



HOUSE OF COMMONS  
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CANADA

# **OVERCOMING VIOLENCE AND IMPUNITY: HUMAN RIGHTS CHALLENGES IN HONDURAS**

## **Report of the Standing Committee on Foreign Affairs and International Development**

**Dean Allison  
Chair**

### **Subcommittee on International Human Rights**

**Scott Reid  
Chair**

**MARCH 2015**

**41<sup>st</sup> PARLIAMENT, SECOND SESSION**

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# **THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT**

has the honour to present its

## **SEVENTH REPORT**

Pursuant to its mandate under Standing Order 108(1) and (2), the Subcommittee has studied the human rights situation in Honduras and has reported to the Committee.

Your Committee has adopted the report, which reads as follows:



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# OVERCOMING VIOLENCE AND IMPUNITY: HUMAN RIGHTS CHALLENGES IN HONDURAS

## INTRODUCTION

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During the 2<sup>nd</sup> Session of the 41<sup>st</sup> Parliament, the Subcommittee on International Human Rights (the Subcommittee) studied the human rights situation as it pertains to targeted peoples in Honduras. This study also took into account evidence heard during the 1<sup>st</sup> session of the same Parliament.<sup>1</sup> The Subcommittee heard from witnesses and received written submissions as part of its study. Based on the evidence it received and on publicly available information, the Subcommittee has agreed to report the following findings and recommendations to the House of Commons Standing Committee on Foreign Affairs and International Development.

During its study, the Subcommittee heard evidence regarding a range of factors that have contributed to the lack of respect for human rights in Honduras. The Subcommittee acknowledges the complexity of the situation facing the country as it attempts to re-build its democratic institutions in the wake of a 2009 coup, which left the population deeply polarized.

Hondurans struggle to overcome high rates of poverty, inequality and lack of economic opportunity. Moreover, drug traffickers, criminal gangs and other organized criminals have exploited serious institutional weaknesses and capacity gaps in the justice sector, creating an environment in which most Hondurans are unable to rely on the state to ensure their basic security. In this context, those who seek to silence the voices of human rights defenders, journalists, justice sector workers and other peaceful activists through killings, violence and intimidation have been able to do so with impunity. The Subcommittee believes that, through bilateral and multilateral engagement, Canada can assist Hondurans in building the institutional capacity needed to re-establish the rule of law and to hold those responsible for attacks against human rights defenders and others to account.

This report begins by providing an overview of key events in Honduras since the 2009 coup against then-President Manuel Zelaya. Next, the report reviews the evidence that the Subcommittee heard regarding widespread crime and violence in Honduras, attacks on human rights defenders and institutional fragility. The report subsequently examines ways in which Canadian engagement can contribute to improving respect for human rights and the rule of law in Honduras. Finally, the report sets out the Subcommittee's conclusions and its recommendations to the Government of Canada.

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1 House of Commons Standing Committee on Foreign Affairs and International Development, Subcommittee on International Human Rights [SDIR], [Minutes of Proceedings](#), 4 October 2012; SDIR, [Minutes of Proceedings](#), 2 February 2014.





# GOVERNANCE AND HUMAN RIGHTS: AN OVERVIEW

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Throughout the Subcommittee's study, witnesses referred to Honduras' weak governance framework and the deep polarization between left- and right-wing political groups. The Subcommittee heard that Honduran institutions are very fragile and that wealth, political influence and land ownership remain highly concentrated. Michael Kergin, a former Canadian diplomat who served as a commissioner on the Honduran Truth and Reconciliation Commission, informed the Subcommittee that a handful of families and groups control most of the country's banks and media outlets and hold disproportionate political influence.<sup>2</sup> Neil Reeder, a senior official from the Department of Foreign Affairs, Trade and Development (DFATD), explained that, although "Honduras has come a long way, some of these dominant families, including large landholders...are resisting changes to their situation."<sup>3</sup>

At the lower end of the income spectrum, many Hondurans struggle to overcome endemic poverty and high rates of unemployment.<sup>4</sup> In 2014, Honduras was ranked 129<sup>th</sup> out of 187 countries on the United Nations Human Development Index.<sup>5</sup> According to DFATD, 35% of Hondurans live on less than US\$2 a day. Food security is a "significant concern,"<sup>6</sup> with roughly 1.5 million Hondurans facing hunger. Likewise, malnutrition and stunted growth for children under 5 years of age, as well as maternal and child health, remain challenges. More than half of the population is under the age of 15, straining basic health and education services. One in six Hondurans is illiterate.<sup>7</sup>

In this context, Adam Blackwell, Ambassador of the Organization of American States (OAS) Secretariat for Multidimensional Security, explained to the Subcommittee that for decades "structural issues have affected the human rights of Hondurans, particularly in the areas of security, justice, marginalization, and discrimination." In his view, key human rights concerns include:

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- 2 SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin). See also: Jake Johnston and Stephan Lefebvre, [Honduras Since the Coup: Economic and Social Outcomes](#), Center for Economic and Policy Research, November 2013, provided to SDIR by Mr. Alexander Main, Senior Associate, International Policy, Center for Economic and Policy Research.
  - 3 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, Director General, Latin America and Caribbean Bureau, Department of Foreign Affairs, Trade and Development [DFATD]). The Department of Foreign Affairs and International Trade was amalgamated with the Canadian International Development Agency [CIDA] to become DFATD effective 26 June 2013, when the [Department of Foreign Affairs, Trade and Development Act](#), S.C. 2013, c. 33, s. 174, came into force.
  - 4 Jake Johnston and Stephan Lefebvre, [Honduras Since the Coup: Economic and Social Outcomes](#), Center for Economic and Policy Research, November 2013.
  - 5 United Nations Development Programme, [Sustaining Human Progress: Reducing Vulnerabilities and Building Resilience: Human Development Report 2014](#), 2014.
  - 6 SDIR, [Evidence](#), Meeting No. 72, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 19 March 2013 (Lise Filiatrault, Regional Director General, Americas, Geographic Programs Branch, CIDA).
  - 7 SDIR, [Evidence](#), *ibid.* (Filiatrault).

deaths; arbitrary declaration of a state of emergency; suppression of public demonstrations through disproportionate use of force, criminalization of public protest; arbitrary detentions of thousands of persons; cruel, inhumane, and degrading treatment; grossly inadequate conditions of detention; militarization of the Honduran territory; a surge in incidents of racial discrimination; violation of women's rights; serious and arbitrary restrictions on the right of freedom of expression; and grave violations of political rights.<sup>8</sup>

## A. Recent political turmoil

Witnesses stressed that, in order to adequately address attacks on human rights defenders and others voicing dissent, it is necessary to understand Honduras' recent political history – in particular, the June 2009 coup d'état against President Manuel Zelaya.

### a. The 2009 coup d'état

A number of factors contributed to the crisis, including political polarization, large-scale social inequality and a rigid constitutional framework. The Honduran Constitution lacks processes for impeachment, limits the president to a single four-year term of office and prevents elected officials from advocating for changes to this term limit.<sup>9</sup> As a result of the coup, existing problems related to high levels of social inequality, poverty and crime were exacerbated, while already-weak Honduran civilian institutions were further undermined.<sup>10</sup>

The coup occurred when certain political factions, backed by the Supreme Court and the military, sought to prevent a referendum called by President Zelaya on whether to hold formal consultations on possible constitutional changes. The initiative was characterized by his opponents as an attempt to mobilize support for an amendment that would have allowed the President to serve a second term in office. The country's Supreme Court and Congress both declared the plan illegal; they considered that it violated the country's Constitution.<sup>11</sup>

On 28 June 2009, the military detained President Zelaya and expelled him from the country. With support from the military and the police, the Honduran Congress appointed a *de facto* government, led by the former President of the National Assembly, Roberto Micheletti – himself a member of President Zelaya's political party. The international community, including Canada and the United States, condemned the coup. On 4 July 2009, the OAS decided unanimously to suspend Honduras from the organization, calling President Zelaya's removal from office "an unconstitutional alteration

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8 SDIR, [Evidence](#), Meeting No. 76, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 18 April 2013 (Adam Blackwell, Ambassador, Secretariat for Multidimensional Security, Organization of American States [OAS]).

9 Kevin Casas-Zamora, "[Next Steps in Honduras](#)," United States Congress, House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, 18 March 2010, p. 8.

10 SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Researcher, Amnesty International); SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, DFATD); SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Senior Associate, International Policy, Center for Economic and Policy Research).

11 Peter J. Meyer, United States Congressional Research Service, [Honduran-U.S. Relations](#), 1 February 2013.

of the democratic order.”<sup>12</sup> Despite international efforts to resolve the crisis, the *de facto* government remained in control until new elections were held at end of November 2009.<sup>13</sup>

The Inter-American Commission on Human Rights found that, during the time the Micheletti government was in power, human rights violations were widespread. These violations included arbitrary detention on a large scale, a pattern of disproportionate use of force by the military and police and serious violations of the right to freedom of expression intended to limit political participation by opponents of the coup.<sup>14</sup>

## **b. The 2009 elections**

Presidential and legislative elections were held on 29 November 2009. The *de facto* regime continued to govern throughout the campaign and the election period. President Zelaya, who by that time had returned to Honduras, took refuge in the Brazilian embassy in Tegucigalpa during the election period. Porfirio Lobo and his *Partido Nacional* (National Party or PN) won the presidential elections and also won a majority in the Honduran Congress. Despite this situation, DFATD officials told the Subcommittee that they considered the elections to have been free and fair.<sup>15</sup>

The day before President Lobo’s inauguration, the National Congress of Honduras approved an Amnesty Decree. The decree gave amnesty to all Honduran citizens who, by their participation in the coup d’état of 28 June 2009, attempted or committed the crimes of treason, attacks on the form of government, terrorism, sedition, usurpation of powers, attacks on constitutionally guaranteed rights, disobedience, misuse of authority or violations of the duties of officials.<sup>16</sup> The Inter-American Commission on Human Rights criticized the decree for being “confusing and ambiguous” and for failing to “establish precise criteria or concrete mechanisms for its application.”<sup>17</sup>

Following his inauguration in January 2010, President Lobo formed a multi-party cabinet. His government was widely recognized by the international community and in June 2011 Honduras was readmitted to the OAS.<sup>18</sup>

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12 OAS, “[OAS Permanent Council Condemns Coup d’État in Honduras, Calls Meeting of Ministers and Entrusts Secretary General with Carrying out Consultations](#),” News Release, 28 June 2009; OAS, “[OAS Suspends Membership of Honduras](#),” News release, 5 July 2009.

13 DFATD, “[Canada Welcomes Agreement in Honduran Negotiations](#),” News Release, 30 October 2009. The [Spanish text](#) of the accord is available through the website of the U.S. Mission to the Organization of American States, “[Assistant Secretary Shannon Briefing](#),” 30 October 2009.

14 Inter-American Commission on Human Rights [IACHR], [Preliminary Observations of the IACHR visit to Honduras](#), 21 August 2009. The Subcommittee was referred to the IACHR’s findings by Alexander Main from the Center for Economic and Policy Research; SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014.

15 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, DFATD).

