



Ms Federica Mogherini

High Representative of the Union for Foreign Affairs and Security Policy
Vice-President of the European Commission

Ms Cecilia Malström

Trade Commissioner

Mr. Neven Mimica

International Cooperation and Development Commissioner

Ms Sofia Sakorafa

Member of the European Parliament / Chair of the Delegation
for Relations with the Countries of Central America

Brussels, June 7, 2017

RE: Open letter on the visit of María Dolores Agüero, Minister of Foreign Affairs of Honduras

Dear High Representative Mogherini,
Dear Commissioners Mälstrom and Mimica,
Dear MEP Sakorafa,

Our organisations have followed with concern the human rights situation in Honduras and particularly the situation of human rights defenders (hereinafter “HRDs”) in the country for several years. Ahead of the official visit of María Dolores Agüero, Minister of Foreign Affairs of Honduras to Brussels, we would like to urge you to take this occasion to lead the EU institutions and its member states in demonstrating a solid commitment to the promotion of human rights in Honduras.

The predicament of HRDs in Honduras received a great deal of international attention in 2016, following the murder of Berta Cáceres, an emblematic Lenca indigenous defender. This crime is just the tip of the iceberg; the high levels of violence directed against HRDs in Honduras have made it one of the most dangerous countries in the world for human rights defence as declared in August 2016 by Mr. Michel Forst, UN Special Rapporteur on the Situation of Human Rights Defenders, and Mr. José de Jesús Orozco Henríquez, IACHR’s Rapporteur on the Situation of Human Rights Defenders¹.

According to Global Witness report more than 120 people have died since 2010 for standing up to companies that grab land and harm the environment². According to the Observatory for the Protection of Human Rights Defenders (an OMCT-FIDH partnership) since 2001, 17 defenders who were beneficiaries of Inter-American Commission on Human Rights (IACHR) precautionary measures have been murdered - an average of one per year³. Moreover, between May 2015 and December 2016 at least 16 killings of human rights defenders have

¹ OHCHR Press release, 18/06/2016 Honduras, one of the most dangerous countries for human rights defenders – Experts warn - See more at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20397&LangID=E#sthash.Zt9hJILt.dpuf>

² Global Witness, The deadliest country in the world for environmental activism.

³ The Observatory for the Protection of Human Rights Defenders (OMCT-FIDH), “HONDURAS: Human rights defenders between a rock and a hard place”, Fact-Finding Mission Report published in December 2016. Available at: http://www.omct.org/files/2016/12/24083/report_honduras_en_web2.pdf



been registered - almost one per month⁴. These figures clearly demonstrate that the situation is becoming more acute.

Attacks against HRDs tend to go unpunished, largely due to inefficiencies in the administration of justice as well as a number of other structural factors, such as the militarisation of the State, the lack of a truly independent judiciary, systematic stigmatisation of defenders and institutional failings on the part of the State with respect to human rights. Many of these cases were preceded by public stigmatization of those who defended and promoted human rights, particularly when members of economic or political power were involved or potentially affected. Initiatives of the authorities such as the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Practitioners are positive steps, but are not enough to tackle the current situation.

Taking into account that land and environmental human rights defenders are the most vulnerable group in the Honduran context it is important to recall the recent recommendation by the UN Special Rapporteur on the rights of indigenous peoples during her visit to Honduras urging the government to increase its dialogue with Indigenous and Afro-Honduran communities before a bill on prior, free and informed consent is voted on, as many communities feel that they have been left off the process.

On February 21st, the Congress of Honduras adopted a reform over article 335 of the penal code, which typifies the criminal offence of terrorism. On February 22nd, in the same law, it was added and approved article 335 B which typified the criminal offence of apology and incitation of terrorism acts. In this context, on February 2017, the IACHR, and the Office of the United Nations High Commissioner for Human Rights (UNHCHR) in Honduras expressed their concerns over the adopted reforms in the Honduran penal code, which may lead to a negative impact in the legitimate exercise and enjoyment of the guarantees and fundamental rights, the protection and promotion of freedom of expression in the country⁵.

The EU has in the recent past played an active role, including at the highest level of the EU institutions, in the denunciation of the situation of human rights defenders in Honduras including through the European Parliament Resolution adopted in April 2016. Several members of the European Parliament recently took a clear stand on the investigation of the assassination of Berta Caceres as well as denounced the general human rights situation in the country through a video produced by various civil society organisations⁶.

In the context of the visit of the Honduran Ministry of Foreign Affairs to Brussels, including bilateral meetings with the European Commission, the European External Action Service (EEAS) and an extraordinary meeting of the Delegation with countries of Central America (DCAM) in the European Parliament, it is essential that the EU institutions and its member states take the opportunity to renew its commitment with the human rights situation in Honduras by placing this matter at the centre of the agenda. Therefore, the signatory organisations call on you to:

⁴ The Observatory for the Protection of Human Rights Defenders (OMCT-FIDH), "HONDURAS: Human rights defenders between a rock and a hard place", Fact-Finding Mission Report published in December 2016. Available at: http://www.omct.org/files/2016/12/24083/report_honduras_en_web2.pdf

⁵ JOINT PRESS RELEASE, <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=1054&IID=1>

⁶ Grupo Sur, Parlamento Europeo apoya peticiones COPINH – Honduras, Mayo 2017. <http://www.gruposur.org/parlamento-europeo-apoya-peticiones-copin-honduras/>



- Urge the Honduran authorities for immediate, independent and objective investigations on all attacks against HRDs in order to bring their intellectual and material authors to justice. In particular, express your concern over the weaknesses and shortcomings in the investigation of the assassination of Berta Cáceres including the refusal by the authorities to allow an international and independent body to support the investigation; as well as support the results of the investigation led by International Expert Advisory Panel (GAIPE).
- Urge the Honduran authorities to guarantee the effective participation of civil society in the new reforms of criminal code and the implementation of the Law for the Protection of Human rights Defenders, Journalists, Social Communicators and Justice Practitioners and to allocate sufficient resources for its implementation including the development of comprehensive measures that go beyond the policing approach. Develop a contingency plan that reinforces the protection of human rights defenders in the context of the upcoming general elections in which it is likely that attacks against them increase.
- Encourage the state of Honduras to adopt any effective measure to prevent members of the armed forces and police to engage in criminal activities and to support and investigation on the act of corruption linked to concessions granting extractive projects by the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH).
- Show the concern of the EU regarding the reform of the penal code in Honduras and urge the Honduran authorities to carry out, hand in hand with civil society, a purging of the articles of the penal code that, due to their broadness or vagueness, can be manipulated and result in a disregard for the judicial and due process guarantees and/or the criminalisation of human rights defenders.
- Encourage the implementation of the UN Special Rapporteur on Indigenous Rights recommendations, in particular regarding the adoption of a law on free, prior, informed consent which has to be agreed with indigenous and Afro-American peoples.
- Continue monitoring the situation on human rights and attacks to human rights defenders in Honduras and use all the instruments available at EU and EU Delegation levels to address these situations, in particular through its political dialogue with the State of Honduras.

Signed by:

- ACT Alliance EU
- CIDSE
- CIFCA
- FIDH, within the framework of the Observatory for the Protection of Human Rights Defenders
- Front Line Defenders
- GRUPO SUR
- Misereor
- Protection International
- World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders