



Plenary sitting

B8-0472/2016

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 and the situation of human rights defenders
(2016/2648(RSP))

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on behalf of the Verts/ALE Group

**European Parliament resolution on Honduras and the situation of human rights defenders
(2016/2648(RSP))**

The European Parliament,

- having regard to Statements from European Union authorities, such as the Statement of the EU Delegation in Tegucigalpa, on March 3, 2016;¹ and of the Spokesperson, of March 16, 2016²;
- having regards to the different calls from UN organisations, such as UNHCR and several UN Special Rapporteurs, as well as from the IACHR;
- having regard to the EU Action Plan on Human Rights and Democracy (2015-2019)³;
- 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 2015⁴;
- having regard to the recommendations of the EOM 2013 and the Follow-Up-Mission of the EOM 2015 in regard to impunity
- having regard to the letter by EP VP and CO of the EOM, Ulrike Lunacek, to the President of Honduras, Juan Orlando Hernandez, after the assassination of Berta Cáceres,
- having regard to the UPR Recommendations to Honduras;
- having regard to the Human Rights Clause in the Association Agreement EU-Central America, provisionally applied since 2013; and in the Partnership and Cooperation Agreement (PCA) EU- Central America, in force since 2013;
- having regard to Rule 135 of its Rules of Procedure,

A. Whereas Honduras has a long history of political violence, and after the 2009 coup, the country has become one of the world's most dangerous places to be a human rights defender; whereas indigenous and Garifuna leaders, LGBTI activists, union leaders, women's rights activists, human rights activists, judges and lawyers, and

¹ EU local Statement on the death of human rights defender Berta Cáceres, 3 March 2016 (only in Spanish), http://eeas.europa.eu/delegations/honduras/press_corner/all_news/news/2016/20160303_es.htm

² Statement of the Spokesperson on the follow up the death of Berta Cáceres in Honduras, 12 March 2016; http://eeas.europa.eu/statements-eeas/2016/160312_02_en.htm

³ JOIN(2015) 16 final, Brussels, 28.4.2015

⁴ http://eeas.europa.eu/delegations/honduras/press_corner/all_news/news/2016/20160217_es.htm;
http://eeas.europa.eu/delegations/honduras/press_corner/all_news/news/2015/20150929_es.htm

journalists reporting on human rights and corruption issues are among those who are at constant risk in this country;

- B. Whereas Honduras is one of the world's most violent countries for environmental activists, with at least 109 environmental activists murdered between 2010 and 2015;
- C. Whereas the murder of Berta Cáceres, a Lenca indigenous woman, co-founder of COPINH (Council of Indigenous Peoples in Honduras) and winner of the 2015 prestigious Goldman Award for Environmentalists, on March 3, 2016, followed by the murder of Nelson García, equally from the Lenca community and from the same organization, on March 15, 2016, less than two weeks later, have raised protests from many parts of the world;
- D. Whereas the murder of these 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 prior free and informed consent of indigenous communities, as asked for by the Inter-American Commission on Human Rights (IACHR), and threatens to disrupt their livelihoods and access to water;
- E. Whereas the Agua Zarca dam project has been highly depending on European investors and technology, in the first place the Dutch Development Bank FMO, the Finnish Fund for Industrial Cooperation (Finnfund), and German joint venture Voith-Hydro, a Siemens subsidiary, while the Central American Bank for Economic Integration (CABEI) is also among the financiers; while all have formally committed themselves to respect human rights in relation to the projects that they support;
- F. Whereas despite global condemnation and alert - including from the European Union - threats against human rights defenders, the LGBTI community and other activists are ongoing; whereas environmental activists in Bajo Aguán are particularly threatened by new menaces; whereas 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 IFC (International Finance Corporation, a member of the World Bank Group), the German Development Bank and other lenders, were reported killed;
- G. Whereas Berta Cáceres had precautionary measures ordered by the IACHR since 2009, but never received the full protection she needed from the Honduran authorities, though she continuously denounced death threats against her; whereas Berta Cáceres is one of 15 human rights defenders who have been killed between 2010 and 2016 in Honduras despite being beneficiaries of IACHR precautionary measures, as reported by the Committee of Relatives of the Disappeared in Honduras (COFADEH);
- H. Whereas COPINH, as organization, also received precautionary measures from the IACHR after the other co-founder of the group, Tomás García, was killed in 2013 by a Honduran soldier; whereas on March 5, 2016, the IACHR granted precautionary measures for the COPINH, Berta Cáceres' family and Gustavo Castro Soto, given the risk for their safety;

- I. Whereas the only eye witness of Berta Cáceres' murder, Mexican environmentalist Gustavo Soto Castro, was hindered to leave Honduras by the authorities for nearly a month, until April 1, 2016, with no factual necessity, after having given his full declarations shortly after the murder; whereas this retention has put his life at risk and the reasons for this undue confinement have to be investigated;
 - J. 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;
 - K. Whereas precautionary measures from the Inter-American Human Rights Commission for human rights defenders working on the rights of LGBTI people, including Asociación LGTB Arcoíris and APUVIMEH association are to date not properly implemented by Honduran authorities;
 - L. Whereas Honduras is currently in the process of reforming its penal code, which should be based on international conventions and be an important tool to secure rights for vulnerable groups;
 - M. Whereas 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 Eurojusticia;
 - N. Whereas the State is the principal human rights duty-bearer and must be held accountable, while those financing development projects must show that they take human rights risks seriously, and are not part of the problem;
1. Expresses its utmost dismay about the murders of Berta Cáceres and Nelsón García, as well as about each of the earlier assassinations of other human rights defenders in Honduras; extends its sincere condolences to the families and friends of all of those human rights defenders, and encourages them to honor the murdered persons' legacies and continue their courageous fight for human rights in general, and the rights of indigenous communities as well as sexual minorities in their country;
 2. Stresses that the assassination of Berta Cáceres serves as an emblematic case in a country with an extremely high number of homicides and at the same time an almost total impunity, and reminds that the issue of impunity in several areas - including with respect to the investigation of the murders of journalists or with respect to electoral offences - was already part of the recommendations of the final report of the European Union's election observation mission on the general elections of 2013 and taken up again by the report on the election follow-up mission in 2015;
 3. Reminds, that only the complete clarification of the crime at all levels and the adequate punishment of all responsible perpetrators, including the masterminds, can contribute to the re-establishment of trust in the judicial system of the country.

