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Chair

Mr. Michael Levitt

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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•(1305)

[English]

The Chair (Mr. Michael Levitt (York Centre, Lib.)): Good afternoon, everybody, and thank you for joining us at the Subcommittee on International Human Rights.

We have two sessions, pioneered by Cheryl Hardcastle from the NDP, which are going to be an update on the human rights situation in Honduras.

We have three witnesses today.

We have Bertha Zuniga Caceres. She is, of course, the daughter of slain indigenous rights leader Berta Zúñiga Cáceres and a member of the Civic Council of Popular and Indigenous Organizations of Honduras.

We have Gustavo Castro Soto, who is a human rights activist and coordinator of Friends of the Earth Mexico and Otros Mundos, based in Chiapas, Mexico. Mr. Castro Soto was present at the scene of the assassination of Berta Cáceres on March 3, 2016, and he himself suffered a gunshot wound during that attack.

The final witness will be James Cavallaro. James is the president of the Inter-American Commission on Human Rights since January 2016, and he served as the commissioner on the IACHR since 2014.

I'm going to be very brief. We're going to have Bertha go first, followed by Gustavo, and then James. We are going to abbreviate. We're going to have probably lengthier testimony this afternoon, followed by a slightly abbreviated question period, because we think it's so important that we hear directly from the three of you. We're honoured to have you present to us today.

Bertha, are you on the line? Bertha?

Ms. Bertha Zuniga Caceres (Council of Popular and Indigenous Organizations of Honduras, As an Individual) (Interpretation): Yes, I can hear you.

It is a pleasure for me to be here to talk to you about the situation since the murder of my mother. She was the coordinator of COPINH, the Civic Council of Popular and Indigenous Organizations of Honduras. She was murdered on March 2, 2016, just before she turned 45.

It was a dark day for everyone. It has been very painful for everyone throughout the country. The world no longer has the human rights defender that she was, someone who did everything in

her power to make sure that international commitments and the ancestral territories of the Lenca people were protected. She challenged the extractive industries and always defended the Lenca people's rights, and particularly those of indigenous women.

In 2009 there was a coup in our country that changed the situation in our country completely. Following that coup, 35% of our land was earmarked for mining and hydroelectric projects. That was in the context of an illegal and illegitimate coup. There were a number of concessions provided for hydroelectric projects and more than 150 concessions for mining projects. They are being carried out throughout the country, but they are concentrated particularly on indigenous lands.

Indigenous peoples try to live in harmony with nature and to preserve natural resources and protect them from companies that convert them into goods to be sold and exploited.

With regard to human rights, defenders of human rights have been criminalized increasingly since 2009. There have been more than 3,000 cases of prosecution of human rights defenders since 2009, and 17 of them have been put in prison. My mother was one of them.

Global Witness in Honduras says that Honduras has the highest number of murders of human rights defenders and environmental defenders in the world. From 2010 to 2015, at least 109 persons who defended the environment and indigenous lands and farmers in Honduras were murdered. My mother was constantly threatened. She lived under threats to her life because of her convictions to defend the environment.

This significantly intensified the attacks against my mother. She was threatened. She was harassed. She was threatened with death, twice at least. I have to say with regard to the harassment and prosecution that came from the Honduran state that we believe her murder was actually originated as early as the coup, and that's because the coup led to an increase in extractive industries and to an increase in military presence to repress indigenous organizations.

In 2013 Tomás Garcia was murdered in the very community that is fighting the Agua Zarca dam. The company responsible for that dam is the one we blame for the murder of my mother. It's also important to say that this is not an isolated case. It's part of a chain of murders that have been taking place since 2009 when the coup occurred.

•(1310)

There have been 33 death threats linked to DESA, which is the company responsible for the dam and the hydroelectric project. The Honduran state has not done enough to prosecute those cases.

There were also protective and precautionary measures for my mother through the Inter-American Commission on Human Rights, and the government of Honduras was obligated to follow those precautionary measures. They did not do enough and obviously that led to my mother's murder.

