Witness for Peace Solidarity Collective - Honduras Team

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Yes, you can attribute these responses to us or our organization publicly.

500 word limit per question

**Situation of Human Rights Defenders:**

1. What do you consider to be the contextual factors - positive and/or negative - that have had the greatest impact on the situation of human rights defenders in your country and/or region since 2016?
* Positive
	+ Installment MACCIH
		- Not enough → severely crippled by the Honduran state
		- Still needs to exist
* Negative
	+ Murder of BC
	+ The presidential election of November 2017
	+ Penal Code changes 2019

2. What are the main causes and/or risk situations that contribute to a situation of violence and vulnerability against human rights defenders?

In Honduras, five main factors contribute to the situation of intense violence and vulnerability against human rights defenders: militarization, extractivism, criminalization, corruption and impunity. Together, these five societal and institutional conditions cause high levels of violence to be committed against HRDs as well as reduce the consequences for committing such violence, creating a vicious cycle that leaves HRDs extremely vulnerable.

First, militarization of Honduran society under pressure from the United States increases overall violence, but specifically targets HRDs. New policies from the United States to stop the flow of migration and narco-trafficking in Honduras provide funding, training, and support to Honduran armed forces. The US helps equip Honduran security forces through facilitating arms deals with US ammunitions companies as well as other governments, such as Israel, with tools used to directly surveille and attack human rights defenders. These forces also receive training from the United States that in turn is used to repress protestors and punish those that speak out in defense of human rights. While the police and military must remain separate according to the Honduran Constitution, the National Police works closely with military forces, sharing intelligence, equipment and knowledge acquired through training from the United States. The United States fails to recognize their complicity in training the very forces that are committing human rights violations, adding to a violent and vulnerable situation for HRDs.

Next, the system of extractivism increases violence across Honduras, especially for those speaking out against it in defense of their rights and territories. The rate of concessions of territory for mega-projects like mining, hydro-electric dams, logging, african palm, and more continue to increase every year. This model of “development” reaps profit from the violent displacement of communities. Private and government security forces work together to “protect” megaprojects, but actually collaborate to threaten, defame, attack, and murder those who speak out against this model and actively resist the plundering of their natural resources.

HRD’s in Honduras are vulnerable to criminalization under the Honduran judicial system. Dissidents of the regime are purposefully accused and convicted for exercising their right to free speech and peaceful protest. We’re even seeing a new development of the use of pre-trial detention in maximum security prisons to deter involvement in human rights activism. This is an alarming pattern that reveals the level of corruption that impacts the Honduran justice system, as courts claim to have capacity issues, but manage to persecute human rights defenders with ease.

Finally, corruption and impunity rule over Honduras, putting those who work for human rights at risk. Deep seated corruption in all institutions in Honduras allows for massive human rights violations. The impunity rate in Honduras is 95%, which reveals that there are virtually no punishments for violence against human rights defenders. This sort of violence is normalized and condoned by a corrupt state with active ties to narco-trafficking.

3. What are the main advances and strengths concerning the protection and promotion of the work of human rights defenders in your country or in the region? What are the main setbacks and obstacles/challenges?

* Advances / strengths
	+ Cabinet level Ministry of Human Rights created in Jan 2018
	+ Ley de Protección para las y los Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia → Protection Mechanism
	+ Communities organizing to protect themselves, town halls to hold politicians accountable, citizens coming together for peaceful demonstrations and protests, journalists who investigate corruption
* Setbacks
	+ Failure of state institutions like Ministry of Human Rights, Protection Mechanism, and CONADEH
		- Poorly funded, poorly resourced, underinformed
		- Protection Mechanism requires effort from judicial & executive branches but has not received any
	+ Harassment against international journalists / human rights activists by the Honduran government including:
		- Accusations for “inciting rebellion” against the current regime
		- Inclusion in targeted defamation campaigns (connected to the Honduran state)
		- Incitement of deportation processes, leading to the deportation of one international journalist from Honduras
		- MP’s involvement in criminalizing people with slander/libel → intl orgs have urged HN govt to move these charges to the civil courts

4. What should be changed in your country or region to contribute to a safe and conducive environment for the defence of human rights?

* USA → stop funding / training security forces involved in committing human rights violations
	+ Pass the BC Act, HR 1945

