



Catherine Ashton

High Representative of the European Union for Foreign Affairs and Security Policy
European Union Member States

Brussels, October 8, 2012

The EU must take stronger action against human rights violations in Honduras

Since the coup d'état of June 28, 2009, the civil society networks ALOP, APRODEV, CIDSE, CIFCA and FIAN have been denouncing the deteriorating human rights situation in Honduras.¹ The objective of this letter is to inform the EU about the current situation and to ask it to take more effective measures, given the situation.

We appreciate efforts made by the EU since 2011: for example those included in the "EU Annual Human Rights Report, 2011"²; the communication of May 15, 2012 on the persecution of human rights defenders; the declaration of September 27, 2012 on the murder of lawyer Antonio Trejo and attorney Manuel Eduardo Díaz Mazariegos; and visits by staff from the EU Delegation and EU Embassies to the offices of Honduran human rights NGOs, as well as their participation in public events.

However, as illustrated by the recent killings of human rights defenders at the end of September³, Honduras is becoming an increasingly fragile State, characterized by serious human rights violations which continue with impunity⁴. This situation calls for the EU to take stronger action through its political dialogue and cooperation mechanisms.

In our letter to High Representative Catherine Ashton (October 2010)⁵, we warned about the

¹"The European Union must respond to the human Rights situation in Honduras". Letter from ALOP, APRODEV, CIDSE, CIFCA, FIAN, Grupo SUR and Oxfam to Baroness Catherine Ashton and the European Union Member States. October 5, 2010. Reply from Mr. Petros Mavromichalis, director of the European Commission Unit for Mexico and Central America, October 19, 2010. Reply from ALOP, APRODEV, CIFCA, FIAN and Grupo SUR, November 15. Reply from Mr. Mavromichalis, November 24.

http://www.aprodev.eu/index.php?option=com_content&view=article&id=94&Itemid=45&lang=en

²http://eeas.europa.eu/human_rights/docs/2011_hr_report_en.pdf

³[International organisations condemn the murder of a peasants' human rights lawyer and defender from the lower aguán and of the special prosecutor for human rights.](http://www.aprodev.eu/files/Central_America/201210_internationalstatementantoniotrejo.pdf) APRODEV, CDM Watch, CIFCA, FESPAD, FIAN, LAWG, OMCT-FIDH, PIDHDD, Rel-UITA, Sisters of Mercy and Vía Campesina. October 2012.

http://www.aprodev.eu/files/Central_America/201210_internationalstatementantoniotrejo.pdf

⁴The Interamerican Commission on Human Rights has included Honduras for 3 consecutive years in Chapter IV of its Annual Report, where it mentions States with the worst human rights situation in the hemisphere.

<http://www.oas.org/en/iachr/docs/annual/2011/TOC.asp>

⁵http://www.aprodev.eu/files/Central_America/201010_cso_letter_to_eu_on_honduras.pdf

increase in violence in Honduras, including threats, harassment and killings of human rights defenders, social leaders, journalists and members of the opposition.

The situation has not changed, and in fact the outlook is set to worsen in the lead-up to the elections in November 2013. From June 2009 to date, at least 132 murders have been reported, against both political opponents and also human rights defenders and others involved in processes of social protest. In May 2012 alone, 5 members of political parties were killed.⁶ Meanwhile, the State continues to fail to implement the Precautionary Measures granted to human rights defenders.⁷

These crimes continue in total impunity, a situation which “undermine[s] the administration of justice and damage[s] the public’s trust in authorities”, as expressed by Mrs. Margaret Sekaggya, UN Special Rapporteur.⁸ Few human rights violations committed during the coup have been prosecuted, and all remain unpunished, either because of the application of the Amnesty decree, or due to court decisions which lack transparency. Moreover, only 13 of the 84 recommendations, made by the Truth Commission and approved by the government of Honduras, had been implemented by June 2012, with no progress whatsoever in relation to those on fighting impunity.

