying CEHPRODEC since May 2014. Throughout 2017, the organisation reported nine security incidents to PBI Honduras, the majority of which took place during the second half of the year. The attacks are taking place within a context of extreme vulnerability for the defence of economic, social and cultural rights.

The first of these incidents was related to the Global Witness report on land and environmental defenders. Prior to the launch of the report on 31 January in Tegucigalpa, several organisations that had provided information on cases included in the document, including CEHPRODEC, were subjected to a smear campaign¹³.

The organisation also reported several incidents linked to their work providing technical support during autonomous consultation processes, sharing information about the report on the Cuyamel case and on the ruling of the Supreme Court of Justice (Corte Suprema de Justicia - CSJ) related to the Mining Law. In September, CEHPRODEC reported that its communications tools including telephones, emails and web page had been intercepted, and that the organisation had suffered thefts, surveillance, assaults, harassment and threats¹⁴.

PBI ACCOMPANIMENT

In March, PBI Honduras accompanied CEHPRODEC in Marcala during the handing over and signing of the National Protection System (Sistema Nacional de Protección - SNP) implementation agreement in response to the precautionary measures granted in 2015 by the Inter-American Commission on Human Rights (IACHR) to human rights defenders in Honduras^{L01}. The beneficiaries were 14 indigenous farmers from the communities of La Esperanza, San Isidro and Santiago Apóstol in the Santa Elena municipality, who belong to the Independent Lenca Indigenous Movement of La Paz Honduras (Movimiento Indígena Lenca Independiente de La Paz Honduras - MILPAH), including Martín Gómez, Felipe Benítez and Ana Mirian Romero.

Defence of land and the environment

REPORTED CASES	<p>According to the National Rural Workers' Trade Union (Central Nacional de Trabajadores del Campo - CNTC), in the department of La Paz alone, around 850 small-scale farmers have been prosecuted in 2017, 181 of whom are women; more than 50 have been imprisoned this year. In the municipality of San Pedro de Tutule, up to 182 people have been prosecuted^{T01}.</p> <p>On 13 January 2017, the 9 de Julio Small-Scale Farmers' Group from San Pedro de Tutule, which has been occupying areas of land for seven years, was violently evicted by the police^{T02}. The eviction resolution, originally scheduled for 6 January, was issued by the Regional Court of La Paz. During the eviction, in which 12 patrols of the Preventive Police, three commandos of the Military Police and a representative from the Public Prosecutor's Office were present, Army officers shot Víctor Vásquez, leader of the Indigenous Council of Simpinula and member of MILPAH, in the knee while he was assisting a wounded man^{T03}. Since February 6, 2017, the defender has been the beneficiary of precautionary measures from the IACHR^{T04}.</p>
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PROGRESS IN INVESTIGATIONS	<p>In November 2017, two Lenca indigenous small-scale farming leaders from La Paz, accused of land grabbing, were released with alternative sanctions after almost four months in prison. Carlos Jeovani López and Samuel Edgardo Martínez are two of the 56 people who are fighting for access to some 32 areas of land in the community of Las Huertas, San Pedro de Tutule. Four other people had also been released a few weeks earlier^{T05}.</p>
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13. Amnesty International (AI). Urgent Action: Increasing smear campaign against defenders in Honduras. (AU: 34/17 Index: AMR 37/5613/2017 Honduras). 2 February 2017.
 14. CEHPRODEC. Alto a la represión contra CEHPRODEC, no nos callarán. 4 September 2017.

ATTACKS AGAINST HUMAN RIGHTS DEFENDERS

- L01. IACHR. Precautionary Measures. Resolution 46/15 MC 589/15 – Ana Mirian Romero and others, Honduras. 24 November 2015.
- T01. Defensoresenlinea.com. "Terror en La Paz por criminalización de campesinos lenca". 15 November 2017. Available at: <http://defensoresenlinea.com/terror-en-la-paz-por-criminalizacion-de-campesinos-lenca/>
- T02. The small-scale farmers had documents presented by the Committee of Family Members of the Detained-Disappeared in Honduras (Comité de Familiares de Detenidos Desaparecidos de Honduras - COFADEH): a writ for the protection of constitutional rights (amparo) Suspending the Actions Claimed before The Constitutional Chamber of the Supreme Court of Justice on 5 January, and two manifestos related to the aforementioned writ for the protection of constitutional rights.
- T03. Front Line Defenders (FLD). Armed Attack against Víctor Vásquez. 18 January 2017. Available at: <https://www.frontlinedefenders.org/en/case/armed-attack-against-Victor-Vasquez>
- T04. IACHR. Precautionary Measures. Resolution 4/17 PM 507/16 – Víctor Vásquez, Honduras. 6 February 2017.
- T05. Defensoresenlinea.com. "Campesinos presos vuelven a casa". 11 November 2017. Available at: <http://defensoresenlinea.com/campesinos-presos-vuelven-a-casa/>

AUTONOMOUS CONSULTATION PROCESSES IN HONDURAS

PBI ACCOMPANIMENT

On 26 July, we observed a protest organised by CEHPRODEC in Tegucigalpa, during the third International Mining Congress. Citizens from all over the country demonstrated to raise awareness on the impact of mining and hydroelectric projects on community access to water. We also accompanied CEHPRODEC during a demonstration on 17 October to mark World Food Day. Approximately 900 people, mainly from CONROA, marched to defend food sovereignty.

During 2017, at the request of communities, CEHPRODEC supported the organisation of autonomous consultation processes¹⁵ in three localities: Minas de Oro, Comayagua, Nahuaterique, La Paz, and La Union, Olancho. The organisation had already offered technical support in 2016 during a similar process in the municipality of Santa Elena, La Paz¹⁶.

The municipality of Minas de Oro is surrounded by the rivers Agua Caliente, Sulaco and Yauyupe, and houses the artificial lake created by the General Francisco Morazán El Cajón hydroelectric dam, surrounded by hills. During the last three decades, mining and timber companies have shown interest in the exploitation of the area, which has led to reactions from communities, who have organised to protect their natural resources. In 2013 a group of citizens, led by the mayor and other community leaders, blocked the activities of the company MINORO because there had been no consultation process about a project to exploit minerals. According to CEHPRODEC, as a result several people were threatened and attacked¹⁷.



Votes are counted at the autonomous consultation in Minas de Oro. 2 April 2017. Photo: PBI Honduras

15. This type of process is known as “autonomous consultation”, as it has not been organised by the government.

16. PBI Honduras. Bulletin 04. December 2016.

17. CEHPRODEC. Informe del Observatorio de Bienes Naturales y Derechos Humanos de CEHPRODEC, 2016. May 2017.

Since the approval of the Mining Law in 2013, the company has not resumed its exploration work; however it has not renounced the project either, and has even expressed its intention to return to work in the area¹⁸. In response, more than two thousand inhabitants from the 10 communities in the area, organised together in the Environmental Committee of the Municipalities of Northeast Comayagua (Comité Ambientalista de los Municipios del Noreste de Comayagua - CAMNECO) and in CONROA, participated in workshops facilitated by CEHPRODEC for the planning and organisation of an autonomous consultation process. This was held on 2 April with the support of Mayor Mario Anibal Zúni-ga. In this consultation, the Minas de Oro communities almost unanimously rejected mining exploitation in their territories¹⁹.

The case of Nahuaterique is different altogether. The town belonged to El Salvador until 1992, when the International Court of Justice decided to grant it to Honduras after a long dispute. Eventually it became part of the municipality of Santa Elena. In spite of this, the community has identified shortcomings in the available infrastructure, education and labour systems. Their decision to separate from Santa Elena and create their own municipality was supported by CEHPRODEC. On 28 August after a population census was completed, the town held an autonomous consultation process, during which almost all of Nahuaterique expressed that they were in favour of creating their own municipality²⁰.

In June 2017, CEHPRODEC also held several workshops in the municipalities of Catcamas and La Unión, Olancho department, with the aim of providing technical assistance prior to an autonomous consultation. Promoted by local organisation the Citizens' Committee for the Protection of the Environment (Comité Ciudadano para la Protección del Medio Ambiente), the referendum was held on 5 November with a 62% voter turnout, 98% of whom voted against the mining project²¹.

THE CUYAMEL PROJECT

In May 2017, the International Federation of Human Rights (FIDH), CEHPRODEC and the Pico Bonito National Park Foundation (Fundación Parque Nacional Pico Bonito - FUPNAPIB) published a report on the legal gaps and existing practices in Honduras that facilitate the construction of hydroelectric dams in protected areas, without adequate information or the participation of local communities²². According to the report, the Cuyamel II hydroelectric project could cause irreversible damage to protected areas of the Pico Bonito National Park and the Cuyamel River micro-basin, the main source of water for almost seven thousand people in the municipality of San Francisco, Atlántida, declared a Forest Reserve area designated by the Institute of Forest Conservation and Development²³.

18. CEHPRODEC. Consulta Ciudadana en los municipios de Minas de Oro y San José del Potrero. El Proceso de la Consulta. 2017.

19. CEHPRODEC. ¿Los municipios de San José del Potrero y Minas de Oro Dicen NO a la Minería! Resultados del primer plebiscito minero en Honduras. 2017. Available at: http://www.kehprodec.org/files/resumen_consulta_minas_de_oro_2017.pdf

20. According to the count, 98.68% of inhabitants said that they were in favour of Nahuaterique becoming an independent municipality.

21. ANAFAE. "La Unión y Yocón han dicho no a la minería". 8 November 2017. Available at: <http://www.anafae.org/2017/11/la-union-y-yocon-han-dicho-no-la-mineria.html>

22. FIDH/CEHPRODEC/FUPNAPIB. Honduras: Áreas protegidas y fuentes de agua en peligro. El caso del proyecto hidroeléctrico Cuyamel II en San Francisco, Atlántida. May 2017.

23. Ibid.

CONROA OBTAINS DECLARATION THAT ARTICLES OF THE MINING LAW ARE UNCONSTITUTIONAL

After three years, the Constitutional Chamber of the Honduran Supreme Court of Justice declared seven articles of the General Mining Law to be unconstitutional, of the eight challenged by CONROA. These articles are related to the requirements to grant mining rights, permit open-cast mining, regulate the tax system and stipulate citizen consultation mechanisms. Article 53 is still pending, and is related to the rights of concession holders to idle lands and the use of water^{L01}.

L01. CEHPRODEC. Documento de Sinopsis de la sentencia de la sala de lo constitucional con respecto a la ley general de minería. 2017. Available at: <http://www.kehprodec.org/index.php/publicaciones/send/2-sin-categoria/35-sinopsis-de-la-sentencia-de-la-sala-de-lo-constitucional-con-respecto-a-la-ley-general-de-mineria>

The hydroelectric project is under the responsibility of the company Sociedad Mercantil Compañía de Energía San Francisco S.A. of C.V (CONERSA). The approval process began in 2001, but it was not until 2014 that the project obtained approval from the National Congress²⁴. The report states that the company did not fulfil its responsibility to respect human rights and due diligence by failing to conduct an environmental and social impact study. It also describes the way in which the Honduran government violated the right to water, the right to citizen information and participation and the right to an effective remedy²⁵.

According to the report, there have been no attacks on people who oppose the Cuyamel II project, but some inhabitants have reported receiving threats. In addition, the Army has been present in the area since 2013, which could lead to more tension²⁶.



24. La Gaceta. Diario Oficial de la República de Honduras. DECRETO No. 375-2013 del Congreso Nacional de Honduras. No. 33,486. 23 July 2014.

25. FIDH/CEHPRODEC/FUPNAPIB. Op. cit.

26. Ibid.

DINA MEZA, HONDURAN ASSOCIATION FOR DEMOCRACY AND HUMAN RIGHTS (ASOCIACIÓN POR LA DEMOCRACIA Y LOS DERECHOS HUMANOS DE HONDURAS - ASOPODEHU)

Dina Meza is Director of ASOPODEHU, President of PEN Honduras and a correspondent for Reporters Without Borders (RWB). In 2013 the journalist and defender of freedom of expression founded the online newspaper Pasosdeanimalgrande.com, in which she has raised awareness on current human rights issues and cases. She has also defended other threatened journalists and social leaders persecuted for their defence of human rights.

Dina Meza has been accompanied by PBI Honduras since 2014, and during 2017 reported up to 19 security incidents against her, mainly related to calls from unknown numbers and surveillance. In September, a leaked list of defenders that were to be monitored by the Directorate of Police Intelligence (Dirección de Inteligencia Policial – DIPOL), included the names of both Dina Meza and her colleague Tommy Morales²⁷. The defender is a beneficiary of protection measures from the National Protection System due to her risk situation.

In 2017 Dina worked closely with ASOPODEHU defending criminalised students and documenting incidents during university protests. Other people from this organisation have also been attacked for their work.

On 8 September, prior to the beginning of classes and during an eviction of the university campus at the National Autonomous University of Honduras (Universidad Nacional Autónoma de Honduras - UNAH) in Tegucigalpa, four human rights defenders, Hedme Castro, Tommy Morales, Carlos del Cid and Ariel Díaz were subjected to acts of intimidation, excessive use of force and misuse of the criminal justice system at the hands of the State Security Forces²⁸. Several organisations reported to the Public Ministry the disproportionate use of force by the National Police during the events²⁹. Tommy Morales also stated that she has been subjected to surveillance and threats since that day³⁰.

ASOPODEHU also reported to the National Protection System attacks by security forces against another member of the organisation, Kevhin Ramos, while he was monitoring protests held after the 26 November elections³¹.

PBI ACCOMPANIMENT

PBI Honduras accompanied Dina Meza in 2017 during activities linked to conflicts at the National Autonomous University of Honduras (UNAH), and during the hearings of three students accused of the crime of usurpation for participating in takeovers of UNAH buildings in 2015.

We have also accompanied the defender in cases related to attacks against journalists. In February, PBI Honduras was present during the first hearing of journalist Jairo López who was sued for defamation. In March, we accompanied Dina Meza during her work on the case of Dunia Montoya, a journalist who reported in 2015 that a police officer had beaten her and fractured one of her arms. These events occurred during a demonstration about corruption in the social security system, held in El Progreso, Yoro, on 1 September 2015^{L01}.

