



## RE: OPEN LETTER TO THE PRESIDENT OF HONDURAS, XIOMARA CASTRO, A YEAR AFTER HER GOVERNMENT TOOK OFFICE

Dear President

I am writing to bring to your attention Amnesty International's concerns about the human rights situation in your country during the period since you took office as President of the Republic of Honduras a year ago. We would also like to bring to your attention a number of recommendations relating to issues on which we believe the government should take urgent action.

Since you formed your government, just a year ago, Amnesty International has seen some timely progress, such as steps towards a complete repeal of the Employment and Economic Development Zones Act (ZEDE), which raised concerns about potential threats to human rights; progress in discussions regarding the creation of an International Commission against Corruption and Impunity in Honduras (CICIH), which reverses the weakening of cooperation with regional and international bodies and mechanisms; as well as statements recognizing the importance of the work of human rights defenders, enhancing their protection and investigations into attacks against them.

However, the organization regrets that no progress has been made on other human rights issues which are urgent – and which you highlighted in your human rights agenda: the protection of women's sexual and reproductive rights, the effective protection of human rights defenders, and the creation of a strategy for the demilitarization of public security.

Just a year ago, we stated that your government needed to show boldness and resolve in order to address the causes and effects of the dark legacy of the governments of the previous decade.<sup>1</sup> It is time to see the results and evidence your government's determination, which the people of Honduras are calling for, and to fulfil some minimum commitments so that people can live with dignity in their country.

### **It is time to protect human rights defenders**

Despite the news of the release of Guapinol's eight human rights defenders and prisoners of conscience in February 2022<sup>2</sup> and the conviction of David Castillo by the courts for his involvement in the killing of human rights defender Berta Cáceres, defenders, particularly those who defend the land, territory and environment, continue to experience high levels of violence. The Office of the United Nations High Commissioner for Human Rights in Honduras recorded attacks on at least 224 defenders in 2022, including 12 killings.<sup>3</sup> To this alarming figure must be added at least the deaths of Guapinol defenders Aly Magdaleno Domínguez Ramos and Jairo Bonilla Ayala on 7 January<sup>4</sup> and that of the president of the Los Laureles Cooperative of Tocoa, in the Aguán area, 11 days later.<sup>5</sup>

The organization is also concerned that some forms of the crime of "trespass" (usurpación) in the Criminal Code could unduly affect the exercise of freedom of expression, peaceful assembly and association and the defence of human rights.<sup>6</sup> This concern has already been expressed by the Inter-

<sup>1</sup> <https://elfaro.net/es/202201/columnas/25979/Xiomara-debe-revertir-el-legado-antiderechos-en-Honduras.htm> (Spanish only).+

<sup>2</sup> <https://www.amnesty.org/en/latest/news/2021/12/honduras-amnesty-international-urges-authorities-immediately-release-eight-prisoners-conscience/>

<sup>3</sup> <https://oacnudh.hn/dia-internacional-de-los-derechos-humanos-oacnudh/> (Spanish only).

<sup>4</sup> <https://www.amnesty.org/en/documents/amr37/6352/2023/en/>

<sup>5</sup> <https://twitter.com/OACNUDH/status/1616155668796276753> (Spanish only).

<sup>6</sup> [https://oacnudh.hn/wp-content/informe2022/INFORME\\_ANUAL\\_2021\\_OACNUDH\\_WEB\\_.pdf](https://oacnudh.hn/wp-content/informe2022/INFORME_ANUAL_2021_OACNUDH_WEB_.pdf) (Spanish only); [https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2021/304.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/304.asp) and <https://oacnudh.hn/wp-content/uploads/2019/07/Observaciones-Co%CC%81digo-Penal-Nuevo-OACNUDH-ok.pdf> (Spanish only).



American Commission on Human Rights (IACHR) and its Office of the Special Rapporteur for Freedom of Expression (SRFOE) and by human rights organizations. In view of this, the organization would make the following recommendations:

- Ensure that the authorities do not misuse the justice system to intimidate, harass or discredit human rights defenders and that victims receive redress for any harm done;
- Investigate promptly, thoroughly and impartially any attacks against defenders, always taking into account their defence work as one of the lines of inquiry, and ensure that all those involved in such incidents are brought to justice;
- Encourage the National Congress to reform criminal legislation to bring it into line with human rights standards and to eliminate provisions that are ambiguous or contrary to the principle of legality and that, therefore, could be arbitrarily interpreted to unduly restrict and criminalize the right to freedom of peaceful assembly and association;
- Ensure, with adequate measures and sufficient resources, the protection of defenders through comprehensive protection strategies and plans that incorporate preventive and collective approaches and a gender perspective, according to the needs of defenders and in agreement with them;
- Address the structural causes of social conflicts linked to the exploration and exploitation of natural resources, based on respect for the human rights of Indigenous peoples and a healthy environment; and
- Accede to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).