**Defenders most at risk:**

1. What are the groups or sectors of human rights defenders most at risk? Please explain the distinct nature of the risks and threats faced by women human rights defenders, indigenous peoples, Afro-descendants and other groups.
* Women
	+ Patriarchal society normalizes violence against women
		- 98% impunity rate for femicide
		- A woman is murdered every 14 hours in Honduras
		- Issues of harassment / sexual violence WITHIN movements
	+ Lack of legal protections / gendered bias in lawmaking
		- Restrictions on reproductive rights
	+ Sexual harassment, threats and violence against women HRDs
		- Ex. BC threatened differently leading up to her murder because she was a women → received threats of sexual as well as general violence
* Indigenous
	+ 500+ years of of resistance against state sponsored attempts of eliminating indigenous peoples
		- Extreme marginalization
			* Intentional isolation by the state
			* Precarious land tenure
			* Limited access to resources, land, justice, healthcare, protection of human rights, etc.
		- Purposeful division of communties by corporations and the state
			* Allows projects to move in
			* Increases insecurity and violence against HRDs with little to no consequences
* Garifuna
	+ Anti-black racism
		- Present at state level → discrimination in the law, justice systems
		- Lack of recognition
* LGBT
	+ Lack of recognition of rights / existence by the state
		- Lack of protection the human rights of LGBT people under Honduran law
		- Impunity for crimes committed against LGBT hondurans
	+ Harassment, discrimination, violence committed by law enforcement against members of the community
		- Police directly involved in murdered LGBT persons / face no consequences

2. Concerning groups or sectors of human rights defenders in a situation of greater risk, do you see any change since 2016?

* Yes, the change has worsened significantly
	+ BC murdered 2016 → shows that international recognition does not protect you
		- Other HRDs find themselves at more risk
		- Traditional methods to increase visibility don’t work as well -- anyone can be killed
	+ Femicide on the rise in HN

3. What are the main protection concerns and challenges faced by human rights defenders when carrying out activities in both the public and private spheres, including through digital means?

* Surveillance
	+ Physical surveillance
		- HRDs followed by military, police, private security forces
		- Used to intimidate HRDs from continuing their work
		- Collecting information to give to those planning on using violence against / murdering HRDs
		- Informants hired by the gov’t / private security forces to collect information about movements, HRDs and their work to bring back to those they are resisting
	+ Digital surveillance
		- Phone tapping
		- Hacking
			* Whatsapp, email, social media, etc. to keep tabs on where HRDs are and what they’re doing

**Attacks on Restrictions:**

1. What are the most recent statistics on attacks and restrictions against human rights defenders in the country or region? Please indicate the source of the information and indicate the period covered.

2. What are the main types of attacks and restrictions against human rights defenders in the country or region? Do you see any change since 2016? If possible, identify if there is a geographic area that needs to be highlighted in particular.

* Penal Code changes 2019

3. Could you identify one or more patterns in the type of aggressors/perpetrators? Are these state or non-state actors?

* Government Security Forces
	+ Post-electoral crisis
		- Repression of protests → use of tear gas and live bullets against protestors
		- Disappearances of HRDs
		- WfP estimates that 40+ people were killed by state security forces between the election of 2017 and the inauguration of 2018
		- Political prisoners, 21 following the crisis → 3 remain in pre-trial detention (Raul Alvarez, Edwin Espinal, and Gustavo Adolfo Caceres) following their arrests
	+ Continued repression of protests and mobilizations by HRDs
		- Use of tear gas in large scale protests (i.e. tomas, marches, etc.)
		- Use of tear gas against communities resisting mega projects
* \*\*note that we can separate these groups but in most cases they are mutually financed or working together
	+ Perpetrators of violence cannot be fully separated into these three categories
		- Ex. opposing community members using violence against HRDs are often paid by private companies trying to create mega-projects
		- Private security forces responsible for human rights violations are often former members of Honduran security forces
		- State security forces are influenced by large companies to repress resistance and criminalize HRDs
* State actors
	+ Armed forces in uniform
	+ Armed forces in uniform that police dispute are not actually police
	+ Death squads
	+ Police not in uniform
	+ Judges, public prosecutors from the MP
* Non-state actors
	+ Security for companies, some of which are former police
	+ Communities who have been bought off by companies when companies use bribes to create conflict

4. What are the consequences and impact of the attacks and restrictions at the individual and collective level (both in the scope of the organizational space and in broader social spaces)?

* Individual level
* Collective level
	+ Impunity for perpetrators
	+ Extrajudicial killings
	+ Judicial crackdowns

5. What types of attacks do you consider to particularly affect women human rights defenders (in urban and rural areas, members of indigenous and Afro-descendant communities, and other groups)?

* Sexual violence

**Guarantees for the free exercise of the defense of human rights:**

1. Do you consider there is any aspect of the normative, institutional and public policy framework that promotes or hinders the free exercise of the defense of human rights?

* Hindering
	+ Criminalization of HRDs
		- Carried out by state institutions to prevent HRDs from defending human rights
	+ Disproportionate use of charging HRDs but not private companies, politicians, or institutions
* Promoting
	+ Protection Mechanism → allows HRDs to apply for protection given the nature of the work that they do
	+ \*\*however → not perfect because the protection is supposed to be carried out by state security forces, often the very people committing violence against HRDs

2. Have you identified as an existing problem in your country or in the region the misuse of criminal law to criminalize human rights defenders for their activity? If so, please indicate in which contexts it occur, which actors are involved, and what would be the main causes or the factors that generate it.