16 Honduras, [Decree No. 2–2010](#), *Official Gazette*, 2 February 2010. [AVAILABLE IN SPANISH ONLY]

17 IACHR, “[IACHR Expresses Concern About Amnesty Decree in Honduras](#),” News Release, 3 February 2010.

18 OAS, “[OAS General Assembly Resolution to Lift the Suspension of Honduras](#),” News Release, 1 June 2011.

### c. The 2013 elections

General elections were held again in November 2013. Mr. Lobo could not run for a second term, but the candidate from his *Partido Nacional*, Juan Orlando Hernández, won the presidency with 36.9% of the vote.<sup>19</sup> These elections were characterized as “democratic” by officials from DFATD.<sup>20</sup> Alexander Main, from the Center for Economic and Policy Research in Washington D.C., noted, however, that the elections and the pre-election period were marred by political violence and reports of irregularities.<sup>21</sup>

The November 2013 general elections were contested by a number of different parties that won a significant portion of the vote. The centre-right PN formed a legislative alliance with the centre-left *Partido Liberal* (Liberal Party or PL), its traditional rival. The left-wing *Libertad y Refundación* (Freedom and Refounding Party or *Libre*) and the *Partido Anti-Corrupción* (Anti-Corruption Party or PAC) created an opposition bloc.<sup>22</sup>

### B. Efforts at truth and reconciliation

After taking power in 2010, the government of President Lobo took steps to begin a process of political reconciliation in the country.<sup>23</sup> A key element of this process was the creation, by presidential decree, of a truth and reconciliation commission to investigate the events leading up to and following the 2009 coup.

#### a. The Honduran Truth and Reconciliation Commission

The Truth and Reconciliation Commission (the Commission) was created in April 2010 under the auspices of the OAS. Its mandate was to “examine the events leading up to the July 28, 2009 expulsion of President Zelaya, and then to present recommendations to ensure that such events, such a failure of governance, would not happen again.”<sup>24</sup> It was led by the former Vice-President of Guatemala, Eduardo Stein, and also included two Honduran representatives as well as two international representatives, one of whom was a Canadian, Michael Kergin.

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19 BBC News, “[Honduras: Juan Orlando Hernandez confirmed as president](#),” 12 December 2013.

20 SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri–Paul Normandin, Director–General, Latin America and Caribbean Bureau, DFATD). See also: U.S. State Department, Country Reports on Human Rights Practices, [Honduras 2013 Human Rights Report](#); OAS, “[Preliminary Report of the Electoral Observation Mission of the OAS in Honduras](#),” News Release, 19 December 2013.

21 SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research).

22 Three seats in the legislature are held by three minor parties.

23 By 2011, Canada, the United States and more than 90 other countries had normalized relations with Honduras. Kevin Casas–Zamora, “[Next Steps in Honduras](#),” United States Congress, House Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, 18 March 2010, p. 3. See also Elisabeth Malkin, “[Clinton Presses Region to Recognize Honduras](#),” *The New York Times*, 5 March 2010.

24 SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin).

On their own initiative, the commissioners expanded their mandate to investigate human rights issues that arose between the coup on 28 June 2009 and the inauguration of the new government on 27 January 2010.<sup>25</sup> The Commission received testimony on violations allegedly committed by Honduran security forces during the interim government's rule, including extrajudicial killings, illegal imprisonment, torture, sexual violence, political persecution and violations of freedom of expression.<sup>26</sup> It presented its final report in July 2011.

The Commission substantiated allegations that during the time the interim government was in power Honduran military and police used excessive force, detained individuals arbitrarily and were responsible for extrajudicial killings in several specific cases. It also documented serious violations of the right to freedom of expression. Moreover, the Commission concluded that police and army officials systematically obstructed investigations into these and other human rights violations.<sup>27</sup>

The Commission attributed responsibility for these human rights violations to *de facto* President Micheletti, to the head of the Armed Forces Joint Chiefs of Staff, to the leadership of the National Police, and, with respect to violations of the right to freedom of expression, to the National Telecommunications Commission. The Commission also found that the National Human Rights Commissioner “acted at a minimum with negligence” in failing to protect the human rights of Hondurans while the *de facto* government was in power.<sup>28</sup> Efforts made to protect human rights by the Honduran judiciary and the Public Prosecutor's Office were described by the Commission as being “notoriously insufficient.”<sup>29</sup>

Mr. Kergin, who served as a commissioner, told the Subcommittee that

there could never be any justification for the complicity of the senior levels of government, reaching to Micheletti himself, in condoning police violence, in failing to investigate obvious politically inspired assassinations, or in restricting freedom of movement through the imposition of extended curfews without corresponding constitutional authority.<sup>30</sup>

In its report, the Commission made a number of recommendations for constitutional and governance reforms. Mr. Kergin drew the Subcommittee's attention to the following

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25 SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin); [Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación](#) [To Prevent These Events from Happening Again: Report of the Truth and Reconciliation Commission], July 2011, pp. 279, 283. [AVAILABLE IN SPANISH ONLY]

26 To Prevent These Events from Happening Again: Report of the Truth and Reconciliation Commission, p. 394.

27 To Prevent These Events from Happening Again: Report of the Truth and Reconciliation Commission, pp. 308–309; Human Rights Watch, [World Report 2013](#), p. 241.

28 To Prevent These Events from Happening Again: Report of the Truth and Reconciliation Commission, p. 385 [TRANSLATION]

29 To Prevent These Events from Happening Again: Report of the Truth and Reconciliation Commission, p. 378 [TRANSLATION]

30 SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin).

recommendations: that the Government of Honduras remove political and policing functions from the mandate of the military and that it enshrine civil control over the military; that a reform of political parties be undertaken to ensure higher levels of financial and electoral transparency; and that the appointment process for high-level judicial and legislative watchdog bodies be depoliticized.<sup>31</sup>

Regarding human rights, Mr. Kergin highlighted the Commission's seven principal recommendations to the Honduran government:

- pursuing, prosecuting and punishing perpetrators of human rights abuses committed during the interim government;
- establishing a national plan of reparations for those having legitimate and verifiable human rights grievances;
- providing sufficient resources and independence to the Public Prosecutor's Office, in order that it may respond promptly to human rights complaints;
- conducting an independent review of the actions of the human rights commissioner during the interim government;
- reviewing legislation to ensure that Honduran law is compatible with international norms and standards, particularly in relation to personal security related to freedom of expression – especially that of journalists – and freedom of association;
- guaranteeing that tribal and indigenous people have access to justice in their own language; and
- ensuring compliance with the International Labour Organization convention regarding the duty to consult about the use and exploitation of natural resources in aboriginal territories.<sup>32</sup>

Other recommendations that are particularly relevant to the Subcommittee's study include establishing a criminal investigative unit under the control of the Public Prosecutor's Office; reforming the police to improve training and accountability in line with international standards and to remove officers involved in criminal or "irregular" practices; guaranteeing citizen participation in the development of security policies and in reform of the Public Prosecutor's Office; and offering public recognition of the important role played

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31 SDIR, [Evidence](#), *ibid.* (Kergin); To Prevent These Events from Happening Again: Report of the Truth and Reconciliation Commission, pp. 400–401.

32 SDIR, [Evidence](#), *ibid.* (Kergin).



by human rights defenders and ensuring their ability to carry out their work without obstruction or harassment.<sup>33</sup>

As of October 2013, Honduras reported to the Inter-American Commission on Human Rights that it had complied with 32 of the Commission's recommendations, with another 37 in the process of being implemented and the remaining 17 still pending implementation.<sup>34</sup> Mr. Main noted in his testimony, however, that the Honduran government has failed to investigate and prosecute those responsible for human rights violations during the coup, with the exception of one case involving the closure of a television channel.<sup>35</sup>

## **b. The alternative truth and reconciliation commission**

The government's Truth and Reconciliation Commission faced distrust from some civil society groups in Honduras, particularly because the Lobo government failed to include an explicit mandate for the Commission to investigate human rights violations and abuses.<sup>36</sup>

In response, an alternative (non-governmental) Truth Commission or *Comisión de Verdad* (CDV) was established in June 2010 by six Honduran civil society and human rights organizations.<sup>37</sup> The CDV's stated objectives were to clarify the truth on the facts surrounding the coup of 28 June 2009; to promote justice for victims of gross violations of human rights and fundamental freedoms; and to promote comprehensive reparation to the victims.<sup>38</sup>

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33 To Prevent These Events from Happening Again: Report of the Truth and Reconciliation Commission, pp. 404–407.

34 IACHR, "[Honduras](#)", *Annual Report 2013*, OAS, 2013, para. 251.

35 Alexander Main, "The Situation of Human Rights and Democracy in Honduras Since the Elections of November 2013: Written testimony of Alexander Main to the Subcommittee on International Human Rights of the House of Commons of Canada," Written Submission, 9 December 2014 [Alexander Main, Written Submission to SDIR, 9 December 2014].

36 SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Coordinator, Central America, Rights Action). The Inter-American Commission on Human Rights pointed out that the lack of an explicit mandate for the Commission to investigate human rights violations was inconsistent with the right of victims and of Honduran society to know the truth in cases of serious human rights violations and the right to know the identity of those who had a hand in those violations: IACHR, [Preliminary Observations of the Inter-American Commission on Human Rights on Its Visit to Honduras, May 15 to 18, 2010](#), OEA/Ser.L/V/II.Doc. 68, OAS, 3 June 2010, paras. 111–112. According to the Commission, this right exists under the [American Convention on Human Rights](#).

37 Comisión de Verdad [CDV], [Informe de la Comisión de Verdad. La voz más autorizada es la de las víctimas](#), Tegucigalpa, Honduras, October 2012, pp. 10, 32. [AVAILABLE IN SPANISH ONLY] The six organizations are COFADEH (Comité de Familiares de Detenidos, Desaparecidos de Honduras), CODEH (Comité para la Defensa de los Derechos Humanos), CIPRODEH (Centro de Investigación y Promoción de los Derechos Humanos), CDM (Centro de Derechos de Mujeres), FIANH (Food First Information and Action Network Honduras) and CPTRT (Centro para la Prevención, Rehabilitación y Tratamiento de la Tortura).

38 CDV Report, p. 32.

Former CDV commissioner Elsie Monge testified before the Subcommittee, and her fellow commissioner, Craig Scott, M.P., participated in the Subcommittee's hearings in his capacity as a Canadian Member of Parliament.

The final report of the CDV was issued in October 2012. Consistent with the CDV's objectives, its report emphasized human rights issues and the right of victims to truth, justice and reparation. The report was strongly critical of Honduran state security agents.<sup>39</sup> The CDV also highlighted the ongoing effects of the coup, focusing on the climate of impunity that persisted in the country and the ill-effects of the January 2010 Amnesty Decree. It concluded that there was a "grave and systematic policy of denial of justice to the rights of victims and to the entire society."<sup>40</sup> Amongst its recommendations, the CDV called for

- the investigation and sanctioning of those who planned and carried out the coup d'état and the human rights violations that ensued;
- reparations for victims, reconfiguration of Honduras' legal order through constitutional reform;
- greater space for the involvement of civil society organizations in the country's affairs; and
- reconsideration of the methods, training and operational philosophy of the country's security forces.<sup>41</sup>

Despite the elections in 2013 and the work of two truth and reconciliation commissions, high levels of distrust and political polarization persist in Honduras. Given this challenging context, the Subcommittee considers that the findings and recommendations of the Honduran Truth and Reconciliation Commission, as well as those made by the alternative, civil-society-led commission, provide useful benchmarks for analyzing the country's progress on human rights issues.