## **It is time to demilitarize the streets**

On 3 December 2022, several constitutional guarantees were suspended for 30 days in 162 neighbourhoods and settlements in Tegucigalpa, Comayagüela and San Pedro Sula. It was stated that this was to ensure the “restoration of peace and order” in the face of “the serious situation of organized criminal violence”.<sup>7</sup> On 6 January 2023, you ordered that the suspension of guarantees be extended for an additional 45 days in 73 municipalities in 17 departments in the country.<sup>8</sup>

These decrees call on the security forces and the Military Police of Public Order (Policía Militar de Orden Público, PMOP)<sup>9</sup> to participate in implementing the suspension of constitutional guarantees. As you are aware, international organizations and bodies have reported the use of excessive force by security and militarized forces, including the PMOP, to suppress protests and implement curfews and lockdowns in response to the Covid-19 pandemic.<sup>10</sup>

The suspension of rights in similar contexts in the region has resulted in human rights violations such as arbitrary detention, ill-treatment, discrimination and restrictions on the exercise of freedom of expression and the right to defend human rights. It should be noted that states of emergency are mechanisms to which the state should turn only as a last resort and while ensuring full respect for all its obligations under international law, including those relating to human rights.

### Recommendations:

- Review the appropriateness of the state of emergency, guaranteeing the principles of necessity and proportionality, and ensure all procedures are followed, including official notifications to the Organization of American States and the United Nations;

<sup>7</sup> “restablecimiento de la paz y el orden” in the face of “la grave situación de violencia criminal organizada” (Decree PCM 29-2022).

<sup>8</sup> Decree PCM 01-2023.

<sup>9</sup> In 2013, the Honduran Congress approved the creation of the PMOP, which was to be a temporary security force (for five years) composed of members of the armed forces.

<sup>10</sup> <https://www.amnesty.org/en/latest/press-release/2019/07/honduras-ejercer-derecho-protesta-tiene-alto-costo/> and [https://www.ohchr.org/sites/default/files/Documents/Countries/HN/HondurasFollowupreportaccountabilityforHRviolations\\_FINAL. PDF](https://www.ohchr.org/sites/default/files/Documents/Countries/HN/HondurasFollowupreportaccountabilityforHRviolations_FINAL. PDF)



- Take immediate steps to ensure an orderly withdrawal of militarized forces from public security operations and continue the process of strengthening the capacities of the National Police;<sup>11</sup>
- Ensure there are effective safeguards in place to prevent any violation of rights in the context of protests or states of emergency, including ensuring the rights of individuals to access legal assistance, due process and fair treatment; and that there is no discrimination on the basis of race, ethnicity, sex, gender, language, religion, social origin, gender identity, sexual orientation or any other grounds prohibited by international law;
- Ensure immediate, impartial, independent and effective investigations by ordinary courts into all cases of suspected abuse of force by public officials, including cases resulting in death, arbitrary detention or cruel, inhuman or degrading treatment; and take measures to ensure the full cooperation of the armed forces in these investigations – which should always be carried out by ordinary civilian courts.

## It is time for an equal society free of prejudice

Despite championing women's sexual and reproductive rights in your campaign and committing to make substantial progress in their protection, your government has shown little willingness to carry this out. Abortion remains prohibited in all circumstances and, in December 2022, authorities only authorized the use of emergency contraception (EC) for survivors of sexual violence. This is a major step forward in a country with high rates of sexual violence,<sup>12</sup> but it is not enough, leaving many women and girls unprotected and Honduras trailing the rest of the world in terms of sexual and reproductive rights. Access to emergency contraception can be a critical tool in preventing unwanted pregnancies. The criminalization of EC has dire consequences for women and girls, leaving them without alternative contraception in situations where other contraceptive methods fail.

We welcome the fact that, in May 2022, your government recognized the responsibility of the Honduran state for the human rights violations committed against trans sex worker and human rights defender Vicky Hernández, killed in 2009, and committed to implementing obligations derived from the Inter-American Court ruling. However, the number of violent deaths of LGBTIQ+ people remains very high,<sup>13</sup> and no laws have yet been passed to allow them to live in conditions of equality, such as same-sex marriage or a gender identity law.

### Recommendations:

- Decriminalize abortion in all circumstances and ensure access to safe and legal abortion for all women, girls and people who can become pregnant;
- Ensure access to modern contraceptive methods (including EC) in all circumstances, as well as other comprehensive sexual and reproductive health services, products and information, respecting sexual and reproductive autonomy, the dignity, privacy and confidentiality of those who may become pregnant and human rights, on an equal and non-discriminatory basis, with impartial and evidence-based information;

---

<sup>11</sup> In 2018, the Inter-American Commission on Human Rights (IACHR) in its report on the situation of rights in Honduras recommended that the authorities: "Strengthen the capacities of the police in order to advance the implementation of the plan for the gradual replacement of the armed forces in public security tasks, in accordance with inter-American human rights standards". However, in its follow-up report of 2021 the IACHR noted that it had observed "no concrete measures to replaced the armed forces in public security tasks". On the contrary, the information received by the IACHR would indicate their ongoing strong presence. The IACHR reiterated "that the maintenance of public order and citizen security should be primarily reserved for civilian police forces; and that according to inter-American jurisprudence when the army participates in security tasks, it should be extraordinarily, subordinated and complementary, regulated and supervised".

