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*Plenary sitting*

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**B8-0470/2016**

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 Human Rights Defenders  
(2016/2648(RSP))

**Ignazio Corrao, Fabio Massimo Castaldo, Isabella Adinolfi**  
on behalf of the EFDD Group

**European Parliament resolution on Honduras, situation of Human Rights Defenders (2016/2648(RSP))**

*The European Parliament,*

- Having regard to the Universal Declaration of Human Rights
  - Having regard to the Eu-Central America Association Agreement of 2012
  - Having regard to the 2014-2020 Multiannual Indicative Programme for Honduras
  - having regard to the Statement of the Spokesperson on the follow up of the death of Berta Cáceres in Honduras, 12 March 2016
  - Having regard to the End-of-mission statement on Honduras by the Special Rapporteur on the rights of indigenous peoples of November 2015
  - Having regard to The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
  - Having regard to the EU Guidelines on Human Rights Defenders
  - Having regard to the EU Action Plan on Human Rights and Democracy (2015-2019);
  - Having regard to 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 to the Human Rights Council adoption of the outcome of Universal Periodic Review of Honduras, 25 September 2015
  - Having regard to its rules of procedure
- A. Whereas Honduras is one of the world's most dangerous countries for environmental activists and human rights defenders in general; whereas at least 109 environmental defenders were murdered between 2010 and 2015; whereas journalists, union leaders, environmental activists, LGBTI activists, indigenous leaders, women's rights activists, justice operators and human right defenders in general are among those most vulnerable to violence and intimidation
- B. Whereas Human Rights Defenders and their families in Honduras continue to be subjected to extrajudicial killings, kidnapping, torture, arbitrary arrest and various

other forms of harassment including stigmatisation both in the media and by public officials

- C. Whereas Honduran activists exposing violations to the right of housing, health, development and public participation around land and environmental issues are particularly targeted as Honduras ranks world's number one per capita for killing of environmental activists
- D. Whereas despite a decrease in homicide rates Honduras continue to suffer from a high rate of violent crime with a murder rate among the highest in the world; whereas the government routinely fails to provide protection for those at risk and to prosecute those responsible as only a fraction of murder cases result in a conviction;
- E. Whereas an ineffective criminal justice system and evidence of corruption and human rights violations by police officers contributes to a lack of trust in law enforcement and to create a climate of extensive impunity;
- F. Whereas Lenca indigenous and environmental rights campaigner leader Berta Cáceres, co-founder of COPINH (Council of Indigenous and Popular Organizations of Honduras) was murdered in Honduras on 3 March after having received threats and harassment in connection to her work for years and as recently as weeks before the crime, in particular for opposing the central America's biggest hydropower projects: a cascade of four dams in the Gualcarque river basin, including the Agua Zarca dam which would obstruct the Gualcarque River, a source of food and water for local communities; whereas eight COPINH members working to block the dam had been killed since the start of construction in 2013.
- G. Whereas Mexican environmental activist Gustavo Soto, witness and survivor of the murder, was arrested after the killing, detained by Honduran authorities for nearly a month without cause and only recently freed and allowed to return to Mexico;
- H. Whereas Nelson García, an active member of the Civic Council of Popular and Indigenous Organisations of Honduras (COPINH) was also killed on 16 march by unidentified gunmen
- I. Whereas following the murderers European funders suspended support for Agua Zarca Dam; whereas activist groups and NGO are calling on the Central American Bank for Economic integration to clarify its role and suspend the payment as well;
- J. Whereas Ms. Cáceres and a number of other human rights defenders had precautionary measures from the Inter-American Commission on Human Rights; whereas despite this the government failed to implement protection measures ordered by IACHR;
- K. Whereas the historical marginalization and lack of social investment in indigenous areas continue to be an issue that affects the overall security and well-being of indigenous peoples; whereas lack of full recognition, protection and enjoyment of their rights to ancestral lands, territories and natural resources remains fundamental problems;

- L. Whereas it is estimated that the nine indigenous and Afro-descendant peoples living in Honduras number 1.27 million inhabitants, divided between Lenca, Garífuna, Miskito, Tolupan, Nahua, Chortí, Pech, and Tawahka; whereas the territory claimed by the indigenous peoples accounts for approximately 2 million hectares but only 10% have a guaranteed property title,
- M. Whereas the EU is the main donor of official development aid to Honduras and the EU and its Member States support the strengthening of the judicial sector and human rights with various programs and cooperation projects, especially with the Support Program for Human Rights (PADH) and Eurojustice;
- N. Whereas a series of laws in Honduras restrict the rights to freedoms of assembly and the ability of Human rights defenders to act freely, including the Law on the Financing of Terrorism that makes increasingly difficult for NGOs to associate and register, the Law on NGOs and the Law for intervention in private communication that allows authorities to wiretap HRDs if they are considered as 'persons under investigation'
- O. Whereas freedom of information and expression continue to decline in Honduras as news providers are threatened, physically attacked and murdered in a climate of impunity, as only in a few cases the perpetrators have been brought to justice; whereas opposition media are subject to various forms of persecution, including judicial harassment and whereas legislation restricts media freedom and independence,
- P. whereas the pattern of killings and violence against lesbian, gay, bisexual and transgender people has tremendously worsened since the 2009 coup d'état, in 222 killings of LGBTI activists and individuals since; whereas only 45 of these cases have been investigated, of which only 15 resulted in convictions
1. Expresses its deepest concern for the worsening situation of Human rights defenders in Honduras and for the worrying pattern of extrajudicial killings, kidnapping, torture, arbitrary arrests, harassment and intimidation of human right defenders, journalists, union leaders, environmental activists, LGBTI activists and people, indigenous leaders, women's rights activists, in a climate of impunity
  2. Reminds the Honduran government that the primary responsibility to promote and protect human rights lies with the state, including by guaranteeing the safety of Human Rights Defenders that routinely face threats in reprisal of their work; calls on the Honduran authorities to do everything in their power to put an end to the culture of impunity in the country and to hold responsible in front of the law the perpetrators of human rights abuses and attacks to the HRDs,
  3. Calls on the EU to monitor closely the developments of the national investigation into Ms. Cáceres and Mr. García's murders and to support an independent international investigation led by the Inter-American Commission on Human Rights in cooperation with the Honduran government.
  4. Calls on the Honduran authorities to carry out an impartial, thorough and timely investigation on Cáceres and García murders, in cooperation with the international