On 8 November, Dina Meza participated in the annual defenders' meeting organised by ProtectDefenders.eu, a consortium of 12 international human rights organisations, including PBI, established with the support of the European Union (EU) for the protection of defenders^{L02}. Subsequently, she took part in a speaking tour in Canada, organised by PBI, to raise awareness on the situation of this collective.

27. Pasosdeanimalgrande.com. "La Dirección de Inteligencia de la Policía, DIPOL, con lista negra en mano vigila a defensores de DDHH". 17 September 2017. Available at: <http://www.pasosdeanimalgrande.com/index.php/es/contexto/item/1895-la-direccion-de-inteligencia-de-la-policia-dipol-con-lista-negra-en-mano-vigila-a-defensores-de-ddhh>

28. PBI Honduras. ALERT: Intimidation, excessive use of force, and criminalization of human rights defenders in the context of the crisis in the UNAH. 19 September 2017.

29. Pasosdeanimalgrande.com. "Porque no reúne los requisitos de tipo penal dice: Fiscal se niega a recibir denuncias por seguimiento y vigilancia contra Tommy Morales". 26 October 2017. Available at: <http://www.pasosdeanimalgrande.com/index.php/es/denuncias/item/1933-porque-no-reune-los-requisitos-de-tipo-penal-dice-fiscal-se-niega-a-recibir-denuncias-por-seguimiento-y-vigilancia-contra-tomy-morales>

30. Pasosdeanimalgrande.com. "A pesar que Juez sobreeseyó el caso: Ministerio Público sigue investigando a defensores de derechos humanos que fueron torturados y detenidos". 16 October 2017. Available at: <http://www.pasosdeanimalgrande.com/index.php/es/denuncias/item/1925-a-pegar-que-juez-sobreeseyo-el-caso-ministerio-publico-sigue-investigando-a-defensores-de-derechos-humanos-que-fueron-torturados-y-detenidos>

31. Pasosdeanimalgrande.com. "Como no hay castigo: Altos jefes policiales siguen violentando la labor de defensores de derechos humanos en el contexto de las elecciones". 30 November 2017. Available at: <http://www.pasosdeanimalgrande.com/index.php/es/denuncias/item/1966-como-no-hay-castigo-altos-jefes-policiales-siguen-violentando-la-labor-de-defensores-de-derechos-humanos-en-el-contexto-de-las-elecciones>

L01. Pasosdeanimalgrande.com. "Defensa de policía propone conciliar paliza contra periodista Dunia Montoya". 22 March 2017. Available at: <http://www.pasosdeanimalgrande.com/index.php/de/amenazas-a-la-libertad-de-expresion/item/1693-defensa-de-policia-propone-conciliar-paliza-contra-periodista-dunia-montoya>

L02. Further information: www.protectdefenders.eu



Dina Meza. May 2017. Exhibition "Vivir defendiendo derechos – 20 relatos gráficos por la defensa de los derechos humanos". PBI/Mundubat. Photo: Francesca Volpi

Freedom of expression

◀ **ATTACKS AGAINST HUMAN RIGHTS DEFENDERS**

REPORTED CASES	Honduras was ranked 140th (difficult situation) in a list of 180 countries prepared by Reporters Without Borders on freedom of expression in the world. The country fell by three places compared to the previous year ^{T01} . The report includes attacks on journalists and communicators linked to their work, such as the murder of journalist Carlos William Flores, which occurred on 13 September 2017. In October 2017 ^{T02} , the social communicator Osmin Antonio España was murdered in Santa Rosa de Copán. According to the National Human Rights Commission in Honduras (Comisionado Nacional de los Derechos Humanos de Honduras - CONADEH), this is the fourth media worker who has lost their life in violent circumstances in 2017 ^{T03} . The IACHR also condemned the murders of Igor Padilla in San Pedro Sula on 17 January and Víctor Fúnez in the city of La Ceiba on 15 June ^{T04} .
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PROGRESS IN INVESTIGATIONS	Over the last 16 years, according to CONADEH, 72 people linked to journalism and communications have been killed, however there have only been judgements in six of these cases ^{T05} .
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UNIVERSITY CONFLICTS: CRIMINALISED STUDENTS

Since the protests began in 2015, several UNAH students have been expelled and prosecuted³². Initially, their objective was to obtain a more democratic university, however the conflicts between university authorities and students worsened in 2017 when three students who had participated in the protests in 2015 were sentenced by the criminal justice system.

On 26 May, the first hearing of Cesario Padilla, Moisés Cáceres and Sergio Ulloa took place. The students were eventually found guilty on 7 June of the crime of usurpation, which could mean they face sentences of up to five years in prison³³. International organisations and the OHCHR in Honduras expressed concern about the use of this judicial offence to criminalise social protest³⁴.

Since then, the students, mainly organised in the Movement of University Students (Movimiento Estudiantil Universitario - MEU), have organised protests including building sit-ins and marches, both in Tegucigalpa and in other university facilities in the country. These actions have led to more than 150 students being prosecuted³⁵. Juan Almendárez Bonilla, the former rector of UNAH has

- T01. RSF. Clasificación Mundial 2017. 26 April 2017. Available at: <http://www.rsf-es.org/grandes-citas/clasificacion-por-paises/>
- T02. UNESCO. Director-General deplores the killing of journalist Carlos William Flores in Honduras. 19 September 2017. Available at: <https://en.unesco.org/news/director-general-deplores-killing-journalist-carlos-william-flores-honduras>
- T03. Proceso Honduras. "Comunicador social con muerte cerebral tras atentado en Santa Rosa de Copán". 4 October 2017. Available at: <http://www.proceso.hn/actualidad/7-actualidad/matan-a-comunicador-social-en-santa-rosa-de-copan.html>
- T04. IACHR. Office of the Special Rapporteur Condemns the Murder of Journalist Víctor Fúnez in Honduras. 20 June 2017. Available at: <https://www.oas.org/en/iachr/expression/showarticle.asp?artID=1067&IID=1>
- T05. Proceso Honduras. Op. cit.

- 32. PBI Honduras. Bulletin 04. December 2016.
- 33. Article 227 of the Criminal Code establishes two to four years' imprisonment for anyone who "seizes property or usurps a true right." Article 229 says that a person will be punished with three months to one year of imprisonment who "disturbs with violence or threats to people, the peaceful possession of a property." The individual sentences of the three students is still pending.
- 34. OHCHR. OACNUDH Honduras alarmada por incumplimiento de compromiso por parte de autoridades de la UNAH que generó condena de estudiantes. 8 June 2017. El Observatorio. Llamado Urgente: Honduras: Asesinato de Luis Joel Rivera Perdomo, estudiante y miembro del Movimiento Estudiantil de la UNAH (HND007/0617/OBS073.I). 20 June 2017. Available at: <http://www.omct.org/es/human-rights-defenders/urgent-interventions/honduras/2017/07/d24458/>
- 35. C-Libre. Carta Pública: Criminalización a Universitarios. August 2017. Available at: <http://www.clibrehonduras.com/libertad-de-expresion/carta-p%C3%BAblica-criminalizaci%C3%B3n-universitarios>

PBI ACCOMPANIMENT

PBI Honduras observed a number of protests in 2017 organised by the students, including “la Madre de todas las Movilizaciones” (the mother of all demonstrations), on 20 July; and a march on 25 July, during which the National Police used tear gas and cannons; and the campus eviction of the UNAH on 2 August, in which the state security forces used similar tactics.

registered the criminalisation of 200 students over the last two years³⁶.

On 27 June, the students began an indefinite hunger strike, calling for the end of criminalisation, as well as the resignation of rector Julieta Castellanos. Dina Meza and Tommy Morales accompanied the students on a daily basis to observe and raise awareness of their demands. After fifty days of protest, they were evicted by the National Police using tear gas³⁷.

In 2017 two murders linked to the student group, including that of a student’s father, have been reported as a result of the struggle, not to mention a series of smear campaigns, stigmatisation³⁸ and a raid³⁹.



Students from UNAH confront the National Police, who use tear gas bombs and water cannons to disperse them. 25 July 2017. Photo: PBI Honduras

36. ConexiHon. Juan Almendares: “Ninguna universidad del mundo ha criminalizado a estudiantes como la UNAH”, 10 de octubre de 2017. Available at: <http://www.conexihon.hn/juan-almendares-ninguna-universidad-del-mundo-ha-criminalizado-estudiantes-como-la-unah>
37. El Observatorio. Honduras: Desalojo violento de estudiantes de la UNAH en huelga de hambre y hostigamiento judicial a 37 defensores de DDHH (HND007/0617/OBS73.2). 1 September 2017. Available at: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/honduras-desalojo-violento-de-estudiantes-de-la-unah-en-huelga-de>
38. C-Libre. Protestas en la UNAH generan campaña de estigma en redes sociales (Alerta 089-17). 24 August 2017. 21 July 2017. Available at: <http://www.clibrehonduras.com/alerta/protestas-en-la-unah-generan-campa%C3%B1a-de-estigma-en-redes-sociales>. Autoridades universitarias estigmatizan y criminalizan estudiantes (Alerta 066-17). 15 July 2017. Available at: <http://www.clibrehonduras.com/alerta/autoridades-universitarias-estigmatizan-y-criminalizan-estudiantes>. Campaña de odio pone en peligro la vida de líderes y lideresas estudiantiles (Alerta 059-17). 23 June 2017. Available at: <http://www.clibrehonduras.com/alerta/campa%C3%B1a-de-odio-pone-en-peligro-la-vida-de-l%C3%ADderes-y-lideresas-estudiantiles>
39. C-Libre. Líder estudiantil denunció allanamiento de morada (Alerta 117-17). 16 November 2017. Available at: <http://www.clibrehonduras.com/alerta/l%C3%ADder-estudiantil-denunci%C3%B3-allanamiento-de-morada>



JOURNALIST SUED FOR DEFAMATION

Jairo López, director of the television program “El Informador”, broadcast on Channel 21 in Choluteca, was sued in September 2015 by the owner of Channel 39, Alcides Euceda, due to complaints López made about government corruption in the region. At the first hearing, on 1 February 2017, the judges in charge of the case reported that evidence presented by the lawyer for the defence had been lost⁴⁰.

Jairo López has also reported a smear campaign against him on social networks, in which he is accused of being the head of a criminal gang, of money laundering and of having links with drug traffickers⁴¹. He has also received threats and says that he has observed unknown men on motorcycles parked in front of his home. Because of this, the journalist has requested urgent measures from the National Protection System⁴².

ARCOIRIS LGBT ASSOCIATION (ASOCIACIÓN LGBT ARCOÍRIS)

La Asociación LGTB Arcoíris nace en 2003 con el compromiso de empoderar e The Arcoíris LGBT Association was founded in 2003 with the aim of empowering the LGBTI community in Honduras, offering comprehensive information about health issues for people identifying as LGBTI, and defending and promoting the human rights of sexual diversity. To achieve this, Arcoíris accompanies legal cases related to human rights violations, organises events and training

40. Pasosdeanimalgrande.com. “Caso Jairo López: Tribunal de sentencia de Choluteca pierde pruebas de periodista querellado”. 1 February 2017. Available at: <http://www.pasosdeanimalgrande.com/index.php/en/amenazas-a-la-libertad-de-expresion/item/1623-caso-jairo-lopez-tribunal-de-sentencia-de-choluteca-pierde-pruebas-de-periodista-querellado>

41. RSF. HONDURAS | Proceso judicial irregular y campaña de desprestigio: el periodista Jairo López, en medio de la tormenta. 23 February 2017. Available at: <http://www.rsf-es.org/news/honduras-proceso-judicial-irregular-y-campana-de-desprestigio-el-periodista-hondureno-jairo-lopez-en-medio-de-la-tormenta/>

42. Ibid.

PBI ACCOMPANIMENT

PBI Honduras accompanied Arcoiris during the activities organised by the Committee on Sexual Diversity for International Day Against Homophobia, Lesbophobia and Transphobia, which takes place on 17 May. Two months later, Arcoiris lead an awareness-raising workshop on sexual diversity and sexual rights for members of the Agency for Technical Criminal Investigation (Agencia Técnica de Investigación Criminal - ATIC) and the Police Investigations Office (la Dirección Policial de Investigación - DPI), which PBI accompanied two months later.

Lastly, PBI gave presence during the celebration of the 2017 LGBTI Pride and Dignity March which took place on the 15 July in the city of San Pedro Sula. The participating organisations called for an end to murders of people who identify as LGBTI and demanded that cases which are still in impunity are urgently solved.

sessions, coordinates regional campaigns and carries out advocacy work to promote more equitable laws. The organisation is also part of the Honduran Committee for Sexual Diversity (Comité de la Diversidad Sexual de Honduras).

Attacks against Arcoiris, organization accompanied by PBI Honduras since 2015, continued throughout 2017. During this year, PBI Honduras have registered 14 acts of aggression against people linked to the organisation, including attacks, surveillance, intimidation, threats, beatings and one murder.

On 4 April, the body of Sherlyn Montoya, a trans woman and member of the Muñecas group within the Arcoiris Association, was found with signs of torture and wrapped in a sack⁴³. Eight months later, the case continues in impunity, although Arcoiris has reported that the Public Ministry received a complaint about the lack of action they have taken.

A month later, "J-Lo" Cordova and "Estrella" Cardona, two trans women who were also members of the organisation, were attacked by a member of the Honduran Army while walking through the capital. J-Lo had already been attacked twice in 2016⁴⁴. Estrella had to go to hospital to have a gunshot wound treated. One of the soldiers was arrested and the case is still ongoing.

Arcoiris has also reported, among other incidents, that one of the entrances to their office was forced open shortly after they participated as an observer organisation during the general elections of 26 November 2017⁴⁵.

ATTACKS AGAINST HUMAN RIGHTS DEFENDERS ► LGBTI rights

T01. El Observatorio. Honduras: Los defensores y defensoras de derechos humanos entre la espada y la pared. Informe de Misión de Investigación. December 2016.