<sup>12</sup> Between January and June 2022, the Public Prosecutor's Office (MP) registered a total of 1,615 complaints of sexual violence against women and girls. Information collected by the Women's Rights Center at: <https://derechosdelamujer.org/wp-content/uploads/2022/10/Hoja-de-Violencia-Sexual-enero-junio-2022.pdf> and [https://derechosdelamujer.org/wp-content/uploads/2022/06/Boletin\\_VS2022.pdf](https://derechosdelamujer.org/wp-content/uploads/2022/06/Boletin_VS2022.pdf) (Spanish only).

<sup>13</sup> From 2017 to 2022, the Honduran organization Cattrachas recorded 194 violent deaths of LGBTTTBI people, with 2022 being the most violent year. Information available at: [https://www.cattrachas.org/files/ugd/b262b8\\_31318f169864488ba9052c0bb8626dbc.pdf](https://www.cattrachas.org/files/ugd/b262b8_31318f169864488ba9052c0bb8626dbc.pdf) (Spanish only).



- Guarantee the right to equality and non-discrimination for all, without distinction, and in particular take all necessary measures, including legal reforms to recognize same-sex marriages and unions and laws to recognize gender identity;
- Conduct thorough, impartial and effective investigations into all human rights crimes and violations committed against LGBTIQ+ people with a view to duly identifying, prosecuting and punishing those found responsible in fair trials.

## It is time to ensure a dignified life

The combined impacts of climate change and environmental degradation, violence, poverty and inequality in Honduras continue to force people to move to other regions of the country or to undertake dangerous journeys to the USA. The consequences of Hurricanes Eta and Iota in 2021, coupled with a lack of action to adapt to increasing extreme weather events, highlight how climate negatively affects the enjoyment of a wide range of human rights in Honduras,<sup>14</sup> and how the most affected communities are those facing social vulnerability and exclusion and who have been historically marginalized. This is, for example, the case of the Gulf of Fonseca, where rising sea levels and loss of coastline have severely affected the right to health, education, food, adequate housing, work and an adequate standard of living of coastal communities living in poverty.<sup>15</sup>

Honduras has one of the highest rates of poverty and income inequality in Latin America. About 82% of the country's rural population is living in poverty.<sup>16</sup> However, the allocation of public resources for access to social rights, such as the health system, is among the lowest in the region, far from the 6% recommended by the World Health Organization and among the lowest in Latin America and the Caribbean.<sup>17</sup>

### Recommendations:

- Adopt and implement human rights-compatible mitigation and adaptation measures that adequately protect the population from the predictable and unavoidable consequences of the climate crisis. Specifically, take into account the historic human rights needs and demands of different groups in the design and implementation of strategies to adapt to the consequences of anthropogenic climate change and disaster risk reduction, giving priority to groups, communities and people in situations of social vulnerability; address power imbalances based on gender, race and ethnicity; and ensure respect for the human rights of Indigenous peoples and communities dependent on subsistence economies.
- Guarantee the rights to information and full participation in decision-making of every person, in particular the people, groups and communities most affected by the climate crisis, in climate crisis response measures, when assessing loss and damage, in any new financing mechanism such as loss and damage, protection of biodiversity and forests, as well as other economic and development activities that may have an impact on their human rights.
- Provide adequate resources to address loss and damage and social protection schemes by ensuring that all responses are inclusive, intersectional, incorporate a gender perspective and promote equality for peoples and individuals already in a situation of social vulnerability.
- Invest maximum resources, in a transparent manner, in order to create a stronger health system that can sustainably increase the availability, accessibility, affordability and equality of health facilities, goods and services for all people.
- Safeguard the human rights of people who are, or are at risk of being, displaced.

<sup>14</sup> <https://www.amnesty.org/en/latest/news/2020/12/devastating-impact-hurricanes-eta-iota-honduras/>

<sup>15</sup> <https://www.amnesty.org/en/documents/ior40/6145/2022/en/>

<sup>16</sup> IPCC, Climate Change 2022: Impacts, Adaptation and Vulnerability, Working Group II Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change: Chapter 12 - Central and South America, February 2022, [https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC\\_AR6\\_WGII\\_Chapter12.pdf](https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_Chapter12.pdf), p. 1689.

<sup>17</sup> <https://www.amnesty.org/es/latest/research/2022/09/desigual-y-letal/#datosnacionales> (Spanish only).



In all these areas, it is essential to ensure that the institutions responsible for investigating and delivering justice and monitoring the human rights situation act with autonomy and independence and that the people and processes involved in selecting those in positions of authority in the Supreme Court of Justice and the Attorney General's Office are transparent and focus exclusively on choosing the most suitable candidate, as well as the full collaboration of your government with international organizations.

While this letter does not contain an exhaustive analysis or include all the actions that the authorities must implement to comply with the human rights obligations of the State of Honduras, it does highlight some of the issues that Amnesty International considers urgent and that can contribute to advancing the human rights agenda in the country.

We reiterate our readiness to engage in a direct dialogue with you and request a meeting as soon as possible with you and your government, during which we can discuss the human rights progress and challenges facing Honduras.

Yours sincerely,

Erika Guevara Rosas  
Americas Director