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Concerns regarding the human rights situation in Honduras – suspension of aid and trade benefits

We, the undersigning civil society networks, are deeply concerned by the Coup d'Etat that took place in Honduras on the 28th of June and the violations of human rights following this event.

Since the Coup d'Etat in Honduras there have been numerous reports of violations of human rights established in *The UN Covenant on Civil and Political Rights*, such as: the right to not be subjected to arbitrary arrest or detention (art.9), the right to liberty of movement (art.12), freedom of expression (art.19), the right of peaceful assembly (art.21) and freedom of association (art.22). Several UN independent experts on human rights have expressed their concern over the human rights situation in Honduras, especially

regarding reported arrests, threats and acts of harassment against human rights defenders, journalists and social leaders.¹

The Inter-American Commission on Human Rights (IACHR) have also expressed that they are “deeply concerned over the executive decree 011-2009 adopted by the de facto authorities in Honduras, through which fundamental rights have been restricted, such as personal liberty, allowing incommunicado detention for more than 24 hours, freedom of association and the right of assembly, as well as freedom of movement to leave, enter and remain in the territory of Honduras.”² The IACHR has also strongly condemned the limitations to the freedom of expression in Honduras imposed after the Coup d’Etat³.

Following the coup and unsuccessful attempts by the Organisation of American States (OAS) to restore democracy, the rule of law and President Zelaya in power in Honduras, the OAS invoked for the first time Article 21 of the Inter-American Democratic Charter and decided, as a means of pressure against the de facto regime, to suspend Honduras from the organisation.

The European Union has condemned the coup, postponed the negotiation round for an association agreement with Central America and has recalled for consultation the ambassador of the local EU presidency and all EU ambassadors have left Honduras. We welcome these actions by the EU, but are concerned that despite flagrant violations of democracy and human rights, the EU has not yet taken any initiative to suspend its development cooperation with Honduras, nor have steps been taken to withdraw Honduras’ trade benefits within the GSP+ framework. We therefore call upon the European Union to take the following actions:

1. Suspension of aid

In accordance with article 37 of the Regulation No 1905/2006 of the European Parliament and the Council, and Article 1 of the Framework cooperation agreement between the EU and Central America (from 1993) **the EU should immediately suspend government aid to Honduras.**

The general principles of the regulation no 1905/2006 are stated in Article 3:

“The Community is founded on the values of democracy, the rule of law, respect for human rights and fundamental freedoms and seeks to develop and consolidate commitment to these values in partner countries and regions through dialogue and cooperation.”

Article 37 established that:

“...where a partner country fails to observe the principles referred to in Article 3(1), and where consultations with the partner country do not lead to a solution

¹ UN, Press release, Honduras: expertos de la ONU urgen al reestablecimiento inmediato de la democracia y las libertades fundamentales, 2 July 2009, See on:

<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/4467A6790B120E24C12575E700553F5E?opendocument>

² Inter American Commission on Human Rights, Press Release, N° 47/09

³ Inter American Commission on Human Rights, Press Release, N° 44/09
<http://cidh.org/Relatoria/showarticle.asp?artID=753&IID=1>

acceptable to both parties, or if consultations are refused or in cases of special urgency, the Council, acting by a qualified majority on a proposal from the Commission, may take appropriate measures in respect of any assistance granted to the partner country under this Regulation. Such measures may include full or partial suspension of assistance.”

Also, Article 1 of the Framework cooperation agreement between the EU and Central America (from 1993) outlines the democratic basis for cooperation, stating that:

“Cooperation ties between the Community and Central America and this Agreement in its entirety shall be based on respect for democratic principles and human rights, which inspire the domestic and external policies of both the Community and Central America and which constitute an essential component of this Agreement.”

In the framework of the EC Country Strategy Paper 2007-2013 for Honduras 50% of the overall budget is supposed to be delivered through Global Budget Support for the PRSP and 20% to Justice and Public Security. Both sectors finance the government budget and must be withdrawn in the current situation. The European Commission suspended budget support disbursements to Nicaragua following alleged voting irregularities during the November election. The Coup d’Etat in Honduras and the following events should mean that at least these same measures be taken.

2. Investigation for a temporary withdrawal of GSP+ benefits

In accordance with the Regulation of the Council No 732/2008 applying a scheme of generalised tariff preferences, **the EU should initiate an investigation for the temporary withdrawal of the preferences given to Honduras within the GSP+ framework.**

Article 8 of the regulation states that the special incentive arrangement for sustainable development and good governance outlined by the regulation may be granted to a country which: “*has ratified and effectively implemented all the conventions listed in Annex III*”⁴, of which the *International Covenant on Civil and Political Rights* is part.

According to Article 15 the special arrangements of the GSP+ can be withdrawn temporarily in the case of “*serious and systematic violation of principles laid down in the conventions*” included in the GSP+ framework, or if the legislation of these conventions is not effectively implemented. The Commission should initiate a process, as outlined in Articles 16-19 of the Regulation, to investigate the possibility of a temporary withdrawal of the preferences of the GSP+.

The Coup d’Etat and the following violations of human rights should provide enough basis to initiate such a process, and it would send an important message to de facto regime of Honduras that the EU is taking the situation seriously and is prepared to use the mechanisms available to put pressure on the de facto regime.

⁴ Regulation of the Council No 732/2008, Section 1, Article 8

3. Continue to freeze Association Agreement negotiations

In light of the situation in Honduras, we welcome the cancelling of the negotiations for an association agreement between the European Union and Central America. **The EU should state publicly that negotiations, for an association agreement will not resume until constitutional order is re-established in Honduras.** The cancellation of the negotiations should include the cancellation of all official rounds, technical working meetings and bilateral contacts between the negotiation teams from the regions.

We sincerely hope that these considerations will be taken into account and that the EU will use all available means to pressure for the reestablishment of democracy and the rule of law, as well as the respect for human rights in Honduras.

Yours sincerely,



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