

HONDURAS

2015 UNIVERSAL PERIODIC REVIEW

BRIEFING ON THE SITUATION OF HUMAN RIGHTS DEFENDERS
FEBRUARY 2015



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BRIEFING ON THE SITUATION OF HUMAN RIGHTS DEFENDERS, PBI

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INTRODUCTION

In 2014, after three years of exploratory work, Peace Brigades International (PBI) consolidated its presence in the country by beginning accompaniment work with human rights defenders, to provide protection and give visibility to their work promoting equality, social justice and human rights.

On May 8, 2015 in Geneva, Honduras will be examined for the second time under the Universal Periodic Review (UPR). Honduras received 129 recommendations in the previous UPR in 2011, all of which it accepted. In February 2013 Honduras submitted its Mid-Term Report on the Status of Implementation of the Recommendations to the State. According to this report, 71 of the recommendations had been met, 52 were in the process of being implemented, and 6 had not been complied with at all.

After the issuance of the Mid Term report, there was a change of government. In its first year, the government of Juan Orlando Hernández has been heavily criticised by civil society. The most serious complaints refer to setbacks in citizen security and a visible weakening of institutions for the promotion and defence of human rights. Five years after the coup d'état, and with an apparent return to normality, the high degree of impunity, the use of criminalisation to hamper the defence of human rights and the use of the armed forces in response to insecurity remain the main sources of danger for defenders, their families and their communities. The State's response to this serious risk, via its protection mechanisms, has proved inadequate and insufficient.

In this briefing paper, PBI has revised the level of compliance by the Honduran State of the 12 recommendations received in the previous UPR, relating to the situation of human rights defenders. Only 12 recommendations were made on this issue, however, PBI also considers it important to analyse other recommendations that express the need to support the defence of human rights.

"Impunity still reigns in Honduras in cases of threats, harassment and violence against journalists and human rights defenders"

Frank La Rue and Margaret Sekaggya, UN Special Rapporteurs on freedom of opinion and expression, and on the situation of human rights defenders, April 2014.

UNIVERSAL PERIODIC REVIEW 2011, PROGRESS, SETBACKS AND PBI RECOMMENDATIONS

For the first time, PBI has decided to offer recommendations for the UPR of Honduras, based on information gathered in the field and analysis shared with us by defenders. Individuals, communities and organisations who demand and defend their rights should be able to do so in a climate of freedom, respect and security. For this reason PBI considers it vital that the international community make the following five blocks of recommendations aimed at improving the situation of those who continue to face serious risks for the human rights work they undertake.

I. A JUSTICE SYSTEM THAT STRENGTHENS INDEPENDENCE AND ENDS IMPUNITY.

"Impunity has serious effects on the work of human rights defenders. The Commission heard the testimony of one beneficiary of provisional measures issued by the Inter-American Court, who stated that "impunity is at the heart of all the violations that affect those of us who defend human rights."

Inter-American Commission on Human Rights (IACHR), December 5, 2014.

UNIVERSAL PERIODIC REVIEW 2011

During the 2011 UPR, the governments of France, Australia, Canada, Slovenia, United States, Switzerland, Sweden, Spain, Italy, Mexico and the Netherlands echoed the recommendations of the Inter-American Commission on Human Rights (IACHR) and the United Nations (UN) system, by asking the Honduran State to guarantee impartiality, independence and transparency in the investigation, prosecution, punishment and reparation of human rights violations. In particular, several of these countries asked Honduras to investigate and prosecute those responsible for the deaths of human rights defenders, journalists and communicators, justice operators and LGBTI people.

SHADOW REPORTS FOR THE 2015 UPR

We recommend visiting the website of the Centre for Research and Promotion of Human Rights ([Centro de Investigación y Promoción de los Derechos Humanos - CIPRODEH](#)) and the Universal Periodic Review Info ([UPR Info](#)), where you can read some of the shadow reports submitted by Honduran human rights organisations for the 2015 UPR.



