



OPEN LETTER TO THE CANDIDATES FOR THE PRESIDENCY OF THE REPUBLIC OF HONDURAS: SEVEN ESSENTIAL ACTIONS FOR BUILDING A HUMAN RIGHTS-BASED GOVERNMENT PROGRAMME

With forthcoming elections in Honduras, Amnesty International is writing to the candidates for the Presidency of the Republic of Honduras to draw their attention to the issues that the organization considers to be of most concern regarding human rights in the country. Amnesty International urges all candidates, in accordance with Honduras' international human rights obligations, to prioritize the measures outlined below:

1. RESPECT THE FULL EXERCISE OF THE RIGHTS TO FREEDOM OF EXPRESSION, ASSEMBLY AND SOCIAL PROTEST

Amnesty International has documented [strategies employed by the Honduran authorities](#), such as excessive use of force or arbitrary arrests, to repress protests and deter people from participating in them. In the context of the previous elections in 2017, mass protests in which thousands of people denounced alleged electoral fraud were violently repressed by the security forces, [resulting in at least 23 people killed, 60 injured, frequent ill-treatment during arrests and one enforced disappearance](#). Security forces detained more than 1,000 people for alleged curfew violations and for alleged involvement in violence. [Several accused persons are still being held in non-custodial measures pending trial](#), such as Jhony Andrés Salgado Fuentes, [whose investigation has presented serious inconsistencies and irregularities](#).

Reports of excessive use of force by security forces to suppress protests have continued, including on the part of the police and army, as well as to enforce curfews and lockdowns in response to the COVID-19 pandemic. Demonstrations in 2019, following the passing of laws that transformed the national education and health systems, [left six people dead and nearly 80 injured between April and June](#) of that year. Civil society organisations documented injuries and arbitrary detentions, [and at least one possible extrajudicial execution in 2020](#). In February 2021, Keyla Martínez, a young nursing student, died of asphyxiation in police custody after being detained for allegedly violating a curfew imposed to prevent the spread of COVID-19. In addition, [police repression of protests over her death](#) was reported.

In order to ensure that such events are not repeated, the new Honduran President must guarantee in practice and in law the exercise of the right to peaceful assembly, including by proposing all necessary legislative reforms and internal protocols to ensure that the use of force by Honduran security forces fully complies with international standards. The new president should also refrain from deploying the army or Military Police to control demonstrations and generally end the involvement of military forces in public security tasks. It is also important to ensure that persons prosecuted for alleged crimes committed in the context of the protests receive full guarantees of due process of law and remedy any violations of due process.

In relation to the new Criminal Code, which came into force in 2020, the [UN](#) and the [IACHR](#) have indicated that some of the offences and their broad and ambiguous definitions could impact the exercise of freedom of expression, peaceful assembly and association. Therefore, the new government should encourage the National Congress to reform or eliminate provisions that are ambiguous or contrary to the principle of legality, and that could therefore be arbitrarily interpreted to unduly restrict and criminalize the exercise of the rights to freedom of peaceful assembly and association. Furthermore, the next government of Honduras should refrain from misusing criminal legislation or influencing the courts to persecute those exercising their rights to freedom of expression, peaceful assembly, and association.

2. EFFECTIVELY COMBATING IMPUNITY

Despite the use of excessive, sometimes lethal, force by the Military Police and the army to disperse the 2017 post-election demonstrations, according to information received by Amnesty International, there have yet to be any convictions that have identified and punished those responsible of human rights violations. Meanwhile, [the new Criminal Code hampers investigations into command responsibility](#). If the new government is to end impunity, it must ensure that the Public Prosecutor's Office and the ordinary courts conduct [prompt](#),



[impartial, independent, and effective investigations](#) into all cases of unnecessary and excessive use of force in the context of the protests, and steps must be taken to ensure the full cooperation of the armed forces in these investigations.

