



Plenary sitting

B8-0480/2016

12.4.2016

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Honduras: situation of indigenous rights defenders & LGBTI peoples
(2016/2648(RSP))

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on behalf of the GUE/NGL Group

European Parliament resolution on Honduras: situation of indigenous rights defenders & LGBTI peoples (2016/2648(RSP))

The European Parliament,

- having regard to the United Nations Universal Declaration of Human Rights of 1948,
- having regard to Article 21 of the Treaty of the European Union,
- having regard to Article 208 of the Treaty on the Functioning of the European Union,
- having regard to the European Consensus on Development of December 2005,
- having regard to the Political Dialogue and Cooperation Agreement between Central America and the EU of 2003,
- having regard to the Human Rights Clause in the Association Agreement EU-Central America;- having regard to ILO Convention 169 and the Declaration on the Rights of Indigenous Peoples,
- having regard to the 'EU Guidelines on Human Rights Defenders', as well as the 'EU Guidelines to Promote and Protect the Enjoyment of All Human Rights by LGBTI Persons',
- having regard to the EU Delegation in Honduras' Press Releases on the human rights situation of the LGBTI Community in Honduras of 17 February 2016 and 28 September 2015;
- having regard the report of the INTER-AMERICAN COMMISSION ON HUMAN RIGHTS about the Situation of Human Rights in Honduras OEA/Ser.L/V/II. Doc. 42/15 31 from December 2015
- having regard to EU's Local Statement on the death of Berta Cáceres of 3 March 2016,
- having regard to EU's Local Statement on the death of Nelson Garcia of 16 March 2016,
- having regard to EU's Statement on the difficult situation faced by the LGBTI community in Honduras of 17 February 2016,
- having regard to DCAM delegation report visit to Guatemala and Honduras on 16-20 February 2015;
- having regard UN's Universal Periodic Review on Human Rights in Honduras of 2015,

- having regard to the EU Action Plan on Human Rights and Democracy (2015-2019);
- having regard to the UPR Recommendations to Honduras;
- having regard to Rule 135 of its Rules of Procedure,

A. Whereas serious human right violations followed the coup d'état of June 28, 2009; whereas the European Parliament have never condemn this coup d'état; whereas, police and military officers responsible for mass arrests, beatings and torture have not been brought to justice; whereas since then concerns about freedom of expression increased; whereas human right activists, and even opposition leaders as well as judges and public officers suffered threats;

B. Whereas since the 2009 coup, Honduras has become one of the world's most dangerous places to be a human rights defender of any kind; whereas indigenous and Garifuna leaders, LGBTI activists, union leaders, women's rights activists, human rights activists, justice operators, and journalists reporting on human rights and corruption issues are among those who are at constant risk in the country;

C. Whereas as stated expressively in the DCAM delegation study visit report to Guatemala and Honduras on 16-20 February 2015, violence is generated by the state in connection with mining activities or hydroelectric projects, resulting in 2014 in 810 attacks on human rights defenders and rising criminalisation of human rights defenders;

D. Whereas in the night from March 2nd to 3 March 2016, unidentified assailants broke into the home of world-renowned human rights defender and indigenous rights campaigner and coordinator of the organization Consejo Civico de Organizaciones Populares e Indígenas (COPINH) Berta Cáceres and brutally murdered her;

E. Whereas Berta was a Lenca indigenous woman who, for the past 20 years, has been defending the territory and rights of the Lenca people, especially under *COPINH* (Civic Council of Popular Indigenous Organisations) leading fierce campaigns against megaprojects such as illegal loggers, plantation owners, multinational corporations, and dam projects that violated the land and environmental rights of local communities by cutting off food and water supplies to indigenous communities;

F. Whereas in 2015, she was awarded the Goldman Foundation Environmental Prize for defending her land and natural resources, notably for her campaign against Agua Zarca dam project; whereas Berta had precautionary measures from the Inter-American Commission on Human Rights (IACHR) since 2009 but never received the full protection she needed;

G. Whereas Ms. Cáceres murder was followed by the one of her colleague, Mr. Nelson Garcia on 16 March 2016, also COPINH leader;

H. Whereas the aggression against and murder of COPINH members are but the latest in a string of violent deaths of human rights defenders connected with land disputes and

development projects in Honduras, and have to be seen in the context of their resistance against the Agua Zarca hydroelectric dam on the Gualcarque River, which is reportedly being constructed without the consent of indigenous communities and threatens to disrupt their livelihoods and access to water;

I. Whereas despite the international consternation about the recent events, new threats on human rights defenders have appeared, last time in Bajo Aguán;

J. Whereas at least 109 environmental activists and human rights defenders were murdered between 2010 and 2015 in Honduras; whereas Honduras is one of the world's most dangerous countries for environmental activists;

