

# Honduras Report

# Freedom of Association and Democracy

February 2017 - February 2018



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**REPORT ON FREEDOM OF ASSOCIATION AND  
FEBRUARY 2017 - FEBRUARY 2018**

**Solidarity Center**  
**Red Contra la Violencia Antisindical**  
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# 1. Presentation

The Network against Anti-Union Violence formed by the three labor federations in Honduras presents its report "Freedom of Association and Democracy", a document that contains accurate and objective information about the phenomenon of violence against trade unionists and labor activists in Honduras from February 2017 to February 2018.

This organization, whose fundamental task is the defense and promotion of human rights, is made up of trade unionists and labor activists from different parts of Honduras, was born out of the project 'Counteracting Anti-union Violence in Honduras and Guatemala', with technical support from the Solidarity Center (AFL-CIO).

The data presented in this report was compiled and verified by members of the Network in different regions of the country. The document has four sections: A comprehensive description using a human rights framework of the context faced by Honduran society; the conceptual definition of 'anti-union violence'; the cases of documented anti-union violence; and finally, a section of considerations and recommendations for the trade union movement and the State of Honduras.

We hope that the information we present today will become instrument to shine a light on the violent actions suffered by people who dedicate their work to the defense and promotion of labor rights, and at the same time demand justice for each of the victims.

Maria Elena Sabillon  
Coordinator for Honduras  
Solidarity Center – Honduras

## 2. Context

### Socioeconomic Conditions

Honduras continues to be one of the poorest and most unequal countries in Latin America and the world. In 2016, the World Bank estimated that 65 out of every 100 Hondurans live in conditions of poverty, and 43 in extreme poverty. The country is also ranks sixth in the list of countries with the greatest inequality in the world, and it the most unequal country in the Americas, followed by Colombia, Brazil and Guatemala (El Herald, 2016).

Access to the basic market basket is a fundamental indicator for quantifying poverty. Honduras's citizens are among the Latin Americans who spend the largest part of their salaries on the basic market basket (100%), unlike countries such as Panama (16%), Venezuela (18%) or Mexico (19%) (BBC, 2016).

Closely tied to this reality, and according to official data from the National Institute of Statistics, 7.4% of the Honduran population is unemployed. At first glance, this does not appear to be such a issue considering that countries such as Spain or Italy have unemployment rates of 18 % and 12% respectively. However, the problem lies in that 55% of the people who do work are under-employed (11% visible underemployment and 44% invisible) This is a direct result of the use of labor policies that are harmful to the working class, such as hourly employment, working conditions in construction, maquilas, agro-industry and private security (FOSDEH, 2017).

In addition to the problems of under and unemployment, crime continues to be one of the great challenges faced by Honduran society. It is impossible to write about the national context without mentioning the high rates of violence that are affecting Hondurans. This violence is characterized by serious levels of organized crime (mostly the illegal arms trafficking, trafficking in persons and drug trafficking) and by the increase of non-organized violence (gender violence, femicides, robbery, bullying and stigmatization), with young people and women being the most affected.

Regarding the homicide rate, during 2011 and 2012 the country reached a critical point, positioning itself as the most violent in the world, excluding countries at war (93.2 and 92.7 homicides per hundred thousand inhabitants, respectively). As of 2013, the figures have gradually decreased, and as of 2017 the figure has dropped to 42.7 homicides per 100 thousand inhabitants.<sup>1</sup>

The economic model that has been imposed since the beginning of the 1990s, and the increasingly deplorable situation of government corruption, have acted as the engine that produces inequality and social inequity. This not only increases the levels of poverty and exclusion, but also decreases the capacity of the State to face the situation.

### Institutional Political Crisis

This situation is aggravated by the increasingly precarious crisis of legitimacy of the Honduran State and the concentration of political power in the President. These are the result, in part, of the Coup d'Etat of June 2009 that resulted in the the illegal dismissal

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<sup>1</sup> It is important to note that the general perception of the population is that these figures are far from reality.

of the magistrates of the Constitutional Court of the Judiciary in 2012 that was followed by the lack of transparency of the general electoral processes of 2013 and 2017.

A clear manifestation of the concentration of power around the figure of the President of the Republic is the formation of the National Council for Defense and Security, which is chaired by the head of the Executive Power and places the Judiciary and Legislative Powers in an inferior position, and its failure to fulfill the constitutional principle of the separation of powers.

The Special Law for the National Defense and Security Council was approved by the National Congress in 2011 (under decree 239-2011, when it was directed by attorney Juan Orlando Hernández). This law appoints the Council as the body in charge of directing, designing and overseeing general policies on defense, security and intelligence.

The Council oversees the administration of the Security Tax (which is covered by the Secrets Act), in the creation of security regulations and policies, managing investigative and intelligence units, intercepting all types of private communications, and directing the Armed Forces and National Police.

This restructuring of the State allowed the President of the Executive branch, Juan Orlando Hernandez, to register as a presidential candidate for the National Party in the general elections of November 2017, in violation of Article 239 of the Constitution of the Republic, which states that “A citizen who has held the title of the Executive Power may not be President or Vice President of the Republic”, and warns that “He that violates this provision or advocates its amendment, as well as those that directly or indirectly support him, shall immediately cease to hold their respective offices and shall be disqualified for ten years from exercising any public function.”<sup>2</sup>

## **Electoral Situation**

The Supreme Electoral Tribunal (TSE, for its acronym in Spanish) is the highest electoral authority in Honduras. It is responsible for carrying out the primary and general elections. Like other public institutions, the TSE is facing the most serious crisis of legitimacy in its history, due to the widely questioned elections of 2009, 2013 and 2017.

Prior to the general elections of 2017, the TSE was strongly criticized for the lack of transparency and independence, as it did not have representatives from the political opposition and was directly controlled by the National Party. The Committee of Relatives of the Disappeared in Honduras (COFADEH, 2018), in its Second Report on the post-electoral crisis, denounced the fact that the general elections took place in an atmosphere of violence and intimidation. In addition, they noted that “as of November 25th, 2017, 19 people connected to the electoral conflict had been murdered, and an atmosphere of fear had settled in the population, a situation that is incompatible with the political rights of the people.”<sup>3</sup>

This pre-electoral environment was also characterized by widespread militarization;

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<sup>2</sup> Translated from the original in Spanish.

<sup>3</sup> Translated from the original in Spanish.

helicopters and war vehicles circulated in the main cities of the country, and the massive importation of tear gas bombs for the use of the National and Military Police was publicly denounced.