* Yes
	+ Environmental protection (water & land rights, extractivist projects like hydroelectric dams, mines, tourism industry on garifuna land)
		- Companies begin projects
		- HRDs file complaints related to environmental damage, denial of free, prior, and informed consent, etc
		- HRDs set up encampments to prevent project from continuing
		- Private companies + HN govt charge HRDs with usurpation, organized crime, damages
		- Causes: the HN govt gave concessions for these projects pushed through a faulted system
	+ Political protests
		- People go out in the streets to demonstrate their frustration with various political actions and/or politicians (coup ousting democratically-elected president, revelation that politicians including the president embezzled money from Social Security Fund, illegal re-election of 2nd term for JOH, congress considering approval of amendments to laws that would further private education and health)
			* There are peaceful road blockades to call attention to the severity of the situation
			* Often the police ensue violence by throwing teargas, shooting rubber bullet & live ammo at protestors. Some people respond by throwing back the teargas or rocks if available. In the end, protestors are severely hurt, beaten, and killed by police
			* Journalists who cover the protests are also attacked by state security forces - beaten, tortured, equipment broken, charged with crimes they never committed
		- Protestors are arrested, beaten, and tortured while in custody. They are charged with serious crimes that come with potential for serious jailtime, simply for speaking out against corruoption. When let go of custody, they continue to be intimidated by state security forces who follow them, watch them, intimidate them into silence or to flee.

3. If relevant, under what crimes are human rights defenders wrongly accused? If possible, provide concrete examples.

* Yes
	+ Organized crime charges i.e. illicit association
		- Environmental protection, ex: Guapinol
		- Political protesters, ex: political prisoners - Edwin & Raul
	+ Usurpation in detriment to the public
		- Land & water rights protectors ex: Jilamito, Pajuiles, OFRANEH
	+ Disturbing the public space
	+ Property damages
	+ Intent to harm?
	+ Slander/libel

**Access to justice and reparation:**

1. Could you provide information on the state of investigations of crimes committed against human rights defenders?
* There are very few
	+ The ones being investigated are slow, officials out in little effort, and marred with illegal and irregular proceedings (ex: Berta Caceres Case against the material authors of her murder - evidence was stolen, MP refused to comply with orders to share case files with COPINH’s lawyers, etc)
* <http://www.aquiabajo.com/blog> Karen’s blog on

2. What measures has the State taken to guarantee adequate reparation and guarantees of non-repetition? Please refer to concrete examples.

* The State has attempted to prevent repition by passing the LEY DE PROTECCIÓN PARA LAS Y LOS DEFENSORES DE DERECHOS HUMANOS, PERIODISTAS, COMUNICADORES SOCIALES Y OPERADORES DE LA JUSTICIA in 2015, creating a cabinet level Human Rights position, and implementing the Protection Mechanism.
	+ However, as previously mentioned, these institutions are inadequate and have not made the significant strides towards respect of human rights as the State and the US proports. Besides being underfunded and underresourced, the solutions are not addressing the roots of the issues and the actions of these insitutitons are not informed by the organizations and people who receive the services like they should be. These institutions and their actions must be informed directly from civil society organizations on the front lines in order to provide adequate reparations and guarantees of non-repititon, but there is a resistence in doing so.
* The State also began to “reform” the police, which is actually just a purging of police officers found to be involved in criminal activity but this “reform” does not adequately address the systemic corruption within the police and its top ranks. Instead, it is used to placate the public and the international community into thinking that this is an adequate step towards solving corruption. Some of the police officers who have been fired through the purge have denounced the action, saying they were wrongly cut from the force because they were never involved in the alleged crimes and were just used as a scapegoat.
* Reparations?

**Preventative and reactive actions concerning attacks against human rights defenders:**

1. What measures, legislation, policies and mechanisms have had a positive or negative impact on generating safe contexts for human rights defenders? Do you know cases that could illustrate this?
* “Positive”
	+ Protection mechanism?
		- Some will say the Protection law and mechanism have helped but in our view, it is only an attempt to put a bandaid on an increasingly worsening situation. In reality, whether or not the mechanism creates a safer context for human rights defenders is very much up for debate.
* Negative
	+ Codigo Penal
		- Tough on journalism / freedom of expression
	+ Secrecy law
		- Makes getting public information/documents hard/impossible
	+ Creation of military police
	+ Creation of special court to prosecute criminal networks
	+ Alliance for prosperity/carsi

2. If relevant, please include an assessment of national mechanisms for the protection of human rights defenders. What has been their real scope and effectiveness? Please indicate the reasons for this assessment.

* Protection Mechanism
	+ HRDs at risk can apply for protective measures
	+ Ineffective →
		- Members of Honduran security forces assigned to protect HRDs
		- Continual increase in violence against HRDs since 2016
1. Judges recusing themselves or dismissed as a result of conflict of interest or lack of jurisdiction
2. The oligarchy embedded in judicial proceedings

Please attach any documents that might be relevant and useful to the report (e.g., reports, flagship cases). You can send them by e-mail to adesouza@ohchr.org as well as any questions or observations to this questionnaire.