T02. Trans Respect y RGEU. 2.190 asesinatos son sólo la punta del iceberg – Una introducción al proyecto Observatorio de Personas Trans Asesinadas. Informe anual del TMM 2016. October 2016.

T03. FIDH. Honduras: Intento de asesinato al Sr. David Valle de Somos CDC (HND004/0416/OBS 035.2). 17 July 2017. Available at: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/honduras-intento-de-asesinato-al-sr-david-valle-de-somos-cdc>

T04. UN Human Rights Council. 35th Session. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to Honduras (A/HRC/35/23/Add.1). April 2017.

T05. IACHR. Press release: IACHR Condemns Attack on LGBTI Rights Defender David Valle, in Honduras. 9 August 2017. Available at: https://www.oas.org/en/iachr/media_center/PReleases/2017/118.asp

REPORTED CASES

According to the Observatory for the Protection of Human Rights Defenders, 60% of LGBTI people killed in Central America are from Honduras^{T01}. In addition, Honduras is the country with the sixth highest figures in the world for the number of murders of transgender people (89 between 2008 and 2016)^{T02}. David Valle, coordinator of the LGBTI Centre for Development and Cooperation (Centro para el Desarrollo y la Cooperación LGBTI) known as SOMOS-CDC, was attacked on 10 July and suffered serious stab wounds. The defender is a beneficiary of precautionary measures from the Honduran National Protection System^{T03}.

PROGRESS IN INVESTIGATIONS

According to data from the Public Prosecutor's Office, between 2008 and March 2017, 232 murders have been registered, for which investigations have led to 48 prosecutions, 19 convictions and 9 acquittals^{T04}. Commissioner Francisco Eguiguren Praeli, IACHR Rapporteur on the rights of LGBTI persons, declared that "the Honduran state must move to adopt legislative measures and public policies to provide effective protection to LGBTI rights defenders, and take all necessary steps to safeguard their right to life, integrity, and safety"^{T05}.

43. El Observatorio. Honduras: Asesinato de Sherly Montoya, integrante del Grupo de Mujeres Transexuales "Muñecas de Arcoiris" (HND004/0417/OBS035). 6 April 2017. Available at: <http://www.omct.org/es/human-rights-defenders/urgent-interventions/honduras/2017/04/d24283/>

44. PBI Honduras. Bulletin 04. 2017.

45. Arcoiris/Litos. Alerta. 5 December 2017.

March for the defence of LGBTI rights in Tegucigalpa. 17 May 2017. Exhibition "Vivir defendiendo derechos – 20 relatos gráficos por la defensa de los derechos humanos". PBI/ Mundubat. Photo: Francesca Volpi



Ruby Ferreira Miss Arcoiris

2015-2016



Alto a la Transfobia, todas las mujeres Trans merecemos
Respeto, y ser tratadas con Dignidad.

CIVIC COUNCIL OF GRASSROOTS AND INDIGENOUS ORGANISATIONS IN HONDURAS (CONSEJO CÍVICO DE ORGANIZACIONES POPULARES E INDÍGENAS EN HONDURAS – COPINH)

COPINH is an indigenous organisation founded by the Lenca people in March 1993. More than 200 communities are currently members and more than 50 community groups actively participate in its work, from five departments of Honduras, namely Comayagua, Intibucá, Santa Bárbara, Lempira and La Paz. The organisation promotes the protection of territories and the recognition of the political, economic, social and cultural rights of indigenous peoples in Honduras.

In 2017, PBI Honduras received reports of nine security incidents against members of the organisation. These attacks against COPINH, whose coordinators have been accompanied by PBI Honduras since 2016, have been constant throughout the year. Investigations into the murder of Berta Cáceres and COPINH's work in communities where land conflicts have been ongoing for decades, have had a significant impact on the organisation's security situation. In particular, they have reported defamation, threats and physical attacks.



Berta Cáceres and her colleagues founded COPINH in 1993. 27 March 2017. Photo: PBI Honduras

A smear campaign was waged against COPINH and CEHPRODEC prior to the presentation of the Global Witness report⁴⁶. COPINH and the Broad Movement for Dignity and Justice (Movimiento Amplio por la Dignidad y la Justicia - MADJ) also publicly reported that representatives of the Honduran State had made accusations against them after Honduras was examined by the UN Human Rights Committee⁴⁷. On 6 July, several civil society organisations were accused of having presented false information to the international mechanism about progress in the investigation into the Berta Cáceres case⁴⁸.

On 30 June, Bertha Zúniga Cáceres, current general coordinator of COPINH, and two other members of its leadership, Sotero Chavarría and Asunción Martínez, were attacked by four unknown men. International organisations and institutions condemned the attack⁴⁹. A week earlier, COPINH had reported that threats against the Lenca indigenous community of Río Blanco, Intibucá, had intensified⁵⁰.

COPINH also reported aggressions against its members in the context of the post-electoral protests. On December 12th, military forces in Siguatepeque, Department of Comayagua, intercepted, registered, and harassed approximately 30 members of COPINH, including general coordinator Bertha Zúniga, on their way to a protest⁵¹.

PBI ACCOMPANIMENT

In March 2017, COPINH organised two activities in memory of Berta Cáceres and to mark their 24th anniversary defending human rights. PBI Honduras was present at both events.

In May, we observed the organisation's General Assembly, in which Bertha Zúniga Cáceres was elected as coordinator and a group of 15 people was chosen to lead the organisation in the areas of Ancestral Heritage, Youth, Health, Sexual Diversity and Political Training.

Throughout the year, we also accompanied COPINH during hearings in cases of land conflicts, such as those involving the communities of La Jarcia and Concepción, in Intibucá and La Paz respectively, as well as in meetings and during visits to the GAIPE.

Defence of land, territory and the environment

REPORTED CASES	According to Global Witness, Honduras is the most dangerous country per capita for defenders of land and the environment in the last decade, with 127 killings since 2007 ^{T01} ; many other defenders have been threatened, attacked or imprisoned ^{T02} .
PROGRESS IN INVESTIGATIONS	The IACHR has followed up on the murders of land and environmental defenders Berta Cáceres, Noel García, José Ángel Flores and Silmer Dionisio George in Honduras, who were beneficiaries of precautionary measures. The Inter-American Commission has highlighted the fact that in some of these processes there has been a lack of and denial of information about the investigations and the slowness of the processes ^{T03} .

◀ **ATTACKS AGAINST HUMAN RIGHTS DEFENDERS**

46. Al. Op. cit.
 47. MADJ-COPINH: Exigimos romper con la impunidad; reacciones ante informe del Estado en el examen del Comité de DDHH de la ONU. 11 July 2017. Available at: <https://www.copinh.org/article/madj-copinh-exigimos-romper-con-la-impunidad-reacc/>
 48. El Observatorio. Honduras: Estigmatización pública por parte de autoridades del Estado en contra de la Coalición Contra la Impunidad (HND008/0717/OBS079). 11 July 2017. Available at: <http://www.omct.org/es/human-rights-defenders/urgent-interventions/honduras/2017/07/d24445/>
 49. IACHR. IACHR Condemns Attack on Human Rights Defenders Berta Zúniga Cáceres, Sotero Chavarría, and Asunción Martínez in Honduras. 25 July 2017. Available at: https://www.oas.org/en/iachr/media_center/PReleases/2017/104.asp
 50. COPINH. Alerta: El COPINH exige que se respete la integridad física del pueblo Lenca de Río Blanco! 21 June 2017. Available at: <https://copinhonduras.blogspot.com/2017/06/alerta-el-copinh-exige-que-se-respete.html?spref=fb>
 51. Al. Urgent Action: Defenders Denouncing Violent Repression At Risk. (UA: 271/17 Index: AMR 37/7595/2017 Honduras) 12 December 2017. Available at: <https://www.amnesty.org/download/Documents/AMR3775952017ENGLISH.pdf>

T01. Global Witness. Defenders of the Earth: Global killings of defenders of land and the environment in 2016. July 2017.
 T02. Global Witness. Honduras: The most dangerous place in the world to defend land. January 2017.
 T03. IACHR. IACHR issues call for OAS States to Protect Defenders of the Land and Environment. 5 June 2017. Available at: https://www.oas.org/en/iachr/media_center/PReleases/2017/072.asp



Berta Cáceres' family and COPINH call for the prosecution and punishment of those who planned the defender's murder. 31 October 2017. Photo: PBI Honduras

EUROPEAN PARLIAMENT SUPPORTS COPINH REQUESTS

The CIFCA network, in which PBI participates, produced and shared a video in which Berta Zúñiga Cáceres and six deputies from the European Parliament urge the European External Action Service and the Honduran government to guarantee justice in the case of murdered defender Berta Cáceres. They also request greater monitoring and the regulation of European capital intervention in third countries, which includes respect for free, prior and informed consultation processes with affected communities^{L01}.

L01. CIFCA and Grupo Sur. El Parlamento Europeo apoya las peticiones del COPINH (video). 22 May 2017. Available at: <http://www.cifcaeu.org/parlamentarios-europeos-apoyan-peticiones-berta-zuniga-copinh/>

BERTA CÁ CERES, ONE YEAR LATER

2 March 2017 marked the first anniversary of the assassination of Berta Cáceres, COPINH coordinator and recognised environmental defender, and the attempted assassination of Mexican defender Gustavo Castro. Eight people are currently being held in preventive detention for these crimes, namely Douglas Geovanny Bustillo, Mariano Díaz Chavez, Sergio Ramón Rodríguez Orellana, brothers Edilson Atilio and Emerson Eusebio Duarte Meza, Elvin Heriberto Rápalo Orellana, Henry Javier Hernández Rodríguez and Óscar Aroldo Torres Velásquez.

The first preliminary hearing of four of the eight accused people took place on 7 June in Tegucigalpa. Three days later, the judge declared the public, oral trial to be open; however this trial has not yet taken place. During the hearing, the prosecution added the crime of illicit association to the list of accusations against three of the four people accused, who are linked to the DESA company. The hearing had originally begun on 19 April, however, it had to be suspended on two occasions due to a lack of information, as reported by MADJ and COPINH⁵².

52. COPINH. Movimiento Amplio y Copinh presentan denuncia por lentitud en proceso por esclarecer la muerte de Berta Cáceres. 17 May 2017. Available at: <https://www.copinh.org/articulo/movimiento-amplio-y-copinh-presentan-denuncia-por/>

The preliminary hearing in the case of the other four defendants was originally scheduled to be held on 21 August, however it was also suspended on three occasions for the same reasons⁵³. According to the lawyers and the family of Berta Cáceres, they have not had access to information from electronic equipment found in the home of Berta Cáceres, which could contain relevant information.

Subsequently, on 30 October 2017 after a year of investigations into this case, the International Expert Advisory Group (Grupo Asesor Internacional de Personas Expertas - GAIPE) presented its final report in Honduras. The GAIPE findings link high-level officials from the Honduran state security forces with the DESA company.

The report also states that "financial institutions such as the Central American Bank for Economic Integration (CABEI), the Dutch Development Bank (FMO) and Finnfund had prior knowledge of the strategies employed by DESA, and despite this, they did not adopt suitable, effective and timely measures to guarantee respect for human rights"⁵⁴. The FMO and Finnfund definitively withdrew their support for the Agua Zarca project in July this year⁵⁵.

LAND CONFLICTS

COPINH also accompanied cases in which indigenous and small-scale farming communities were prosecuted and criminalised in 2017. These communities, who generally lack access to basic resources, claim that the current landlords obtained their titles illegally from the Honduran government⁵⁶.

One of these cases is that of the community of La Jarcia, located in the department of Intibucá. In 2011, 15 families decided to build their homes on national common lands that were uninhabited. Two years later, 16 people⁵⁷ from the community were sued by Mr. Domingo Lenin Pérez Reyes, who had been granted ownership of the lands by Mr. Martinian Dominguez, who was mayor of Intibucá at the time⁵⁸.

In 2016, Mr. Pérez Reyes, together with the Intibucá Preventive Police, forcibly evicted the families using heavy machinery, destroying their houses and crops and attacking a small, family-run shop⁵⁹. In October of the same year, COPINH accompanied the community to the National Agrarian Institute (In-

53. COPINH: COPINH informa: se suspende nuevamente la audiencia preliminar. 27 September 2017. Available at: <https://copinhonduras.blogspot.com/2017/09/teg27-09-17-copinh-informa.html?m=1>

54. GAIPE. Represa de violencia. El plan que asesinó a Berta Cáceres. November 2017.

55. Oxfam International. "European investors drop support of controversial Honduran dam". 6 June 2017. Available at: <https://www.oxfam.org/en/pressroom/reactions/european-investors-drop-support-controversial-honduran-dam>

56. According to Article 68 of the Municipalities Law "rural lands for agricultural and livestock vocation are subject to the provisions of the Agrarian Reform Law", which means that their titles would be granted by the National Agrarian Institute (Instituto Nacional Agrario - INA) and not by the local government.

57. 12 are represented by a COPINH lawyer, three by private defence lawyers and one died before the start of the hearing.

58. IM-Defensoras. "La Jarcia", comunidad indígena Lenca integrante de COPINH. 19 June 2017. Available at: <http://im-defensoras.org/2017/06/alertaddefensoras-honduras-criminalizan-a-integrantes-de-comunidad-la-jarcia-miembra-de-copinh/>.

59. COPINH. Denuncia Urgente. 25 February 2016. Available at: <https://www.copinh.org/article/copinh-denuncia-urgente-25-de-febrero-del-2016/>

stituto Nacional Agrario - INA) to request the protection of their constitutional rights from forced expropriation by Mr. Pérez Reyes. This request is still being processed.

In June 2017 a public, oral trial was opened, where the accused persons were offered a pardon in exchange for leaving the land, which the community refused, despite the risks that they might be found guilty and that a warrant for their arrest and eviction might be issued. COPINH demanded the definitive release of the 16 accused persons and the annulment of Mr. Reyes Perez's property title, as they alleged it had been obtained illegally⁶⁰. Finally, on 28 November, a court in Siguatepeque declared all of the accused persons not guilty of committing the crimes of usurpation, and of cutting down and illegally using forest products and sub-products.