I also have to say that specifically with regard to the Canadian government's participation in our country and Canadian investment, we think that is also part of the problem we have in our country. It is important to recall that the Canadian government worked directly with the U.S. government to legitimize the coup in 2009, and the elections that followed were also declared to be just by the Canadian government and the U.S. government, but the OAS had said that it was obviously a coup.

In 2011, the Prime Minister of Canada was one of the first to visit Honduras after the coup. Canadian business men and women interested in mining extraction also visited Honduras. The Canadian government and the government of Honduras have a free trade agreement, and we believe that it is an illegitimate free trade agreement because it was also agreed to in the context of a country governed by a coup.

The Canadian government has worked on the new mining act in Honduras that is part of the act that legitimizes mining extraction in Honduras, and is at the root of all of the problems we are having.

[*Technical difficulty—Editor*]

•(1315)

The Chair: Bertha?

I don't think she can hear me.

We're having some trouble hearing you. I think it's probably the line, but if you could maybe try speaking—

Ms. Bertha Zuniga Caceres: [*Witness speaks in Spanish*]

The Chair: Yes, that's better thank you.

If you could repeat the last minute of your comments, that would be good, thank you.

Ms. Bertha Zuniga Caceres (Interpretation): What I was saying is that we believe the Canadian government should investigate the participation of Canadian businesses, Canada's participation in the coup, and the free trade agreement that now exists in Honduras, which we believe is an illegitimate agreement.

We would also request that all of the governments in the world urge the government in Honduras to recognize Honduras as a government that has systematically violated human rights. This has been said in a number of international fora, but the Honduran government has not shown the political will to resolve this serious situation that exists in our country.

I think that requires an international intervention.

[*Technical difficulty—Editor*]

The Chair: Bertha, we're losing you again, and we're getting down to the last minute or so. If you could, please review that last piece with us.

Ms. Bertha Zuniga Caceres (Interpretation): Yes, I was saying that for us it is important to call upon the Honduran government to recognize its status. We would like the Government of Canada to help achieve that, because we believe the murder of my mother is hugely important and requires support so the Inter-American Commission on Human Rights can investigate the crime by the creation of a special investigation commission.

[*Technical difficulty—Editor*]

The Chair: Bertha, we've lost you again.

Ms. Bertha Zuniga Caceres (Interpretation): I was saying that it is very important for us to have the support of the Canadian government such that the Inter-American Commission on Human Rights be the one to investigate the creation of an independent commission of inquiry into my mother's death.

The Inter-American Commission on Human Rights has demonstrated its willingness to create a special commission, but there's a lack of will within the Honduran government to accept it.

That is what I had to say. Thank you very much for listening.

The Chair: Thank you so much, Ms. Zuniga Caceres.

With that, I'm going to move right along to Mr. Castro Soto.

Please provide your testimony.

•(1320)

Mr. Gustavo Castro Soto (Coordinator, Otros Mundos - Friends of the Earth Mexico, As an Individual) (Interpretation): Good afternoon, and thank you very much for inviting me here. As you know, I was a witness at Berta's murder. I was also the subject of an assassination attempt.

My stay in Honduras afterwards was horrible. There was a systematic violation of my human rights. From the beginning, I saw a number of irregularities and also unconstitutional actions on the part of the Honduran authorities.

They refused to give me copies of my ministerial files, or to hand them over to me. They refused to give me recordings of what I had said. They also refused to give me a copy of my statement to the judge and the recording of that statement.

With regard to my clothing, which was full of blood, the DNA examination of that clothing was badly done, and the evidence was badly collected. I was not treated as a victim and as a protected witness, but I was treated more like a piece of evidence.

There was also an attempt to accuse me of preventing them from getting to the bottom of the investigation.