Amnesty International believes that the closure of the Organization of American States' (OAS) Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) in January 2020 represents a weakening of the access to justice and the fight against impunity in the country. The prosecutorial unit created shortly thereafter by the Public Prosecutor's Office to investigate corruption networks has [reported actions against it](#) that could weaken investigations and attack the principle of judicial independence. In order to avoid impunity, as part of its obligation to guarantee human rights against violations and restrictions caused by corruption, and to investigate and sanction such acts, the new president of Honduras should ensure that prosecutors have the necessary human, technical and material resources to continue prompt, thorough and independent investigations of large-scale corruption cases, and that authorities refrain from using unfounded disciplinary or criminal proceedings against justice operators. A similar recommendation applies to access to justice in other cases of particular concern in Honduras, such as attacks on human rights defenders, violence against women or hate crimes.

3. CREATING A SAFE AND ENABLING ENVIRONMENT FOR THE DEFENCE OF HUMAN RIGHTS

Honduras is one of the most dangerous countries in the world for human rights defenders. The organisation [Front Line Defenders](#) ranks the country third in the number of killings of human rights defenders in the world, and [Global Witness](#) ranks the country second in the number of killings per capita of those defending human rights related to land, territory and the environment. [Most killings and attacks against human rights defenders remain unpunished](#). Despite progress with the conviction of one of those accused of being co-author in the murder of the human rights defender Berta Cáceres, her family, for example, has yet to obtain truth, justice, and reparation for the defender's killing in 2016. [Amnesty International has also documented threats, attacks, and other aggressions against human rights defenders](#), as well as reports of [enforced disappearances](#). The new Honduran government must urgently ensure thorough, prompt, impartial and independent investigations into all attacks and threats, and attacks against defenders, and bring to justice all those suspected of being responsible for these crimes through fair trials.

Human rights defenders, particularly those protecting human rights related to land, territory, and the environment, often face unfounded criminal prosecutions. Amnesty International has received reports of activists, mainly Indigenous, farmers and Afro-descendants, being arbitrarily detained or subjected to months or even years, of pre-trial detention [such as the eight Guapinol defenders detained since 2019](#). The Office of the United Nations High Commissioner for Human Rights in Honduras has drawn attention to the possible use of the crimes of [usurpation](#) and [forced displacement](#) to criminalize human rights defenders. The incoming Honduran presidency should ensure that the authorities refrain from misusing the justice system to intimidate, harass and discredit defenders, and that the relevant authorities initiate prompt, thorough and impartial criminal investigations against authorities who do so.

The Employment and Economic Development Zones (ZEDE in Spanish acronyms) have triggered protests in the country. The ZEDE is a Honduran territory subject to a 'special regime' for tax exemptions, security and conflict resolution, [whose implementation could imply serious risks to the Honduran state's compliance with its human rights obligations](#), such as the right to previous consultation and informed consent of Indigenous Peoples. The new government will face the challenge of reversing the context of attacks on human rights defenders, which includes addressing the structural causes of social conflicts related to the exploration and exploitation of natural resources, based on the respect for the human rights of Indigenous Peoples and Afro-descendant communities.

The next president of Honduras should also guarantee, with adequate measures and sufficient resources, the protection of human rights defenders through comprehensive strategies that incorporate preventive, collective and gender-sensitive approaches, as well as public recognition of their important role in the defense of human rights.



4. ENSURE ACCESS TO HEALTH CARE FOR ALL, INCLUDING SEXUAL AND REPRODUCTIVE HEALTH CARE

The COVID-19 pandemic has highlighted the fragility of health systems. Honduras [has approximately 10 medical and nursing professionals for every 10,000 people](#), which is, according to the World Health Organisation (WHO), far below the minimum level considered necessary to provide basic health services. On the other hand, the strong perception of widespread corruption in Honduras, [which has one of the worst positions in Transparency International's annual global ranking of 2020](#), is demonstrated in the health sector. [The organisation noted](#) that the Honduran government bought overpriced mobile hospitals in 2020 without a clear medical reason to justify it. [Corruption in the public service is a factor that weakens the capacity of states to guarantee economic, social, and cultural rights](#). It is therefore essential that the next president of Honduras invests the maximum available resources in a transparent manner towards the consolidation of a strong health system that can sustainably increase the availability, accessibility, affordability and equity of health facilities, goods, and services for all people.