In addition to the La Jarcia case, in 2017 COPINH also accompanied similar conflicts in Somolagua, Siguatepeque and San Pedro, cases in which several small-scale farmers have been murdered⁶¹.

The community of Somolagua, in the department of Santa Bárbara, is composed of 25 families who are members of COPINH. On 28 April 2015 they started to recover their lands. 7 March 2017. Photo: PBI Honduras



60. IM-Defensoras. Op.cit.

61. COPINH. Justicia para Moisés, castigo para los asesinos. 17 August 2017. Available at: <https://www.copinh.org/article/copinh-justicia-para-mois-es-castigo-para-los-asesi/>

OTHER CASES

KEVIN RAMÍREZ, ASSOCIATION OF DEFENDERS OF COMMON GOODS IN QUIMISTÁN (ASOCIACIÓN DE DEFENSORES DE BIENES COMUNES DE QUIMISTÁN - ASODEBICOQ)

Environmental defender Kevin Ramírez is from El Listón, a community situated in the north of Santa Bárbara, the department with the greatest number of extractive and hydroelectric concessions in Honduras⁶². In 2013, work began to build a hydroelectric dam in the area, despite the fact that 27 communities, organised under the leadership of Kevin Ramírez, were opposed to it. In 2017, the defender co-founded ASODEBICOQ and has been part of the organisation since then.

PBI Honduras has been monitoring the security situation of the defender Kevin Ramírez since April 2017. Throughout the year, Kevin Ramírez and the ASODEBICOQ team have reported to PBI Honduras a total of three incidents, which include violent threats, defamation and intimidation. In light of his security situation, the defender has been a beneficiary of IACHR precautionary measures since September 2015⁶³.

During a rally in the sector of Cacao organised by the association on 10 July, armed employees from the Santa Lucia hydroelectric project managed by the Cuyagual company threatened the group of demonstrators, preventing them from leaving the scene. Kevin Ramírez, along with inhabitants from El Listón and Cacao, publicly expressed their rejection of hydroelectric dams in their communities, after having demanded information from the authorities on both projects without results⁶⁴. According to the defender, the events were observed by the police but they did not intervene.

PBI ACCOMPANIMENT

The defender participated in the Regional Meeting of Defenders of Land, Territory and the Environment, held on 30 and 31 May and 1 June in Mexico City. At the event, coordinated by PBI and other international organisations, Kevin Ramírez participated together with other Honduran defenders including lawyer Donald Hernández from CEHPRODEC.

On 6 June, we accompanied Kevin Ramírez during a march between Pinalejo and Quimistán, in which more than 100 people participated from local communities. At the end of the march, they read their manifesto before the mayor's office.



Since 2012, Kevin Ramírez and his family have received serious death threats and have suffered an attack. 5 October 2017. Photo: PBI Honduras

62. CEHPRODEC. Informe del Observatorio de Bienes Naturales y Derechos Humanos de CEHPRODEC, 2016. 17 May 2017.

63. IACHR. Resolution 33/2015. PM 460-15. Matter of Kevin Donaldo Ramírez and family and Honduras. 28 September 2015.

64. ERIC-RadioProgreso. Comunidades de Santa Bárbara protestan contra proyectos hidroeléctricos. 25 November 2016. Available at: <http://radioprogreso.net/index.php/comunicaciones/noticias/item/3325-comunidades-de-santa-b%C3%A1rbara-protestan-contra-proyectos-hidroel%C3%A9ctricos>

HEDME CASTRO, ASSOCIATION FOR CITIZEN PARTICIPATION
(ASOCIACIÓN PARA UNA CIUDADANÍA PARTICIPATIVA - ACI-PARTICIPA)

PBI ACCOMPANIMENT

PBI Honduras was present on 25 August at the initial hearing of 15 students from the Pacific Coast Regional University (Centro Universitario Regional del Litoral Pacífico - CURLP-UNAH) in Choluteca, accused of the crime of usurpation during university protests. The legal decisions were as follows: in seven cases, provisional release; in one case, definitive release; and in the final eight cases, end to the formal prosecution.

Hedme Castro is the general coordinator of ACI-Participa. The organisation was founded in 2002, with the aim of promoting respect for human rights and citizen participation by strengthening the role of individuals, organisations and communities who defend human rights to build a fairer society.

Since April 2017, PBI Honduras has been monitoring Hedme Castro's security situation. During this period, the defender has reported to PBI Honduras seven security incidents including arbitrary arrest, prosecution, physical attacks, surveillance and defamation.

On 2 March, Hedme Castro was arbitrarily detained at Toncontin International Airport in Tegucigalpa as she was about to travel to Europe to participate in an event at the UN Human Rights Council in Geneva, among other planned activities⁶⁵. The defender was allegedly questioned about the advocacy activities she was going to undertake in the Swiss capital⁶⁶.



ACI-Participa legally represents 15 students criminalised in Choluteca. 17 August 2017. Photo: PBI Honduras

65. FIDH. Honduras: Restricción a la libertad de movimiento y actos de intimidación contra Hedme Castro, Coordinadora General de ACI-Participa. 8 March 2017. Available at: <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/honduras-restriccion-a-la-libertad-de-movimiento-y-actos-de>

66. United Nations. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/36/31). Report of the Secretary-General. 15 September 2017.

In the months of April and May, Hedme Castro reported further attacks, including damage to the tyres of her car, which she noticed as she was driving to her office⁶⁷. Moreover, the defender was one of four people assaulted during the eviction of UNAH students and human rights defenders on 8 September 2017⁶⁸.

Jurists

REPORTED CASES	From 2001 to 2017, according to CONADEH, around 150 legal professionals died in violent circumstances ^{T01} . From July 2016 to July 2017, at least seven lost their lives ^{T02} .
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PROGRESS IN INVESTIGATIONS	The rate of impunity in these cases, according to CONADEH registers, is higher than 90% ^{T03} .
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- 67. IM-Defensoras. #AlertaDefensoras HONDURAS / Atentan contra la integridad física de Hedme Castro, de ACI-Participa. 11 April 2017. Available at: <http://im-defensoras.org/2017/04/alertadefensoras-honduras-atentan-contra-la-integridad-fisica-de-hedme-castro-de-aci-participa/>
- 68. FLD. Police attack on Hedme Castro and 3 other defenders. 13 September 2017. Available at: <https://www.frontlinedefenders.org/en/case/police-attack-hedme-castro-and-three-other-hrds>

◀ **ATTACKS AGAINST HUMAN RIGHTS DEFENDERS**

- T01. Proceso Digital. "Conadeh registra 220 muertes violentas abogados y periodistas hondureños en 16 años". 8 July 2017. Available at: <http://www.proceso.hn/actualidad/7-actualidad/alrededor-de-220-abogados-y-de-profesionales-de-la-comunicacion-han-muerto-violentamente-en-honduras.html>
- T02. PBI Honduras. Bulletin 04. December 2016.
- T03. Proceso. Op. cit.

PROGRESS ON PROTECTION MECHANISMS

NATIONAL PROTECTION SYSTEM FOR HUMAN RIGHTS DEFENDERS, JOURNALISTS AND JUSTICE OPERATORS

PROTECTION PROGRESS AND SETBACKS ►

PROGRESS	LACK OF COMPLIANCE
National level	
At the end of 2016, the National Protection System (NPS) began to operate.	Civil society participation in the NPS continues to be limited.
The NPS has begun to publicly recognise defenders at the local level via the National Council.	According to reports from beneficiary organisations, the majority of measures implemented involve the police.

ELECTIONS TO THE NATIONAL PROTECTION COUNCIL (CONSEJO NACIONAL DE PROTECCIÓN)

In November 2017, new candidates were selected to represent civil society. Organisations have expressed concerns that these candidates, who should have the support of CONADEH, do not have sufficient experience in the protection of human rights defenders. In the end, because of the national electoral context, these Council elections have been postponed until the beginning of 2018.

Since November 2016 the National Protection System (NPS), a Honduran government protection mechanism for defenders and journalists, has been under the direction of former child prosecutor, Nora Urbina. Almost two years after the approval of the law, the mechanism has finally begun to be operational⁶⁹.

The NPS sits within the Secretariat of Human Rights, Justice, Governance and Decentralisation (Secretaría de Derechos Humanos, Justicia, Gobernación y Descentralización - SDHJGD), and has the following departments: a General Directorate, a National Council, the Security Secretariat Human Rights Department and a Technical Committee. Despite the need for civil society participation, this is only currently granted within the council and therefore remains limited: of the 14 people that make up the mechanism, only two represent human rights organisations⁷⁰.

Moreover, according to the law the protection mechanism should have four technical units: Reception of cases and Immediate Attention; Risk Analysis; Implementation and Monitoring; and Prevention and Context Analysis⁷¹. The latter has not yet been established, however it would enable the mechanism to have a broader and deeper understanding of the situation for human

69. PBI Honduras. Bulletin 04. December 2016.

70. Each member of the Council also has a deputy. Article 21 of the Law on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators.

71. Article 14 of the General Regulations for the Law on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators.

rights defenders in Honduras and to implement preventive measures to prevent attacks against them⁷².

One of the mechanism's most important tasks is risk analysis, which determines the level of insecurity of the beneficiaries and the measures that would be required to reduce this. According to information reported to PBI Honduras, there is significant mistrust in sharing information for this analysis, since some of the institutions that participate in it are alleged to be perpetrators of attacks against defenders. Moreover, the Technical Committee, which is in charge of these analyses and of establishing the relevant protection measures, does not benefit from any civil society representation, as participation is only possible at the level of the Human Rights Prosecutor's Office⁷³, which deals only with attacks by state actors.

One of the difficulties for the NPS is the effective implementation of precautionary measures granted by the IACHR and provisional measures from the Inter-American Court, which became the mechanism's responsibility after the law was regulated on 20 August 2016. It is estimated that there are currently more than 100 cases in Honduras (with more than 500 beneficiaries) in which this type of measure has been granted⁷⁴, and that seven of these cases are currently being monitored by the protection mechanism⁷⁵. It should be noted that transferring cases to the mechanism is voluntary and must be made via the General Directorate⁷⁶, however, if transfers are requested, the NPS could have serious difficulties in attending all the cases that will fall under its jurisdiction. According to members of civil society who participate in the National Council, no consultation process was undertaken when the protocols were developed for the transfer of these cases⁷⁷.

Beneficiary organisations of the measures granted by the NPS, state that these measures still mainly involve the police or are related to infrastructure: this includes for example police patrols, escorts, panic buttons and closed circuit systems. On the other hand, the protection mechanism has begun to publicly express support at the local level for the work of defenders through the Council⁷⁸, although regular public recognition from the highest levels of the Honduran authorities is still pending.

PBI ACCOMPANIMENT

In 2017, PBI Honduras held some 30 meetings with the local and national Honduran authorities. Throughout the year, PBI Honduras met with members of the NPS to monitor the implementation of the mechanism and of protection measures for accompanied human rights defenders. This included meetings with the General Director, the Head of the Security Secretariat Human Rights Department, and representatives from institutions which form part of the Technical Committee and the Council.

72. The unit is being restructured. Case of Kawas Fernández and Case of Luna López Vs. Honduras. Supervision of Sentence Compliance. Resolution of the Inter-American Court of 30 August 2017.

73. Article 31 of the Law on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators.

74. According to a report published by the Centre for Research and Promotion of Human Rights (Centro de Investigación y Promoción de los Derechos Humanos - CIPRODEH), official sources do not record the exact number of precautionary measures granted by the IACHR. The Centre observes that those measures registered by the IACHR are not registered by the Prosecutor's Office and vice versa. "In other cases, they were not found in any of the official databases, but instead in IACHR press releases, thematic reports or requests for information from the IACHR to the State". According to their investigation, from 2009 to 2016, the IACHR has granted 98 precautionary measures to 461 beneficiaries. In the case of provisional measures, from 2005 to 2017, the Inter-American Court has issued resolutions granting five measures benefitting 17 people. For its part, the Prosecutor's Office records three measures. Informe sobre el cumplimiento de las medidas cautelares y provisionales en Honduras. CIPRODEH.2016.

75. SDHJGD. Informe sobre la situación de los derechos humanos en Honduras 2016-2017. 2017.

76. Article 68 of the regulations for the Law on Protection.

77. AI. America: Situation of Protection Mechanisms for human rights defenders (AMR 01/6211/2017). 17 May 2017.

78. NPS. Informe del Sistema Nacional de Protección para Personas Defensoras de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia. 2017.

Other concerns about the implementation of the NPS have included the need for greater dissemination of its existence and functioning; an increase in the resources assigned for its implementation and a revision of how they are distributed; and the use of a differentiated approach in the implementation of measures depending on the population at risk (LGBTI persons, land and environmental defenders, and women defenders, among other groups).

UNITED NATIONS (UN) SYSTEM

PROTECTION PROGRESS AND SETBACKS

PROGRESS	LACK OF COMPLIANCE
United Nations	
<p>The Rapporteur on Indigenous Peoples visited Honduras in April to follow up on regulations for free, prior and informed consultation.</p> <p>International bodies highlighted the NPS as the main element of progress for the protection of defenders in Honduras.</p>	<p>The Rapporteur on Indigenous Peoples emphasised that in Honduras threats against defenders of land and territory are increasing, and that these people are persecuted in the context of investment projects.</p> <p>The Report of the Assistant Secretary-General situates Honduras among 29 countries with cases of reprisals against defenders for their collaboration in reporting mechanisms facilitated by the UN.</p>

OHCHR IN HONDURAS PRESENTS ITS FIRST ANNUAL REPORT

On 22 March 2017, the OHCHR in Honduras presented its annual report on the situation of human rights in the country during 2016^{L01}. This report, presented to the UN Human Rights Council, places special emphasis on the high levels of impunity in the country, which reached historic levels last year. It also expresses regret that, in addition to threats, surveillance, robberies and murders of defenders, government representatives continue to stigmatise and discredit these people, and the criminal justice system continues to be used to punish and restrict the defence of human rights.