They asked me about Berta. They asked me about the military. They asked me about the death squads that had been hired to murder Berta Cáceres. There have been four people who have been put in prison and who have been accused of actively participating in the murder. They are the manager of DESA, an active member of the military forces, a former member of the military, and a hired killer. They have all been put in prison.

As I was trying to help in the investigation, and as I was getting ready to leave the country and go back to Mexico, I was detained illegally at the airport without receiving any explanation. No document was given to me. No summons from the judge was presented to me to request further assistance in the investigation.

The ambassador and the consul were there. The police surrounded us. There were prosecutors. There were ministerial police officers. I was told I could not leave the country, without any kind of legal supporting documentation or explanation.

When I had to go back to the Mexican embassy, at the order of the Mexican ambassador, I was prevented from leaving the airport. I consider that to have been a case of kidnapping because there were Honduran government authorities there, but they did not let me leave the airport, and they would not let me leave the country.

Those are some examples of the irregularities and illegal actions. The judge stated that my lawyer had to be professionally suspended from exercising as a lawyer.

It was completely illegal. It is not up to a judge that is sitting to make an unconstitutional decision in a context where the judiciary council of Honduras has been dissolved. There is great corruption. There is a legal void and a state structure void. There is a void when it comes to protecting human rights, as well, and this leads to a systematic violation of human rights, my human rights, and the rights of all the people of Honduras.

• (1325)

There is no mechanism for me to avoid being left completely in the lurch and without a lawyer because the judge decided that my lawyer could no longer be a lawyer. All of the work being done by the legal system was aimed at preventing me from actually helping the investigation.

Later, the judge decided on a migratory alert against me to prevent me from leaving Honduras for another 30 days, without any explanation. At certain times, international human rights instruments were used by the judge against me, and they were used in the context of treating me as an accused person. They prevented me from leaving the country without telling me why and without even informing me of what I had to do. It was a complete violation of my human rights.

It's important to specify that there is no law for victims in Honduras because there is a lack of will to give rights to victims in a country where there are so many victims. There are murders every day. More than 10 people who have received precautionary measures from the Inter-American Commission on Human Rights, have been murdered, like Berta. There are no regulations for protected witnesses. There are no regulations for the act to protect human rights defenders and journalists. There is no structure to guarantee the safety and the human rights of Hondurans.

Procedures were systematically violated. Even with regard to habeas corpus, the government simply ignored it and didn't resolve that challenge at all. According to the constitution, it has to be dealt with immediately. Up until now, there has been no movement on the part of the state or the Honduran judiciary to the habeas corpus that was presented by my lawyer.

They also prevented me from going to Washington to make a statement to the Inter-American Commission on Human Rights. The Honduran government refused to allow me to go to that meeting.

There is no doubt that the Organization of American States has launched a mission to fight corruption and impunity in Honduras, and this shows how significant the problem is in Honduras. There are systematic violations. There is a lack of legislation and of legal institutions and tools to ensure the protection of human rights in Honduras.

As Bertha was saying just a few minutes ago, there have been over 100 murders of environmental activists. Over 10 of the people who had received precautionary measures issued by the Inter-American Commission on Human Rights have been murdered. It shows to what extent there is impunity in Honduras, and to what extent there is a lack of political will on the part of the government to guarantee human rights and to avoid that level of impunity in the country.

That is what I had to say to you. Thank you very much for having listened to me. I hope I didn't go too long.

The Chair: Your timing was perfect.

Thank you very much, Mr. Castro Soto.

Finally, Mr. Cavallaro, we will hear from you.

Mr. James Cavallaro (Professor of Law, Stanford Law School, As an Individual): Thank you very much, Mr. Chair.

I did not realize that I would be sharing the panel today with Bertha Zuniga Cáceres. I would direct a few words to her, if I could.

[Witness speaks in Spanish, interpreted as follows:]

I wanted to say that we offer our deep condolences for the death of your mother, and we know that it is a great loss, not only for the continent, but for the world. Thank you very much for having spoken, and I am very happy to be with you, virtually, today.