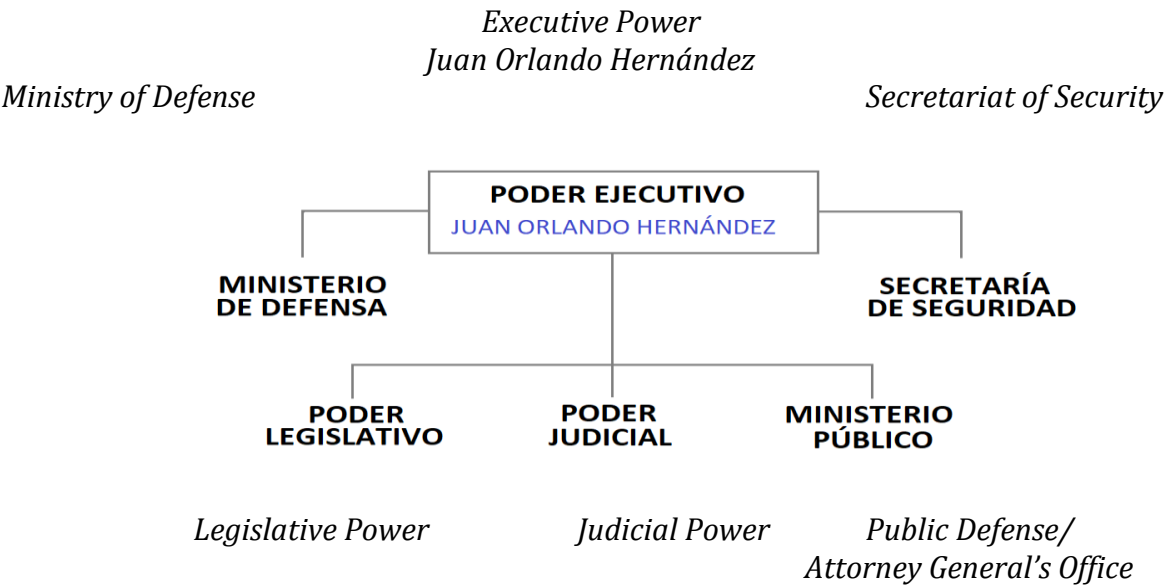
This is the context in which the general elections were held, whose main contenders were Salvador Nasralla (candidate of the Alliance of Opposition against the Dictatorship) and Juan Orlando Hernández (candidate of the National Party).

In what constitutes an irregularity, the TSE postponed the first results until 2 am on Monday, November 27th, these showed the candidate from the opposition to be the virtual winner by a difference of 5 points, with more than 50% of the ballots counted. Hours later, the substitute judge of the TSE, Marco Ramiro Lobo, told the media that the trend was irreversible.

After failures in the computer system of the electoral institution, the trend was reversed and placed the official candidate 1.6 points above the opposition candidate. On December 17th, on radio and television, the presiding magistrate, David Matamoros Batson, announced the winner to be attorney Juan Orlando Hernández.

Minutes later, the Electoral Observation Mission of the Organization of American States (OAS) published an extensive and detailed report concluding that it observed "a low quality electoral process and therefore cannot affirm that the doubts about it are now cleared" (Once Noticias, 2017).<sup>4</sup>

**Figure 1. Conformation of the National Defense and Security Council**



<sup>4</sup> Translated from the original in Spanish.

## Protests of Electoral Fraud

The actions of the TSE generated strong doubts and discomfort in large sectors of the public, which made themselves heard through public protests throughout Honduras. These actions began on November 30th, and in cities such as Tegucigalpa and San Pedro Sula, they were accompanied by looting of large shopping malls unrelated to the protests, but which justified the approval of Decree 084/2017 that declared the suspension of constitutional guarantees for a period of 10 days.

**FIGURE 2. During the period from the 29th of November to the 31st of December 2017, the COFADEH documented the following human rights violations:**

- 126 Repressed Protests
- 232 Injured
- 72 Victims of cruel, inhuman and degrading acts
- 1085 Arrested
- 30 Executed
- 34 People displaced by political persecution
- 1 Forced disappearance
- 179 Criminal records opened (related to the post-electoral crisis)
- 47 Illegal raids by the Military Police for Public Order
- 12 Attacks on media outlets and journalists

## 3. Towards a Definition of Anti-Union Violence

Anti-union violence is a practice that aims to weaken and/or eradicate union organizations, and consequently, their work that builds up the citizenry. In order to put forward a comprehensive concept of what encompasses the phenomenon that this report addresses, the description of 'Violence' proposed by the jurist and political scientist Norberto Bobbio<sup>5</sup> is taken into account. This can be summarized as any intervention that is voluntary and conscious, carried out by an individual or group against another individual or group, the objective of which is to destroy, damage or restrict.

Depending on the impact on the victim, this can be direct or indirect, the first affects the body directly, and the second acts through the alteration of the physical environment in which the victim is located. Its constant presence and repetition, its variation and transformation with respect to its manifestations with the passage of time, grant it the element of historicity, it therefore must be understood as a social and historical phenomenon (Correa & González, 2011).

It is a common mistake to limit the understanding of violence to its physical

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<sup>5</sup> Turin, Italy, 18 October 1909- January 9, 2004

manifestation, nevertheless, it is essential to recognize and understand that every violent action inherently implies a psychological impact. Violence, then, must be understood as a physical and psychological phenomenon, which in many cases is used for political purposes.

On the other hand, the category 'anti-union' includes a historical process, which is revealed through a series of actions that seek to weaken and/or destroy the organizations of the working class. With the advance of neoliberalism, unionism began to be seen with contempt and was discredited, positioning it in public discourse as something harmful, an evil in society.

Undoubtedly, this strategy plays a role, among other things, in the distribution of wealth in society and that is why anti-union actions are used act to delegitimize the social role of unions and have been carried out since the very appearance of the first workers' organizations.

Once the categories 'violence' and 'anti-union' have been defined, it can be established that anti-union violence is any action that harms the physical and psychological integrity of members of trade union organizations and/or labor activists, in order to co-opt, weaken, demobilize or destroy their organizations.

This violence is manifested in physical assault, attempted murders, kidnappings, threats, forced disappearances, harassment and murder; it differs from other violent acts in its objective: to destroy the organizations of the working class.



## 4. Anti-Union Violence in Honduras

Anti-union violence and high levels of impunity are part of the labor context of several countries throughout Latin America, and Honduras is not an exception. Countries like Colombia have advanced not only in the documentation of this situation, but also in the demand for justice and reparations for the victims and their organizations.

In Honduras, neither the State nor the Trade Union movement had precise data on the number of cases of violence suffered by members of trade unions or labor activists. However, starting in 2015, the Honduran Trade Union movement joined forces with the Solidarity Center (AFL-CIO) in order to, on the one hand, create a Network against Anti-union Violence, and on the other hand, to manage the tools needed to register and document each of the cases with the aim to demonstrate the risk faced by members of trade unions that demand rights and labor victories, and also to influence the State to ensure justice for the victims.