During the 35th Session of the UN Human Rights Council, held in April, the Special Rapporteur on extrajudicial, summary or arbitrary executions presented the report based on information gathered during the mission to Honduras from 23 to 27 May 2016. In relation to the situation of human rights defenders, the Rapporteur highlighted the government's difficulties in implementing protection measures granted by the Inter-American system, despite the recent creation of the protection mechanism. The Rapporteur also referred to the lack of investigation in cases of attacks against defenders⁷⁹.

In addition, the visit of Victoria Tauli-Corpuz, UN Special Rapporteur on the rights of indigenous peoples, took place from 16 to 21 April 2017, in order to follow up on her observations and recommendations regarding the process to regulate free, prior and informed consultation with indigenous and Afro-Honduran peoples⁸⁰. In July, the Rapporteur published her additional observations⁸¹, in which she urged the parties to assess whether there are adequate conditions for the rapid adoption of a law, with the expectation that an inclusive process can be undertaken with the highest degree of consensus with indigenous peoples.

On 5 and 6 July in Geneva, the United Nations Human Rights Committee monitored the application by Honduras of the International Covenant on Civil and Po-

L01. UN Human Rights Council. Annual Report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General (A/HRC/34/3/Add.2). 9 February 2017.

79. UN Human Rights Council. 35th Period of Sessions. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the mission to Honduras (A/HRC/35/23/Add.1). 11 April 2017.

80. UN. Comentarios de la Relatora Especial de las Naciones Unidas sobre los derechos de los pueblos indígenas en relación con el Anteproyecto de Ley Marco de consulta libre, previa e informada a los pueblos indígenas y afrohondureños (Honduras). 22 December 2016.

81. UN. Observaciones adicionales de la Relatora Especial sobre los derechos de los pueblos indígenas sobre el proceso de regulación de la consulta previa en Honduras. 9 June 2017.

litical Rights. In its concluding observations, the Committee expressed particular concerns about the situation of defenders, the LGBTI community, and the criminalisation of abortion and protest in the country⁸².

Andrew Gilmour, UN Assistant Secretary-General for Human Rights, also visited Honduras in July 2017, and highlighted “the paramount need to increase protection for human rights defenders in Honduras,” encouraging state officials to see defenders as allies and valuable agents for change. Subsequently, Gilmour presented a report to the Human Rights Council that situates Honduras among 29 countries with documented cases of reprisals and intimidation against defenders for their collaboration and/or participation in reporting mechanisms facilitated by the UN⁸³.

During the Human Rights Council’s 36th session, held from 11 to 29 September, the Rapporteur on indigenous peoples referred to the case of Agua Zarca and pointed out that threats against people who defend the right to land and territory is increasing in Honduras, and that they are also being persecuted in the context of investment projects⁸⁴.

Finally, experts from both the UN and the IACHR made statements about the situation in Honduras in the context of the elections and urged the state to comply with its international obligations to respect and guarantee human rights, in particular the right to life, personal integrity and freedom for protesters, and the rights to freedom of expression, peaceful assembly and political participation⁸⁵.

PBI ACCOMPANIMENT

On 22 and 23 March, discussions were held on the human rights situation in Guatemala, Colombia and Honduras during the 34th period of sessions of the Human Rights Council. PBI presented its observations on these three countries before the UN. In the case of Honduras, we expressed concerns about impunity in cases of aggression against defenders and discrimination against LGBT and women’s collectives. In addition, PBI also expressed grave concerns about the way in which the reform of the Penal Code could lead to limits on freedom of expression and association. We also made reference to cases of attacks against defenders, especially the case of Berta Cáceres.



Aurelia Arzú, vice-coordinator and spiritual guide of OFRANEH, participated in the Annual UN Forum on Business and Human Rights, held from 27 to 29 November 2017, during a speaking tour organised by PBI in Europe. Photo: PBI Switzerland.

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82. UN Human Rights Council. Observaciones finales sobre el segundo informe periódico de Honduras. 24 July 2017. Available at: https://drive.google.com/file/d/0B4E_ITBL2vi3czJjSWNSUDhVN2c/view
83. UN Human Rights Council. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights. Report of the Secretary-General (A/HRC/36/31). 15 September 2017.
84. UN Human Rights Council. 36th Period of sessions. Report of the Special Rapporteur on the rights of indigenous peoples (A/HRC/36/46). 15 September 2017.
85. IACHR/OHCHR. IACHR and OHCHR Express Concern over Post-Election Violence in Honduras. 3 December 2017. Available at: http://www.oas.org/en/iachr/media_center/PReleases/2017/197.asp Honduras: Human rights experts condemn measures against protesters and media. 20 December 2017. Available at: <https://www.oas.org/en/iachr/expression/showarticle.asp?artID=1085&IID=1>

INTER-AMERICAN HUMAN RIGHTS SYSTEM (OAS)

PROTECTION PROGRESS AND SETBACKS ▶

PROGRESS	LACK OF COMPLIANCE
Inter-American System	
IACHR precautionary measures are granted to community defender Víctor Vázquez, member of MILPAH.	The Inter-American Court monitors non-compliance with the López Lone sentence after two years.
The NPS presents progress to the IACHR.	Human rights organisations report that the State of Honduras has not complied with the recommendations issued by the IACHR in its country report.

IACHR PRESIDENT IN HONDURAS

James Cavallaro, IACHR President and Commissioner for Honduras, visited the country in February 2017. Among other activities, he organised a meeting with victims and the public ministry to revise compliance with protection measures granted by the IACHR in favour of Berta Cáceres' family and members of COPINH. The victims and their representatives reported the absence of the Public Prosecutor's Office during this working session^{L01}.

In 2017 the Inter-American Court of Human Rights followed up on three of its sentences against Honduras, including the sentence on the Case of López Lone and others v. Honduras, issued on 5 October 2015. After holding a private hearing in early 2017, the Court issued a monitoring resolution in which it stated that the sentence had not been fulfilled. The OAS body ordered the state to take all necessary measures immediately to reinstate Guillermo López Lone and Tirza Flores Lanza to positions similar to those they held at the time of the events referred to in the case⁸⁶.

The IACHR issued two precautionary measures in 2017 in relation to Honduras, one of which was presented by CEHPRODEC in favour of Víctor Vázquez, president of the Simpínula community indigenous council and member of MILPAH. The risk situation for Víctor Vázquez is linked to a series of legal disputes over ownership of lands that are part of the Lenca indigenous people's ancestral territories⁸⁷.

In March during the IACHR's first ordinary period of sessions, a hearing was held on the Honduran protection mechanism for defenders at the request of the state. This hearing was attended by organisations including Arcoiris, who pointed out the urgency of ending the stigmatisation and criminalisation of human rights defenders' work, among other issues. For its part, the Coalition Against Impunity (Coalición Contra la Impunidad), composed of some 50 organisations working in Honduras, participated in a hearing on the general human rights situation in the country in which they indicated that the Honduran State had not complied with recommendations issued by the IACHR in its 2015 Country Report⁸⁸.

During the elections of 26 November, the IACHR expressed concerns on several occasions about the suspension of constitutional guarantees in Honduras and about the involvement of the state security forces in acts of violence against demonstrators; they also asked the Honduran government to provide guarantees for the rights of peaceful assembly and freedom of expression⁸⁹.

L01. ConexiHon. "Ministerio Público desatiende reunión de trabajo con la CIDH en caso 'Berta Cáceres'". 27 May 2017. Available at: <http://www.conexihon.hn/ministerio-publico-desatiende-reunion-de-trabajo-con-la-cidh-en-caso-berta-caceres>

86. IACtHR. Resolución de la Corte IDH Caso López Lone y otros vs Honduras. Supervisión de cumplimiento de sentencia. 25 May 2017.
 87. IACHR. Resolution 4/2017. Precautionary Measure No. 507 – I6. Víctor Vázquez, Honduras . 6 February 2017.
 88. IACHR. Report of the 161st Period of Sessions. 22 March 2017.
 89. IACHR. CIDH insta al Estado de Honduras a garantizar y respetar los derechos humanos en el contexto post-electoral. 22 December 2017. Available at: <https://www.oas.org/es/cidh/prensa/comunicados/2017/217.asp>

EUROPEAN GUIDELINES ON THE PROTECTION OF HUMAN RIGHTS DEFENDERS

The International Cooperation Space (Espacio de Asociaciones de Cooperación Internacional - Espacio ACI)⁹⁰, in which PBI Honduras is an observer member, continued its dialogue throughout 2017 with the Grupo Enlace, a group of European embassies with presence in Honduras, part of the local strategy to implement the EU guidelines on human rights defenders.

In 2017, the meetings of this space for dialogue focused on the situation of the LGBTI community and smear campaigns against Honduran defenders including Padre Melo, Hedme Castro and Suyapa Martínez, and against international organisations working in Honduras.

In view of the events that took place during the electoral process in the country, the CIFCA network held a dialogue meeting with the European External Action Service in Brussels and with the ministries of several EU Member States in order to guarantee compliance with the international obligations subscribed by Honduras on holding democratic elections and respect for human rights and public freedoms.

PBI ACCOMPANIMENT

In 2017 PBI Honduras held more than 20 meetings with foreign embassies in Honduras. The meetings addressed the importance of strengthening the human rights work of the EU Delegation and concerns related to the process of drafting a Consultation Law and the reform of the Honduran Penal Code.

90. The Espacio ACI was founded in Honduras in 1994 with the aim of advocating for democratic processes in Honduras based on the strengthening of governmental and non-governmental organisations, and of equality, justice, and inclusive human development for all. For further information: <http://espacioaci.org/que-es-espacio-aci/que-es/>

HUMAN RIGHTS DEFENDERS CRIMINALISED IN HONDURAS

WHAT IS CRIMINALISATION?

The term “criminalisation” describes the initiation of criminal investigations or unfounded criminal actions in order to hinder defenders’ work^{L01}. This means that their time, resources and energy are dedicated to their own defence. There are numerous effects on defenders’ lives due to this type of process, including damage to the health of defenders and their families^{L02}.

International organisations have reported that criminalisation is one of the most common forms of attack against human rights defenders throughout the world. Back in 2009, Margaret Sekaggya who at the time was UN Special Rapporteur on the Situation of Human Rights Defenders, expressed concern about the increasingly frequent use of stigmatisation and prosecution to hinder and delegitimise the work of human rights defenders⁹¹.

A recent special report from the IACHR details some of the main kinds of criminalisation that defenders often face in the Americas, including statements by public officials accusing defenders of crimes without a legal basis; criminal offences or laws that criminalise social protest or protect the honour of public officials against reports of violations; criminal offences related to the fight against terrorism and other national security laws; criminalisation of activities used to defend the causes that defenders promote (LGBT rights or sexual and reproductive rights), and illegal or arbitrary arrests or the application of precautionary measures (alternative measures to prison sentences)⁹².

These processes occur more frequently in situations where there are conflicts of interest between state and non-state actors, who make use of the criminal justice system to hinder defenders’ work, thereby stifling their causes⁹³. There are also delays in the reporting of attacks against defenders, allegedly due to the ineffectiveness of the justice system, which “contrasts with the numerous cases of criminalisation against defenders and the level of diligence that the judicial system employs to pursue these cases”⁹⁴.

In less than four years, 3,064 cases of criminalisation with the aim of intimidating human rights defenders were reported in Honduras⁹⁵. Among the cases compiled by PBI Honduras, it is important to highlight the application of the crime of usurpation against indigenous and small-scale farming communities and members of organisations defending land, territory and the environment.

L01. IACHR. Second report on the situation of human rights defenders in the Americas (OEA/Ser.L/V/ II. Doc. 66). 31 December 2011.

L02. IACHR. Criminalization of the work of human rights defenders (OEA/Ser.L/V/II. Doc. 49/15). 31 December 2015.

91. UN. Report of Special Rapporteur Margaret Sekaggya on the situation of human rights defenders (A/HRC/13/22). 13th period of sessions of the Human Rights Council. 30 December 2009.