By choosing re-militarization in response to internal security matters and social conflict management, the Honduran government is promoting a possible increase in impunity and human rights violations carried out by state agents. Apart from the military budget increase (from 2 percent of the national budget in 2006 to 7 percent in 2012), Congress has given new powers to the military to carry out police work.⁹

The case of Bajo Aguán is emblematic in terms of attacks against and killings of human rights defenders, militarization, and impunity in Honduras.¹⁰ According to reports by international organizations, 54 members or affiliates of *campesino* farming organizations in Bajo Aguán, and also one journalist and his family, have been killed since September 2009 as part of the agrarian conflict - the latest case being the murder of prominent lawyer and human rights defender Antonio Trejo.¹¹ Moreover, one *campesino* farmer has been missing since May 15, 2011.¹² According to data provided by the Special Human Rights Prosecutor, no serious investigation has been carried out into any of these crimes.¹³

⁶Letter to the GRULAC states on the serious human rights situation in Honduras. CELS, Conectas Derechos Humanos, Corporación Humanas, COFADEH, Movimiento de Mujeres por la Paz Visitación Padilla. June 18, 2012.

⁷From the coup d’état until December 30, 2009, the IACHR granted Precautionary Measures in favour of more than 147 people, including human rights defenders, to protect their lives and integrity. Of the total number of defenders who were granted measures, 9% are from Honduras. See Honduras: Human Rights and Coup d’État., Par. 37. IACHR. December 30 2009. 2nd Report on the Situation of Human Rights Defenders in the Americas, Par. 435. IACHR. 2012.

⁸Declaration of the United Nations Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, on concluding her official visit to Honduras. February 2012.

⁹Informe de Análisis Político Prospectivo. Honduras: Ruptura o persistencia del bipartidismo tradicional? Escenarios probables 2013-2014. (*Analysis Report on Political Perspectives. Honduras: Rupture or traditional bipartidism? Probable Scenarios 2013-2014*) CESPAD. May 2012.

¹⁰Report of the verification mission on the human rights situation in Bajo Aguan, Honduras, APRODEV, CIFCA, FIAN, FIDH, Rel – UITA, Via Campesina, July 2011. Available at: <http://www.fian.org/resources/documents/others/honduras-human-rights-violations-in-bajo-aguan/pdf>

¹¹http://www.aprodev.eu/files/Central_America/201210_internationalstatementantoniotrejo.pdf

¹²On July 11, 2011, the report of the international mission was presented before the European Parliament Sub-Commission for Human Rights. On May 28, 2012, international organizations and networks organized a public hearing on the situation of the campesino farming communities in Bajo Aguán, during which the Head of the EU Delegation attended as an observer. See declaration at: http://www.aprodev.eu/files/Central_America/20120530_declaracion%20international%20public%20hearing%20bajo%20aguan.pdf

¹³In July and August this year, networks released two communiqués warning of the new wave of violence against campesino farming organisations, including by State agents: *International organisations point out: The State of Honduras must guarantee judicial independence and impartiality*. APRODEV, CDM Watch, CIFCA, Fespad, FIAN, FIDH, LAWG, Misereor, Rel-UITA and Via Campesina. International Communiqué. July 2012. Available at: http://www.aprodev.eu/files/Central_America/20120717_international%20statement%20bajo%20aguan.pdf

After the EU resumed its cooperation program initiatives in March 2010 within this context of human rights violations, organizations and networks have expressed concern over EU funding for the security sector through the PASS program. The same concerns were highlighted in the European Commission's own recent evaluation on EU cooperation in Honduras, especially regarding the lack of civil society participation in the program.¹⁴

In the current environment there is little space for this program to continue. There has been hardly any government progress in recent years, aside from the creation of the Bureau for the Investigation and Evaluation of the Police (*Dirección de Investigación y Evaluación de la Carrera Policial*) and the passing of the Law on Public Security Reform in Honduras (*Ley de Reforma de la Seguridad Pública de Honduras*). The government was obliged to take these initiatives in response to the scandals at the end of 2011 related to the involvement of security and defense institutions in extrajudicial killings, extortion, kidnapping and arms trafficking.

However, the Executive has still not assigned resources to the Commission for the Reform of Public Security so that it can begin work in the purging of the National Police, the Public Ministry and the Judiciary. Furthermore, the Bureau for the Evaluation of the Police has refused to give information to the Commission, while the Executive continues to create new parallel police bodies, even going against the proposals of the Commissioners.

We note the decision to assign five million Euros from PASS to the newly created Ministry for Justice and Human Rights and to CONAPREV, through the Program to Support Human Rights (PADH). We hope that the program contributes to the construction of a national policy on human rights with broad public consensus, and to the development of a program for the protection of defenders.