From January 2015 to February 2018, the Network documented a total of 46 cases of anti-union violence, with a total of 69 victims of violence ranging from threats to murders and forced disappearance of union leaders.

The period covered by this report was characterized by acts of violence defined by two major contexts: processes of unionization and collective bargaining, and the context of the post-electoral crisis. In the first case, workers were victims of two companies in the agro-industry sector, specifically in the African palm production sector, and the union of municipal government workers in Tocoa, Colón. In the second case, the majority of victims were teachers, working-class leaders and trade unionists from the maquila sector in the department of Cortés.

It is worrisome that of all the cases registered during this period, 51% of the alleged perpetrators are public officials, among them members of the Military Police for Public Order that have carried out illegal detentions, assaults with firearms and murders; and municipal authorities who harassed, coerced and dismissed 9 workers to prevent them from benefiting from the right to freedom of association.

### **Coordinating Group against Anti-Union Violence**

Today, the Network against Anti-Union Violence—a demonstration of the interest in the Honduran Trade Union Movement to defend and promote human rights—continues to demand justice and reparation for the victims of these violations of human rights and fundamental freedoms. To this end, it contributed to the formation of the Coordinating Group against Anti-Union Violence - Honduras, which aims to create a permanent space for dialogue and communication between the Trade Union Movement, the Network against Anti-Union Violence and different political actors with direct impact on the issue of defense of human rights and access to justice in the country.

With the installation of the Coordinating Group, we begin to formulate an agenda that we hope will offer joint, timely and efficient responses to counteract the phenomenon of violence against trade unionists and labor leaders in Honduras. In addition, it is proposed as a platform that contributes to promoting actions for the defense and promotion of human rights, promoting diversity, exchange and reciprocal support

among its members.

## 4.1 Record of Cases

What follows is information about the cases of anti-union violence identified and documented by the Network against Anti-Union Violence during the months of February 2017 to February 2018. As mentioned above, these human rights violations were (first and foremost) defined by two specific contexts: processes of unionization and collective bargaining and participation in actions to defend civil and political rights.

### Unionization and Collective Bargaining

Honduras continues to be one of the countries with the lowest rate of unionization in Latin America, a situation that is partly due to anti-union policies and practices, not only from employers, but also from the State. The US Department of Labor, in response to a complaint made by the AFL-CIO, 26 national unions and a Honduran NGO in connection with the labor chapter of the Central American Free Trade Agreement (CAFTA), published a report which details "numerous cases in which Honduran employers participated in acts of anti-union discrimination and imposed non-union agreements to prevent collective bargaining, as well as cases of non-payment of wages, mandatory overtime, numerous violations of safety and health standards in the workplace and child labor in the agricultural sector" (International Trade Union Confederation, 2015).

#### **CASE: Trade Union of Workers in Agro-industry and related sectors (Sindicato de Trabajadores/as de la Agroindustria y Similares, STAS)**

During the last few years, the STAS has been one of the fastest growing unions in the agro-industry sector, however, this has provoked anti-union actions against it, including attempted murder, death threats, physical assault and surveillance.



#### **Moisés and Misael Sánchez**



Moisés (52) is the Secretary General of the Melon Export S.A. subsection of the STAS and his brother Misael (29) is a member of the organization. On April 13, 2017, while returning from the city of Choluteca in the state of Choluteca where they were involved in trade union negotiations, they were intercepted by four hooded strangers who were armed with pistols and machetes, and who demanded they "stop getting involved with the union", while two other individuals watched the area a few meters away.

They were held captive for a period of 40 minutes, during which time they were interrogated and threatened with death. This violent action resulted in the forcing them to give information, theft of a cell phone and a serious machete wound on Misael's face.

Melon Export is a supplier of the Irish transnational Fyffes, recently acquired by the Japanese economic group Sumitomo and has been reported internationally for violating labor rights.

After the formation of subsections of the STAS in MENXSA and SURAGROH, the transnational business reacted by dismissing dozens of workers, and ignoring the request for collective bargaining.

### **AGROMEZA and AGROGUAY**

Agromeza and Agroguay, two companies that produce African palm, are part of the economic group JAREMAR, certified by the RSPO (Roundtable on Sustainable Palm Oil), and continue to refuse to recognize the rights of their workers to freedom of association, violating national and international laws, such as the conventions of the International Labor Organization, ratified by the State of Honduras and the certification criteria imposed by the RSPO.

In both companies, their workers organized and notified sub-sections of the STAS, which the companies have refused to recognize. The position of the business group is such that neither the authorities of the Ministry of Labor and Social Security (STSS) have been able to get the union recognized, and they have even been denied access to work facilities to carry out inspection actions.

After the company fired the union leaders, the fired workers decided to start a strike that is ongoing and has lasted more than a hundred days. As of yet, neither the State nor the company have been able to resolve the issue. The protest is not just a response to the violation of the right to freedom of association, but also to the fact that the workers have historically been denied the minimum wage, the [legally obligated] 13th and 14th months of salary, the right to a day off, and are sometimes coerced to work for 12 to 14 hours, at times during night shifts. Information obtained from testimonies of trade unionists.

So far, the response of the economic group and that of the State of Honduras has consisted in persecution and intimidation through private security guards and agents of the Honduran National Police. On the one hand, the security guards have followed and monitored the union leaders, including some of the technical staff of FESTAGRO (Federation of Trade Unions of Agro-Industry and Related Sector Workers, *Federación de Sindicatos de Trabajadores de la Agroindustria y Similares*); and on the other hand, agents of the National Police, specifically the Police Division of Investigation, have come to the facilities of the companies to take videos, take photographs and collect lists, with the threat of initiating criminal proceedings against those who defend their labor rights.

The trade unionists, accompanied by the STAS and FESTAGRO have reported to the National Police the presence of private security guards with high caliber rifles (R15, forbidden for civilian use) and there has been no response from the public security agents. Up until the time of the publication of this report (March 20, 2018), the Network against Anti-Union Violence has received reports of 11 cases of assault and/or intimidation, summarized below:

**Juan Antonio Mazariegos (43):** Threatened with death on October 23rd, 2017, at 7:00 AM by a co-worker from the company, not related to the Union.

**Yeison Alexander Flores Paz (20):** On October 24th, 2017, around 3:30 PM, the area manager and a security guard, in the presence of officials from the Ministry of Labor and Social Security, threatened him with assault, threatening: "I'll find you alone".