92. IACHR. Criminalization of the work of human rights defenders (OEA/Ser.L/V/II. Doc. 49/15). 31 December 2015.

93. Ibid.

94. OMCT/FIDH. Honduras: Human Rights Defenders between a rock and a hard place. December 2016. (Report available only in Spanish – translation is our own)

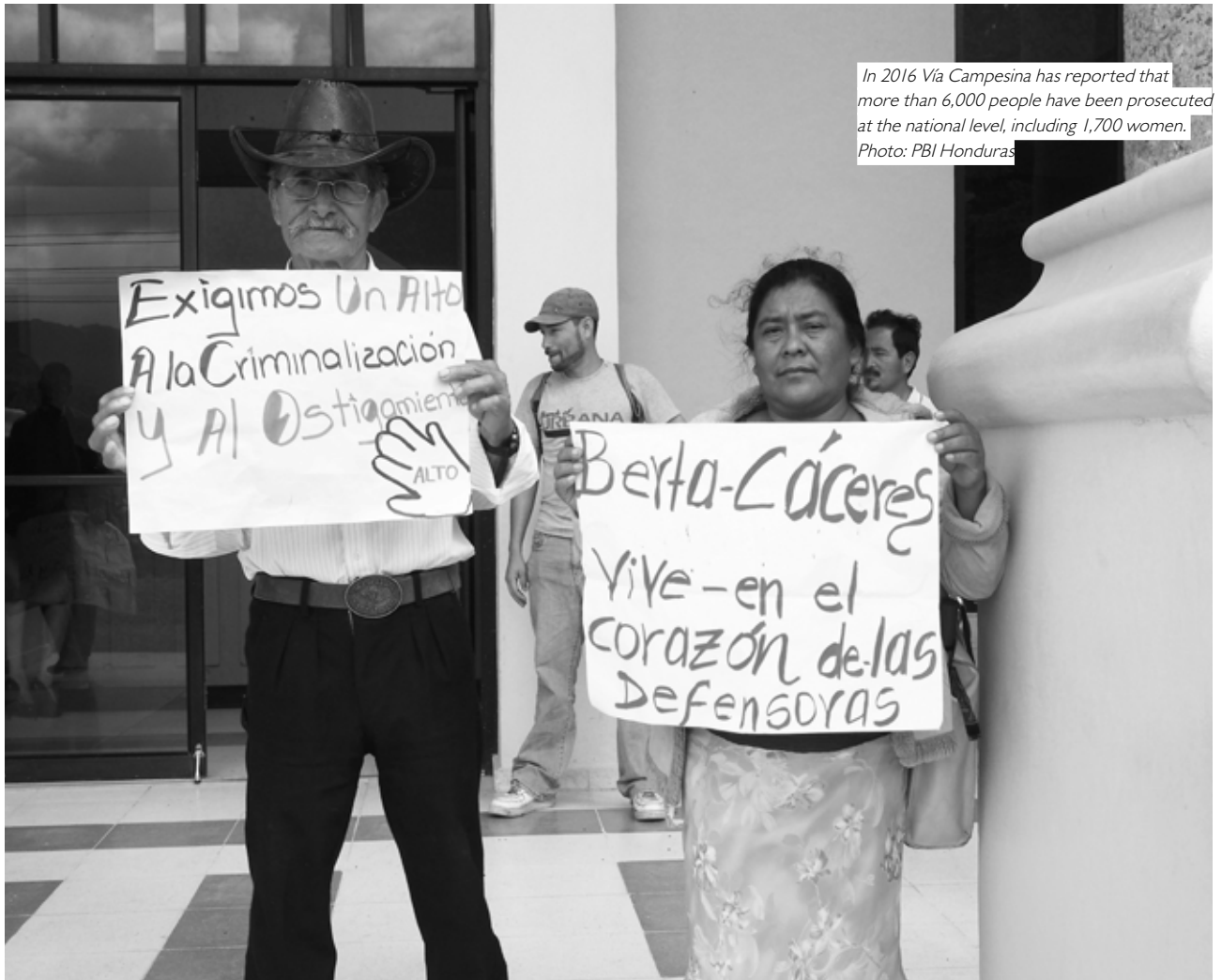
95. IACHR. Situation of Human Rights in Honduras. 2015.

Many students have also been arrested and prosecuted for participating in university demonstrations and protests. We have also registered cases of Honduran women human rights defenders criminalised for reporting the situation of women in the country.

In 2017, an article was added to the Honduran Criminal Code typifying the crime of terrorism. This has only added fuel to the controversy regarding limitations to and criminalisation of the exercise of fundamental rights such as the right to meet and demonstrate, and freedom of expression, and as a consequence, the right to defend human rights.

DEFENDERS OF LAND AND TERRITORY

Those who defend rights to land and territory are highly exposed to criminalisation in Honduras. The IACHR has observed that legal proceedings are frequently opened due to the occupation of lands earmarked for the construction of megaprojects and the exploitation of natural resources⁹⁶.



*In 2016 Vía Campesina has reported that more than 6,000 people have been prosecuted at the national level, including 1,700 women.
Photo: PBI Honduras*

96. IACHR. Criminalization of the work of human rights defenders (OEA/Ser.L/V/II. Doc. 49/15). 31 December 2015.

One of the most common tools used against this group of defenders is the accusation of land usurpation. The new proposals for the Criminal Code widen the scope of this offence and define the term “third party” (ajeno) in a highly vague and open way⁹⁷. In turn, the proposal for the new Criminal Code includes creating the crime of water usurpation, which could be used to criminalise those who protest against the installation of extractive projects such as hydroelectric dams⁹⁸.

A slew of cases related to the defence of land and territory in Honduras’s criminal justice system have resulted in a failure to comply with recent recommendations from international bodies. This is particularly the case for recommendations calling upon Honduras to avoid criminal proceedings of an unreasonable length, and the improper use of precautionary measures such as preventive detention⁹⁹. It is also important to highlight the effective breach of the right to free, prior and informed consultation for indigenous and Afro-descendant peoples, as well as the failure to bring property law up to international standards regarding guarantees for the inalienability of indigenous territories¹⁰⁰.

CAMP FOR LIFE AND DIGNITY. PAJUILES, ATLÁNTIDA

BROAD MOVEMENT FOR DIGNITY AND JUSTICE (MOVIMIENTO AMPLIO POR LA DIGNIDAD Y LA JUSTICIA - MADJ)

In the north of the country, in the department of Atlántida, inhabitants of the community of Pajuiles, in the Tela municipality, have been prosecuted for defending the water of the Mezapa River. This river provides water supplies to some 30 communities in the Pajuiles Sector. The conflict arose when the company Hidroeléctrica Centrales El Progreso S.A. (Hidrocep) was granted a licence to build a hydroelectric dam called Central Hidroeléctrica Los Planes on the river. The licence, approved by the Mayor’s Office in Tela, contains a number of irregularities and was granted without a community consultation process¹⁰¹.

The communities have been reporting adverse impacts on the river water to the Public Ministry since the project began. In August 2016, The Environmental Unit of the Public Prosecutor’s Office in Tela issued a ruling which found that damage had been caused to the environment¹⁰². Even so, there has been no indictment against the company to date.

In light of this situation, in March 2017 members of the affected communities decided to install two camps to prevent machinery access to the construction site. The

97. To the current definition of “whoever occupies, without authorisation, a third-party property, dwelling or building” has been added the phrase “that does not constitute a dwelling”, and the crime will be punishable with imprisonment for one to three years. Bulletin 04, December 2016.

98. OMCT/FIDH. Honduras: Human Rights Defenders between a rock and a hard place. December 2016.

99. IACHR. Criminalization of the work of human rights defenders (OEA/Ser.L/V/II. Doc. 49/15). 31 December 2015.

100. UN. Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Honduras (A/HRC/33/42/Add.2). 21 July 2016.

101. Radio Progreso. “Comunidades de Tela demandan salida de Hidrocep por daños irreversibles al ambiente”. 24 February 2017. Available at: <http://radioprogreso.net/index.php/comunicaciones/noticias/item/3485-comunidades-de-tela-demandan-salida-de-hidrocep-por-da%C3%B1os-irreversibles-al-ambiente>

102. MADJ. Pronunciamiento: HIDROCEP irrespeta acuerdos del diálogo. 1 September 2017. Available at: <https://www.movimientoamplio.org/single-post/2017/09/01/PRONUNCIAMIENTO-HIDROCEP-irrespeto-acuerdos-del-di%C3%A1logo>

camps were evicted by persons linked to the company. During one of the evictions, Martín Fernández was attacked. Fernández is general coordinator of the MADJ, an organisation which accompanies the struggle in Pajuiles¹⁰³.

PROSECUTION: USURPATION, AGGRAVATED ILLICIT MEETING AND DAMAGES

On 9 August 2017, the camp was destroyed in an operation led by the Tela National Police. The Public Ministry indicted 12 people, who were charged with the crime of usurpation against the state of Honduras and the company Hidrocep. Two days later, during the hearing, the judge decided to apply precautionary measures to the accused, obliging them to sign in at the court once a week, prohibiting them from leaving the country and from participating in public events at the entrance to the Pajuiles sector¹⁰⁴.

On the 22nd of that month, 10 of the 12 people who had been indicted¹⁰⁵ attended an initial hearing in the court of Tela. However, the judge assigned to the case, Norma Fuentes, said that she could not continue hearing the case on the grounds that she is the sister of the mayor of Tela, Mario Fuentes. This local authority has previously been reported for the illegal approval of permits to the company by manipulating a public meeting. The hearing was therefore suspended pending the appointment of a new judge¹⁰⁶.

Meanwhile, on 15 August, the Tela National Police sent patrols to the vicinity of the camp where some 80 people were peacefully demonstrating, preventing access to the company's machinery. The authorities used tear gas to disperse the protest and arrested six people, including a minor and a community leader who was pregnant at the time. Four of these people were charged with aggravated illicit meeting and damages¹⁰⁷.

At the hearing, held that same day, precautionary measures were applied to the accused (ordering them to sign in at the court every two weeks and prohibiting them from leaving the country)¹⁰⁸. Finally, at the end of August, during the initial hearing which was observed by PBI Honduras, the judge suspended the proceedings for want of cause against the accused persons.

103. OHCHR. En alerta ante la situación de violencia en Pajuiles, OACNUDH Honduras llama al diálogo y al respeto para restaurar la convivencia pacífica. 10 August 2017.

104. MADJ. Juzgado de Tela prohíbe reuniones públicas a criminalizados en Pajuiles. 11 August 2017. Available at: <https://www.movimientoamplio.org/single-post/2017/08/11/Juzgado-de-Tela-proh%C3%ADbe-reuniones-p%C3%BAblicas-a-criminalizados-en-Pajuiles>

105. Angélica Recinos, Óscar Martínez, Arnaldo Castro, Andrés Reyes, Santos Acevedo, Regino Menjivar, Pablo Peraza, Germán Moreno, Jesús Gavarrete and Rufino Lara.

106. MADJ. Por ser hermana de Mario Fuentes, alcalde de Tela, jueza se excusa de conocer caso Pajuiles. 22 August 2017. Available at: <https://www.movimientoamplio.org/single-post/2017/08/22/Por-ser-hermana-del-alcalde-de-Tela-jueza-se-excusa-de-conocer-caso-Pajuiles>

107. OHCHR. Acciones que generan más conflicto en Pajuiles deben suspenderse inmediatamente para dar paso al diálogo y reducir tensiones entre comunidades. 15 August 2017.

108. MADJ. PAJUILES: Un menor de edad y 5 personas detenidas, policía nacional reprime con gases lacrimógenos, ingenieros de HIDROCEP supervisan desalojo. 15 August 2017. Available at: <https://www.movimientoamplio.org/single-post/2017/08/15/HIDROCEP-y-Policía-Nacional-reprimen-y-detienen-2-personas-más-en-Pajuiles>

GARÍFUNA COMMUNITY OF GUADALUPE, COLÓN

HONDURAN ORGANISATION FOR BLACK BROTHERHOOD
(ORGANIZACIÓN FRATERNAL NEGRA HONDUREÑA - OFRANEH)

The Caribbean coast of Honduras is a highly attractive natural area for the development of tourism projects. Many indigenous Garífuna communities live along the coast. In the Tela and Trujillo bay areas in particular, the granting of titles for the development of tourism projects has triggered conflicts between communities and business owners.

The Guadalupe community forms part of an area of around 5,000 hectares in the bay of Trujillo, where ancestral land titles have been granted since 1901¹⁰⁹. The ownership of part of the territory has been in dispute since 2008 between the communities and the company Sociedad Mercantil Carivida, owned by Canadian businessmen Patrick Forseth and Randy Jorgensen.

At the end of 2011, OFRANEH made a criminal complaint against Jorgensen for the crime of usurpation, and the businessman was promptly indicted by the public prosecutor's office. Nevertheless, the hearing was not held until 2015, after several summonses were issued to which the businessman did not respond, leading to a warrant being issued for his arrest¹¹⁰. The judge decided to close the proceedings due to lack of evidence, but the decision was revoked in the court of appeals. Jorgensen was subsequently summoned to court, however he once again failed to appear.

Meanwhile, work has begun on the development of the tourism project. As a consequence, tensions between investors and the community of Guadalupe have worsened and defenders from the community have reported acts of violence and intimidation against them.

PROSECUTION: USURPATION AND DEFAMATION

In November 2016, Garífuna leader Medalime Martina David Fernández was arrested when a complaint was made against her by Carivida for the alleged crime of usurpation, after a property was occupied where the company had previously installed its works. The arrest warrant was issued against the defender just five days after the complaint was made¹¹¹.

The court in Trujillo dismissed the case against Medalime on 30 November 2016, recognising that the Guadalupe community members had acted on the basis of two property titles granted to them by the National Agrarian Institute (INA) of Honduras¹¹². However, on 4 May 2017, the second court of appeals in La Ceiba, Atlántida,

109. Criterio. "El canadiense: Una cronología de usurpación de tierras Garífunas por Randy Jorgensen". Criterio. 13 December 2015. Available at: <https://criterio.hn/2015/12/13/canadiense-una-cronologia-usurpacion-tierras-garifunas-randy-jorgensen/>

110. OFRANEH. Alerta: Atentan contra la vida de defensor del territorio Garífuna en Trujillo. 30 November 2015. Available at: <https://ofraneh.wordpress.com/2015/11/30/alerta-atentan-contra-la-vida-de-defensor-del-territorio-garifuna-en-trujillo/>

111. IM-Defensoras. Alerta: Detención arbitraria, uso excesivo de la fuerza y criminalización a Madeline Martina David Fernández, integrante de OFRANEH. 11 November 2016. Available at: <https://im-defensoras.org/2016/11/alertadefensoras-honduras-detencion-arbitraria-uso-excesivo-de-la-fuerza-y-criminalizacion-a-madeline-martina-david-fernandez-integrante-de-ofraneh/>

112. OFRANEH. ¿Justicia en Honduras? Sobreseimiento a Medeline David y ratificación de propiedad a la mafia canadiense del rey del porno. 16 de diciembre de 2016. Disponible en: <https://ofraneh.wordpress.com/2016/12/16/justicia-en-honduras-sobreseimiento-a-medeline-david-y-ratificacion-de-propiedad-a-la-mafia-canadiensedel-rey-del-porno/>. Pasosdeanimalgrande.com. Apartheid garífuna en el caribe de Honduras (II). 7 de septiembre de 2017. Disponible en: <http://www.pasosdeanimalgrande.com/index.php/es/especiales/apartheidgarifuna/item/1891-apartheid-garifuna-en-el-caribe-de-honduras-ii>

revoked the case dismissal by a majority vote, and the Trujillo court had to hold an ad hoc hearing to issue a formal indictment against the defender¹¹³.

As a result of this indictment, on 18 May 2017, OFRANEH leader Cesar Geovanny BernándeZ was also arrested. The court imposed alternative measures to imprisonment until the initial hearing¹¹⁴.