Accompaniment to Dina Meza on the day of the official presentation of PEN Honduras, October 6, 2014. In 2014 PEN International presented an alternative report to the United Nations on the situation of freedom of expression in Honduras, condemning the high impunity for crimes against journalists. Photo: Dina Meza

CREATION OF THE OFFICE FOR CRIMES AGAINST LIFE IN SEPTEMBER 2013

Among the investigative divisions within the Public Prosecutor's Office is the Unit on Deaths caused by Impact, responsible for investigating allegations of the murder of members of the LGBTI community the LGBTI community, women, journalists, lawyers and human rights defenders. According to information provided for the upcoming EPU by several Honduran organisations, more than a year after the creation of the Office, this investigative unit has not been operational. On the contrary, it has been seen as a setback by organisations that promote the rights of women, one of the groups it covers.

PROGRESS AND SETBACKS

Despite the initiatives taken by the Honduran State to ensure the independence of the judiciary (creation of the Judicial Council) and to strengthen the work of the Public Prosecutor (creation of the Prosecutor for Crimes against Life), at the time of writing this report, rates of impunity have not decreased for human rights violations in Honduras. As is clear from the information gathered by the IACHR last December, there has been little or no progress made in investigating murders of activists. This situation is a serious attack on defenders, since it leads to the general perception that there is no cost to attacking defenders and that, instead, this can bring benefits.

	CASES REPORTED	PROGRESS IN INVESTIGATIONS
LGTBI RIGHTS	According to the Unit for Crimes against Life, part of the Public Prosecutor's Office, in the period from 2009 to August 30, 2014, 172 hate crimes have been committed.	According to the 2012 report of the National Human Rights Commissioner (CONADEH), over 92% of hate crimes go unpunished, due to the current discriminatory legal framework.
FREEDOM OF EXPRESSION	According to CONADEH, seven journalists have been killed in 2014, and a total of 47 journalists and media workers since November 2003.	91% of cases are in complete impunity. ^{T01}
RIGHT TO LAND AND TERRITORY	According to data from small-farming organisations, 140 small-scale producers have been killed in the last three and a half years in the country. ^{T02}	The state did not inform the IACHR about specific measures to prevent murders and acts of violence against indigenous leaders and indigenous rights defenders.
INDEPENDENCE OF THE JUDICIARY	Official CONADEH records show that 81 justice officials have been killed since 2010.	97% of the cases are unpunished. ^{T03}

PROGRESS IN CASES OF MURDERS AGAINST HUMAN RIGHTS DEFENDERS

SOURCES: IACHR, PRELIMINARY OBSERVATIONS, IN SITU VISIT TO HONDURAS, DECEMBER 1-5, 2014, ARTICLES FROM LA PRENSA AND EL HERALDO AND INFORMATION GATHERED BY PBI HONDURAS.

T01. "Honduras persiste en impunidad en muerte de periodistas en Honduras", La Prensa, May 3, 2014

T02. "Margarita Murillo murió como vivió: sembrando semilla en la tierra por la que siempre luchó", ERIC, August 29, 2014.

T03. "Honduras: En 56 meses han sido asesinados 81 abogados", El Heraldo, September 21, 2014

PBI RECOMMENDATIONS

In light of this situation, it is important that the international community urges the Honduran government to implement the recommendations of the International Commission of Jurists (ICJ),⁰¹ by adopting rules for the interpretation of national legislation⁰² based on the UN Principles Relating to the independence of the Judiciary and other international standards, as well as resuming its efforts to purge state institutions for security and justice.

Moreover, the government must continue to strengthen the Office of the Human Rights Prosecutor by providing it with technical and financial resources, and evaluate its performance in consultation with organisations who have suffered attacks. In particular the State must guarantee that its investigative system has the necessary tools to recover evidence, and to guarantee an effective witness protection program.