**María Lucía Méndez (55):** On November 17th, 2017, an AGROGUAY company official intimidated her for 30 minutes due to her affiliation to the STAS subsection in AGROGUAY.

**Celio Manzanares López (54):** On November 23rd, 2017, AGROGUAY security guards followed him and took photographs as an act of harassment. The company's staff repeatedly insisted on striking worker's criminal liability, and that this "evidence" would serve to prosecute them.

**Oscar Lara Pérez (26):** On December 13th, 2017, around 10 AM, he was physically assaulted by security guards while the union member was in a protest in front of the gates of Agromeza.

**Yarleni Ortéz Mejía (32):** On December 13th, 2017, she was the victim of death threats from a security guard hired by the company AGROMEZA, who openly stated to him "I do not need to shoot those of the labor union".

**José Selvin Manzanares (27):** On December 17th, 2017, he was physically and verbally assaulted by security guards from AGROMEZA while they were engaged in a strike at the company's offices. In addition, they used their weapons to threaten his life.

**Luciano López (35):** On December 17th, 2017, a security guard physically assaulted him while he was with other colleagues in a strike at the offices of the Tibombo farm.

**Nolvia Rodríguez:** On December 26 she was physically assaulted by a security guard from AGROMEZA while she was at a protest in front of the company's facilities.

**Mainor Elías Padilla (25):** On Tuesday, November 27th, 2017, he was threatened at El Caimito farm by the supervisor of the security guards of AGROMEZA; the guard told him something would happen to him if he saw him near the farm again.

**Isaías Rolando Murillo (25):** On December 17th, 2017, a security guard physically assaulted him while he was with other colleagues in a strike at the offices of AGROMEZA.

### **Ah Raxa - Tzel Mayorga Hernández**

Ah Raxa is a labor activist collaborating with the STAS and the Federation of Agro-industry Workers (FESTAGRO). On Monday, October 23rd, 2017, after accompanying an inspection with officials of the Ministry of Labor and Social Security in Campo Naranjo Chino, owned by the JARE MAR economic group, security guards aboard a vehicle apparently owned by the management of the company AGROGUAY, followed him out of the offices of the STSS in El Progreso, Yoro, while he was traveling by motorcycle.

When he became aware of what was happening, as a security action Mayorga Hernández stopped at a crowded place and the vehicle continued on. This action is similar to what has happened to other organized workers at AGROMEZA and AGROGUAY.

**CASE: Union of Workers of Municipal, Communal and Related Services (Sindicato de Trabajadores de Servicios Municipales, Comunales y Afines, SITRASEMCA)**

***"Joining the Trade Union is an act of betrayal against the Party"***

Adán Fúnez, Mayor of Tocoa, Colón.

Since 2011, SITRASEMCA, an organization composed of employees of the municipal government of the city of Tocoa, has suffered different acts of violence and anti-union discrimination, especially against its coordinator Isela Juárez.

**Isela Juárez, president of the Union of Workers of Municipal, Communal and Related Services (SITRASEMCA)**

On Friday, June 16th, 2017, municipal authorities, through the Human Resources office, called a meeting to make the payment of the 14th month (historically it was done via bank transfer, on this occasion they decided to do it through a check). Members of the local press were also invited to the meeting, in order to cover the payment of the 14th month of salary and launch a public campaign.

During the event, stigmatizing comments were made against the union creating the impression that union members were committed to making the Corporation look bad, arguing that this was the reason for taxes were not being paid and that was why there was sometimes no money for salaries and other labor rights. They added that due to the union members they cannot manage some projects and it is impossible for them to hire new staff.

Given this confrontational discourse, the response from the members of the union was to walk out of the event in a peaceful way. As they left, employees and some political activists threw non-lethal objects at them and issued insults laden with sexist content (for example, shouted at Isela Juárez "bitch get out of here, if you don't, watch out").

This is in addition to the death threats and attacks that Isela has suffered since 2015.

**Threats and Dismissals of Members of SITRASEMCA**

During the month of January, the union notified the head of the human resources office that 11 new workers had become members, and later notified the Ministry of Labor and Social Security, in response, the municipal authorities decided to fire 10 of these workers (one person left the union and was allowed to keep their job).

Previously, officials from the municipal government threatened to fire them if they did not resign from the union, trying to coerce them to sign a form stating they would abandon the union. Meanwhile some political leaders who are not a part of the municipality made phone calls to the workers and even their relatives to ask them to give up their attempt to unionize and thus keep their jobs.

**TABLE 1. Dismissals of members of SITRASEMCA January - February, 2018**

VICTIM	SENIORITY	DEPARTMENT	DATE OF DISMISSAL
Leticia Rivas	2 years	Municipal Program for Children and Youth ( <i>Programa Municipal de Infancia y Juventud, COMVIDA</i> )	Jan/08/2018
Angie Meléndez	4 years	Municipal Environmental Office ( <i>Unidad Municipal del Ambiente</i> )	Jan/19/2018
Mariela Méndez	17 months	Municipal Water and Sanitation Service ( <i>Servicio Municipal de Agua y Saneamiento</i> )	Feb/02/2018
Maritza Cálix	4 years	Cleaning	Feb/02/2018
Carmen del Cid	4 years	Human Resources	Feb/02/2018
Jorge Recarte	2 years	Maintenance	Feb/02/2018
Alberto Galeas López	4 years	Maintenance	Feb/05/2018
María Ángela Pérez	19 months	Municipal Water and Sanitation Service ( <i>Servicio Municipal de Agua y Saneamiento</i> )	Feb/05/2018
Kensy Herrera	1 year	Purchases	Feb/06/2018

Source: Compiled by authors based on testimonies received by the Network against Anti-Union Violence.

## The Fight Against Corruption

**Case: José Armando Flores, president of the Trade Union of Healthcare Workers in the East of Honduras (*Sindicato de Trabajadores de la Salud en el Oriente de Honduras, SITRASA OH*).**

The case of Armando Flores dates back to 2015, when he was the victim of death threats after he reported the arbitrary burial of a batch of medicines. As a result, the Public Prosecutor's Office, specifically the Local Prosecutor's Office of Danlí, El Paraíso, decided to accuse Sonia Arely Cruz and her husband Germán Mauricio Erazo (officials of the Ministry of Health) of having made these death threats.

During the hearing, the judge decided to order a final dismissal of the case in favor of the two defendants, based on the argument that they did not have enough elements to prove whether they had actually threatened José Armando's life. The couple decided to accuse him of slander, which is why on February 23, 2017, they appeared before the courts of the city of Danlí, to participate in a conciliation hearing, where the officials



stated that they could not reconcile because "they have suffered physical and emotional damages, after 20 years of providing medical attention to the population of Danlí" (Defensores en Línea, 2017).