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39 CDV Report.

40 CDV Report, p. 299.

41 CDV Report, pp. 301–306.



# CITIZEN SECURITY IN HONDURAS

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Citizen security – the freedom of individuals to pursue their lives free from violent crime and in full enjoyment of their human rights – is one of the most pressing challenges facing many countries in the Americas today. Citizen security encompasses the lawful activity of security forces aimed at protecting the population from crime and violence, as well as the need to effectively prevent and remedy human rights violations by those same forces.<sup>42</sup>

According to Mr. Blackwell, the “lack of citizen security is one of the most serious problems affecting Honduran society, a situation that has a profound impact on the protection of human rights.”<sup>43</sup> Witnesses told the Subcommittee that Honduras is one of the most violent countries in the world.<sup>44</sup> Mr. Rick Craig, Executive Director of the Justice Education Society of British Columbia, a non-governmental organization that works with police and prosecutors in Honduras, informed the Subcommittee that, although estimates fluctuate, the homicide rate in Honduras is usually pegged at approximately 90 homicides per 100,000 people, which is “about 45 to 50 times” the rate in Canada.<sup>45</sup> He noted that in recent years Honduras has experienced an “unprecedented” rise in its homicide rate, representing an “incredible increase in violence.”<sup>46</sup> Information on homicide rates from the United Nations Office on Drugs and Crime (UNODC) and the OAS Observatory on Citizen Security’s Data Repository is consistent with this observation, showing a sharp increase in homicides in Honduras beginning in 2007.<sup>47</sup>

Witnesses stated that the increase in homicides and violent crime in Honduras has been attributed primarily to increased transnational drug trafficking, human trafficking and organized crime. The Subcommittee was told that following the 2009 coup a security vacuum allowed regional drug cartels to consolidate their presence and expand their trafficking and money laundering activities in Honduras.<sup>48</sup> Drugs move up from

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42 IACHR, [Report on Citizen Security and Human Rights](#), OEA/Ser.L/V/II. Doc. 57, OAS, 2009, para. 24.

43 SDIR, [Evidence](#), Meeting No. 76, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 18 April 2013 (Adam Blackwell, OAS).

44 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, DFATD); SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Rolando Sierra); SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action).

45 SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Executive Director, Justice Education Society of British Columbia).

46 SDIR, [Evidence](#), *ibid.* (Craig).

47 OAS Observatory on Citizen Security – Data Repository, “[Honduras – 01. Intentional Homicide \(criminal system\)](#)”; UN Office on Drugs and Crime, [Global Study on Homicide 2013](#), March 2014, pp. 43, 126; IACHR, “[Preliminary Observations concerning the Human Rights Situation in Honduras](#),” News Release, 5 December 2014.

48 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, DFATD); SDIR, [Evidence](#), Meeting No. 76, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 18 April 2013 (Adam Blackwell, OAS); SDIR, [Evidence](#), Meeting No. 79, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 30 April 2013 (Rick Craig, Justice Education Society); UN Office on Drugs and Crime, [Global Study on Homicide 2013](#), p. 43.

South America through the so-called “northern triangle” of Central America (Honduras, Guatemala and El Salvador) to Mexico and finally into the United States. According to officials from DFATD, estimates indicate that “close to 80% of all cocaine-smuggling flights departing South America touch land in Honduras before continuing northward.”<sup>49</sup>

Street gangs, known as *maras*, also contribute to the pervasive lack of security. There are more street gangs in Honduras than in all other Central American countries combined.<sup>50</sup> These gangs finance themselves through extortion and other criminal activity, which greatly contributes to insecurity in the country.<sup>51</sup> Small arms and light weapons proliferate amongst the population.<sup>52</sup>

The Inter-American Commission on Human Rights has stressed that citizen security requires timely, accessible, competent and non-discriminatory responses to crime by the justice system, as well as access to and respect for due process of law (including in the taking of complaints and conduct of investigations, prosecutions and criminal trials).<sup>53</sup> Witnesses informed the Subcommittee, however, that the Honduran police and security forces lack the expertise and resources to carry out effective investigations; they are plagued by corruption, have difficulty working effectively with the Public Prosecutor’s Office and are not always fully under the control of the civilian government.<sup>54</sup>

In this context, private security guards are increasingly fulfilling civilian policing functions.<sup>55</sup> Indeed, the Inter-American Commission on Human Rights has estimated that there are approximately 70,000 private security guards in Honduras, in comparison with roughly 14,000 police officers.<sup>56</sup> Discussing the impact of private security forces in

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49 SDIR, [Evidence](#), *ibid.* (Reeder).

50 SDIR, [Evidence](#), *ibid.* (Reeder).

51 SDIR, [Evidence](#), *ibid.* (Reeder); SDIR, [Evidence](#), Meeting No. 76, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 18 April 2013 (Adam Blackwell, OAS); SDIR, [Evidence](#), Meeting No. 79, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 30 April 2013 (Rick Craig, Justice Education Society).

52 SDIR, [Evidence](#), *ibid.* (Craig); SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International).

53 IACHR, [Report on Citizen Security and Human Rights](#), OEA/Ser.L/V/II. Doc. 57, OAS, 31 December 2009; IACHR, [Access to Justice for Women Victims of Violence in the Americas](#), OEA/Ser.L/V/II. Doc. 68, OAS, 20 January 2007.

54 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, DFATD); SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin and Rolando Sierra); SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action); SDIR, [Evidence](#), Meeting No. 79, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 30 April 2013 (Rick Craig, Justice Education Society); SDIR, [Evidence](#), Meeting No. 82, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 9 May 2013 (Dana Frank, Professor of History, University of California, Santa Cruz); SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society).

55 SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International); SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, General Coordinator, Committee of Relatives of the Detained and Disappeared in Honduras [COFADEH]); UN Office on Drugs and Crime, [Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment](#), September 2012, p. 71.

56 SDIR, [Evidence](#), *ibid.* (Oliva); IACHR, “[Honduras](#),” *Annual Report 2013*, para. 255.

Honduras, Esther Major, from Amnesty International, referred the Subcommittee to the work of the UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. Following a visit to Honduras in February 2013, the Working Group stated that

The unprecedented level of crimes and violence in the country has added to the confusion of roles and functions between [private security companies] and the security forces of the State, where these companies operate often in concert with or with knowledge of the police and the military.<sup>57</sup>

The Working Group concluded that Honduran private security companies “are undoubtedly powerful entities with significant leverage and there are significant challenges in ensuring that their activities are kept within the four corners of the law.”<sup>58</sup>

The Subcommittee heard allegations that both private and public security forces have been involved in human rights violations and abuses, including assassinations. Such actions represent clear violations and abuses of the right to life and to security of the person under international law.<sup>59</sup> The Subcommittee believes that the Government of Honduras must effectively control and regulate its security sector, including both public and private forces. The Subcommittee agrees with the finding of the Inter-American Commission on Human Rights that one of the state’s fundamental responsibilities is to ensure the democratic governance of citizen security and the public accountability of the systems that contribute to it.<sup>60</sup>

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57 Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, “[Addendum: Mission to Honduras](#),” Human Rights Council, UN Doc. A/HRC/24/45/Add.1, 5 August 2013, p. 2 [Report of the UN Working Group on Mercenaries, Mission to Honduras]. See also: Alexander Main, Written Submission to SDIR, 9 December 2014; IACHR, “[Preliminary Observations concerning the Human Rights Situation in Honduras](#),” News Release, 5 December 2014.

The UN Working Group is made up of independent experts, appointed by the UN Human Rights Council, who serve in their personal capacity. It is one of the Human Rights Council’s special procedures. Its findings and opinions have no binding force under international law.

58 Report of the UN Working Group on Mercenaries, Mission to Honduras, para. 14.

59 [International Covenant on Civil and Political Rights](#) (ICCPR), arts. 6, 9; [American Convention on Human Rights](#), arts. 4, 7. Canada has ratified the ICCPR. Honduras has ratified both the ICCPR and the American Convention.

60 IACHR, “[Honduras](#),” *Annual Report 2013*, para. 264.



## ATTACKS ON HUMAN RIGHTS DEFENDERS, JOURNALISTS AND OTHERS

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Even in the context of the generalized insecurity that prevails in Honduras, the Subcommittee heard that those who take a stand against human rights abuses and violations, as well as journalists, justice sector workers and other peaceful activists are at particular risk of being killed, assaulted, kidnapped, threatened or intimidated.<sup>61</sup> DFATD officials indicated, however, that the extremely high murder rate in Honduras sometimes makes it “difficult to clearly establish if [such individuals] have been targeted because of their profession, or because they were simply at the wrong place at the wrong moment.”<sup>62</sup>

Ms. Major, from Amnesty International, drew the Subcommittee’s attention to a 2012 report by the Special Rapporteur on the Situation of Human Rights Defenders on her mission to Honduras. In her report, the Special Rapporteur noted that “human rights defenders and their families continue to be vulnerable to extrajudicial executions, enforced disappearance, torture and ill-treatment, arbitrary arrest and detention, death threats, attacks, surveillance, harassment, stigmatization, displacement and enforced exile.”<sup>63</sup> Witnesses told the Subcommittee that this trend continues. In addition to human rights defenders, journalists, justice sector workers and other peaceful activists are often the victims of violence. Mr. Main, for example, identified “disturbing patterns of killings, attacks and threats targeting individuals and groups that may pose a threat to powerful interests,” while Mr. Craig stressed the vulnerability of those who investigate and work on cases related to organized crime, drug crime and corruption.<sup>64</sup>

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61 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, DFATD); SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International); SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, COFADEH); SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri-Paul Normandin, DFATD); SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society); SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research).

62 DFATD, “House of Commons Sub-Committee on Human Rights Hearings on Honduras: Opening Statement,” 6 November 2014.

63 [Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya. Mission to Honduras](#), Human Rights Council, UN Doc. A/HRC/22/47/Add.1, 13 December 2012, para. 65.

64 Alexander Main, Written Submission to SDIR, 9 December 2014; SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society). See also: IACHR, “[Preliminary Observations concerning the Human Rights Situation in Honduras](#),” News Release, 5 December 2014; IACHR, “[Office of the Special Rapporteur Condemns Murder of Communicator in Honduras](#),” News Release, 17 December 2014; IACHR, “[IACHR Condemns Murder of Justice Operators in Honduras](#),” News Release 24 November 2014; IACHR, “[IACHR Condemns Murder of Human Rights Defender in Honduras](#),” News Release, 17 September 2014; IACHR, “[IACHR Condemns Killing of Human Rights Defender in Honduras](#),” News Release, 28 May 2014; IACHR, “[Precautionary measures granted in 2013](#),” *Annual Report 2013*, paras 27–28.