2. RECOGNITION AND SUPPORT FOR WORK DEFENDING HUMAN RIGHTS.

"The Special Rapporteur emphasizes the need to guarantee effective measures to ensure compliance with international standards of due process in legal proceedings against indigenous people resulting from contexts of social protest in vindication of the rights of indigenous peoples"

James Anaya, Special Rapporteur on the rights of indigenous peoples, A / HRC / 27/52 / Add, September 2014.⁰³

UNIVERSAL PERIODIC REVIEW 2011

During the previous UPR, several States, including Italy and Austria, made recommendations that human rights training should be provided for civil servants from public institutions, in particular the judiciary and law enforcement agencies. Specifically, Austria recommended improving training programs on economic, social and cultural rights (ESCR). Italy noted the importance of measuring the effectiveness of these programs. Australia and Uruguay urged the State to guarantee the workspace of defenders, in particular journalists and media workers, against actions by State officials that could hinder the exercise of the right to freedom of expression, opinion and criticism.



"...the national system for investigating crimes does not have the tools it needs to recover evidence, and the judicial system does not provide effective protection for witnesses in cases involving violence against LGBT persons."

IACHR, December 5, 2014

LGBTI ORGANISATIONS REPORT BEING NEGLECTED BY THE STATE

Even organisations such as the National Commissioner for Human Rights (Comisionado Nacional de los Derechos Humanos - CONADEH). According to the shadow report produced by LGBTI organisations, this lack of attention persists with the current Commissioner, who has not included the LGBTI population in the work plan, training programs, or database of CONADEH.⁰¹

Accompaniment of Cehprodec in Santa Elena on 8 January 2015, to observe the burial of Juan Francisco Martinez, a member of Milpah killed on January 4 in Santa Elena. Through this accompaniment, PBI has monitored a number of processes of criminalisation against members of the Independent Lenca Indigenous Movement of La Paz, Honduras (Movimiento Independiente Indígena Lenca de La Paz-Honduras - MILPAH) due to their opposition to the construction of hydroelectric and mining projects in their territories. Photo: PBI

01. "La Independencia del Poder Judicial en Honduras 2004-2013", CIJ, May 2014. For a short description of the report in English, see: <http://www.icj.org/honduras-better-guarantees-needed-for-judicial-independence/#lightbox/0/>

02. Law on the Judicial Council and Law on the Judicial Profession (Ley del Consejo de la Judicatura y la Ley de Carrera Judicial).

03. Original version in Spanish – unofficial translation

L01. "Informe sombra EPU 2015", Comité de la Diversidad Sexual de Honduras, September 2014.

PROGRESS AND SETBACKS

Despite the efforts outlined by the Honduran State in its Mid-Term Report, PBI has found that throughout 2014, State officials have not shown sufficient knowledge of human rights, particularly ESCR. This could lead to a biased application of the law and to public statements that question the defence of human rights. In particular, as noted by the shadow report from GIDH55, it has been observed that there are gaps in the understanding of rights to land and territory in accordance with the provisions of ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples. These actions cause a serious deterioration of the space needed to carry out work to defend these rights.