On March 8, their private defender Félix Antonio Ávila presented an Exception Appeal in favor of José Armando, which was dismissed by the sentencing court of Danlí. In addition, an appeal was filed before the Third Court of Appeals of Francisco Morazán, in which the magistrates decided 1) to declare the appeal without merit and 2) to confirm the original decision being appealed.

This case is an example of how legal system is being used to intimidate and demobilize human rights defenders in the country by accusing them of breaking the law. These processes of criminalization are carried out in different ways, either as defamation by of authorities and/or media outlets; circulation of rumors whose purpose is to question the legitimacy of their claims; legal accusations, arrest warrants and arrests, using criminal prosecution as a mechanism to try to stop advocacy work.

## **The Defense of Civil and Political Rights**

**Case: Sergio Rivera, member of the Trade Union of Workers of the National Autonomous University of Honduras (Sindicato de Trabajadores de la Universidad Nacional Autónoma de Honduras, SITRAUNAH).**

During the last week of July 2017, the journalist Armando Villanueva, through his television channel 'Foro Canal 10', aired on Channel 10, issued different stigmatizing comments against the teacher Sergio Rivera, for his affinity with the student movement of the National Autonomous University of Honduras (UNAH, for its acronym in Spanish).

*"Already it's been several days in which this journalist has been constantly attacking me for publicly expressing my support for the student movement of UNAH. Mr. Armando Villanueva demands that I be fired from the UNAH or at least that is the script they give him. Well, I arrive every day and notify my arrival and exit, as is asked of me. I am well evaluated by the students and immediate bosses, so it would be illegal to fire me and therefore I will in court and they will have to pay me the wages they owe me".<sup>6</sup>*

This campaign took place in the context of student protests of the management of University Dean Julieta Castellanos, and in favor of the democratization of decision making in the UNAH.

### **Electoral Context**

The doubts in the electoral process led to a wave of protests across the country and violent response on the part of State officials, especially the National Police and Military Police.

In this context, several trade unionists were attacked, criminalized and even killed while exercising their legitimate right to social protest. Below is a summary of each of the cases documented by the Network against Anti-Union Violence.

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<sup>6</sup> Translated from the original in Spanish.

## Maquila Sector

On Friday, December 1st, 2017, starting at 07:00 AM, a day of protest was held in the López Arellano neighborhood, during which dozens of workers who are organized in the maquila sector participated. Around 1:30 PM, members of the Military Police for the Public Order, without any kind of mediation, launched a number of tear gas bombs and fired guns while pursuing the demonstrators within the residential area.



Testimonies received by members of the Network against Anti-Union Violence reveal that these acts of violence were accompanied by illegal raids on homes, arrests and cruel and inhuman treatment. During the repression, at least six members of SITRAGENESIS and fifteen of SITRAJASPER were affected by the tear gas, and three were wounded by bullets, one of whom died on the way to a medical center.

**TABLE 2. Unionized workers of the maquila sector wounded with firearms in demonstrations in the context of the post-electoral crisis, December 1st, 2017**

Victim	Age	Type of Violation	Organization	Perpetrators
YONY JAVIER VELÁSQUEZ SALGADO	31	Bullet wound	SITRAJASPER	Military Police
ALEXIS YOVANNY MEMBREÑO ZAMORA	24	Bullet wound	SITRAJASPER	Military Police
ROGER ALBERTO VÁSQUEZ REYES	35	Execution	SITRAGENESIS	Military Police

Source: Compiled by the authors based on testimonies received by the Network against Anti-Union Violence

## Teachers

Teachers affiliated to different teachers' colleges were victims of human rights violations because of their participation in protests in the context of the post-electoral crisis. In the period from December 15th to January 28th, nine cases were registered, ranging from hate campaigns carried out through media outlets and social media, to legal proceedings against primary and secondary school teachers who fulfill their role as leaders in their communities. Below is a table that summarizes each of the cases presented.



**TABLE 3. Union members in the teaching sector injured with firearms in demonstrations in the context of the post-electoral crisis, December 1st, 2017.**

VICTIM	DATE	TYPE OF VIOLATION	ORGANIZATION	PERPETRATOR
Andres Euceda Espinal	Dec 15, 17	Judicialization	COLPROSUMAH	Military Police
Araminta Pereira	Dec 27, 17	Hate campaign	COPEMH	Unidentified
Nestor Arlemán	Dec 27, 17	Hate campaign	COPEMH	Unidentified
Luis Geovanny Martínez	Jan 9, 17	Intimidation	COPRUMH	Military Police
Lesbia María Solano	Jan 17, 18	Hate campaign	COPEMH/COPRUMH	Unidentified
Juan Carlos Espinoza	Jan 20, 18	Illegal detention	COPEMH	Military Police
Denis Salazar	Jan 20, 18	Illegal detention	COPEMH	Military Police
Bartolo Fuentes	Jan 26, 18	Illegal raid	COPEMH	Military Police
Jesús Isidoro López	Jan 28, 18	Illegal detention	COPEMH	National and Military Police

Source: Compiled by the authors based on testimonies received by the Network against Anti-Union Violence

**Miguel Ángel López, a member of the Workers' Union of the National Electric Power Company (*Sindicato de Trabajadores de la Empresa Nacional de Energía Eléctrica*, STENEE)**

Miguel Ángel is a member STENEE in the department of Tocoa. During 2015, he was subjected to surveillance, threats and an attack with a firearm, in connection with public statements he made against acts of corruption within the state electricity company.

On January 25th, 2018, two unknown persons aboard a black double cab pick-up truck forced him into the vehicle and put a hood over his head. The strangers asked him about who led the protests in Tocoa (protests context of the post-electoral crisis) while intimidating him with a knife. After 20 minutes of torture, he was released in the vicinity of his workplace, with no significant physical aggression.

## 4.2 Anti-Union Violence in Figures

### Gender of the Victims

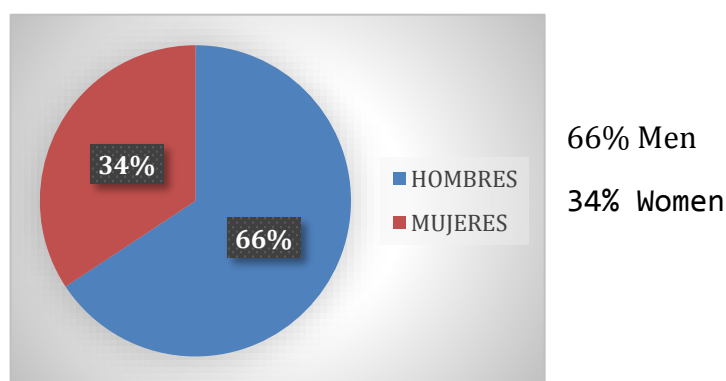
Women continue to empower themselves within union organizations, this has generated a continuous increase in attacks against their integrity and even their lives.