K. Whereas since the 2009 coup d'état, Honduras has become one of the world's most dangerous places to be a human rights defender of any kind;

L. Whereas the murders of Berta Cáceres and Nelson Garcia send a devastating message to all Hondurans trying to exercise their rights, including their right to defend their human rights, painting a terrifying picture of the dangers faced by human right defenders and social activists in the country; whereas recent facts confirm Honduras as the most dangerous country to be an environmental defender;

M. Whereas, since the 2009 coup, transnationals are violating human rights in Honduras with total impunity;

N. Whereas despite international condemnation and alert, including from the European Union, threats against human rights defenders, the LGTBI community and other activists are ongoing; whereas environmental activists in Bajo Aguan are particularly tackled by new menaces; During the period 2012-2014 alone in the Bajo Aguán area, 64 peasant movement members and human rights defenders contesting agribusiness investments backed by the International Finance Corporation, the German development bank and other lenders, were reported killed;

O. Whereas 222 lesbian, gay, bisexual and transgender people were killed since the 2009 coup d'état and violence against LGBTI people is widespread;

P. Whereas according to The Universal Declaration of Human Rights human Rights are universal, inalienable, indivisible, and interdependent and interrelated; whereas development is a right;

Q. Whereas Article 21 of the Treaty of the European Union states that the Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law; whereas Article 208 of the Treaty on the Functioning of the European Union reaffirms that the Union must take account of the objective of development cooperation in the policies that it implements which are likely to affect developing countries;

R. Whereas the EU has a long-standing relations with Honduras which is mainly governed by the Political Dialogue and Cooperation Agreement between Central America and the EU of 2003, which is based on political dialogue, cooperation and a free trade area; whereas on 29 June 2012, the EU signed an Association Agreement with six Central American States (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama): whereas all six Central America countries have already ratified the Agreement; whereas still 11 EU countries have not conclude the ratification procedure, not allowing, therefore, to give full effect to the Political Dialogue and Cooperation pillars of the Agreement.

S. Whereas Honduras although it is classified as a middle income country, Honduras has one of the highest poverty levels in Latin America, fourth after Nicaragua, Guatemala, and Haiti; whereas despite its enormous productive potential, economic growth has been very erratic and has not been consistently maintained at the level needed to reduce poverty in a sustainable manner; whereas Wealth and political power are concentrated in a few elite and consequently the possibilities are limited development processes of economic, political, social, and improve the ability of most people to fully enjoy a wide range of rights, beginning with the most fundamental rights to life and good nutrition;

T. Whereas the EU provided EUR 223 million to Honduras under the EU Development Cooperation Instrument in the period 2007-2013. The priorities outlined were the promotion of social cohesion, the management of forestry resources and the improvement of the justice system and citizens' security.

V. Whereas the EU is the main donor of official development aid to Honduras;

1. Condemns the murder of Berta Cáceres and Nelsón García, as well as for each of the previous murders, adds its condolences to the family and friends of both in- and outside COPINH, and encourages them to continue their courageous fight for their rights;

2. Is deeply concerned of the dramatic situation human rights defenders are facing in Honduras; Is deeply concerned by the economic and social situation facing the population of Honduras as a whole, in particular women, given the dramatic human rights situation in the country;

3. Strongly condemns the coup d'état of 28 June 2009 against a democratically elected government; equally condemns all the foreign actors that backed the coup, in particular the documented role played by the US State Department;

4. Welcomes the fact that the MACCIH (*Misión de Apoyo Contra la Corrupción y la Impunidad en Honduras*) of the OAS (Organization of American States) will support the investigations on Berta Cáceres case; urge the Honduran government to fully cooperate with this mission;

5. Calls the EU to ensure through the political dialogue instruments that Honduran judicial authorities carry out their duties to effectively and promptly investigate Cáceres' murder, in cooperation with the international investigation, and following lines of inquiry that take into account the context of Berta Cáceres' work and situation of risk, while pursuing the intellectual and material authors, guaranteeing due process and access to justice;