Added to these accusations was the lawsuit brought by Patrick Forseth against Miriam Miranda, Medalime Martina David, Neny Hedyi Avila and Letty BernándeZ, coordinator and members of OFRANEH respectively, for the offence of defamation. The defenders were notified of this lawsuit in July 2017¹¹⁵. The businessman argued that the accusations of the organisation on its website and social media had damaged his public image and that of his company¹¹⁶.

CRIMINALISATION OF SOCIAL PROTEST AND FREEDOM OF EXPRESSION

From March to July of 2016, charges were brought and arrest warrants issued against 103 students from the National Autonomous University of Honduras (Universidad Nacional Autónoma de Honduras - UNAH) as a result of protests they held related to the revision of the academic rules¹¹⁷. The protests and arrests continued in 2017, prompting the OHCHR in Honduras to express concern on several occasions about the application of criminal offences such as usurpation, sedition and unlawful demonstration to this type of case¹¹⁸.

Previously in 2010, the UN High Commissioner for Human Rights who was at the time Navi Pillay recommended that the state of Honduras review and repeal national legislation that is incompatible with international standards on defamation, slander, sedition and illicit demonstrations¹¹⁹. At that time, the IACHR also expressed concern about the use of the criminal offence of "unlawful demonstration" against large numbers of people arrested during protests¹²⁰. Both bodies have indicated that the typification of these crimes lacks precision, which allows the authorities to make broad interpretations and, consequently, apply them at their discretion.

113. According to the court, it had not evaluated the documentation presented by the representatives of Carivida, which proved that the property had been acquired by the company through a sale.

114. Radio Progreso. "Hay una mafia canadiense que se ha apoderado de nuestra tierra". 29 May 2017. Available at: <http://radioprogreso.net/index.php/comunicaciones/noticias/item/3668-%E2%80%9Chay-una-mafia-canadiense-que-se-ha-apoderado-de-nuestra-tierra%E2%80%9D>

115. IM-Defensoras. Alerta: Criminalización contra Miriam Miranda, coordinadora general de OFRANEH. 6 September 2017. Available at: <https://im-defensoras.org/2017/09/alertadefensoras-honduras-criminalizacion-contra-miriam-miranda-coordinadora-general-de-ofraneh/>

116. Pasantosdeanimalgrande.com. "Miriam Miranda, dirigente de OFRANEH y tres defensoras garifunas más son querreladas por empresario canadiense". 6 August 2017. Available at: www.pasantosdeanimalgrande.com/index.php/de/amenazas-a-la-libertad-de-expresion/item/1841-miriam-miranda-dirigenta-de-ofraneh-y-tres-defensoras-garifunas-mas-son-querrelladas-por-empresario-canadiense

117. UN Human Rights Council. Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Honduras. 9 February 2017.

118. Ibid. OHCHR. OACNUDH Honduras alarmada por incumplimiento de compromiso por parte de autoridades de la UNAH que generó condena de estudiantes. 8 June 2017.

119. UN Human Rights Council. Report of the United Nations High Commissioner for Human Rights on violations of human rights in Honduras since the coup d'etat of 28 June 2009 (A/HRC/13/66). 3 March 2010.

120. IACHR. Honduras: Human Rights and the Coup d'Etat. 30 December 2009.

In 2017, the National Congress of Honduras acted against these recommendations by approving Article 590 of the draft Criminal Code that defines the crime of terrorism, criticised for being vague¹²¹. According to the Articulación 611 NGO network, the article is deeply undemocratic and could be used to suppress social protest and persecute political dissidence in Honduras¹²².

On the other hand, the IACHR and its Special Rapporteur on Freedom of Expression have emphasised that the use of the crimes of defamation, libel and slander to protect the honour and reputation of public officials or candidates for public office, deters, frightens and inhibits citizens from exercising the right to critical expression, which prevents debate on topics of interest to society¹²³. The OHCHR in Honduras also reported similarly in its annual report, in which it referred to the case of defender Gladys Lanza¹²⁴.

It should be noted that citizens have brought civil actions against defenders in Honduras, which is a less common pattern in the criminalisation of defenders. These actions are brought against public statements and are aimed at garnering a public retraction of what has been expressed, however they delegitimise defenders' discourse and have an impact on the perception that society may have towards them.

**GLADYS LANZA, VISITACIÓN PADILLA WOMEN'S PEACE MOVEMENT
(MOVIMIENTO DE MUJERES POR LA PAZ VISITACIÓN PADILLA)**

PROSECUTION: DEFAMATION

Gladys Lanza was a recognised human rights defender with a longstanding career in the Honduran social movement. In the 1990s she joined the Visitación Padilla Women's Peace Movement (Movimiento de Mujeres por la Paz Visitación Padilla) as the general coordinator, where she fought for women's rights for 20 years. Until her death in 2016, Gladys Lanza was the beneficiary of provisional measures from the Inter-American Court of Human Rights due to her situation of risk¹²⁵.

The Visitación Padilla organisation accompanied the case of Lesbia Liliana Pacheco Kristoff, who had reported experiencing sexual harassment and subsequent dismissal from work at the hands of Juan Carlos Reyes, Executive Director of the Fundación para el Desarrollo de la Vivienda Social, Urbana y Rural (Fundevi) and husband of Gabriela Nuñez, Finance Minister in the government of former Honduran President Roberto Micheletti. Mr. Reyes was found guilty in the first instance, however the sentence was subsequently overturned on appeal¹²⁶.

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- 121. The reformed article establishes that "terrorist associations are constituted, either permanently or temporarily, by two or more persons, to commit a crime" with purposes such as "gravely subverting the constitutional order, seriously disrupting public peace or provoking a state of terror in the population or part of it". This crime is punishable by 15 to 20 years' imprisonment.
 - 122. Criterio.hn. "Articulación 611 condena la aprobación de 'Ley Terrorista'". 25 September 2017. Available at: <http://criterio.hn/2017/09/25/articulacion-611-condena-la-aprobacion-ley-terrorista/>
 - 123. The IACHR has underlined the fact that other less restrictive measures exist so that persons involved in affairs related to the public interest can defend their reputation from unfounded attacks. IACHR. Annual Report of the Special Rapporteur on Freedom of Expression (OEA/Ser.L/V/II. Doc. 51). 30 December 2009.
 - 124. UN Human Rights Council. Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Honduras. 9 February 2017.
 - 125. IACtHR. Matter of Gladys Lanza Ochoa regarding Honduras. Provisional Measures. Order of the Inter-American Court of Human Rights of 23 November 2016.
 - 126. PBI Honduras. Bulletin 04. December 2016. Bulletin 03. December 2015.

On 14 November 2010, Visitación Padilla held a peaceful protest in front of Fundevi's offices. During the demonstration, Gladys Lanza and others carried banners and handed out information about the case of Lesbia Pacheco. Following these events, Mr. Reyes made a complaint against Gladys Lanza for defamation and slander. On 26 March 2015, the sentencing court in Tegucigalpa sentenced the defender to 18 months in prison for these crimes¹²⁷.

One month after the sentence, the defender requested a judicial review and a prompt response from the Supreme Court of Justice due to her health condition and her age. Although the appeal should have been resolved within 60 days, it was still pending on the day she died¹²⁸. During all this time, the defender was obliged to sign in at the court every two weeks and was subject to a "special disqualification and civil interdiction," which prevented her from assuming her role as director of her organisation.

Finally, on 4 May 2017, the criminal chamber of the Supreme Court of Justice publicly acquitted Gladys Lanza in its official bulletin. In dismissing the criminal proceedings following her death, the judicial authority decided to definitively dismiss her from all criminal liability. The Visitación Padilla organisation regretted the Court's delayed response to her case and the lack of recognition of the defender's work¹²⁹.

Gladys Lanza never contemplated conciliation. The defender stated that she had not committed any crime and repeatedly stated that she would not pay any fine for that of which she had been accused, since "it would be like saying that I committed that crime."

SUYAPA MARTÍNEZ, (CENTRO DE ESTUDIOS DE LA MUJER – HONDURAS - CEM-H)

PROSECUTION: CIVIL CLAIM FOR RECTIFICATION

Suyapa Martínez is co-director of CEM-H, a Honduran feminist organisation which promotes and defends women's human rights. The defender also represents civil society in the Council of the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators.

On 25 November 2016, Suyapa Martínez took part in a Honduran television programme called Frente a Frente, in which she discussed the murder of human rights defender Berta Cáceres, among other issues. In one of her interventions, Suyapa Martínez stated that the company Desarrollos Energéticos S.A. (DESA) participated in planning this crime¹³⁰.

As a result, DESA brought a civil action against Suyapa Martínez as the representative of CEM-H. On 28 February 2017, the defender was notified of the complaint, which called for her statements to be rectified and the payment of a one million lempira fine for damages caused¹³¹.

127. Ibid.

128. PBI Honduras. Public Statement on the death of Gladys Lanza. 27 September 2016.

129. Proceso. "Las Chonas" manifiestan su dolor por justicia tardía para Gladys Lanza". 10 May 2017. Available at: <http://www.proceso.hn/mas-noticias/32-m%C3%AAs-noticias/las-chonas-manifiestan-su-dolor-por-justicia-tardia-para-gladys-lanza.html>

130. FLD. Complaint against Centro de Estudios de la Mujer (CEM-H). 22 March 2017. Available at: <https://www.frontlinedefenders.org/en/case/complaint-against-centro-de-estudios-de-la-mujer-%E2%80%93-honduras>

131. Ibid.

Prior to the first hearing, scheduled for 21 March, the case was transferred to another court. The judge in charge decreed ex officio the nullity of the civil suit due to the erroneous application of civil legislation, since this kind of rectification is only applicable to media owners. In addition, it was not possible to treat this claim as a civil action for damages. The company had three days, until 24 March, to appeal the nullity decision.

The legal decision was challenged by DESA. On this occasion, the Court of Appeal ruled in favour of the company on the grounds that the judge had misinterpreted the normative provision. This court held that it was indeed possible to bring this type of complaint against private individuals. On the other hand, the court also pointed out that the request for compensation for damages could not be presented as part of this particular action; therefore, the company would have to use another way to make the claim.

The court of appeals ordered the court of first instance to process the claim and order the parties to be summoned to a hearing. In June 2017, the case was sent back to the original court, however no new proceedings have been announced to date, nor have the parties been summoned to a new hearing, which is something that could happen at any time.

DEFENDERS OF WOMEN'S HUMAN RIGHTS IN HONDURAS

Many women lead the defence of human rights in Honduras. Just some examples of these women defenders are Miriam Miranda, coordinator of OFRANEH, who has dedicated her life to defending the cultural and territorial rights of the Garífuna people; Bertha Oliva, founder of the Committee of Relatives of Disappeared Detainees in Honduras (Comité de Familiares de Detenidos Desaparecidos en Honduras - COFADEH) in the 1980s; Bertha Zúniga Cáceres, daughter of the indigenous leader and environmentalist Berta Cáceres, who assumed the coordination of COPINH at the beginning of 2017; and Dina Meza, independent journalist and director of her own organisation, ASOPODEHU. These women deserve special recognition for their work due to the social structures they confront and the specific risks they face as women defenders.

Women are protagonists in the struggle for their rights to be respected. Notable organisations in this struggle include the Visitación Padilla Peace Movement (Movimiento por la Paz Visitación Padilla), the Centre for Women's Studies - Honduras (Centro de Estudios de la Mujer – Honduras CEM-H) and the Centre for Women's Rights (Centro de los Derechos de las Mujeres - CDM). Together with other feminist and women's rights organisations, they have set up coordination groups and networks such as Somos Muchas, and the Movimiento 25 de Noviembre, with the aim of strengthening their demands in favour of more than 50% of the Honduran population. In 2017, two issues have been especially relevant on the agenda of this movement: the eradication of discrimination and violence against women and the regulation of voluntary abortion.

NOT ONE MORE DEATH, NOT ONE WOMAN LESS

Despite the international commitments of the Honduran State and legislation passed to prevent and eradicate violence against women¹³², hundreds of women are murdered each year as a result of gender-based violence. Moreover, data shows that the vast majority of these cases remain unpunished. To counteract this, feminist organisations and women's rights defenders have joined efforts to raise awareness of the serious situation in the country and to make proposals for public policy.

132. The Honduran State ratified the United Nations Convention for the Elimination of all forms of Discrimination against Women (CEDAW) in 1983, the Inter-American Convention to Prevent, Sanction and Eradicate Violence against Women – the "Belem do Para" Convention, in 1995, and the Convention on the Rights of the Child in 1990. Nevertheless, it has not ratified the Optional Protocol to the United Nations Convention for the Elimination of all forms of Discrimination against Women. Honduras has committed to adapting its policies to the agreements reached in Agenda 2030 on the SDGs. One of the main goals is the elimination of all forms of violence against women and girls.

LAS CHONAS, FEMINIST IDENTITY

Since 1984, the Movimiento de Mujeres por La Paz Visitación Padilla has fought for women's rights in Honduras, to transform the structures of the patriarchal system and promote women's development. The organisation has given an identity to women claiming their rights, who call themselves Las Chonas. Gladys Lanza was involved in the organisation from its beginnings and worked as its coordinator until her death in 2016. She was and continues to be a role model for the defence of women's rights in Honduras. The feminist and social leader Merly Eguigure is now running the organisation.



Feminists and women's organisations and defenders of women's human rights during a demonstration outside the Public Ministry in Tegucigalpa to protest about the high number of femicides in Honduras and the impunity in these cases. July 2017. Photo: PBI Honduras

According to figures from the Observatory on Violence at the National Autonomous University of Honduras (Universidad Nacional Autónoma de Honduras - UNAH), femicides in the country increased from 175 in 2005 to 636 in 2013. In fact, 2013 was the year with the largest number of women murdered in the country¹³³. In light of this situation, and thanks to a significant campaign by organisations and activists, the National Congress reformed the Criminal Code in 2013 and classified the crime of femicide as a serious crime with penalties of up to 40 years' imprisonment¹³⁴. Three years later, institutions were created to investigate this type of crime: the Unit for the Investigation of Violent Deaths of Women and Femicides, under the Technical Agency for Criminal Investigation (Agencia Técnica de Investigación Criminal - ATIC), and the Inter-institutional Commission to Monitor the Investigation of Violent Deaths of Women and Femicides.