CASES OF CRIMINALISATION	CASES OF DEFAMATION
<p>According to figures from the Committee of Relatives of the Detained and Disappeared in Honduras (Comité de Familiares Detenidos Desaparecidos en Honduras - COFADEH), since 2010 there have been 3,064 cases of criminalisation as a result of the improper use of criminal law to weaken the defence of human rights. This has particularly affected the following processes:</p> <p>Defence of territory and access to land: this figure includes more than 700 cases of small-scale farmers, in most cases charged with the crime of usurpation. PBI has observed several cases of prosecution, during processes for the defence of territory and access to land, patterns which are replicated in different regions of the country and have resulted in severe territorial conflict.</p> <p>Independence of the judiciary: during the IACHR visit to the country, justice officials reported that the crime of "prevarication", which from 2013 is not eligible for alternative measures to prison, has been used by prosecutors in order to intimidate judges into not issuing decisions contrary to their interests.</p> <p>Freedom of expression: In addition, the IACHR has received information that the crime of sedition has been used to criminalise journalists during social protests. Also several cases have been reported of journalists being accused of defamation. One of the most emblematic is the case of Julio Ernesto Alvarado.</p>	<p>Different sectors of civil society have reported the existence of a smear campaign against NGOs, the aim of which is to question their work promoting and defending human rights. Several of the events reported have been described PBI in our 2011, 2012 and 2013 reports.</p> <p>Public Statements: Recently, PBI has heard with concern statements made by several State representatives questioning human rights work. This includes the president of Congress, Mauricio Oliva, who downplayed the importance of the "Law on the Protection of Defenders", which is being discussed in Congress, recommending that journalists take their own security measures (November 2014). Similarly, Rolando Argueta, the director of prosecutors, while speaking on behalf of the State of Honduras at a hearing before the IACHR, stated that "murders of journalists are committed for personal reasons and are not related to their work" (April 2014, our translation).^{T05}</p> <p>Cancelling the legal status of non-governmental organisations (NGOs): This initiative by the executive power has been perceived as a political attack against human rights organisations. These organisations claim that under this Law the government has created a bureaucratic process centralised in the capital, based on the subjective criteria of the authorities.^{T06}</p>

GARÍFUNA PEOPLE REPORT BEING MADE INVISIBLE BY THE STATE

"For their part, leaders and defenders of the Garifuna people alleged that the State was making their identity and culture invisible by calling them "Afro-Hondurans" instead of "Garifuna." By so doing, they said, the institutions are discriminating against them. The IACHR urges the State to recognize the cultural identity of the Garifuna people."

IACHR, December 2014

CRIMINALISATION AND STIGMATISATION PROCESSES REGISTERED AGAINST HUMAN RIGHTS DEFENDERS

SOURCES: "IACHR, PRELIMINARY OBSERVATIONS, IN SITU VISIT TO HONDURAS, DECEMBER 1-5, 2014"; PBI HONDURAS PUBLIC DOCUMENTS (2013 REPORT, NEWSLETTERS 01 AND 02) PRESS ARTICLES FROM EL LIBERTADOR

CASE OF JULIO ERNESTO ALVARADO

In 2006, during his news program "Mi nación", Alvarado reported on the alleged involvement of the Dean of the Autonomous University of Honduras in faking university degrees. Following a complaint, Alvarado was convicted of defamation, sentenced to 16 months in prison and disqualified from his profession. Several appeals were submitted to try and overturn the disqualification, but none was successful. In response to this situation the IACHR granted Alvarado precautionary measures and ordered the Honduran State to suspend the sentence against him. At the time of writing this report, Alvarado continues to be disqualified from practising journalism.

T04. "La mejor medida de seguridad es uno solo", aconseja a hondureños presidente del Congreso", El Libertador, November 6, 2014.

T05. "Ejercicio periodístico se realiza en suelo movedizo y en total indefensión", Radio Progreso, April 25, 2014

T06 "Honduras: Inhabilitarán a más de 4 mil ONG por faltas administrativas", Panama Post, January 14, 2015

PBI RECOMMENDATIONS

In light of this situation, and taking into account the upcoming UPR, we urge the international community to make recommendations to the Honduran State and to monitor the State's recognition and support for the defence of human rights. The following recommendations made by a number of international bodies to the Honduran State could be used as a reference⁰⁴:

- i) make public declarations and devise campaigns which recognize the work of human rights defenders, with the aim of minimizing the stigmatization that defenders often suffer;
- ii) deter and sanction in a timely manner any stigmatization of human right activists by either the public or private sector;
- iii) ensure that, as part of the revision of the Criminal Code and in accordance with international standards, crimes such as defamation, libel and slander are decriminalized; making them crimes of a civil nature. Legislation that sanctions the crimes of sedition, "prevarication"⁰⁵ and unlawful demonstrations should also be adapted to comply with international law;
- iv) improve training for the judiciary and law enforcement officers on economic, social and cultural rights;
- v) review legislation and adopt all appropriate measures to resolve issues related to land tenure, legitimising the demands of small-scale producers and indigenous and Garifuna peoples.