investigation, taking into account the context of their work and the Status of Ms. Cáceres and MR. Garcia as Human rights Defenders; condemns the unlawful month-long detention of Gustavo Castro Soto

5. Calls on the EU Delegation in Honduras, as well as Embassies and Consulates of EU member states in the country, to actively accompany and monitor the processes around the investigation of the murder of Berta Cáceres and Nelson Garcia in line with the European Union Guidelines on Human Rights Defenders,
6. Urges the Honduran government to comply with the precautionary measures granted by the IACHR and to provide immediate and effective protection to members of COPINH, members of victim's families, the witnesses in the case, members of APUVIMEH and the leadership of Arcoiris Association as well as to assure that the safety of members and leaders of APUVIMEH and Arcoiris is guaranteed;
7. Calls on Honduran politicians to publicly condemn violence against and killings of human rights defenders
8. Welcomes the entry into force of the "law to protect human rights defenders, journalists and justice operators" and calls on the Honduran government to make the mechanism for protection of human rights defenders, journalists, media workers and justice operators fully operational and adequately funded, with protection measures consulted with beneficiaries
9. Calls on the Honduran State to make the legislative amendments required to guarantee a safe and enabling legal environment for human rights, including by amending Law 252-2010 on the Financing of Terrorism, Decree 32/2011 (Law on NGOs), Decree 243/2011 (Law for intervention in private communications), Conatel Resolution NR003/2011 (allowing suspension of permits and licenses for radio frequencies), Law 185-95 (restricting access to frequencies) and Decree 2196-A-2013( that in 2014 cancelled the registration of 5429 national and international associations).
10. Calls for the creation of an effective legal mechanisms to enable indigenous peoples to present complaints for violations of their territorial, cultural and basic human rights and to obtain redress
11. Urges the Honduran government to meet its obligation of carrying out a prior, free, and informed consultation of indigenous people regarding projects underway on their land and territories and that affect their natural resources, as requested by the IACHR, including in the cases of the 50 hydropower concessions granted since the start of 2010
12. Calls on the Commission to monitor that European assistance does not 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, labour rights and environmental safeguards are in place.

13. Calls on EU-based companies to assess the risks of investing in areas or activities which could contribute to human rights abuses in Honduras, and maintain regular meetings with HRDs in order to ensure transparency about all steps they have taken
14. Recalls that European investments in natural resources exploitation projects should comply with human rights obligations, including the UN Guiding Principles on Business and Human rights; notes that the concession granted to DESA for the Agua Zarca projects represents a violation of article 15 of ILO Convention 169 on Indigenous and Tribal Peoples,
15. Calls on the Central American Bank for Economic Integration to follow the example of GMO and Finnfund and suspend its support for the Agua Zarca Project;
16. 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 immediate, thorough and impartial investigations into the killings of Angy Ferreira, Violeta Rivas, Gloria Carolina Hernández Vásquez (also known as Génesis Hernández), Jorge Alberto Castillo, Estefanía Zúniga, Henry Matamoros, Josselin Janet Aceituno Suazo and Paola Barraza, who were all active members of LGBTI human rights organisations LGTB Arcoíris association or APUVIMEH, as well as journalist Juan Carlos Cruz Andara, all of whom were killed during the last 11 months, with a view to bringing those responsible to justice; calls furthermore for an immediate, thorough and impartial investigation into the attempted killings of 24 March 2016 of Juan José Zambrano, and of 29 March 2016 of Jlo Córdoba, respectively members of Arcoíris and APUVIMEH;
17. Emphasises the need to strengthen protection against discrimination and hate crimes on the basis of sexual orientation and gender identity, most notably by enforcing Article 321 of the penal code and developing good practice guidelines, in close cooperation with civil society;
18. Calls on the commission to evaluate the possibility to activate article 355.2 of the Eu-Central America Association Agreement, that foresees the adoption of "appropriate measures" whenever one of the parties breaches essential elements of the agreement; believes that ongoing violations of the rights of Human Rights Defender in Honduras could constitute a serious breach of the agreement's essential elements and calls on the Commission to monitor the situation and be ready to take the appropriate steps;
19. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Member States and the government and parliament of Honduras.