



## PRESS RELEASE - THE OBSERVATORY

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### **HONDURAS: Attacks and criminalisation: defenders caught between a rock and a hard place**

#### *Preliminary findings of international fact-finding mission*

**Geneva-Paris, May 3, 2016. The murder of Berta Cáceres is emblematic of the high levels of violence faced by human rights defenders in Honduras. Moreover, other structural problems such as the misuse of criminal law against human rights defenders, the impunity for attacks against them, the absence of effective protective measures and the increasing militarisation, make Honduras one of the most difficult countries in the region for the defence of human rights, according to the Observatory for the Protection of Human Rights Defenders (OMCT-FIDH).**

The plight of human rights defenders in Honduras has received a great deal of international attention in the weeks that followed the assassination of **Berta Cáceres**<sup>1</sup>, a human rights defender who was beneficiary of precautionary measures from the Inter-American Commission on Human Rights (IACHR).

This crime, however, is just the tip of the iceberg within the overall context of high levels of violence against defenders in the Central American country. The most recent examples of this include the murder of **Nelson García**, another member of Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH), on March 15, 2016, and 40 further security incidents since July 2015, including six murders, against members of Lesbian, Gay, Transgender, Bisexual and Intersex (LGTBI) associations Arcoíris and Asociación Jóvenes en Movimiento (Somos CDC) (AJEM). However, the full list of attacks against defenders is much longer<sup>2</sup>.

The Observatory's international mission, which took place from 11 to 15 April (for more information see below), concluded that the Honduran State should urgently take effective and comprehensive measures to tackle the aforementioned climate of violence and attacks against those who defend human rights. In April 2015, the Honduran National Congress adopted a Law on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators. While this is a positive step that recognises the vulnerability of defenders and the legitimacy of their work, there are some concerns rising from the text of the law, as well as from its lack of enforcement to date, due to the delay in adopting an implementing decree. The Observatory urges the State to prioritise the debate on such decree and to guarantee a meaningful participation of civil society in the process.

In addition to the implementation of the new law, Honduras must also show a firm commitment to effectively implement IACHR precautionary measures and to promote an enabling environment for those who defend human rights. This latter must include concrete actions to eradicate statements stigmatising defenders' work made by public authorities and by other actors with strong influence on society, such as what happened during the Universal Periodic Review (UPR) of Honduras to the United Nations (UN). Furthermore, the Observatory recommends putting an end to the growing militarisation of public security in the country, following the establishment of the military police.

***“Institutional and territorial militarisation, which includes the active participation of the armed forces in public security tasks, is not only contrary to international standards,***

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<sup>1</sup> See, for example, the [European Parliament Resolution](#) of April 14, 2016.

<sup>2</sup> According to a recent report by the Inter-American Commission on Human Rights, between 2010 and 2015, 3,064 defenders were criminalised, 22 killed, 2 disappeared, 15 kidnapped, 88 were victims of theft of information and 53 of sabotage of their means of transport.



***but in addition, as per experiences in other countries of the region, it results in increased violence and attacks against defenders. Therefore, instead of increasing militarisation, the State should strengthen civilian policing, providing it with sufficient resources and ensuring its compliance with human rights***", said Miguel Martín Zumalacárregui, Head of the OMCT Brussels office.

The Observatory has also received information about the misuse of criminal law, often with the complicity or on the initiative of private actors. This creates a context of intimidation against defenders, including in particular those who defend land rights and journalists, who have been subjected to judicial harassment. Criminal charges abusively brought against defenders include "defamation", "incitement to violence", special "usurpation" during student sit-ins and even "sedition".

***"The reform of the criminal code initiated by the Honduran Congress represents a historic opportunity to put it in line with international standards and to improve definitions in the current code which are excessively vague and imprecise and therefore allow for the criminalisation of the legitimate activities of human rights defenders"***, said Helena Solà Martín, Latin America Program Coordinator in the OMCT.

In clear contrast with the numerous processes of criminalisation against defenders, it is important to highlight the ineffectiveness of the public prosecutor's office and the Honduran judiciary in responding to attacks against defenders. Impunity is a structural problem, caused by the lack of serious investigations and accountability. A specific unit must be established within the public prosecutor's office to deal with cases against LGBTI defenders, one of the most vulnerable groups in Honduras. This unit must be sufficiently equipped with resources to provide a more frequent and effective response to increasing attacks against members of the LGBTI community. Moreover, the Observatory has received numerous testimonies describing worrying patterns aiming at preventing or deterring defenders from filing complaints, including life-threatening attacks and threats of retaliation.

The Observatory has also received consistent information from members of the Zacate Grande and San Francisco de Locomapa communities, among others, which demonstrate that concessions of land and natural resources, without the free, prior and informed consent of communities, are closely related to the high rates of attacks and criminalisation against land rights defenders.

***"In March, the UN Human Rights Council adopted a resolution, promoted by a number of States including Honduras, aiming at improving protection for defenders of economic, social and cultural rights. In the current context, and to reaffirm their commitment to address the structural causes of attacks against land rights defenders, the effective implementation of the International Labour Organisation Convention 169 on Indigenous and Tribal Peoples should be a priority"***, said Anabella Sibrián, Central America Representative of the International Platform against Impunity.

#### **Context:**

The Observatory carried out a fact-finding mission in Honduras between April 11 and 15, 2016, aimed at analysing the situation of human rights defenders in the Central American country, with a special emphasis on land rights defenders and defenders of the LGBTI community.

The Observatory mission held interviews with officials from a number of public institutions, including the Supreme Court and the National Human Rights Commissioner, which we would like to thank for their collaboration. The mission also met with the Office of the United Nations High Commissioner for Human Rights (UN OHCHR) in Honduras and with the embassies of the European Union (EU) and the Kingdom of Spain. The mission also heard testimonies from human rights defenders and representatives of civil society organisations in various meetings



The Observatory  
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*The Observatory for the Protection of Human Rights Defenders was created in 1997 by the World Organisation Against Torture (OMCT) and the FIDH and carries out actions to prevent or remedy specific situations of repression against human rights defenders.*

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