[English]

I had originally prepared some comments about the killing of Berta Cáceres. Most of those, I think, are no longer necessary, in light of what we have heard from the two witnesses.

Let me highlight, though, which is what I wanted to do, a few of the key elements of that killing and why it is a window on the human rights challenges facing Honduras today.

One, the overall context is one of tension and conflict with an extractive industry. Two, the person involved is an indigenous leader. Three, there were a number of threats, 33 threats, that Berta Cáceres had received. Four, the Inter-American Commission on Human Rights had issued precautionary measures, holding and requiring the Honduran state to provide protection. They were disregarded. Five, there was an initial effort to discredit Berta Cáceres, to suggest that this was a robbery and that there was some passion motive involved. We have also heard about other errors in the investigation, some of which seem now to be moving in a better direction. All of those are issues that repeat themselves in Honduras.

Let me make one last comment about this case, if I could, and then transition to a broader vision of the problems in human rights in Honduras today. We heard from Bertha Zuniga Cáceres, quite concretely, that she is interested in the Inter-American Commission establishing an expert group to oversee the investigation.

The secretary general of the OAS has called for a similar initiative on two occasions. He has asked Honduras to allow the Inter-American Commission to create an expert group to investigate and to accompany the investigation of the killing of Berta Cáceres.

We have raised this issue repeatedly with Honduras. We have not received a direct answer. We fear that there is little interest on the part of Honduran authorities, but perhaps they might respond to significant international pressure, including from this country.

I will say a few words in terms of what a group might look like. The Inter-American Commission recently created an expert group for the Ayotzinapa case. That case involves the enforced disappearance, quite rapidly, of 43 students from a rural teachers college in Ayotzinapa, in the state of Guerrero.

In response to calls from civil society, and with the acquiescence of the state, the commission appointed a five-member interdisciplinary group of independent experts, whose inquiry into the matter demonstrated that the initial investigation was poorly done and had omitted state police, federal police, and military on whom serious suspicion has been cast.

The group has had an important impact in Mexico, not just in this investigation, but in challenging official investigations and in pressing for structural change to overcome impunity in that country. The idea would be to establish something similar in Honduras.

I will turn now to the overall structure and issues in Honduras. First is the issue of tension between indigenous peoples and extractive industries, non-existent or inadequate consultations, and violence against indigenous peoples.

On February 21, 2016, five members of the Tolupan indigenous community were killed, including Santos Matute, another beneficiary of precautionary measures that the commission had granted in 2013. This is the most recent example with significant violence.

• (1330)

In 2016, we issued a report on Honduras, and we underscored the conflict between mining development, hydroelectric projects, and the absence of free, prior, and informed consent with the Tolupan peoples, as with the Lenca peoples. What we see in Honduras is the presence frequently of private security guards who intimidate indigenous leaders and indigenous community organizers, and who are often supported or working with the police. I should note that in Honduras the estimates are that there are some 60,000 private security guards and just 14,000 police, and that the regulations and controls on security guards who use lethal force and that have weapons are quite lax.

Second is the issue of citizen security highlighted in the report of this subcommittee, among other issues. It is easy unfortunately and even believable in Honduras to blame ordinary crime for what are in fact paid, targeted killings of activists, prosecutors, and judges. That is because violence and homicide is so widespread and so

uncontrolled. In 2013, the homicide rate in Honduras was 79 per 100,000. Reports from 2014 and 2015 suggest a slight reduction, but it's still in the neighbourhood of 70 per 100,000, which is nearly 50 times the rate in Canada.

Violence in Honduras targets and focuses on vulnerable groups, such as human rights defenders, indigenous peoples, women, children, adolescents, LGBTI persons, migrants, campesinos, in particular from the Bajo Aguán region, journalists, and members of the justice system. The national police has been created, and military forces and police forces have contributed directly to these levels of violence with unchallenged and uninvestigated incidents of summary executions.