3. SECURITY FROM THE PERSPECTIVE OF THE PROMOTION OF AND RESPECT FOR HUMAN RIGHTS

"The history of the Hemisphere shows that, broadly speaking, the intervention of the armed forces in internal security matters is accompanied by violations of human rights in violent circumstances. Therefore, practice teaches us that it is advisable to avoid the intervention of the armed forces in matters of internal security since it carries a risk of human rights violations".

Report on Citizen Security and Human Rights,
Inter-American Commission on Human Rights (IACHR), 2009

UNIVERSAL PERIODIC REVIEW 2011

During the previous UPR, the Netherlands, Hungary, Austria and Ireland issued recommendations that urged the State to prevent, investigate and punish violations of human rights committed by members of the police and armed forces (during and after the coup d'état). In particular, Ireland referred to the use of violence against LGBTI activists.

04. "The defence of human rights: a high-risk activity", PBI Honduras, December 10, 2012.

05. Preliminary Observations concerning the Human Rights Situation in Honduras, December 5, 2014

CANCELLING THE LEGAL STATUS OF NGOS

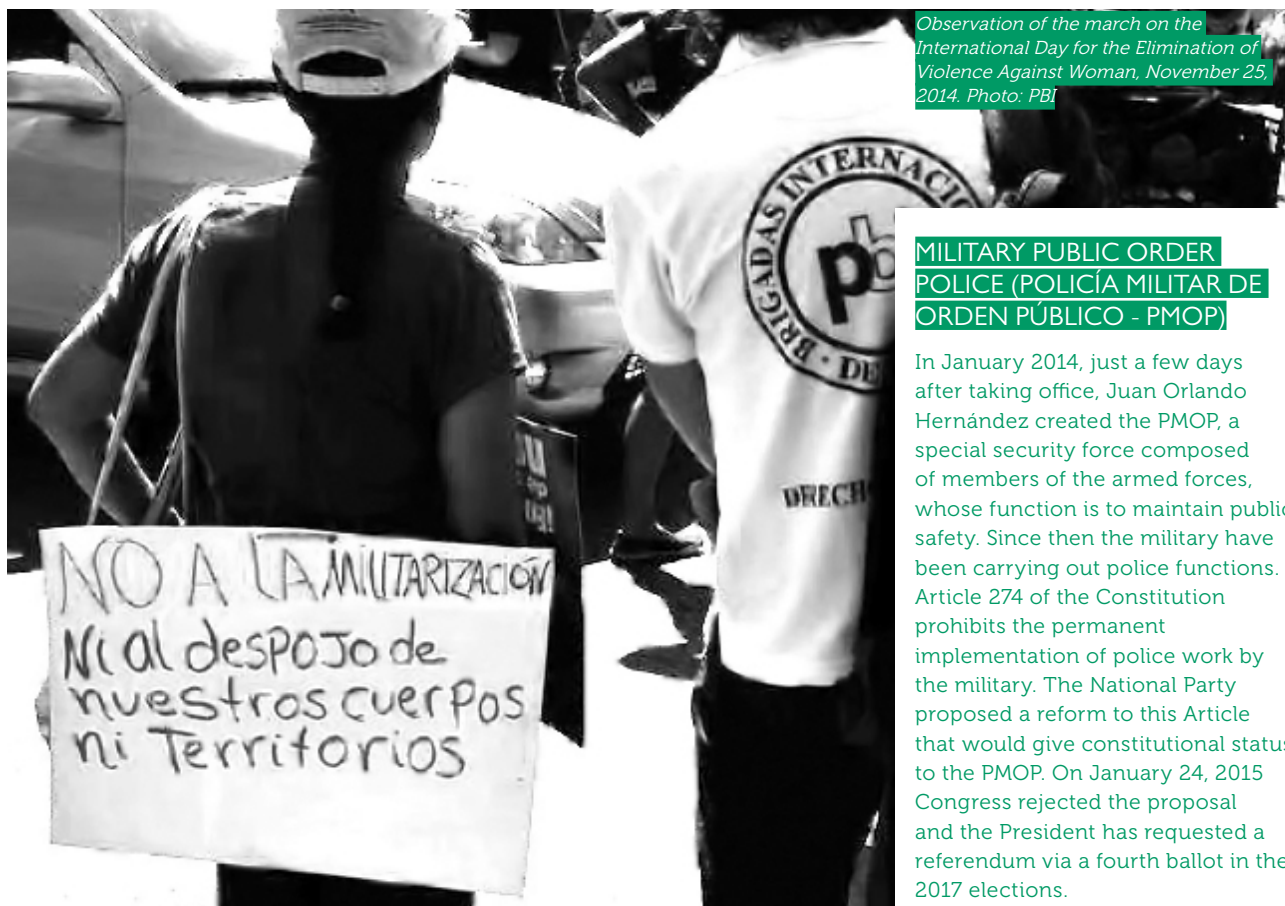
According to the Special Law for the Promotion of Non-Governmental Development Organisations (*Ley Especial de Fomento de Organizaciones No Gubernamentales de Desarrollo*), enacted in 2011, NGOs are required to submit an annual report on their administrative activities, funds, assets and liabilities. On February 28, 2014, the Government of Honduras published a list of more than five thousand NGOs that were to have their legal status cancelled.^{L02} In mid-March 2014, the Secretary of State in the Ministry of Human Rights, Justice, Governance and Decentralisation, apologized to the NGOs wrongly included in the list and informed that the director of the Registry and Monitoring Unit of Civil Associations (*Unidad de Registro y Seguimiento de Asociaciones Civiles*) was to be dismissed. Several extensions were also granted for the submission of documentation. In January 2015, URSAC reported that it would proceed with the cancellation of the legal status of over four thousand organisations.