## A. Targeted groups vulnerable to attack

### a. Defenders of *campesino* land rights

Witnesses told the Subcommittee that tensions over access to and distribution of land have caused significant tensions and resulted in a number of deaths in Honduras.<sup>65</sup> In the Bajo Aguán region in northern Honduras, where there are disputes over land ownership between *campesino* (peasant farmer) communities and powerful land-owning families, violence has been particularly acute.

As Karen Spring, from Rights Action, explained to the Subcommittee, in Bajo Aguán

[o]wnership [of land] is being contested by the campesino or peasant farmer communities and cooperatives that existed in the 1990s. They are saying that the land was illegally taken from them by three large landowners. Within that region, which is on the northern coast of Honduras, each different peasant farmer movement has different land claims, so it adds to the complexity of the situation in the sense that there isn't one specific claim to the land. There are actually many different ones and many different circumstances that led to the land conflict and basically the landownership being contested.<sup>66</sup>

In the context of these land disputes, Ms. Major told the Subcommittee that in 2013 Amnesty International was aware of 400 families who were moved off the land they had occupied and were left “without access to running water, to education, [or] to health.”<sup>67</sup>

The Subcommittee was told that in 2012 the security situation in the region was so volatile that the UN Special Rapporteur on the Situation of Human Rights Defenders could not visit Bajo Aguán during her mission to Honduras.<sup>68</sup> The Inter-American Commission on Human Rights reports that 112 *campesinos* are alleged to have been killed between 2010 and 2014 in connection with agrarian conflict in the region.<sup>69</sup>

The Subcommittee heard allegations that both private and public security forces, including Honduran military units, were involved in killings, enforced disappearances and

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65 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, DFATD); SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International); SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action); SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Rolando Sierra); SDIR, [Evidence](#), Meeting No. 82, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 9 May 2013 (Dana Frank, University of California, Santa Cruz); SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research).

66 SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action).

67 SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International).

68 SDIR, [Evidence](#), *ibid.* (Major); [Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya. Mission to Honduras](#), Human Rights Council, UN Doc. A/HRC/22/47/Add.1, 13 December 2012, para. 6.

69 IACHR, “[IACHR expresses concern over threats against and arrests of campesino leaders in Bajo Aguán, Honduras](#),” News Release, 29 August 2014.



acts of intimidation against land-rights activists in Bajo Aguán and in other parts of Honduras.<sup>70</sup> Mr. Main explained that activists supporting communities opposed to plans for large-scale private ventures are particularly vulnerable.<sup>71</sup>

One of the highest-profile cases was the September 2012 killing of lawyer Antonio Trejo, who successfully litigated cases recognizing the land rights of *campesino* communities in Bajo Aguán.<sup>72</sup> Trejo was also part of a group of lawyers who, in September 2012, presented a constitutional challenge to stop the creation of “special development regions” in Honduras. Also known as “Charter Cities,” the special development regions will have jurisdiction to establish their own administrative and regulatory system, draft and implement their own legislation, establish separate courts and tribunals and maintain their own tax regimes (national taxes and duties will not apply).<sup>73</sup> Antonio Trejo’s brother, José Trejo, was also killed in November 2012. According to Amnesty International, José Trejo was shot dead by unknown men as he travelled on his motorbike in the north of the country. Reportedly, he had been in Tegucigalpa the day before his murder to meet with officials regarding his brother’s death.<sup>74</sup>

On a more positive note, the Subcommittee was encouraged to learn from Mr. Normandin, Director General of the Latin America and Caribbean Bureau at DFATD, that Honduras has established a government-civil society working group “to evaluate solutions for land reform in the troubled Bajo Aguán region.”<sup>75</sup> In addition, in the spring of

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70 SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International); SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Rolando Sierra); SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, COFADEH); SDIR, [Evidence](#), Meeting No. 75, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 16 April 2013 (Elsie Monge, *La Comisión Ecueménica de Derechos Humanos*); SDIR, [Evidence](#), Meeting No. 82, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 9 May 2013 (Dana Frank, University of California, Santa Cruz); SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research); IACHR, “[Preliminary Observations concerning the Human Rights Situation in Honduras](#),” News Release, 5 December 2014; IACHR, “[IACHR Condemns Murder of Human Rights Defender in Honduras](#),” News Release, 17 September 2014. The World Bank’s Compliance Advisor Ombudsman has also reported on the situation in its [CAO Audit of IFC Investment in Corporación Dinant S.A. de C.V., Honduras](#), CAO Ref. C–I–R9–Y12–F161, 20 December 2013. The International Finance Corporation has issued a [response](#) to the report.

71 SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research); Alexander Main, Written Submission to SDIR, 9 December 2014.

72 SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action); SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International); SDIR, [Evidence](#), Meeting No. 82, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 9 May 2013 (Dana Frank, University of California, Santa Cruz).

73 DFATD, “Responses to the Sub-Committee on International Human Rights of the Commons Standing Committee on Foreign Affairs and International Development,” June 2013. According to information provided to the Subcommittee by DFATD, referenda would be held to obtain consent from affected populations, “except in scarcely populated areas.” DFATD indicated that Canada had not been involved in the development of the Charter Cities initiative in Honduras.

74 Amnesty International, “[Honduras must investigate killing of murdered activist’s brother](#),” News Release, 21 February 2013.

75 SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri–Paul Normandin, DFATD).

2014, two new prosecutors were assigned to deal with killings related to land disputes in northern Honduras.<sup>76</sup>

## **b. Defenders of vulnerable and marginalized groups**

In addition to individuals involved in land disputes, those who defend members of traditionally disadvantaged or vulnerable groups in Honduras are especially vulnerable. Defenders who work on issues relating to the human rights of women, children, lesbian, gay, bisexual, transgendered and intersex (LGBTI) persons and indigenous peoples have been particular targets of violence and intimidation.<sup>77</sup>

For example, Ms. Major told the Subcommittee that women human rights defenders accompanying victims of domestic violence to police stations to report assaults had been physically attacked and threatened with violence. She argued that the very state institutions that are supposed to protect women from domestic violence are responding with the same discriminatory attitudes that underlie gender-based violence.<sup>78</sup> Mr. Main provided another example: in May 2014, a newly created Honduran military police unit allegedly attacked a defender of children's rights, José Guadalupe Ruelas, by beating, dragging and kicking him.<sup>79</sup> Ms. Major indicated that those who work to defend the rights of LGBTI persons in Honduras are also at a higher risk of attack.<sup>80</sup> The Inter-American Commission on Human Rights indicated, for example, that in 2013 members of an LGBTI advocacy group were reportedly physically assaulted and harassed, and in July 2013, a child of one of their leaders was kidnapped.<sup>81</sup>

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76 SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society).

77 SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International); SDIR, [Evidence](#), Meeting No. 75, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 16 April 2013 (Elsie Monge, *La Comisión Ecueménica de Derechos Humanos*); SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin); SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research); IACHR, "[Preliminary Observations concerning the Human Rights Situation in Honduras](#)," News Release, 5 December 2014; IACHR, "[Honduras](#)," *Annual Report 2013*, paras. 253, 256–257; IACHR, "[Precautionary measures granted in 2013](#)," *Annual Report 2013*, para. 27.

78 SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International); IACHR, "[Preliminary Observations concerning the Human Rights Situation in Honduras](#)," News Release, 5 December 2014.

79 SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research). For an account of the incident put together by an international non-governmental organization that works with human rights defenders, see: Frontline Defenders, "[Honduras – Beating and arbitrary detention of human rights defender Mr. José Guadalupe Ruelas García](#)," 13 May 2014.

80 SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International).

81 IACHR, "Motion MC 457/13 – Members of 'Asociación para una Vida Mejor de Honduras' [Association for a better life in Honduras] (APUVIMEH)," [Precautionary Measures](#), 22 January 2014; IACHR, "[IACHR Expresses Concern about Attacks against LGBTI Persons and other Forms of Violence and Restrictions against LGBTI Organizations in the Americas](#)," News Release, 27 February 2014.



### c. Justice sector workers

Justice sector workers in Honduras are also at risk.<sup>82</sup> In April 2013, the Chief of the Money Laundering Unit of the Office of the Special Prosecutor against Organized Crime, Orlan Arturo Chávez, was murdered.<sup>83</sup> In October 2014, two other prosecutors, Marlene Banegas and Olga Patricia Eufragio, and a public defender, Iris Argueta, were killed.<sup>84</sup> According to the Inter-American Commission on Human Rights, 86 lawyers have been murdered in Honduras since 2010.<sup>85</sup>

In addition, the Inter-American Commission continues to receive reports of violence, threats and pressure against members of the Honduran judiciary.<sup>86</sup> The Commission reported at least 20 death threats against judges in 2014, many of which were against criminal judges assigned to cases involving organized crime.<sup>87</sup>

In response to the killings of prosecutors Banegas and Eufragio, the Honduran Congress approved changes to the penal code to increase the penalty for murder of a judicial official to life imprisonment. The penalty for threatening government officials in the exercise of their duties was also increased to 20 years imprisonment.<sup>88</sup> The new law was cited as a positive development by officials from DFATD and by Mr. Craig, showing that Honduras is serious about protecting prosecutors and judges from threats and violence.<sup>89</sup> Mr. Main, on the other hand, questioned whether the increased penalties would be effective in reducing the number of attacks on justice sector workers.<sup>90</sup>

In addition, the Subcommittee was told that the Public Prosecutor's Office has created a rapid response security team that can be deployed if a prosecutor is threatened. The Honduran government is also training prosecutors on human rights and self-defence.

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82 SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International); SDIR, [Evidence](#), Meeting No. 79, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 30 April 2013 (Rick Craig, Justice Education Society); SDIR, [Evidence](#), Meeting No. 82, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 9 May 2013 (Dana Frank, University of California, Santa Cruz).

83 SDIR, [Evidence](#), *ibid.* (Frank); IACHR, "[Honduras](#)," *Annual Report 2013*, para. 302.

84 IACHR, "[IACHR Condemns Murder of Justice Operators in Honduras](#)," News Release, 24 November 2014; SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society).

85 IACHR, "[IACHR Condemns Murder of Justice Operators in Honduras](#)," *ibid.*

86 IACHR, "[Honduras](#)," *Annual Report 2013*, para. 300; IACHR, "[Preliminary Observations concerning the Human Rights Situation in Honduras](#)," News Release, 5 December 2014.