Third, there is the ineffective administration of justice, and we've heard about some of that. We heard about the errors in this case from Gustavo Castro. Official figures demonstrate the investigation rate shows that at least 80% of homicides do not result in investigations and prosecutions, and there are figures that show the rate of impunity, or non-conviction, in violent crimes is as high as 98%. The national police, in short, have lost the public's trust. As a result, a tendency that we documented in a report we issued in February 2016 has been for authorities to delegate to the armed force tasks and functions that do not correspond to armed forces and for which there is little or no oversight. In particular, there is a special jurisdiction in Honduras, which we believe is not compatible with international law, to oversee military police, and which we anticipated would lead to impunity in instances of abuse committed by those police forces, and it already has.

Another issue that concerns us is judicial autonomy and integrity. The Inter-American Court issued a decision in *López Lone et al. v. Honduras* in which it held that the dismissal of judges who had opposed the coup violated the American Convention on Human Rights, and held the Honduran government responsible.

Fourth, high levels of inequality and social exclusion affect large sectors of the population in Honduras. Approximately 64.5% of the population of 8.5 million live in poverty, and 42.6% live in extreme poverty. Honduras has the second highest poverty rate and is the fourth most unequal country in the hemisphere. As a result of this discrimination and persistent economic and social exclusion, women, indigenous peoples, and afrodescendants are among the most vulnerable segments of the population. Last year, I was able to visit the Garifuna afrodescendant community in Punta Piedra to document the violations that have resulted from the state's failure to provide title or basic services to the Garifuna traditional population in their lands.

Also last year, the Inter-American Court held that Honduras has violated the rights of this community by failing to provide and ensure land rights. The court issued a similar judgment in the *Triunfo de la Cruz v. Honduras* case, another matter involving denial of land rights to traditional communities, which is unfortunately a pattern in Honduras.

Fifth, there are abysmal and dangerous conditions of detention.

•(1335)

In my capacity on the commission, as rapporteur for the rights of people deprived of liberty, or RPPL by its Spanish initials, I have observed by entering Honduran prisons and visiting a number of detention centres the terrible conditions in those centres. The problems include uncontrolled self-rule by the most dangerous inmates; overcrowding; deplorable unhygienic conditions; the failure to classify detainees, including the failure to separate those convicted from those awaiting or standing trial; and in some centres I visited, the failure to even separate men from women, which places women in constant danger of sexual abuse, a danger that is all too frequently realized.

In this area as well, authorities have turned to the armed forces, enlisting them to run detention centres. The centres under military control that I visited presented extreme conditions, abusive treatment, and extended periods in isolation, without access to natural daylight.

Sixth, human rights defenders are vulnerable and unprotected, even when international bodies like the Inter-American Commission on Human Rights order precautionary measures. You've heard about a number of cases of individuals with precautionary measures in communities in which the state failed to take necessary steps. Those individuals were killed as a result.

In conclusion, Honduras faces serious challenges in citizen security, the criminal justice system, corruption, indigenous rights, and other areas. The grave situation constitutes a crisis that has dragged on since the 2009 coup. While there have been some positive measures, the Inter-American Commission on Human Rights is concerned that authorities at the highest level continue to refuse to recognize the gravity of the situation. They have instead sought to address structural problems by militarizing public security and other sectors including education, rather than developing public policies consistent with human rights. In this regard the commission has offered to provide technical assistance in the Berta Cáceres case, as we've mentioned, through the creation of an expert group. To date, though, that offer has fallen on deaf ears.

The human rights situation in Honduras is grave. We believe there is an important role for the international community.

I thank you.

•(1340)

The Chair: Thank you very much, Mr. Cavallaro, and of course, to all three of our witnesses.

I just want to point out to my committee colleagues that there will only be time for one round of questioning. If there are members from each party who want to split the time among themselves, please be aware that there won't be a second round of questioning because the time is going to run out on us.

That being said, Ms. Hardcastle, would you like to begin?