More recently in 2016, 468 women were violently killed according to the UNAH Observatory on Violence¹³⁵. These figures show a slight reduction compared to previous years, but the problem is still extremely serious. The OHCHR in Honduras noted in its first annual report published in 2017 that domestic violence in the country, especially against girls, is widespread – it is the second highest crime in terms of numbers of complaints¹³⁶. Added to this situation is the fact that almost all cases of violence against women (more than 95%) remain unpunished. CONADEH reports similar figures of violent killings of women in 2016 (466), indicating that only 112 cases were taken up by the Judicial Branch, and of these, three cases were classified as femicides, two convictions were made and one alleged perpetrator was acquitted¹³⁷.

In this context, feminists and women's organisations have mobilised to make the situation visible. On July 4 and 20, 2017, members of organisations including the Women's Tribunal against Femicides (Tribuna de Mujeres contra los Femicidios), the Visitación Padilla Women's Movement (Movimiento de Mujeres Visitación Padilla), CEM-H, the Civil Society Group (Grupo Sociedad Civil), the Association of Women Defenders of Life (Asociación de Mujeres Defensoras de la Vida - AMDV), the Las Hormigas Women's Organisation in Intibuca (Organización Intibucana de Mujeres Las Hormigas), the Quality of Life Association (Asociación Calidad de Vida), COIPRODEN, Ecumenical for the Right to Decide (Ecuménicas por el Derecho a Decidir), the Matria Collective (Colectiva Matria), UDIMUF, Young Women's Network in Cortés (Red de Mujeres Jóvenes de Cortés), CDM, Feminists in Resistance (Feministas en Resistencia), as well as women artists, journalists, writers and independent women and feminists from Honduras, gathered together in the Feminist and Women's Movement Against Femicides (Movimiento Feminista / de Mujeres Contra los Femicidios) to protest

VIOLENCE AGAINST WOMEN

The Inter-American Convention of "Belém do Pará" defines violence against women as any "act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere". The UN Declaration on the elimination of violence against Women understands it as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life".

133. ONU Women. "'Huyamos de la muerte', urgen mujeres de Honduras ante feminicidios en el país". 29 June 2017. Available at: <http://lac.unwomen.org/es/noticias-y-eventos/articulos/2017/06/huyamos-de-la-muerte-urgen-femicidios-en-honduras>

134. Article 118-A of the current Criminal Code establishes that: "For the crime of femicide, man or men who kill a woman for reasons of gender, with hatred and contempt for her condition as a woman, shall be punished with a penalty of thirty (30) to forty (40) years of imprisonment".

135. IUDPAS (UNAH). Boletín Especial sobre Muerte Violenta de Mujeres Femicidios Enero a Diciembre 2016. Edición Especial No. 55. May 2017.

136. OHCHR. Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Honduras (A/HRC/34/3/Add.2). 9 February 2017.

137. CONADEH. Un promedio diario de una mujer murió violentamente en los últimos 16 años. 8 March 2018. Available at: <http://conadeh.hn/un-promedio-diario-de-una-mujer-murio-violentamente-en-los-ultimos-16-años/>

FEMICIDE / FEMINICIDE

The terms femicide or feminicide are of a sociological origin and both have been used at the international level. The term femicide was coined to make visible murders of women due to their gender. Subsequently, the term feminicide also came into use, to emphasise the State's responsibility to comply with its international obligations, including the investigation and sanction of this crime. The Follow-up Mechanism to the Belém do Pará Convention (MESECVI) defines femicide as "the violent death of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, by any person, or when it is perpetrated or tolerated by the state or its agents, by action or omission". The Honduran Criminal Code uses the term femicide.

outside the Public Ministry and the Presidential House about murders of women in the country. During these events, the activists read manifestos detailing the intra-familial, structural and institutional violence that exists in society and which lies at the root of this issue¹³⁸, and demanding investigations in cases of femicide which are still in impunity¹³⁹. In a third action, on September 14, the coordination group also protested about aggressions against women human rights defenders such as Hedme Castro, Tommy Morales, Merly Eguigure, Jéssica Sánchez, Miriam Miranda, Albertina López, Wendy García and Suyapa Martínez, and about the alarming increase in femicides that, according to data from women's organisations, rose to 250 cases between January and September 2017¹⁴⁰.

The debate in recent years on the reform of the Criminal Code has also alerted feminist and women's organisations to the possibility that the reform might limit legal guarantees. The main discussions have revolved around the possibility of a reduction in penalties under the new reform, and the criteria that will be established to determine the crime of femicide, as many cases have not had this legal term applied to them¹⁴¹. To date the final version of these articles has not been made public.

SAFE AND LEGAL ABORTION: A QUESTION OF RIGHTS

The Criminal Code in force in Honduras penalises induced abortion in all its forms. When the drafting of a new Criminal Code was announced in 2014, feminist and women's rights organisations took the opportunity to try and change these aspects. To influence the process, they created the Somos Muchas coordination group in 2016, formed by more than 20 feminist organisations and organisations that defend women's rights¹⁴².

A report from the Honduran Ministry of Health revealed that an average of 3,350 women per year undergo unsafe abortions, outside the services of the public health system¹⁴³. The prohibition of abortion does not imply a reduction in the number of voluntary interruptions of pregnancy, but, as the World Health Organisation (WHO) has pointed out, it does mean that they are more dangerous¹⁴⁴. A recent report on the situation of abortion in the world names

138. Movimiento de Mujeres. Manifiesto del Movimiento de Mujeres contra los Femicidios. Available at: <http://elpulso.hn/manifiesto-contra-femicidios/>

139. Todas contra los Femicidios. Segundo manifiesto del Movimiento Feminista / de Mujeres y de todas contra los Femicidios 14 de septiembre de 2017. Available at: <http://defensoresenlinea.com/3er-manifiesto-del-movimiento-de-mujeres-feminista-y-de-todas-las-que-desafiamos-la-impotencia-y-el-dolor/>

140. Todas contra los Femicidios. Tercer manifiesto del Movimiento de Mujeres y de todas las que desafiamos la impotencia y el dolor. 14 de septiembre de 2017. Available at: <http://defensoresenlinea.com/3er-manifiesto-del-movimiento-de-mujeres-feminista-y-de-todas-las-que-desafiamos-la-impotencia-y-el-dolor/>

141. CDM. ¿Cuál será el impacto del nuevo Código Penal en los derechos de las mujeres en Honduras? 24 August 2017. Available at: <http://derechosdelamujer.org/cual-sera-el-impacto-del-nuevo-codigo-penal-en-los-derechos-de-las-mujeres-en-honduras/> / "Organizaciones de mujeres en alerta por discusión del feminicidio en el nuevo Código Penal", El Pulso, 2 August 2017. Available at: <http://elpulso.hn/feminicidio-cn/>

142. CDM La penalización absoluta del aborto en Honduras: Un análisis preliminar. Observatorio de Derechos Humanos de las Mujeres. September 2017. Available at: <http://derechosdelamujer.org/wp-content/uploads/2017/12/Nuevo-observatorio-PRESS.pdf>

143. "Salud Pública registra más de 3,350 abortos cada año", La Tribuna, 22 April 2015. Available at: <http://www.latribuna.hn/2017/04/22/salud-publica-registra-mas-3350-abortos-ano/>

144. WHO. Worldwide an estimated 25 million unsafe abortions occur each year. 28 September 2017. Available at: <http://www.who.int/news-room/detail/28-09-2017-worldwide-an-estimated-25-million-unsafe-abortions-occur-each-year>

Latin America and the Caribbean as the region where the highest number of abortions are performed, although several of these countries, including Honduras, have highly restrictive laws against the exercise of this right¹⁴⁵. It is also important to note that every year in Honduras, more than 900 girls under the age of 14 give birth as a result of sexual abuse¹⁴⁶, yet the use, sale and purchase of the Emergency Contraceptive Pill is prohibited, as it is considered an abortive method¹⁴⁷.

As part of the discussion on the reform of the Criminal Code, Somos Muchas demanded that the voluntary interruption of pregnancy should be decriminalised in three cases recognised under international human rights standards: when there is a risk to the health or life of the mother, when the foetus has serious problems that will cause it to die at birth or when the pregnancy is the result of rape or incest¹⁴⁸.

In the CEDAW's 2016 country report the Committee expressed concern about current legislation on women's health in Honduras and about women's sexual and reproductive health rights¹⁴⁹. The UN has supported repeated calls from national and international organisations in favour of the decriminalisation of abortion in Honduras¹⁵⁰. However, on May 4, 2017, the Honduran National Congress decided by majority to maintain the criminalisation of abortion¹⁵¹.

145. Guttmacher. *Abortion Worldwide 2017: Uneven Progress and Unequal Access*. March 2018. Available at: <https://www.guttmacher.org/report/abortion-worldwide-2017>

146. CLADEM. *Niñas Madres. Embarazo y maternidad infantil forzada en América Latina y el Caribe*. February 2016.

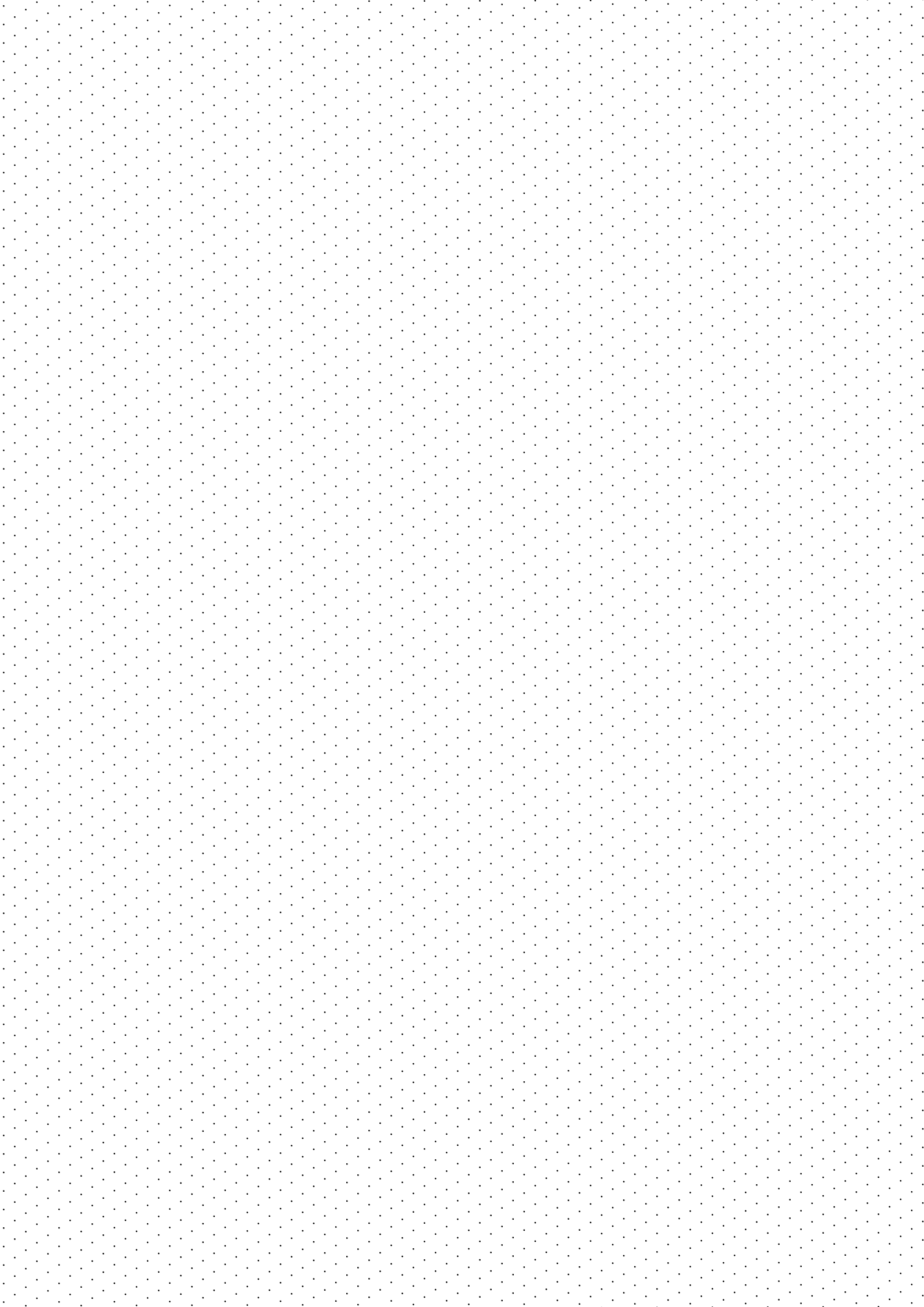
147. In April 2009, the National Congress decreed the prohibition of emergency contraception (Decree 54-2009). The proposal was subsequently supported by the Supreme Court of Justice in 2012.

148. CDM. *La penalización absoluta del aborto en Honduras: un análisis preliminar*. September 2017. Available at: <http://derechosdelamujer.org/wp-content/uploads/2017/12/Nuevo-observatorio-PRESS.pdf>

149. *Concluding observations on the seventh and eighth periodic reports of Honduras (CEDAW/C/HND/CO/7-8)*. 25 November 2016.

150. OHCHR. *Honduras needs progressive reform of abortion law to advance women's human rights, say UN experts*. 28 April 2017. UN Human Rights Committee (ONU). *Concluding observations on the second periodic report of Honduras (CCPR/C/HND/CO/1)*. 22 August 2017.

151. The new version of the Criminal Penal Code has still not been made public. To date the Criminal Code published in the Official Gazette La Gaceta No.24, 264 dated March 12, 1984 and in force as of March 12, 1985, is still in force, with the latest reforms in October 2017



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