These attacks have specific differences in relation to those suffered by men. This Network has managed to identify at least the following patterns:

- Violence against women trade unionists occurs (in most cases) inside the workplace and, in some cases, at their homes; unlike men who are targeted in public spaces;
- Some of the threats are made through or against their mothers and children;
- Women constantly face comments of a sexist nature, charged with a sexual content.

Although they have gradually been gaining important positions in the organizations, they continue to face complex conditions of exclusion and discrimination, a situation that is not exclusive to their households and communities, but also to trade union organizations. In general, the boards of directors continue to be made up mostly by men, in addition, their contributions are often underestimated, as well as the vulnerabilities they face in contexts of conflict.

Regarding the gender of the victims, during the period of this report, 24 (66%) were men and 13 were women (34%). It should be mentioned that, during the previous two years, the number of cases of female victims was lower (24%). This is partly due to the empowerment they have had within the union organizations.



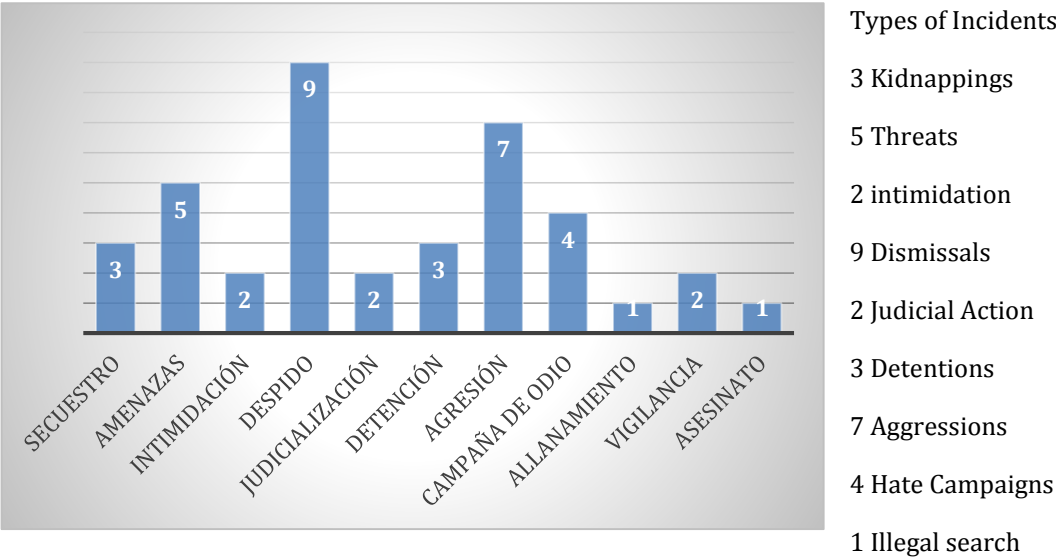
## Types of Incidents

Dismissals for anti-union reasons were the most recurrent type of violation, these belong to a single case, that of SITRASEMCA in the Municipality of Tocoa. However, it is important to clarify that these cannot be reduced to simple dismissals, since they were accompanied by coercion, threats, intimidation and verbal aggression.

Similarly, incidents such as kidnappings were accompanied by assault and death threats, but they have been classified as the more serious type of violation.

During the kidnapping of three union leaders, two of the assaults and the murder registered, bladed weapons and/or firearms were used. In all of them firearms were used, however, the aggressions suffered during the kidnapping of the STAS leaders in

Cholulteca were carried out with a knife.



2 Surveillance

1 Murder

Source: Based on data generated by the Network Against Anti-Union Violence

## Perpetrators

### State Officials

It is worrisome that the State is the main perpetrator of acts of violence against trade unionists, and that 51% of all cases had public officials as alleged perpetrators, of whom 26% were municipal authorities, 20% elements of the Military Police for Public Order, 2.5% of the National Police and 2.5% by officials of the Judiciary, in the specific case of criminalization of the union leader of the department of El Paraíso, José Armando Flores.

### Civilians/Private individuals

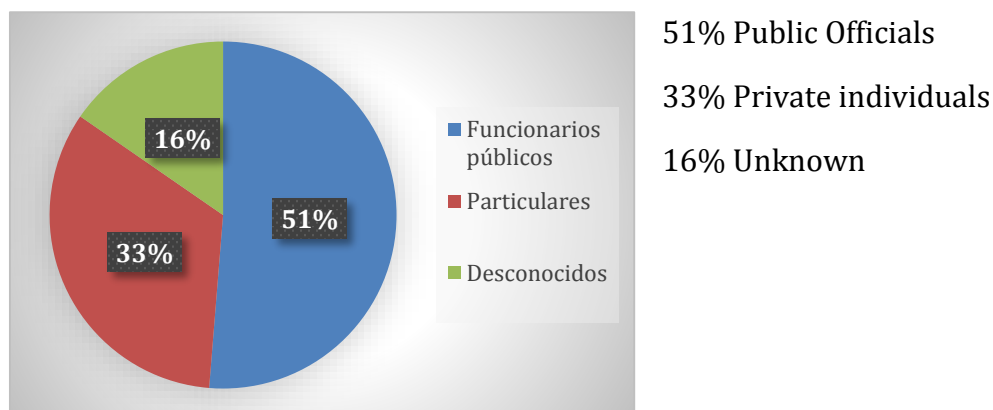
In the case of perpetrators registered as individuals not connected to the State, 23% were private security guards, all the victims belonging to the STAS in the sub-section of Agromeza and Agroguay; and 10% coworkers.

### Unidentified/Unknown

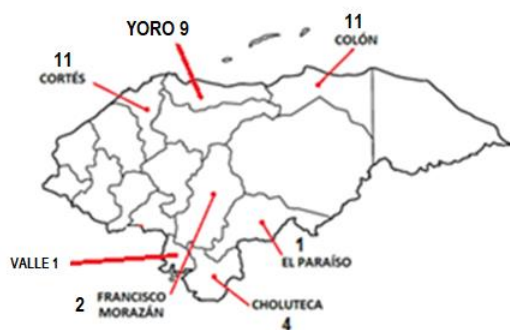
The victims of kidnapping, hate campaigns and discredit were victims of unidentified perpetrators (16%).