Ms. Cheryl Hardcastle (Windsor—Tecumseh, NDP): Do I have five minutes?

The Chair: You have seven minutes.

Ms. Cheryl Hardcastle: Okay.

I want to thank all of you for being with us today.

Because our time is tight, I want to get right to some questions. I don't know if it would be for Gustavo or Bertha to answer.

Bertha, we've heard that your mother publicly acknowledged threats against her life in the months and weeks before her death. I would like to know a little bit more about where these threats came from. I don't mean that to be a naive question or to identify people. Where were these threats coming from? Were they from mining or do you think they came from somewhere else? Help us understand where this sinister threat was originating, more or less.

Ms. Bertha Zuniga Cáceres (Interpretation): Should I answer now or should I wait for the other questions?

The Chair: Yes, please go ahead, Bertha.

Ms. Bertha Zuniga Cáceres (Interpretation): I mentioned the fact that in the state of Honduras there were 33 physical and emotional threats, all of them coming from the building company of the hydroelectric power plant, Agua Zarca.

There are other threats, as well, regarding all the projects that are being established in our territory that go beyond the electric power plant.

I would like to mention that the municipal authorities of the neighbouring communities to this project also made threats, as did our security forces, the military police, the private guards, the security guards of the company, and the specialized forces of the Honduran army.

•(1345)

Ms. Cheryl Hardcastle: Okay, thank you.

That brings me to another question. Would one or all of you attempt to explain the different jurisdictions of the police? I'm getting mixed up with national army, military police, national police, private security, and security guards. I'm thinking that all five of these are distinct and different. It is overwhelming to try to get a handle on this situation.

Is there one that's more problematic than the others, or one that doesn't really fit within the constitution?

I think Mr. Cavallaro mentioned that the military has a separate jurisdiction and that it has the most impunity. This is how I understood it. Might you give an overview of that?

Mr. James Cavallaro: I'm happy to give you my sense and I would be happy to submit further, more detailed information to the committee in writing afterwards.

As I understand it, and with the assistance of the two colleagues remotely, there are ordinary police. There are military. The military, who should not be in ordinary functions, have been deployed in ordinary policing functions, even though that's not their role. There's also a military police that has been created.

Then, I think for the private security sector those two terms could be merged. Those are guards, hired generally by companies but also by individuals of means, who often have weapons and over whom there is relatively little supervision, and unfortunately poor investigation and oversight when abuses are committed.

[Witness speaks in Spanish, interpreted as follows:]

Would you like to elaborate on the military forces and the security forces in particular and what they do?

Ms. Cheryl Hardcastle: Thank you.

I would also like to understand, from whoever would like to give the answer to this—and maybe this is a chance to hear from Gustavo a little bit—about the Inter-American Commission on Human Rights, which announced that because of financial crisis it was going to cease carrying out its core mandate at the end of July of this year.

In your opinion, what would the consequences of that be, and then, in the larger picture of Canada's advocating for an investigation, do you see this as an opportunity for something else to emerge, or should we be trying to protect this entity? Is it worthy of our doing that, or should it be reinvented in another way?

Mr. Gustavo Castro Soto (Interpretation): From my point of view, I think it is worth encouraging the formation of this independent commission of the Inter-American Commission for the investigation that we believe is needed to ensure there is confidence in the judicial process and evidence. You have to deepen also the investigation of the material authors.

We feel that it is necessary to strengthen this, and Canada could play a good role in strengthening the role of the Inter-American Commission on Human Rights, given that this is not only a problem of Honduras and that vulnerability exists there and for the defenders of human rights in all of Central America and in Mexico. It's not only the case of Honduras. I believe it is important to strengthen the role of the Inter-American Commission in the midst of this crisis.

• (1350)

The Chair: Thank you very much.

MP Anderson.

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Thank you, Mr. Chair.

I would like to thank our witnesses for being with us today.