MILITARISATION OF LAND CONFLICTS

According to information shared by small-farming organisations with PBI Honduras, the use of violence during evictions has increased under the government of Juan Orlando Hernández. In the case of Bajo Aguán, a recent report from the Permanent Observatory for Human Rights in Aguán (*Observatorio Permanente de Derechos Humanos del Aguán*) and the San Alonso Rodríguez Foundation (*Fundación San Alonso Rodríguez*) registers among the victims "security guards, soldiers, police, victims and a large percentage of small-scale producers who perished due to structural violence, the main perpetrators of which are powerful agro-economic actors and the strong military presence"^{L03}.

L02. "Honduras: El Gobierno debe cancelar su orden de cierre de más de 5.000 organizaciones no gubernamentales", FIDH, March 13, 2014.

L03. "La militarización, la represión y la impunidad rodean a 123 muertes violentas registradas en El Aguán", Defensores en línea, March 14, 2014



Observation of the march on the International Day for the Elimination of Violence Against Woman, November 25, 2014. Photo: PBI

MILITARY PUBLIC ORDER POLICE (POLICÍA MILITAR DE ORDEN PÚBLICO - PMOP)

In January 2014, just a few days after taking office, Juan Orlando Hernández created the PMOP, a special security force composed of members of the armed forces, whose function is to maintain public safety. Since then the military have been carrying out police functions. Article 274 of the Constitution prohibits the permanent implementation of police work by the military. The National Party proposed a reform to this Article that would give constitutional status to the PMOP. On January 24, 2015 Congress rejected the proposal and the President has requested a referendum via a fourth ballot in the 2017 elections.

INCIDENTS REPORTED WITH THE ALLEGED INVOLVEMENT OF THE NACIONAL POLICE

According to the Coalition Against Impunity (Coalición contra la Impunidad) in the period 2013-2014 the police have been responsible for 149 murders, 71 of which were committed by the Preventive Police and the rest by the Criminal Investigation Police and Special Investigation Services.