### Graphic 3. Types of Perpetrators- Honduras

February 2017 – February 2018



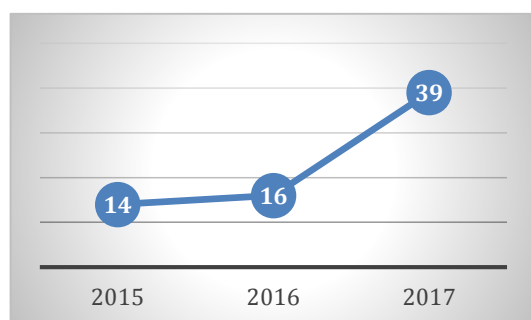
### Geographic Distribution of Cases



Cortés, Colón and Yoro are the departments with the most victims of anti-union violence.

In the case of Cortés, the victims received bullet wounds in demonstrations in the context of the post-electoral crisis and agro-industry workers; dismissals and a kidnapping occurred in Colón; while in Yoro there were hate campaigns against teachers who are leaders of the opposition and workers of the agro-industry.

### Victims per Year



During the three years of existence of the Network against Anti-Union Violence, there has been a growing trend regarding the number of annual victims of anti-union violence. During 2015 there were 14 victims, in 2016 it increased to 16 and in 2017 to 39.

The large difference is due to the documentation of two group cases (STAS and SITRASEMCA) that have a total of 20 victims.

**TABLE 4: Cases per year: Honduras January 2015 - February 2018**

No.	Victim	Incident	Organization	Month	Year
1	Donatilo Jimenez Euceda	Forced disappearance	SITRAUNAH	April	2015
2	Héctor Martínez Muñoz	Threats, surveillance, attempted murder, murder	SITRAUNAH	April- June	2015
3	Elizabeth Zuniga	Threats, harassment	SITRAUNAH	July	2015
4	Sectional No. 6	Surveillance, harassment	SITRAUNAH	July	2015
5	José Armando Flores	Threats, criminalization	SITRASAOH	July	2015
6	Thomas Membreño	Threats and surveillance	STASS	June-September	2015
7	John Mejia	Harassment and criminalization	SIDEMUPAZ	August-September	2015
8	Isela Juárez	Threats and attempted murder	SITRASEMCA	September	2015-2016
9	Heber Rolando Flores	Persecution, illegal arrest and criminalization	SITRAINA	September-October	2015
10	Vitalino Álvarez	Harassment and stigmatization	MUCA-CUTH	September	2015
11	Yoni Rivas	Harassment and stigmatization	MUCA-CUTH	September	2015

12	Nelson Nuñez	Harassment and stigmatization	FESTAGRO	October Novembre	2015
13	Miguel Angel Lopez	Harassment and attempted murder	STENEE	April to January	2015-2016
14	Alba Azucena Lopez	Harassment and stigmatization	SITRASANAAYS	January	2016
15	Jose Angel Flores	Harassment and murder	MUCA-CUTH	March	2016

16	Johny Alfredo Mejia Torres	Bullet wound	CNTC-CUTH	May	2016
17	Edwin Murillo	Bullet wound	CNTC-CUTH	May	2016
18	Irla Lemus	Attempted murder	OPDHA	November	2015
19	Rigoberto Duran	Attempted murder	OPDHA	November	2015
20	Allan Reyneri Martínez	Murder	Movimiento Campesino "Gregorio Chávez"	June	2016
21	Manuel Milla	Murder	Movimiento Campesino "Gregorio Chávez"	June	2016
22	Carlos Leonel George	Threats, assault and intimidation	COPA		2016
23	Agustín Chalice	Assault and intimidation	MCA	January	2016
24	Jaime Adalid Cabrera	Harassment, persecution and threats	Plataforma Agraria	March	2016
25	Orbelina Flores	Criminalization	MUCA-CUTH	March	2016
26	Jai me Atilio Rodríguez	Harassment and criminalization	COPEMH	May-June	2016
27	Reyna Mirella Lopez	Bullet wound	MOCRA	September	2016
28	SILMER Dionicio George	Murder	MUCA-CUTH	September	2016
29	Fernando German Banegas	Murder	COPA	October	2016
30	Martha Patricia Riera	Criminalization and stigmatization	FESTAGRO	October	2016
31	José Armando Flores	Legal proceedings	SITRASASOH		2017-2018
32	Moses Sánchez	Moisés Sánchez	STAS	April	2017
33	Misael Sánchez	Kidnapping, assault and threats	STAS	April	2017

34	Isela Juárez	Assault, stigmatization and threats	SITRASEMCA	June	2017
35	Sergio Rivera	Hate campaign and stigmatization	COPEMH-SITRAUNAH	July	2017
36	Yeison Alexander Flores	Threats	STAS	October	2017
37	Juan Antonio Mazariegos	Threats	STAS	October	2017
38	Celio Manzanares López	Surveillance	STAS	October	2017
39	María Lucía Méndez	Intimidation	STAS	October	2017
40	Yar Leni Ortéz Mejia	Threats	STAS	October	2017
41	Ah Raxa - Tzel Mayorga	Surveillance	FESTAGRO	October	2017
42	The Mainor ies Padilla	Threats	STAS	November	2017
43	José Selvin Manzanares	Assault and threats	STAS	December	2017
44	Isa Rolando Murillo	Assault	STAS	December	2017
45	Luciano López	Threats	STAS	December	2017
46	Oscar Lara Pérez	Assault	STAS	December	2017
47	Nolvía Rodríguez	Assault	STAS	December	2017
48	Yony Javier Velásquez	Assault	SITRASJASPER	December	2017
49	Alexis Yovanny Membreño	Assault	SITRASJASPER	December	2017
50	Roger Alberto Vasquez	Murder	SITRAGENESIS	December	2017
51	Andrés Euceda Espinal	Legal proceedings	COLPROSUMAH	December	2017
52	Araminta Pereira	Hate campaign	COPEMH	December	2017
53	Nestor German	Hate campaign	COPEMH	December	2017
54	Luis Geovanny Martinez	Intimidation	COPRUMH	December	2017
55	Lesbia Maria Solano	Hate campaign	COPEMH-COPRUMH	December	2017
56	Juan Carlos Espinoza	Illegal detention	COPEMH	January	2018
57	Denis Salazar	Illegal detention	COPEMH	January	2018