In 2015, the government of Honduras enacted a law to protect human rights defenders. It set up a national council for the protection of human rights defenders as well as a protection system.

I think, Mr. Cavallaro, your organization has called this law a significant step forward. I'm wondering whether you can expand on the function of that council. Is it showing some effectiveness? What's this protection system that is being referred to, and does it operate independently from the regime?

Mr. James Cavallaro: Thank you very much, Mr. Anderson, for the question. Again we're happy to remit further information in writing to the subcommittee.

Our understanding of the creation of this structure is that it's an initial step forward. It provides a legal basis for coordination of protection measures. The Inter-American Commission does a lot of work with states in the western hemisphere, particularly states in which human rights defenders and journalists are at risk, to create and develop and strengthen robust protection mechanisms.

There's a very significant range between on paper having some body that coordinates and having the resources to provide cellphones and security systems in the homes and workplaces of human rights defenders, to provide security through police or others who are trusted, independently trained, and not the same police who may be responsible for the threats themselves. There needs to be a training structure. There need to be resources.

I don't think that's really what we're seeing in Honduras, and the most convincing evidence of this is that in the past year, after the creation of this body, people who have had precautionary measures ordered by the Inter-American Commission have continued to be killed. Again, that evidence is highly suggestive of the inadequacy of the mechanisms. It's not necessarily absolutely dispositive. It's conceivable that the protection mechanism failed although it was working well.

I don't think it's working very well. I think the two folks who are with us from Mexico and Honduras might have some views about the inadequacy of the protection in practice in Honduras.

Mr. David Anderson: Okay, I'm willing to listen to them, if they do.

The committee did a study about a year ago and did a report in March 2015. How do you see the progression of Honduras since then? Do you see it moving in a positive direction or a negative direction? Where does it rank in the region?

Mr. James Cavallaro: The commission does not rank countries per se. There is, however, what's called chapter 4 of our annual report, in which countries that face severe challenges as defined in the rules of procedure of the commission with regard to human rights will be treated separately. Honduras has been, to use the jargon of the Inter-American system, in chapter 4 since the 2009 coup.

The overall conclusions of your subcommittee's report in 2015, which I've had a chance to review, are quite similar to the conclusions of the Inter-American Commission in a report that was based on a visit at the end of 2014 and on continued research throughout 2015, approved in December 2015 and issued in February 2016.

I would say that the situation has been stagnant, that in the past year or two, since the data points incorporated and analyzed in your early 2015 report, there has not been significant change, except insofar as this case involving Berta Cáceres and other people in COPINH, the organization with which she works, is concerned.

This case demonstrates that despite the pressure, despite international concern, people who are very high-profile—Berta Cáceres was a very high-profile, leading, brilliant human rights defender. The fact that they were unable to protect her and others from her community and other rights activists indicates that progress is not occurring, that we may be stagnant, we may be on a downward slope. Those I would say are the possibilities.

Mr. David Anderson: Okay.

I'd like to turn to Ms. Cáceres.

I think Mr. Soto was pretty clear on his thoughts about the treatment he received. I think I can speak on behalf of the committee when I express our sympathies to you, but I'm wondering, when four suspects have been arrested, what hope you have that justice will be carried out

• (1355)

Ms. Bertha Zuniga Caceres (Interpretation): I would like to say we believe that after the assassination of my mother and another colleague, we have lived a number of violations to our rights as victims, among which is the investigation that has been decreed. In Honduras there is no legal division to exclude us from the process of investigation. After what we stated regarding the mistrust in the process of investigation, and that it be decreed, we have more fear regarding what will happen with the investigation regarding the arrests of the elite responsible for those who committed the murder. I believe this is done in too much of a hurry because there was no historic record, so that these people may be accused in the end.

Apart from this, as Gustavo Castro was saying, the intellectual authors have not yet been found, the people who have participated in the intellectual part of this murder. We continue insisting that for us as a family, and as an organization, the sole way of guaranteeing a process of justice and ending with impunity is through an independent group of experts, which would guarantee transparency and objectivity in the investigation.