INCIDENTS REPORTED WITH THE ALLEGED INVOLVEMENT OF THE ARMED FORCES

In its shadow UPR report, the Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Families (Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de Tortura y sus Familiares - CPTRT) reports having received eight reports in 2014 which were also reported in the media, of killings by members of the Armed Forces. In most cases an accusation has been filed.

◀ HUMAN RIGHTS VIOLATIONS REGISTERED WITH THE ALLEGED INVOLVEMENT OF THE STATE SECURITY FORCES.

SOURCES: SHADOW REPORTS FOR THE 2015 UPR PRODUCED BY THE COALITION AGAINST IMPUNITY (COALICIÓN CONTRA LA IMPUNIDAD) AND THE CENTRE FOR THE PREVENTION, TREATMENT AND REHABILITATION OF TORTURE VICTIMS AND THEIR FAMILIES (CENTRO DE PREVENCIÓN, TRATAMIENTO Y REHABILITACIÓN DE LAS VÍCTIMAS DE TORTURA Y SUS FAMILIARES - CTRT), SEPTEMBER 2014

PROGRESS AND SETBACKS

In its Mid-Term report, the Honduran State refers to a series of measures, taken during the government of Porfirio Lobo Sosa, aimed at preventing such actions through training programs. In the period of time between the issuance of the report and the consultation held at the end of 2014, there has been a change of government. One of the strongest criticisms levelled against President Juan Orlando Hernández is related to the use of the military in public safety matters. This setback to security policy not only violates the recommendations of international bodies, it has also resulted in an increase in cases of human rights violations. Indeed, PBI has received several complaints about the impact of militarisation on the defence of human rights.⁰⁶

06. Newsletter 02, PBI Honduras, January 2015

PBI RECOMMENDATIONS

In this context, we call upon the international community to make recommendations during the upcoming UPR, and to monitor the Honduran State's compliance with international conventions it has ratified on this issue:

- i) refrain from using military forces and military intelligence agencies for citizen security purposes;
- ii) review the creation and regulation of the Military Public Order Police (Policía Militar de Orden Público - PMOP) and their possible inclusion as part of the public security forces, under the Constitution;
- iii) implement the UN Basic Principles and Guidelines on evictions and displacement, refrain from using violence and respect the dignity and human rights of all evicted people. In particular, refrain from using private security forces when carrying out evictions.⁰⁷

4. ADEQUATE AND EFFECTIVE PROTECTION MECHANISMS FOR HUMAN RIGHTS DEFENDERS

"Neither the precautionary measures ordered by the Inter-American Commission on Human Rights, nor the repeated recommendations by UN experts have been enough so far to make Honduras take firm action to protect journalists and human rights defenders".

Frank La Rue and Margaret Sekaggya, UN Special Rapporteurs on freedom of opinion and expression, and on the situation of human rights defenders, April 2014.

UNIVERSAL PERIODIC REVIEW 2011

The States of Ireland, UK, Canada, Chile, Panama, Austria, Switzerland, Germany, Brazil and Mexico recommended the Honduran State guarantee the existence and proper implementation of mechanisms for the protection of human rights defenders, justice officials and journalists. In particular, Ireland and Panama referred to the strengthening of national institutions such as the Ministry of Justice and Human Rights and the opening of an OHCHR office in the country. Brazil and Austria requested guarantees for compliance with IACHR precautionary measures.

PROGRESS AND SETBACKS

In an attempt to review compliance with these recommendations, we consider it appropriate to classify them in three blocks: implementation at the national level, at the United Nations level and at the level of the Inter-American System of Human Rights (ISHR).

"The Special Rapporteur is particularly concerned about the high level of impunity regarding extrajudicial executions and death threats against human rights defenders, journalists and small-scale farming activists (...)"

UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, A / HRC / 26/36 / Add.2, June 2014.⁰⁴

VISITS BY SPECIAL UN PROCEDURES TO HONDURAS (NOVEMBER 2011 TO JANUARY 2015)

- Margaret Sekaggya, Special Rapporteur on the situation of human rights defenders (February 7 to 14, 2012)
- Frank La Rue, Special Rapporteur on freedom of opinion and expression (August 7 to 12, 2012)
- Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (February 18 to 22, 2013).