Nevertheless, we once again warn of the risks for sustainability in strengthening a new institution dependent on additional resources, in a context where existing institutions increasingly lack resources. Moreover, the mandate of the Ministry is weak and, if it is not allowed independence from the government, its powers to protect human rights defenders and to influence other branches of the State such as Congress and the Supreme Court will be limited, because it can only make policy proposals for the Executive.

We regret the lack of commitment in Congress and the Government to improve the functioning of independent bodies such as the National Human Rights Commission (CONADEH). As recalled by the UN Rapporteur after her recent visit: "institutional responsibility for overseeing the protection of human rights should also fall within the scope of an independent National Human Rights Institution."¹⁵

In addition, we are concerned that the intervention logic of the PADH program is based on the analysis that: "the population is uneducated on the issue of human rights, leading to a situation of stigmatization for organizations promoting and defending human rights."¹⁶ We remind the EU, that rather than stemming from a simple lack of information, this stigmatization is caused by the actions of state agents.¹⁷

Consequently, we believe that currently the conditions do not exist to support security reform in Honduras with a second phase of the implementation of the PASS program and to

¹⁴Evaluation of the European Commission's Cooperation with Honduras – Country level Evaluation. Final report. April 2012.

¹⁵Declaration of the United Nations Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, on concluding her official visit to Honduras. February 2012.

¹⁶ http://www.sector3.net/ficha_oferta.php?id=1157

¹⁷One example of this is that the majority of the Honduran Population feels that the police cause fear in the population. Before the coup only 11.2 percent of the Population felt this way. See Encuesta Sobre Inseguridad CONADEH, Gráficos Comparativos. (*Survey on Security. CONADEH, Comparative Graphs*), May 2012.

implement the remaining 30 million Euros in the program. The EU's own evaluation on its cooperation with Honduras recommends making a thorough analysis of the added value and potential impact on each sector before deciding on areas for cooperation. The evaluation explicitly recommends reconsidering the initial decision to remove the food security sector where the EU has considerable experience and has made notable achievements.

Given the above, the undersigned organizations and civil society networks urge the European Union to take the following measures through its political dialogue and cooperation:

1. Strengthen political dialogue on human rights with the government of Honduras

- Remind the State of its international obligation to respect and guarantee human rights and to create the necessary conditions for the safety of human rights defenders so that they can carry out their work without fear of reprisal.
- Continue and increase actions and public statements in support of the security of human rights defenders.
- Share progress and establish a dialogue with civil society on the implementation of EU local human rights strategies and the protection of defenders.
- Request information from the State of Honduras on progress in the investigation of cases referred by national human rights organizations.
- Insist, during dialogue with the Honduran government, on the need to investigate and punish violations of human rights in Bajo Aguán.
- Call upon the government of Honduras to create the necessary conditions for the various political parties to conduct their election campaigns and participate in the elections in November 2013 in an atmosphere of respect for constitutional guarantees.
- Support international election observation so that elections are fair and transparent.
- Support the establishment of an office of the United Nations High Commissioner for Human Rights in Honduras.

2. Base and condition cooperation on real progress in the field of Human Rights

- Condition the Program to Support the Security Sector (PASS) on the cleaning up of the National Police force, the Public Ministry and the Judiciary and real progress in investigations into violations of human rights, in the context of an active dialogue with Honduran civil society.
- Continue to support sectors in which the EU already has experience and which are underfunded, and which seek to resolve structural problems which are not receiving attention in Honduras, such as food security or the education system.
- Define mechanisms so that the Program to Support Human Rights (PADH), in its funding for the construction of a national human rights policy, ensures wider participation of civil society, including human rights organizations who resist dialogue with the current government.
- Support the psychosocial care of victims of human rights violations and their families.
- Plan future cooperation initiatives in consultation with civil society, including effective consultation on cooperation programming for 2014-2020.
- Develop a deeper analysis on the issue of human rights and incorporate civil society in the identification phase of interventions such as PADH, to ensure that these programs address the multiple causes behind the worsening situation.
- Support and encourage the State to develop concrete and decisive measures to offer greater protection for people at risk, particularly in Bajo Aguán, as well as investigations of human rights violations, in order to overcome impunity.

Sincerely,



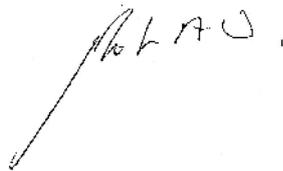
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