The Chair: Thank you very much.

MP Miller.

Mr. Marc Miller (Ville-Marie—Le Sud-Ouest—Île-des-Socurs, Lib.): Thank you.

I want to echo the condolences expressed by Mr. Anderson and Mr. Cavallaro. Again, Ms. Caceres, my condolences for your loss.

This question is for Mr. Cavallaro.

We had a report a year ago, which MP Anderson referred to. One of the recommendations was that Canada continue engagement as a donor country and as a trading partner, with a view as well to promoting human rights.

The report referred to Gildan Activewear as being one the biggest private employers in the country. It's a Canadian company. There are other countries pulling back their aid or their trade with Honduras in the light of a breakdown of civil society.

What do you believe is the way forward for change? I know there is very little time, but could you touch briefly on what the ultimate outcome would be, other than the inherent value of shining a light on the human rights abuses with an OAS investigation?

Mr. James Cavallaro: If I may, let me take those questions in reverse order.

In addition to shining a light and investigating this case, an international body could provide assistance, first, with helping to identify those responsible in this matter, and second, in working with authorities to identify lines of investigation in this case that may establish patterns of abuse, which we have documented. What we suspect at this stage but do not know is that those who may have ordered the killing of Berta Cáceres may also have involvement in

threats and incidents of violence against other rights defenders, others who have opposed the intervention or engagement of extractive industries, and others who have been dissidents or have spoken out against the military coup in 2009.

What we know is that in Honduras, there is a cycle of impunity and there are many killings of those who oppose powerful interests. We know that judges and prosecutors are threatened and often killed. What is necessary to break that cycle of impunity, we believe, is a thorough investigation that doesn't stop with the hit men but goes up the chain of responsibility to those who are responsible, as a means of changing the dynamic of criminal investigation in Honduras, breaking the cycle of impunity, and moving towards a situation in which those who might order people killed stop and think that there might be criminal accountability for doing so. If they are not going to do it because their hearts are pure, let them at least do it because they think there is a functioning state that can investigate and prosecute them.

With regard to business investment, the Inter-American Commission has established doctrine and norms, more about what guidelines and rights must be respected by investors and by companies operating in different situations in which there is a potential for rights abuse. With regard to indigenous communities, there must be a thorough consultation under ILO 169, but under the case law of the Inter-American Court and the Commission on Human Rights there needs to be free, prior, and informed consent when an investment project has the potential to significantly alter the traditional lifestyles of indigenous and traditional communities. In other words, if it is a major investment project, free, prior, and informed consent....

We focus our work not on whether a particular company or country should or should not invest in a given country, Honduras, but on what norms you must follow if you are investing in Honduras. It is a somewhat different focus and it may not be directly responsive. That is a decision for you to make, whether to invest or not. What we say is that, if you are going to invest, there need to be rigorous guidelines.

Now, what I can say is that, in Honduras, those guidelines are not enforced. We see that not only in the tensions in the communities, but in the violations that occur in that context: threats, police abuse against demonstrators, police abuse against people who oppose extractive processes, and killings of people who are engaged in opposition to extractive processes. With that construct, it is difficult to support investment, but our position is that we hold whoever is engaged to the highest standards of human rights, and they have not been met in Honduras.

• (1400)

The Chair: Thank you.

With that, seeing the time, we are going to draw the questioning to a close.

I want to thank you. I am sure I speak for all the members of this committee in thanking you for being here today and providing what, quite honestly, was riveting testimony.

In particular, Gustavo and Bertha, you stand as human rights defenders in the face of many challenges, none greater, Bertha, than the challenge and sacrifice that your mother faced. I know this is a legacy that is going to inspire many to continue speaking out and trying to make a difference in an area where, obviously, there are

some significant human rights challenges. From everybody on this committee, thank you very much for testifying before us here today.

With that, I bring this committee meeting to a close.

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