4. Vigorously supports the call by the EU Delegation in Tegucigalpa with HoD Ketil Karlsen as well as by the Spokesperson of VP/HR Federica Mogherini for a “transparent yet expedite” investigation; joins the global call for an international independent investigation, led by the Inter American Court of Human Rights, and with the full cooperation of the Honduran Government, and urges that both actions happen without further delay;
5. Is outraged by statements from Honduran Security Minister Julián Pacheco which in effect blame Berta Cáceres for the failure of the Honduran government to comply with its obligation to protect her¹;
6. Calls on Honduran politicians to publicly condemn all acts of intimidation, threats and other acts of violence, including murder of human rights defenders and to guarantee that all human rights defenders in Honduras are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions; reiterates its call to ensure that Honduran judicial authorities carry out their duties to effectively and promptly investigate Berta Cáceres’ murder, in cooperation with an international investigation, and following the lines of inquiry that take into account the context of Berta Cáceres’ work as a woman HRD and her situation of risk, while pursuing the intellectual and material authors, guaranteeing due process and access to justice;
7. Stresses that the Honduran authorities must comply with the precautionary measures granted by the IACHR on 5 March, and must provide immediate, effective, and carefully consulted protection to members of the COPINH and members of Berta Cáceres’ family;
8. Welcomes that both FMO and Finnfund have publicly condemned Berta Cáceres’ killing and have called for a thorough investigation; welcomes that on 16 March, following reports of Mr. García’s murder, FMO 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, and that Finnfund confirmed to apply the same policy; calls on all other national and international corporations and institutions involved in the Agua Zarca dam project to follow suit and immediately suspend their activities;
9. Urges the Honduran Government to immediately cancel the concession granted to DESA (Desarrollos Energéticos S.A.) 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,
10. Supports the calls for the establishment of a Cáceres Trust Fund in support of individuals who have become victims as a result of their activities in the field of business and human rights, to be jointly funded by national and corporate actors;
11. Considers that European investors’ activities must be embedded in a strong set of environmental and social safeguard policies with clear due diligence requirements; and

¹ See <http://www.laprensa.hn/honduras/935898-410/berta-c%C3%A1ceres-renunci%C3%B3-a-su-seguridad-juli%C3%A1n-pacheco>

that lenders have to respect internationally recognized human rights standards and take all necessary measures to avoid supporting projects that may put a borrower in breach of its social, environmental and human rights obligations under international agreements

12. 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 in to 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;
13. Urges the government of Honduras to fully comply with the implementation of precautionary measures granted by the IACHR to members of APUVIMEH and the leadership of Arcoiris Association as well as to assure that the safety of members and leaders of APUVIMEH and Arcoíris is guaranteed;
14. Calls on Honduran authorities to carry out independent, impartial and effective investigation into the unlawful use of force against LGBTI activists and other human rights defenders by Honduran law enforcement officials;
15. Emphasizes 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 for law enforcement authorities, in close cooperation with civil society;
16. Calls on Honduran authorities to undertake awareness-raising campaigns and programs to promote tolerance, respect and acceptance as well as to counter hate speech and violence against lesbian, gay, bisexual, transgender and intersex persons;
17. Further calls on the Honduran Government to advance on the regulations and implementation of the domestic mechanism for the protection of human rights defenders, journalists, media workers and justice operators, according to the 2015 Law for the Protection of Human Rights Defenders, which must be fully implemented, operational and adequately funded, with protection measures consulted with beneficiaries;
18. Calls on Honduran State to review and strengthen the figure of the Ombudsman (CONADEH) in order to guarantee the proper functioning of an independent national institution to monitor compliance with international law on human rights;

19. Appreciates the work done by the EU Head of Delegation Ketil Karlsen and his team in the support for Honduran human rights defenders;
20. Encourages the EU Delegation as well as Embassies and Consulates of EU member states in Honduras and in the region to continue to closely monitor the investigations in the mentioned cases, to offer further technical and financial support to the investigation into the threats against and the murder of Berta Cáceres, and to further step up efforts to engage with human rights defenders; encourages the European External Action Service to take concrete steps to develop and implement long lasting, sound protection systems for HRDs, tailored to their views and needs, in countries like Honduras where national authorities do not have sufficient will or capacity to do so;
21. Urges the European Union to verify concerning the trade pillar of the Association Agreement between the EU and Central America that all provisions related to the implementation of labor, environmental and social rights are duly respected by the State of Honduras, and that the pertinent supervisory mechanisms as well as independent DAGs (Domestic Advisory Groups) are established and activated;
22. Invites the European Union to expeditiously develop the due diligence principle for European companies and consequently a monitoring mechanism as compulsory part of future trade agreements and of the revision of existing ones;
23. 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 parliaments and governments of the Member States, the authorities of Honduras, of SIECA, the Parlacen and the EuroLat Assembly.