87 IACHR, "[IACHR Condemns Murder of Justice Operators in Honduras](#)," News Release, 24 November 2014.

88 SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri-Paul Normandin, DFATD).

89 SDIR, [Evidence](#), *ibid.* (Normandin); SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society).

90 SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research); SDIR, [Evidence](#), *ibid.* (Craig).

In addition, four prosecutors have been assigned to work with the *Colegio de Abogados*, the college of lawyers, on investigations related to attacks on lawyers.<sup>91</sup>

#### **d. Journalists and media workers**

The Subcommittee heard that journalists investigating corruption, as well as those reporting on political issues, also face harassment, assault and the risk of assassination.<sup>92</sup> Mr. Kergin emphasized that threats to journalists investigating the Honduran drug trade are particularly acute.<sup>93</sup>

According to Freedom House, Honduras is currently considered one of the most dangerous countries in the world for journalists.<sup>94</sup> In December 2014, the Inter-American Commission on Human Rights reported a total of 46 killings of journalists and media workers since the 2009 coup (compared with three killings between 2003 and 2009).<sup>95</sup> Mr. Main indicated that, in 2014 alone, at least 8 journalists and media workers were killed and a number of other journalists received death threats. One journalist also went into hiding after his police escort and an official who had denounced corruption on his television show were both murdered.<sup>96</sup>

#### **e. Opposition political activists and labour leaders**

The Subcommittee was told that, in the last three years, members of opposition political parties have been increasingly threatened and targeted for assassination. Forty-five members of the opposition *Libre* party are alleged to have been killed between the November 2013 elections and April 2014.<sup>97</sup> In addition, the Subcommittee heard testimony that the Committee of Relatives of the Detained and Disappeared in Honduras (COFADEH) had documented the killings of over 200 other dissidents.<sup>98</sup>

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91 SDIR, [Evidence](#), *ibid.* (Craig).

92 SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin); SDIR, [Evidence](#), Meeting No. 79, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 30 April 2013 (Rick Craig, Justice Education Society); SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, COFADEH); SDIR, [Evidence](#), Meeting No. 82, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 9 May 2013 (Dana Frank, University of California, Santa Cruz).

93 SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin).

94 Freedom House, "[Honduras](#)," *Freedom in the World Report 2014*.

95 IACHR, "[Preliminary Observations concerning the Human Rights Situation in Honduras](#)," News Release, 5 December 2014. See also: IACHR, "[Office of the Special Rapporteur Condemns Murder of Journalist in Honduras](#)," News Release, 21 August 2014; IACHR, "[Office of the Special Rapporteur Condemns Murder of Radio Worker in Honduras](#)," News Release, 15 April 2014; IACHR, "[Honduras](#)," *Annual Report 2013*, paras. 311–315, 319–345.

96 Alexander Main, Written Submission to SDIR, 9 December 2014.

97 SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, COFADEH).

98 SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action). Mr. Main made similar points in his testimony and written submission (SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014; Alexander Main, Written Submission to SDIR, 9 December 2014).

The Subcommittee was informed that unions and labour organizers likewise have been attacked and intimidated.<sup>99</sup>

## **B. Implementation of precautionary measures ordered by the Inter-American human rights system**

One of the principal forms of recourse for human rights defenders, journalists, justice sector workers and other peaceful activists who face threats to their safety in Honduras is to apply for precautionary measures from the Inter-American Commission on Human Rights. Canadian officials explained to the Subcommittee that

The IACHR [Inter-American Commission on Human Rights] defines these measures as a request, issued in serious or urgent situations, that the State “adopt precautionary measures to prevent irreparable harm to persons or to the subject matter of the proceedings in connection with a pending petition or case, as well as to persons under the jurisdiction of the State concerned, independently of any pending petition or case.” The IACHR has indicated that Honduras has responded to the Commission’s requests for information and has allowed official visits by IACHR delegations, but many people who are the subject of precautionary measures have reported that effective protection measures are not being implemented, and that they continue to be at risk.<sup>100</sup>

Mr. Normandin indicated that the Office of the Inspector General of Honduras is currently administering 39 sets of precautionary measures.

In December 2014, the Inter-American Commission noted efforts by Honduran authorities to modernize and improve their system for implementing precautionary measures.<sup>101</sup> In some cases, police protection has been assigned to the beneficiaries of such measures; in other cases, beneficiaries have been given information such as phone numbers to call in case of emergency.<sup>102</sup> Nevertheless, Mr. Main criticized the overall implementation of precautionary measures, indicating that in many cases police units are unaware of how to implement the measures or lack the necessary resources to do so. In some cases, there have been allegations of police complicity with actors that beneficiaries consider to be threatening.<sup>103</sup>

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99 SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, COFADEH).

100 CIDA, Responses to Questions Taken on Notice, 15 April 2013.

101 IACHR, “[Preliminary Observations concerning the Human Rights Situation in Honduras](#),” News Release, 5 December 2014.

102 DFATD, “House of Commons Sub-Committee on Human Rights Hearings on Honduras: Opening Statement,” 6 November 2014.

103 SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research); Alexander Main, Written Submission to SDIR, 9 December 2014. In support of his conclusions, Mr. Main cited IACHR, “[Preliminary Observations concerning the Human Rights Situation in Honduras](#),” News Release, 5 December 2014.

Bertha Oliva, General Coordinator of COFADEH, appeared before the Subcommittee in April 2014. Ms. Oliva and her colleagues have themselves been subject to threats and intimidation, and Ms. Oliva has been the subject of a precautionary measures order since 2009.<sup>104</sup> In June 2014, a COFADEH staff member was reportedly kidnapped for several hours and beaten.<sup>105</sup> In July, members of COFADEH's staff were threatened again, reportedly as a result of their work defending human rights.<sup>106</sup>

### C. The right to defend human rights

The Subcommittee observes that violent attacks on, and threats against, human rights defenders, journalists, justice sector workers and other peaceful activists violate or limit these individuals' enjoyment of their human rights. Rights that may be at issue include the right to life; to security of the person; to freedom from arbitrary detention; to freedom from torture and inhuman or degrading treatment; and to freedom from enforced disappearance. In addition, attacks on those who defend human rights violate these defenders' rights to freedom of expression, association, peaceful assembly and their right to take part in the conduct of public affairs.

Having heard Ms. Oliva's testimony and other reports of serious threats to members of her organization, the Subcommittee calls upon the Government of Honduras to ensure the welfare of the staff of COFADEH and other Honduran human rights defenders. Honduras also needs to take concrete steps to protect the ability of COFADEH and others to continue defending human rights in the country.

The prevalence of attacks on justice sector workers also raises serious concerns. Such attacks can undermine access to justice, the right to a fair trial, the right to equality before and under the law and the right of individuals to a remedy when their human rights are violated.<sup>107</sup> An independent and impartial judiciary and competent, professional and ethical prosecutors and lawyers are indispensable to establishing the rule of law in Honduras. Moreover, international human rights standards require that justice sector

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104 IACHR, [Precautionary Measures Granted by the Commission during 2009](#); UN Special Rapporteur on the Situation of Human Rights Defenders, [Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya](#), 27 February 2013, UN Doc. A/HRC/22/47/Add. 4, para. 182.

105 Alexander Main, Written Submission to SDIR, 9 December 2014; Amnesty International, ["Urgent Action: Honduras – Surveillance and Attacks on Human Rights NGO"](#), 18 June 2014.

106 Amnesty International, ["Urgent Action: Human Rights Defender and Family at Risk"](#), 7 July 2014 (regarding Dina Meza).

107 [International Covenant on Civil and Political Rights](#), arts. 2, 6, 7, 9, 14, 19, 21, 22, 26; [American Convention on Human Rights](#), arts. 2, 4, 5, 7, 8, 13, 15, 16, 23, 24, 25; [International Convention for the Protection of All Persons from Enforced Disappearance](#); [Inter-American Convention on Forced Disappearance of Persons](#). Canada has ratified neither the international nor the inter-American convention on enforced disappearance, but Honduras has ratified both.

workers be protected from violence, intimidation, threats, harassment and improper interference.<sup>108</sup>

The Subcommittee wishes to take this opportunity to emphasize that international human rights standards also protect the right of everyone, “individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”<sup>109</sup> Moreover, as the Inter-American Commission on Human Rights has stated,

the work of human rights defenders is fundamental for the universal implementation of human rights, and for the full existence of democracy and the rule of law. Human rights defenders are an essential pillar for the strengthening and consolidation of democracies .... Accordingly, when a person is kept from defending human rights, the rest of society is directly affected.<sup>110</sup>

The Subcommittee urges the Government of Honduras to redouble its efforts to protect, support and uphold the right to defend human rights. Investigations into attacks on the groups discussed above need to be adequately resourced, prompt, impartial and diligent. The Government of Honduras’ efforts should include publicly condemning and holding accountable those responsible for attacks on human rights defenders, justice sector workers, journalists and other peaceful activists. By publicly recognizing the important contributions of human rights defenders – as the official Truth and Reconciliation Commission recommended – the Government of Honduras could contribute to fostering greater respect for human rights in the country as a whole.

Finally, the Subcommittee believes that strategies to address entrenched human rights problems are more likely to be successful in the long term if they are developed in collaboration with those most likely to be the victims of violations and abuses and are based on the principles of equality and non-discrimination enshrined in international human rights law.<sup>111</sup>

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108 [Basic Principles on the Independence of the Judiciary](#), adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985; [Guidelines on the Role of Prosecutors](#), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990; [Basic Principles on the Role of Lawyers](#), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. These sets of principles are not binding under international law.

109 [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#), adopted by General Assembly resolution 53/144 of 9 December 1998. The Declaration is not binding under international law.

110 IACHR, [Second Report on the Situation of Human Rights Defenders in the Americas](#), OAE/Ser.L/V/II.Doc. 66, OAS, 31 December 2011, para. 13.

111 These principles can be found in the [Universal Declaration of Human Rights](#), as well as the following treaties that are legally binding on Honduras: [American Convention on Human Rights](#), [International Covenant on Civil and Political Rights](#), [International Covenant on Economic, Social and Cultural Rights](#), [Convention on the Rights of the Child](#), [Convention on the Elimination of All Forms of Discrimination Against Women](#), [International Convention on the Elimination of All Forms of Racial Discrimination](#), and the [Convention on the Rights of Persons with Disabilities](#). Canada is also legally bound by these treaties, with the exception of the [American Convention on Human Rights](#).



## INSTITUTIONS AND IMPUNITY

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The evidence heard by the Subcommittee clearly demonstrates that institutional fragmentation and fragility contribute to the existence of a climate of impunity in Honduras. Serious capacity gaps on the part of the police and the Public Prosecutor's Office, combined with a lack of judicial independence, were identified as key issues by a number of witnesses. In the Subcommittee's view, this institutional frailty undermines the rule of law and presents significant barriers to the protection of human rights in Honduras – particularly where attacks on human rights defenders, journalists, justice sector workers and other peaceful activists are concerned.

### A. Lack of investigative capacity

Corruption and a lack of investigative capacity amongst police and the Public Prosecutor's Office present serious challenges to ensuring protection for human rights defenders and to combatting crime and insecurity in Honduras.<sup>112</sup>

Police reform is vital to any improvement in the protection of human rights defenders and, more generally, to improved citizen security in Honduras. Mr. Craig explained to the Subcommittee that the Honduran police lack the ability to conduct criminal intelligence analysis, such as making links between cases and identifying patterns. There is no capacity within the police force, for example, to determine and prove that different killings in a single area are the work of a single gang.<sup>113</sup> The Subcommittee believes that this type of work is a vital component in proving whether human rights defenders, journalists, justice sector workers and other peaceful activists were killed because of their work or for some other reason.