58	Bartolo Fuentes	Illegal raid	COPEMH	January	2018
59	Jesus Isidoro Lopez	Illegal detention	COPEMH	January	2018
60	Leticia Rivas	Coercion and dismissal	SITRASEMCA	January	2018
61	Miguel Lopez	Kidnapping and threats	STENEE	January	2018
62	Angie Melendez	Coercion and dismissal	SITRASEMCA	January	2018
63	Jorge Recarte	Coercion and dismissal	SITRASEMCA	February	2018
64	Alberto Galeas López	Coercion and dismissal	SITRASEMCA	February	2018
65	Maritza Cálix	Coercion, harassment and dismissal	SITRASEMCA	February	2018
66	Carmen Del Cid	Coercion and dismissal	SITRASEMCA	February	2018
67	Kensy Herrera	Coercion and dismissal	SITRASEMCA	February	2018
68	María Ángela Pérez	Dismissal	SITRASEMCA	February	2018
69	Mariela Mendez	Coercion and dismissal	SITRASEMCA	February	2018

Source: Compiled by the authors based on data from the Network against Anti- Union Violence

### Organizations that have been affected

SITRASEMCA and STAS are the most affected unions, in the case of SITRASEMCA, it is partly due to their belligerence and connection with the popular movement; while with STAS, the attacks are in related to its growth and the evident anti-union policy that characterizes the agro-industry production sector in general. In third place is COPEMH, which is directly affected by the history of activism of its members in the defense of civil and political rights, especially in the post-electoral crisis of 2017 and 2018.

**TABLE 5 Organizations that suffered cases of anti-union violence HONDURAS, JANUARY 15 - FEBRUARY 18**

ORGANIZATION	CASES
Sindicato de Trabajadores de Servicios Municipales, Comunales y Afines, SITRASEMCA	13



Sindicato de Trabajadores/as de la Agroindustria y Similares, STAS	12
Colegio de Profesores de Educación Media de Honduras, COPEMH	8
Sindicato de Trabajadores de la Universidad Nacional Autónoma de Honduras, SITRAUNAH	5
Movimiento Unificado Campesino del Aguán, MUCA.	5
Federación de Sindicatos de Trabajadores de la Agroindustria y Similares, FESTAGRO	3
Sindicato de Trabajadores de la Salud en el Oriente de Honduras, SITRASAOH	2
Sindicato de Trabajadores de la Empresa Nacional de Energía Eléctrica, STENEE	2
Central Nacional de Trabajadores del Campo, CNTC	2
Observatorio Permanente de Derechos Humanos del Aguán, OPDHA	2
Movimiento Campesino "Gregorio Chávez"	2
Coordinadora de Organizaciones Populares del Aguán, COPA	2
Sindicato de Trabajadores de JASPER	2
Sindicato de Trabajadores de la Municipalidad de La Paz, SIDEMUPAZ	1
Sindicato de Trabajadores del Instituto Nacional Agrario, SITRAINA	1
Sindicato de Trabajadores del Servicio Autónomo Nacional de Acueductos y Alcantarillados y Similares, SITRASANAAYS	1
Movimiento Campesino del Aguán, MCA	1
Movimiento Campesino Recuperación del Aguán, MOCRA	1
Plataforma Agraria	1
Colegio Profesional Superación Magisterial Hondureño, COLPROSUMAH	1
Colegio Profesional Unión Magisterial de Honduras, COPRUMH	1
Sindicato de Trabajadores de la empresa GENESIS APPAREL, SITRAGENESIS	1

Source: Compiled by the authors based on data from the Network against Anti- Union Violence.

## 5. Final Considerations

Anti-union violence continues to be one of the characteristic problems of the labor context in Honduras, especially for the militant unions that fight every day to enforce the rights of the working class. This violence not only affects trade union organizations and their members, but also society as a whole, since it affects valuable people, who dedicate their efforts to the building of citizenry.

We insist on the importance of comprehensively assessing the impact of this violence. To this end, we cannot make the mistake of limiting the scope of the defense of labor rights, their actions are (or should) be part of the defense of civil, economic, political and cultural rights.

For that reason, as an organization that defends life, we remember our comrade Roger Alberto Vásquez, murdered with impunity on December 1st, 2017 by people who were evidently members of the Military Police for Public Order, who was part of a collective effort to demand respect for the sovereign power of the people.

We continue to have the responsibility, as organized workers, to strengthen the historical memory of the Honduran working class, as a necessary step to advance towards the reconstruction of the moral and cultural identity of the trade union movement.

This Network, and its members at the national level, will continue to document and accompany all workers whose rights and protections for their work as trade unionists have been violated. We will also focus our efforts on the Coordinating Group Against Anti-Union Violence - Honduras, hoping it will be strengthened as an advocacy platform that will demand the creation of State policy that will prioritize comprehensive protections for at-risk trade unionists, and grant justice and individual reparations for the victims and their families. However, we must be aware that this proposal poses a challenge for the trade union movement to mobilize.

The assaults and threats against leaders like Isela Juárez, president of SITRASEMCA, and the dismissal of nine of her co-workers as a punishment for their legitimate exercise of the right to freedom of association, without a doubt, are intended to intimidate and demobilize the union. Acts of violence such as those suffered by Moisés and Misael Sánchez, leaders of the STAS in the south of the country, should not continue to go unpunished, much less be repeated.

Finally, we call on the State of Honduras, and first of all, the Public Ministry and the Ministry of Labor and Social Security to solve once and for all the anti-union practices of the agro-industry sector and municipal employees, which are evidenced in this and previous reports, that end in acts of violence against those who make an effort to seek the recognition of the right to freedom of association.

## 6. Recommendations

### For the Trade Unions

- Grant due importance to the issue of human rights in the work agenda of organizations. This entails the task of establishing a human rights branch in its organizational structure and encouraging its members to be trained on this subject;
- Incorporate a gender-based approach to the analysis of anti-union repression and gender-based violence at work, which could help to make visible the differentiated violence suffered by women;
- Protect the work of trade union defenders and promoters; to this end, alliances with national and/or international human rights organizations should be established;
- Properly document all acts of violence against its members; to then go to the relevant institutions to prevent repeated violations and demand justice;
- Become a part of the coordination of human rights organizations in the country;
- Establish specific actions of solidarity with victims of anti-union violence;
- Move forward in the reconstruction of the historical memory of the organizations and of trade unionism in general, as a way towards the reconstruction of the identity of the trade union movement in the country.

### For the State of Honduras

- Comply with the labor laws of the country, the Constitution of the Republic and the international conventions to which it is a signatory party;
- Adopt measures to ensure that trade union organizations and their members can carry out their work in a climate of freedom and in the absence of any manifestation of violence;
- For the Public Prosecutor's Office: move forward with the development of a special investigation protocol for cases of anti-union violence in Honduras;
- For the Supreme Court of Justice and Public Prosecutor's Office: join the inter-institutional initiative called the Coordinating Group against Anti-union Violence.
- Begin a thorough, impartial and independent investigation process to do justice to the material and intellectual authors of recent and past acts of violence against trade unionists, especially those that have to do with the deprivation of life and freedom.

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***For truth and justice!***