In January 2021, [the Honduran Congress approved a constitutional reform](#) that effectively blocks the legalisation of abortion, which is already banned in all circumstances, [putting the lives of women and girls at risk](#). In addition, Honduras did not accept 20 of the 223 recommendations of the [Universal Periodic Review of November 2020](#), nine of them related to access to safe and legal abortion and emergency contraception, which is also banned. Access to safe abortion is part of the state's obligations to eliminate discrimination against women and guarantee women's right to health. Amnesty International reiterates that Honduras must urgently decriminalize abortion in all circumstances, and guarantee access to abortion for all women, girls, and people with capacity to bear children, at a minimum in cases where the pregnancy poses a risk to the life or health of the pregnant woman, where the fetus suffers a life-threatening or severe disability, or where the pregnancy is the result of rape or incest.

5. ELIMINATE GENDER-BASED VIOLENCE AND DISCRIMINATION

Women and girls faced high levels of gender-based violence, which can be exacerbated by contexts of crisis such as the COVID-19 pandemic. In 2020, [the 911 emergency call system exceeded 100,000 calls for domestic and intra-family violence](#). The violence observatory of the National University of Honduras reported 224 femicides between January and December of the same year. The next president of Honduras must take all of the necessary measures to address gender-based violence against women and girls, and that these are aimed to effectively prevent it.

The constitutional reform approved in January 2021 by the Honduran Congress also effectively blocked the possibility of legalizing same-sex marriage, which, like abortion, is prohibited. For the Honduran state to guarantee the right to equality and non-discrimination for all people without distinction, the next president of Honduras must take all measures, including legal reforms, to recognise marriages and unions between same-sex couples.

Although there has been some progress in recent years—in 2013 the Honduran Congress approved a reform of the Criminal Code that includes provisions to address discrimination based on sexual orientation and gender identity—discrimination against LGBTIQ+ people persists. [From 2009 to December 2020, 373 violent deaths of LGBTI people were registered in Honduras](#) according to the organisation Cattrachas. In June 2021, [the Inter-American Court of Human Rights notified the decision](#) that Honduras violated the rights to life and personal integrity of Vicky Hernández, a transgender woman, sex worker and activist, who was killed during the 2009 Honduran coup d'état. The next Honduran government must ensure that the authorities carry out thorough investigations into all crimes and human rights violations committed against LGBTIQ+ people with the goal of identifying, prosecuting, and punishing those responsible. The different possible lines of investigation should include those with the goal of determining whether the crimes were committed because of the victim's sexual orientation and/or gender identity.



6. PROTECTING PEOPLE ON THE MOVE

Thousands of people each year flee violence, repression, economic inequality, and climate disasters in Honduras, facing extortion, kidnapping and sexual violence—and additional barriers in the context of COVID-19—on their way. [Hundreds of thousands are on the move within Honduras](#), mostly fleeing violence and insecurity. The new president of Honduras must ensure the protection of people on the move, and address the situations of violence, repression, economic inequality, and climatic disasters that force people to move internally or flee Honduras.

Most of these people are returned or deported by the Mexican and the United States governments to Honduras, [including unaccompanied migrant children, whose rights are not protected](#). The new Honduran government must therefore ensure that all reception, reintegration, and protection programmes for Honduran returnees consider the specific rights and protection issues related to groups at risk such as women, Indigenous People, LGBTIQ+ people, and unaccompanied children, as well as ensure mechanisms to properly identify whether deportees are at risk in their communities of origin and provide them with adequate and immediate relocation and protection where appropriate.

7. COOPERATE AND ENGAGE WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS AND STANDARDS

The Honduran State's compliance with its international human rights obligations requires full cooperation with regional and international human rights organizations and mechanisms. The country has had an open invitation to allow visits of special procedures since 2010, and an OHCHR Country Office since 2016, however, the MACCIH, installed by the OAS that same year, was closed in 2020.

The Honduran State also failed to accept 11 Universal Periodic Review recommendations regarding the ratification of international standards, including [the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean \(Escazú Agreement\)](#), a binding instrument that entered effect on 22 April 2021. The new government of Honduras must commit to international human rights standards, including ratifying and acceding to regional and international agreements, such as the before mentioned Escazú Agreement.

Amnesty International calls on all candidates to consider these urgent issues to ensure the protection of the human rights of all people in Honduras. We would also like to thank the nominees for responding to this communication publicly with their plans of action on human rights issues.

Yours sincerely,

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