In this context, the Subcommittee was interested to learn that a new integrated investigative police force, the *Agencia Técnica de Investigación Criminal* (ATIC), was launched within the prosecution service in January 2015. ATIC is financed through a special government fund, the *tasa de seguridad*, created to specifically to support justice sector reform projects. While the unit will not be able to investigate all homicides and

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112 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Jeffrey Marder, Director, Strategic Relations, Latin America and Caribbean, DFATD); SDIR, [Evidence](#), Meeting No. 76, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 18 April 2013 (Adam Blackwell, OAS); SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action); SDIR, [Evidence](#), Meeting No. 79, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 30 April 2013 (Rick Craig, Justice Education Society); SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin); SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Rolando Sierra); SDIR, [Evidence](#), Meeting No. 82, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 9 May 2013 (Dana Frank, University of California, Santa Cruz).

113 SDIR, [Evidence](#), *ibid.* (Craig).



violent crimes in Honduras, Mr. Craig indicated that he hopes it will be able to deal with “the more high-impact” and “serious crime” cases.<sup>114</sup>

Canadians are helping to build investigative capacity in Honduras from the ground up. This work includes training Honduran police and prosecutors on crime scene investigation techniques, surveillance, major case management and oral trial advocacy techniques, as well as how to deal with the collection, protection, organization and presentation of criminal evidence.<sup>115</sup>

The Subcommittee was also told that the government of President Hernández is attempting to rid the police force of corrupt officers and those who have been involved in illegal activity, as recommended by the Truth and Reconciliation Commission. Questions exist, however, about the effectiveness of the process being employed, which relies primarily on polygraphs.<sup>116</sup> The Subcommittee heard that, in some cases, purged police officers had been replaced by individuals accused of being responsible for human rights violations.<sup>117</sup> Furthermore, Ms. Oliva and Mr. Main argued that, despite moves to improve the technical and investigative capacity of police and prosecutors, the Honduran government has not moved forward with the type of major police reforms that are needed to create a competent, professional force capable of tackling citizen insecurity in Honduras.<sup>118</sup>

## **B. Military involvement in civilian functions**

Several witnesses expressed concern that the government of President Hernández is relying inappropriately on the military as a means to improve citizen security – a function that should reside exclusively with civilian authorities.<sup>119</sup>

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114 SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society). See also: SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri-Paul Normandin, DFATD).

115 SDIR, [Evidence](#), Meeting No. 79, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 30 April 2013 (Rick Craig, Justice Education Society); SDIR, [Evidence](#), *ibid.*, 2014 (Craig).

116 SDIR, [Evidence](#), *ibid.*, 2014 (Craig); SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research).

117 SDIR, [Evidence](#), *ibid.* (Main); Alexander Main, Written Submission to SDIR, 9 December 2014. See also: SDIR, [Evidence](#), *ibid.* (Craig).

118 SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, COFADEH); Alexander Main, Written Submission to SDIR, 9 December 2014.

119 SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin); SDIR, [Evidence](#), Meeting No. 76, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 18 April 2013 (Adam Blackwell, OAS); SDIR, [Evidence](#), Meeting No. 75, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 16 April 2013 (Elsie Monge, *La Comisión Ecuaménica de Derechos Humanos*); SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action); SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, COFADEH); SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society); SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research); IACHR, [“Preliminary Observations concerning the Human Rights Situation in Honduras,”](#) News Release, 5 December 2014.



President Hernández has created a new military public order police force, which he has sought to enshrine in the Honduran Constitution.<sup>120</sup> Mr. Craig indicated that the military public order police were initially intended to be a rapid-reaction force, but he noted with concern the possibility that they may assume investigative functions and become a permanent feature of policing in Honduras.<sup>121</sup> The Subcommittee was concerned to learn that allegations of human rights violations by members of this unit have already come to light.<sup>122</sup>

Mr. Main also informed the Subcommittee that the Inter-American Commission on Human Rights has expressed concern regarding the increasing role of the Honduran Armed Forces in managing high-security detention centres, a number of which are located on military bases.<sup>123</sup> In addition, the Honduran military is involved in militarized civic and religious education programs for children and youth that are purportedly aimed at reducing the risk of involvement with organized crime.<sup>124</sup> Mr. Main criticized such military involvement in delivering programming for at-risk youth.<sup>125</sup>

The Subcommittee observes that the Inter-American Commission on Human Rights has expressed concern

over the armed forces' involvement in professional activities that, given their nature, should be the exclusive purview of the police ... because the armed forces do not have training appropriate for controlling citizen security, it is the job of an efficient civil police force, respectful of human rights, to combat insecurity, crime and violence on the domestic front.<sup>126</sup>

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- 120 SDIR, [Evidence](#), *ibid.* (Main); IACHR, "[Preliminary Observations concerning the Human Rights Situation in Honduras](#)," *ibid.*
- 121 SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society). For more details, see the IACHR's discussion of the unit's activities and its relationship to prosecutorial and judicial authorities, *ibid.*
- 122 SDIR, [Evidence](#), *ibid.* (Craig); SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research).
- 123 SDIR, [Evidence](#), *ibid.* (Main); Alexander Main, Written Submission to SDIR, 9 December 2014; IACHR, "[Preliminary Observations concerning the Human Rights Situation in Honduras](#)," News Release, 5 December 2014.
- 124 SDIR, [Evidence](#), *ibid.* (Main).
- 125 SDIR, [Evidence](#), *ibid.* (Main); Alexander Main, Written Submission to SDIR, 9 December 2014; IACHR, "[Preliminary Observations concerning the Human Rights Situation in Honduras](#)," News Release, 5 December 2014.
- 126 IACHR, "[Honduras](#)," *Annual Report 2013*, para. 263.

### C. Lack of judicial independence

The rule of law in Honduras is further undermined by a lack of judicial impartiality and independence. For example, Honduran judges hold office for five-year terms and are subject to political interference.<sup>127</sup> There is a need to build structures to ensure transparency and independence in the judiciary, to create a sense of institutional independence and to support civil society in holding the judicial system to account when it fails to meet international standards.<sup>128</sup>

The Inter-American Commission on Human Rights has investigated a complaint in relation to the dismissal of several judges during the June 2009 coup. The Commission found that the judges' dismissal was not well-founded and considered that the dismissal process violated the judges' due process rights.<sup>129</sup> It recommended that Honduras make regulatory changes to ensure that disciplinary proceedings against judges had sufficient guarantees of independence and impartiality. On 2 April 2014, the Inter-American Commission instituted proceedings before the Inter-American Court of Human Rights after Honduras failed to comply with its recommendation to reinstate the judges to similar positions or, if re-instatement was not possible for well-founded reasons, to pay compensation to the judges.<sup>130</sup>

In addition to the judges dismissed during the coup, four Supreme Court justices were summarily dismissed by the Honduran Congress in December 2012. Mr. Jeffrey Marder, Director of Strategic Relations, Latin America and Caribbean, at DFATD explained to the Subcommittee that the judges were dismissed after the constitutional wing of the Court refused to give its approval to proposed legislation introducing a vetting process for the police. This type of prior judicial approval is part of the standard legislative process in Honduras.<sup>131</sup> The Subcommittee recalls that the dismissal

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127 SDIR, [Evidence](#), Meeting No. 79, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 30 April 2013 (Rick Craig, Justice Education Society); SDIR, [Evidence](#), Meeting No. 76, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 18 April 2013 (Adam Blackwell, OAS).

128 SDIR, [Evidence](#), Ibid. (Craig).

129 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Jeffrey Marder, DFATD); SDIR, [Evidence](#), Meeting No. 71, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 March 2013 (Esther Major, Amnesty International). The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights are both created under the [American Convention on Human Rights](#), which also sets out the structure, jurisdiction and powers of both organs. The Commission has the power to investigate complaints by individuals, report on its findings and make recommendations to member states of the OAS. If its recommendations are not implemented, the Commission may begin legal proceedings against any state that has ratified the *American Convention on Human Rights*, alleging violations of rights protected by the Convention. The Court has the power to determine that rights protected by the Convention have been violated, to order states to take remedial action and to award compensation or other reparations to victims. The Court does not hear cases brought by individuals. In contrast to the recommendations made by the Commission, the Court's judgments are legally binding on Honduras under international law. [American Convention on Human Rights](#); [Statute of the Inter-American Commission on Human Rights](#); [Statute of the Inter-American Court of Human Rights](#).

130 IACHR, "[IACHR Takes Case Involving Honduras to the Inter-American Court](#)," News Release, 2 April 2014.

131 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Jeffrey Marder, DFATD); IACHR, "[Preliminary Observations concerning the Human Rights Situation in Honduras](#)," News Release, 5 December 2014; SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri-Paul Normandin, DFATD).

of the judges is not in keeping with the recommendation made by the Truth and Reconciliation Commission that the Government of Honduras depoliticize the appointments process for high-level judicial officials.

The Subcommittee was also told that purges of the judiciary have recently been carried out by a newly created judicial disciplinary body, the Council of the Judiciary. The process is intended to remove corrupt judicial officials. However, the legal basis for the purging process, as well as the procedures used, have been criticized on the basis that they reportedly fail to meet the international due process standards necessary to preserve judicial independence and impartiality.<sup>132</sup>

The Subcommittee is very concerned about these developments. The independence of the judiciary from other branches of government is indispensable for the protection of human rights. Moreover, it is a cornerstone of democracy. Without an independent judiciary, victims of human rights violations cannot access justice, and the rule of law cannot be upheld. Judges must be able to administer justice and review the exercise of authority by the state without interference or bias, including the threat of arbitrary removal. The Subcommittee urges the Government of Honduras to take all necessary steps to reinforce judicial independence and impartiality as part of its efforts to strengthen its justice sector and overcome the violence and polarization that remain following the 2009 coup.

#### **D. Access to justice and impunity**

The Subcommittee was told that the fragility of Honduran institutions – in particular in the justice sector – means that impunity is the rule rather than the exception for ordinary crime and violence, as well as attacks on human rights defenders, justice sector officials, journalists and other peaceful activists.<sup>133</sup>

Bertha Oliva told the Subcommittee that recently her organization had observed a worrying trend: victims of human rights violations or their family members – who had previously gained a measure of protection by making formal complaints in conjunction

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132 SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research); IACHR, [“Preliminary Observations concerning the Human Rights Situation in Honduras,”](#) News Release, 5 December 2014. See also the United Nations’ non-binding [Basic Principles on the Independence of the Judiciary](#), adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985; United Nations, [“Dismissal of Honduran Supreme Court judges an attack on democracy – UN expert,”](#) News Release, 29 January 2013.