6. Urges the Honduran government to establish a mechanism for the effective protection of human right defenders, journalists, media workers and justice operators; urges for the urgent mandatory implementing of the precautionary measures recommended by the Inter-American Commission on Human Rights and to take diligent, impartial and effective investigations into the murders and assaults committed against Human Rights defenders and Journalists; calls for the provision of all the necessary resources for the effective implementation of the Law on Protection for Human Rights Defenders;
7. Calls the international community to effectively guaranty the work and safety of human rights defenders in Honduras;
8. Calls for closely monitoring the developments of the national investigation into Ms. Cáceres' and Mr. Garcia's murders and support an independent international investigation led by the Inter-American Commission on Human Rights in cooperation with the Honduran government;
9. Requests the Honduran judicial authorities to carry out their duties to effectively and promptly investigate Cáceres' and Mr. Garcia's murders, in cooperation with the international investigation, and following lines of inquiry that take into account the context of Cáceres' and Mr. Garcia's work and situation of risk and pursue the intellectual as well as material authors, guaranteeing due process and access to justice;
10. Urges the Honduran government to meet its obligations under the IACHR, regarding the prior, free and informed consultation of indigenous people regarding projects underway on their land and territories, affecting their natural resources;
11. Urge the elimination of impunity, privileges, favored treatment, opacity and democratic restrictions favored since the coup in 2009, in order to achieve effective prevention, investigation , prosecution and punishment of those responsible for human rights violations , following the recommendations of the Inter-American Commission on Human Rights, in its report of 2015, and taking the recommendations of the Special Rapporteur of the United Nations, Michel Forst, to prevent the country from becoming a zone of impunity for crimes such as the Berta Caceres one;
12. Urges Honduras to respect the rights of workers and effectively fulfil with ILO core conventions; call the competent authorities to proceed immediately to cancel the concession granted to DESA for the Agua Zarca project, which represents a violation of article 15 of ILO Convention 169 (C169), as there is no evidence to suggest that the indigenous Lenca people ever gave their consent prior to Honduran National Congress approving the concession in September 2010; Call for all other concessions in Lenca territories approved without free, prior and informed consent must be suspended;
13. Calls the EU bodies to ensure that no European assistance and support for multilateral bank projects promote or permit development projects without meeting the obligation for prior, free and informed consultation with indigenous communities, nor without ensuring meaningful consultation of all affected communities and that strong human rights, labor rights and environmental safeguards are in place;

14. Calls the EU bodies and EU members states to suspend temporally the cooperation under the Euro-Justice Programme until the crime against Berta Cáceres is not clarified and rules of law are guaranteed.

15. Expresses its deep concern at the climate of extreme violence against LGBTI people and those who defend their rights; calls on authorities to carry out an immediate, thorough and impartial investigation into the killings of Juan Carlos Cruz Andara, Angy Ferreira, Violeta Rivas, Gloria Carolina Hernández Vásquez (also known as Génesis Hernández), Jorge Alberto Castillo and Paola Barraza as well as the attempted killings of Juan José Zambrano and Jlo Córdoba, with a view to bringing those responsible to justice;

16. Calls on Honduran authorities to carry out independent, impartial and effective investigations into the unlawful use of force against LGBTI activists and other human rights defenders by Honduran law enforcement officials; Emphasises the need to strengthen protection against discrimination and hate crimes on the basis of sexual orientation and gender identity; Calls on Honduran authorities to undertake awareness-raising campaigns and programmes to promote tolerance and counter violence against lesbian, gay, bisexual, transgender and intersex persons;

17. Is concerned by the pervasive link between business and politics in Honduras; asks for an international independent inquiry on EU companies' involvement in human rights violations, , and their connivance and support to the regime of Honduras; strongly condemns the, consequent, impunity of transnationals operating in Honduras;

18. Welcomes FMO and FINNfund have publicly condemned Ms. Cáceres' killing and have called for a thorough investigation, have also provided public accounts of their own roles and intended actions in relation to the project in Bajo Aguan, and on 16 March, following reports of Mr. García's murder, have suspended all of its activities in Honduras pending consultations with communities in the Agua Zarca dam area and an investigation of all FMO-supported activities in the country; Urges that the factual accounts of FMO and Finnfund must be verified, the actions taken by FMO are surely among the minimum procedural requirements for a financier in a situation like this;

19. Urges all other Development Finance Institutions supporting this project to suspend all their activities in Honduras which are linked to human rights abuses;

20. Calls on the European Commission to introduce a legislative proposal for binding and enforceable mechanisms on enterprises and Human Rights, especially in case of EU based companies operating in third countries in line with the Maastricht Principles on the Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights;

21. Welcome the establishment at the 26th Session of the UN Human Rights Council of the "open-ended intergovernmental working group on a legally binding instrument on transnational corporations and other business enterprises with respect to human rights, the mandate of which shall be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other

business enterprises” (res 26/9);

22. Calls for the development focus and nature of ODAs to be protected, including a transparent and accountable reporting system; recalls the ODA’s unique role in achieving effective development results; calls for EU aid to be aligned with internationally agreed development effectiveness principles, be human-rights centred, promote gender equality and women’s empowerment and focus on tackling the root problems of inequality and poverty in order to achieve the recently approved Sustainable Development Goals (SDGs);

23. Instructs its President to forward this resolution to the Council, the European External Action Service, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Organisation for Security and Cooperation in Europe, the UN Human Rights Council, and the Government and Parliament of Honduras.