133 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, DFATD); SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin); SDIR, [Evidence](#), Meeting No. 75, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 16 April 2013 (Elsie Monge, *La Comisión Ecuémica de Derechos Humanos*); SDIR, [Evidence](#), Meeting No. 76, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 18 April 2013 (Adam Blackwell, OAS); SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action); SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society); SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research).

with human rights organizations – are now being killed shortly after making a complaint. She stated that after such killings the official investigation of the original complaint comes to a halt.<sup>134</sup>

The evidence before the Subcommittee clearly demonstrates that Honduras needs to rebuild trust in justice sector institutions amongst all segments of society. Ms. Spring explained,

The institutional structures in Honduras exist for Hondurans to go and formally denounce or complain about human rights violations, but there is very much a culture of impunity, and there's really no rule of law to mediate these concerns.... Basically, even when people go forward to complain about human rights violations, there is no investigation and no legal follow-up of their concerns.<sup>135</sup>

Similarly, Mr. Kergin stressed that the “impunity of the few and the inequality of the many before the law” is a consistent problem in Honduras.<sup>136</sup>

Discussing the impact that the weakness of the rule of law has on the resolution of labour disputes in Honduras, Ms. Spring stated:

Within this environment of so much insecurity and violence, the workers completely mistrust all the institutions that are there to protect them, so there's nowhere for them to go to complain about their issues.<sup>137</sup>

This lack of trust in state institutions means that the involvement of police and security forces can be a polarizing factor in disputes between communities and corporations.<sup>138</sup> In turn, this polarization has hindered democratic development in Honduras since the 2009 coup. Mr. Kergin insisted upon the need to reinforce the rule of law and to find ways to broaden citizens' access to justice.

## **E. Progress toward rebuilding rule of law**

Strengthening the rule of law and re-building Honduras' weak justice sector, security and governance institutions, which were further undermined during the coup, is a long-term process. The Subcommittee was warned that it is difficult to ascertain the impact of reforms in the short-term.<sup>139</sup>

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134 SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, COFADEH).

135 SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action).

136 SDIR, [Evidence](#), Meeting No. 74, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 26 March 2013 (Michael Kergin).

137 SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action).

138 SDIR, [Evidence](#), Meeting No. 79, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 30 April 2013 (Rick Craig, Justice Education Society).

139 SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri-Paul Normandin, DFATD); SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society).

Officials from DFATD indicated that the current government understands the need for action to improve the human rights situation and rebuild the rule of law in Honduras. Moreover, they stated that the Hernández administration welcomes Canadian and international cooperation on such issues.<sup>140</sup> Furthermore, Mr. Normandin and Mr. Craig pointed the Subcommittee to a number of positive steps undertaken by the government of President Hernández to improve citizen security, combat impunity and protect and promote human rights. For example, Mr. Normandin noted that the President has appointed a State Secretary for Human Rights, Justice, Governance and Decentralization “who comes from civil society and has strong credentials... and actively advocates for initiatives and interventions in support of human rights.”<sup>141</sup>

The Subcommittee was informed that an 18-member violent crime taskforce continues to conduct community outreach, which has encouraged better community and witness cooperation in criminal investigations. In addition, the National Human Rights Commissioner (CONADEH) has created a phone line through which Hondurans can make human rights complaints. DFATD officials indicate that there appears to have been some follow-up with respect to complaints received through this hotline. In addition, the President has pledged to receive human rights training along with members of his cabinet and to deliver similar training to the police, military and correctional staff. A number of initiatives designed to improve the capacity and effectiveness of the police and public prosecutors are also being undertaken.<sup>142</sup>

Although it remains deeply concerned about the climate of impunity that prevails in Honduras, the Subcommittee was pleased to learn that prosecutions have been undertaken in a small number of emblematic homicide cases concerning human rights defenders, including two involving journalists and four killings of LGBTI human rights defenders.<sup>143</sup>

Officials from DFATD also pointed to a new draft “National Law for the Protection of Journalists and Human Rights Defenders” as a sign of progress.<sup>144</sup> On the other hand, Mr. Main noted that many Honduran civil society representatives were concerned that the draft law was overly complex, that its operational framework and funding sources were unclear and that its risk assessment model was inadequate. Many civil society

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140 DFATD, “House of Commons Sub-Committee on Human Rights Hearings on Honduras: Opening Statement,” 6 November 2014.

141 SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri-Paul Normandin, DFATD).

142 SDIR, [Evidence](#), Meeting No. 46, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 27 November 2014 (Rick Craig, Justice Education Society).

143 SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research).

144 SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri-Paul Normandin, DFATD); DFATD, “House of Commons Sub-Committee on Human Rights Hearings on Honduras: Opening Statement,” 6 November 2014.

representatives reportedly also felt that they had not been consulted or kept informed as the bill moved through the legislative process.<sup>145</sup>

Finally, the Subcommittee was pleased to learn that Honduras has invited the United Nations High Commissioner for Human Rights to open an office in the capital city of Tegucigalpa, a development that witnesses said was particularly important.<sup>146</sup>

On the other hand, Ms. Oliva and Mr. Main indicated that, in their opinion, protection for human rights has deteriorated following the November 2013 elections.<sup>147</sup> Mr. Main expressed concern that the current administration had restructured government ministries in a manner that “reduced institutional support for groups subjected to disproportionately high levels of human rights abuses.”<sup>148</sup> Both witnesses indicated that in their view the new Commissioner lacked sufficient background and expertise in human rights. They also raised questions about the transparency of his appointment process.<sup>149</sup> Overall, Mr. Main characterized the efforts of the Hernández administration to improve the human rights situation in Honduras as “grossly inadequate and, in some areas, completely counterproductive.”<sup>150</sup>

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145 SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research); Alexander Main, Written Submission to SDIR, 9 December 2014; IACHR, “[Preliminary Observations concerning the Human Rights Situation in Honduras](#),” News Release, 5 December 2014. In its Preliminary Observations, the IACHR indicates that a number of Honduran civil society groups have voiced the following concerns about the law:

[T]he legislation: (1) has a complex institutional design, duplicating roles and lacking clarity regarding its operating structure; (2) is ambiguous on the creation of a risk analysis model that would enable a proper determination of risk, based on each person’s needs; and (3) is unclear on the allocation of financial resources to implement the law, among other issues.

In addition, the IACHR received information indicating that the law creating the protection mechanism needs to properly define who is a journalist, communications professional, and media worker, and that protection measures also need to address work-related needs and ensure that those in the communications field can exercise their right to freedom of expression. The IACHR also documented criticisms regarding limitations to journalists’ and media workers’ representation on the National Council for Protection established in the draft legislation.

146 IACHR, *ibid.*; SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri-Paul Normandin, DFATD); SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research).

147 SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, COFADEH); SDIR, [Evidence](#), Meeting No. 49, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 9 December 2014 (Alexander Main, Center for Economic and Policy Research).

148 Alexander Main, Written Submission to SDIR, 9 December 2014.

149 SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, COFADEH). See also: Committee on the Elimination of Racial Discrimination, [Concluding Observations on Honduras](#), 13 March 2014, UN Doc. CERD/C/HND/CO/1–5, paras. 11–12. The Commissioner is responsible for the promotion and protection of the human rights guaranteed by the Honduran Constitution and by the international human rights treaties the country has ratified. He has a mandate to investigate allegations, to make recommendations to public authorities and to report annually to the Honduran National Congress on the human rights situation in the country. [Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya. Mission to Honduras](#), Human Rights Council, UN Doc. A/HRC/22/47/Add.1, 13 December 2012, paras. 18–19, 48.

150 Alexander Main, Written Submission to SDIR, 9 December 2014.

Given the complex security situation in Honduras and the fragmentation of state control, the Subcommittee is encouraged by the signs of progress brought to its attention by witnesses. It believes these initiatives represent useful starting points in the effort to re-build the rule of law. Nevertheless, the Subcommittee believes that Honduras needs to accelerate progress toward building justice sector and governance institutions that have the integrity and capacity to protect the human rights of all Hondurans effectively. It urges the Honduran government to leverage the expertise of international partners and to redouble its efforts in this regard.





## CANADIAN ACTION

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In their appearances before the Subcommittee, Canadian officials emphasized that the Government of Canada believes the best way to promote respect for human rights in Honduras is through engagement, both as a donor country and as a trading partner. Mr. Normandin informed the Subcommittee that Canada has taken a number of steps to assist in efforts to strengthen Honduran institutions and to encourage the Government of Honduras to make additional progress on human rights issues.<sup>151</sup> The Subcommittee agrees with Jeffrey Marder, from DFATD, who said that Canada “must support good governance and help improve the ability to govern in a rather difficult and complex context.”<sup>152</sup>

### A. Canadian development programming

The Subcommittee heard that Canada supports programming designed to strengthen social, economic and cultural rights as well as civil and political rights in Honduras.

Honduras is one of 25 countries of focus for Canada’s international assistance program and is the recipient of the largest bilateral development program in Central America.<sup>153</sup> Canada’s development programming in Honduras is focused in the following key areas: food security; education; maternal, newborn and child health; and promotion of sustainable economic growth.<sup>154</sup> Examples include programming to improve agricultural productivity and water management, as well as school feeding programs for poor children.<sup>155</sup> Officials told the Subcommittee that these initiatives are designed to help “build up an educated middle class that demands accountability, rule of law and human rights protection.”<sup>156</sup>

Canada actively supports efforts to strengthen justice sector institutions in Honduras. Through an inter-American regional program, the Canadian government also supports training for justice sector personnel, including internships with Canadian justice sector institutions such as the Canadian Public Prosecution Service. Canada is also

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151 SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri–Paul Normandin, DFATD).

152 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Jeffrey Marder, DFATD). See also: SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, DFATD); SDIR, [Evidence](#), Meeting No. 72, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 19 March 2013 (Lise Filiatrault, CIDA); SDIR, [Evidence](#), Meeting No. 79, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 30 April 2013 (Rick Craig, Justice Education Society).

153 DFATD, “House of Commons Sub–Committee on Human Rights Hearings on Honduras: Opening Statement,” 6 November 2014; DFATD, [“Canada–Honduras Relations.”](#)

154 DFATD, Opening Statement, *ibid.*, 6 November 2014.

155 SDIR, [Evidence](#), Meeting No. 72, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 19 March 2013 (Lise Filiatrault, CIDA).

156 SDIR, [Evidence](#), *ibid.* (Filiatrault).

helping to improve criminal investigations and prosecutorial capacity in Honduras by funding the work of the Justice Education Society of British Columbia and by contributing an integrated ballistics identification system to Honduras. This system aims to facilitate “the identification of weapons used in crimes by mapping the ‘ballistic signature’ found on a bullet.”<sup>157</sup>

In addition, Canada maintains “close contact with civil society organizations” in the country, and the Canada Fund for Local Initiatives has supported Honduran non-governmental organizations working on human rights issues.<sup>158</sup> According to Mr. Normandin, “[s]pecific projects include training for human rights promoters, informing women about their rights, and protecting vulnerable populations such as youth and the LGBTI community.”<sup>159</sup> Other Canadian programming has targeted youth for training related to the prevention of human rights abuses as well as the prevention of HIV/AIDS. Employment and Social Development Canada has also provided training to labour leaders on international occupational health and safety standards. Officials informed the Subcommittee that these contacts ensure Canada has a balanced perspective on human rights in Honduras.

Canada also works in cooperation with other donors and at the regional and multilateral levels. Canada participates in a donor group, called the G-16, which has engaged with the Honduran government on human rights issues.<sup>160</sup> Canada actively expresses its concerns on human rights issues in Honduras through multilateral bodies like the United Nations Human Rights Council. The Government of Canada also supports efforts to strengthen OAS human rights mechanisms and the organization’s work on gender issues.<sup>161</sup>

The Subcommittee believes that a holistic approach to improving human rights protection in Honduras is appropriate. Ensuring respect for human rights in Honduras over the long term requires efforts to address the drivers of poverty and extreme inequality; action to support protective mechanisms that can deal with human rights violations as they occur; and a commitment to build capable, resilient democratic institutions that uphold the rule of law and guarantee citizen security for all Hondurans – regardless of socio-economic status, political affiliation or personal characteristics.

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157 SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri–Paul Normandin, DFATD); DFATD, “[Minister of State Yelich Views Canadian Forensic Technology in Honduras](#),” News Release, 25 January 2014.

158 SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri–Paul Normandin, DFATD).

159 Ibid.

160 SDIR, [Evidence](#), Meeting No. 72, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 19 March 2013 (Lise Filiatrault, CIDA); CIDA, “Follow up to SCFAID Sub–Committee on International Human Rights: Meeting #72 of 19 March 2013”, 15 April 2013; SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri–Paul Normandin, DFATD).

161 SDIR, [Evidence](#), *ibid.* (Filiatrault); SDIR, [Evidence](#), *ibid.* (Normandin); DFATD, “House of Commons Sub–Committee on Human Rights Hearings on Honduras: Opening Statement,” 6 November 2014.

## B. Engagement through trade and investment

Canada and Honduras have a strong bilateral relationship, which includes important trade and investment ties. Canada is an important source of foreign investment into Honduras. A Canadian company, Gildan Activewear, is the largest single private-sector employer in the country, employing approximately 20,000 people.<sup>162</sup> Canadian corporations also play a prominent role in the country's mining industry.<sup>163</sup> In addition, a free trade agreement, which is accompanied by side agreements on labour and environmental protection, entered into force between Canada and Honduras on 1 October 2014.<sup>164</sup>

Witnesses appearing before the Subcommittee voiced differing opinions regarding the contributions that free trade can make to improving human rights in Honduras. Officials from DFATD stressed that free trade agreements increase international trade flows, thereby contributing to creating new economic and employment opportunities. Building prosperity, they said, is essential to the “full enjoyment of peace, freedom and democracy” in any country.<sup>165</sup> Mr. Blackwell argued that Canadian investors could promote best practices and corporate social responsibility, thereby improving traditional ways of doing business in Honduras. Moreover, by setting common standards and requiring level playing fields in the trade and foreign investment sectors, Mr. Blackwell indicated that components of trade and investment agreements can help to strengthen the rule of law.<sup>166</sup>

On the other hand, some witnesses expressed the view that freer trade with Honduras would only deepen inequality. Moreover, it would be unlikely to contribute to improving the human rights situation in the country, given the absence of institutions capable of effectively and impartially mediating disputes and addressing persistent inequality before the law.<sup>167</sup>

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162 SDIR, [Evidence](#), Meeting No. 76, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 18 April 2013 (Peter Iliopoulos, Senior Vice-President, Public and Corporate Affairs, Gildan Activewear).

163 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, DFATD); SDIR, [Evidence](#), Meeting No. 86, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 6 June 2013 (Brent Bergeron, Senior Vice-President, Corporate Affairs, Goldcorp Inc.).

164 [Canada-Honduras Free Trade Agreement](#), implemented under Canadian law by the [Canada-Honduras Economic Growth and Prosperity Act](#), S.C. 2014, c.14; [Agreement on Labour Cooperation between Canada and the Republic of Honduras](#); [Agreement on Environmental Cooperation between Canada and the Republic of Honduras](#).

165 SDIR, [Evidence](#), Meeting No. 67, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 7 February 2013 (Neil Reeder, DFATD); SDIR, [Evidence](#), Meeting No. 43, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 6 November 2014 (Henri-Paul Normandin, DFATD); DFATD, “House of Commons Sub-Committee on Human Rights Hearings on Honduras: Opening Statement,” 6 November 2014.

166 SDIR, [Evidence](#), Meeting No. 76, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 18 April 2013 (Adam Blackwell, OAS).

167 SDIR, [Evidence](#), Meeting No. 77, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 23 April 2013 (Karen Spring, Rights Action); SDIR, [Evidence](#), Meeting No. 83, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 21 May 2013 (Todd S. Gordon, Wilfred Laurier University); SDIR, [Evidence](#), Meeting No. 21, 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session, 8 April 2014 (Bertha Oliva, COFADEH); SDIR, [Evidence](#), Meeting No. 82, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 9 May 2013 (Dana Frank, University of California, Santa Cruz).

Overall, the Subcommittee is of the view that the strength and importance of the Canada–Honduras relationship enhances Canada’s ability to encourage the Honduran government to respond positively to human rights concerns.

## **CONCLUSIONS AND RECOMMENDATIONS**

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The Subcommittee is deeply concerned about the evidence that it received regarding the lack of citizen security in Honduras. Moreover, the Subcommittee wishes to highlight the vital contributions to the universal implementation of human rights made by Honduran human rights defenders, journalists, justice sector workers and other peaceful activists who encourage vibrant public debate and increase transparency and accountability. In order to ensure protection for human rights defenders and to improve citizen security, Honduras must build strong and resilient institutions that can ensure the rule of law and democratic civilian governance. Canada's engagement in Honduras provides an opportunity to make a substantial contribution to each of these goals.

Based on the evidence it heard, the Subcommittee puts forward the following recommendations to the Government of Canada:

### **RECOMMENDATION 1**

**That the Government of Canada take advantage of appropriate opportunities to stress to the Government of Honduras the need for independent, impartial investigations into killings, threats and other attacks on human rights defenders, journalists, justice sector workers and other peaceful activists in Honduras.**

### **RECOMMENDATION 2**

**That the Government of Canada provide both public and private diplomatic support, as appropriate, to individual human rights defenders under threat in Honduras.**

### **RECOMMENDATION 3**

**That the Government of Canada raise with the Government of Honduras the murders of lawyer Antonio Trejo and his brother, José Trejo.**

### **RECOMMENDATION 4**

**That the Government of Canada raise with the Government of Honduras the issue of the continuing threats and attacks against members of the Committee of Relatives of the Detained and Disappeared in Honduras (COFADEH).**

#### **RECOMMENDATION 5**

**That the Government of Canada continue to monitor the effectiveness of the Government of Honduras' implementation of precautionary measures ordered by the Inter-American Commission on Human Rights in respect of human rights defenders, journalists, justice sector workers and other peaceful activists — including, in particular, members of the Committee of Relatives of the Detained and Disappeared in Honduras (COFADEH).**

#### **RECOMMENDATION 6**

**That the Government of Canada encourage the Government of Honduras to increase its engagement with Honduran human rights defenders, civil society organizations, journalists and media workers, in particular when it is planning legislation or initiatives that may have an impact on human rights.**

#### **RECOMMENDATION 7**

**That the Government of Canada call upon the Government of Honduras to accelerate efforts to implement the recommendations of the Truth and Reconciliation Commission, in particular by ensuring that those responsible for the human rights violations documented by the Commission are brought to justice.**

#### **RECOMMENDATION 8**

**That the Government of Canada urge the Government of Honduras to implement the Truth and Reconciliation Commission's recommendation to remove political and policing functions from the mandate of the Honduran Armed Forces and to ensure that the Armed Forces remain under effective civil control.**

#### **RECOMMENDATION 9**

**That the Government of Canada reiterate to the Government of Honduras the importance Canada places on ensuring the independence and impartiality of the Honduran judiciary.**

#### **RECOMMENDATION 10**

**That the Government of Canada continue to raise human rights issues in the G-16 group of 16 donor countries and to encourage this group to push for greater respect for human rights by the Government of Honduras.**

#### **RECOMMENDATION 11**

**That, through its international assistance to Honduras, the Government of Canada continue to support programming which aims to improve respect for civil and political rights as well as economic, social and cultural rights, as well as strengthening the justice sector in the country.**

#### **RECOMMENDATION 12**

**That the Government of Canada continue to reiterate its expectation that Canadian companies operating in Honduras will promote Canadian values, operate with the highest ethical standards, respect for human rights and all applicable laws, and meet or exceed widely-recognized international standards for responsible business conduct such as the United Nations' *Guiding Principles on Business and Human Rights*.**





## APPENDIX A LIST OF WITNESSES

<b>41<sup>st</sup> Parliament – First Session</b>		
<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Department of Foreign Affairs, Trade and Development</b> Jeffrey Marder, Director Strategic Relations, Latin America and Caribbean Neil Reeder, Director General Latin America and Caribbean Bureau	2013/02/07	67
<b>Amnesty International</b> Esther Major, Researcher Americas Programme	2013/03/07	71
<b>Canadian International Development Agency</b> Lise Filiatrault, Regional Director General Americas, Geographic Programs Branch Kate Stefanuk, Deputy Director Honduras, Americas, Geographic Programs Branch	2013/03/19	72
<b>As individuals</b> Michael Kergin Rolando Sierra	2013/03/26	74
<b>Comisión Ecuémica de Derechos Humanos</b> Elsie Monge, Executive Director	2013/04/16	75
<b>Gildan Activewear Inc.</b> Geneviève Gosselin, Director Corporate Communications, Head Office Peter Iliopoulos, Senior Vice-President Public and Corporate Affairs, Head Office	2013/04/18	76
<b>Organization of American States (OAS)</b> Adam Blackwell, Ambassador Secretariat for Multidimensional Security		
<b>Rights Action</b> Karen Spring, Coordinator Central America	2013/04/23	77
<b>Justice Education Society of BC</b> Rick Craig, Executive Director	2013/04/30	79
<b>As an individual</b> Dana Frank, Professor of History University of California, Santa Cruz	2013/05/09	82

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**41<sup>st</sup> Parliament – First Session**

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>As an individual</b> Todd S. Gordon, Professor Wilfrid Laurier University	2013/05/21	83
<b>Goldcorp Inc.</b> Brent Bergeron, Senior Vice-President Corporate Affairs	2013/06/06	86

## APPENDIX B LIST OF WITNESSES

41 <sup>st</sup> Parliament – Second Session		
Organizations and Individuals	Date	Meeting
<b>Committee of Relatives of the Detained and Disappeared in Honduras</b> Bertha Oliva, General Coordinator	2014/04/08	21
<b>Department of Foreign Affairs, Trade and Development</b> Johanne Forest, Director Central America and Caribbean Relations Division Henri-Paul Normandin, Director General Latin America and Caribbean Bureau	2014/11/06	43
<b>Justice Education Society of BC</b> Rick Craig, Executive Director	2014/11/27	46
<b>Center for Economic and Policy Research</b> Alexander Main, Senior Associate International Policy	2014/12/09	49



## **APPENDIX C LIST OF BRIEFS**

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### **Organizations and Individuals**

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**Center for Economic and Policy Research**



## REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the Government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* of the Committee ([Meeting No.51](#)) is tabled and a copy of the relevant *Minutes of Proceedings* of the Subcommittee on International Human Rights (from the 41<sup>st</sup> Parliament, 2<sup>nd</sup> Session: [Meetings Nos. 21, 37, 43, 46, 49 and 56](#) and from the 41<sup>st</sup> Parliament, 1<sup>st</sup> Session: [Meetings Nos. 67, 71, 72, 74-77, 79, 82, 83, 86, 88](#)) is tabled.

Respectfully submitted,

Dean Allison

Chair