IACHR PRESS RELEASES ON THE HUMAN RIGHTS SITUATION IN HONDURAS AND PRECAUTIONARY MEASURES (2011-2014)

From October 2011 to December 2014, the Commission granted 14 precautionary measures in favour of communities, individuals and organisations defending human rights. In the same period, the Commission made 22 statements addressed to the Honduran government. In these press releases, the international body called the State's attention to the lack of protection of journalists, activists and members of the LGBTI community as well as human rights defenders and justice officials.

07. "Honduras: the defence of human rights: a high-risk activity", PBI Honduras, December 2012.

L04. Original version in Spanish – unofficial translation

	PROGRESS AND CRITICISMS REGARDING COMPLIANCE	SETBACKS AND LACK OF COMPLIANCE
NATIONAL LEVEL	<p>Nationally we highlight the approval by Congress of the decree creating the Law on the Protection of Human Rights Defenders, Journalists, Communicators and Justice Officials (Ley de Protección para Defensores de los Derechos Humanos, Periodistas, Comunicadores y Operadores de Justicia). The law is still under discussion in Congress.^{T07}</p> <p>The Bill has led to strong criticism from social organisations, who believe that it lacks a preventive approach, does not provide sufficient clarity on its operational structure and that its system for risk analysis does not take individual needs into account.^{T08}</p> <p>There is also a question over the allocation of financial resources to implement the Law. Despite claims by the President assuring that the general budget of 2015 would include a provision for financing the Law, there continue to be serious doubts about whether it is really a priority on the government's agenda.</p>	<p>During the presidency of Juan Orlando Hernández there were significant cuts to institutions for the promotion and realisation of human rights, such as the CONADEH, and the Ministries of Justice and Human Rights and of Indigenous and Afro-Honduran Peoples. The latter have been moved into other ministries, and reclassified as undersecretaries or units, thereby losing autonomy in their functions and suffering budget cuts. In this way, far from complying with the recommendations suggesting the strengthening of these bodies and the designation of a "focal point", the relevant human rights institutions have been weakened</p>
UNITED NATIONS	<p>Honduras has received three visits from special procedures who have issued reports with urgent recommendations for the protection of human rights. In addition, the Honduran government has officially requested the opening of an Office of the United Nations High Commissioner for Human Rights (OHCHR) in the country.^{T09}</p> <p>Although several countries have shown interest in supporting the initiative and during his visit to the country in January 2015 the Secretary General of the UN, Mr. Ban ki-Moon, confirmed the opening of the office, doubts remain about its financial viability.</p>	<p>According to statements made in April 2014 by Frank La Rue and Margaret Sekaggya, UN Special Rapporteurs on freedom of opinion and expression, and on the situation of human rights defenders, the recommendations of UN experts have not been enough to lead Honduras to take firm measures for the protection of journalists and human rights defenders.^{T10}</p> <p>According to information provided by women's rights organisations, Honduras has not yet ratified the Optional Protocols on ESCR and CEDAW.</p>
INTER-AMERICAN SYSTEM	<p>The Inter-American Commission on Human Rights (IACHR) conducted an on-site visit to Honduras from December 1 to 5, 2014. The Commission acknowledged and appreciated the information provided by the Government and its openness to establish a constructive dialogue with the IACHR.</p> <p>Temporary removal of Honduras from Chapter IV.B of the IACHR Annual Report (for countries of special concern). According to the regulations of the IACHR if a State has received an on-site visit by the Commission it not will be incorporated into this Chapter on the year corresponding to the visit. Honduras was included in Chapter IV.B after the coup d'état in July 2009.</p>	<p>During the ordinary sessions of the IACHR, held in April 2014, it was reported that some of the beneficiaries of precautionary measures had been killed. In the same period, the government of Juan Orlando Hernández asked the Commission to suspend several precautionary measures, arguing that the context that gave rise to them had changed substantially and the political crisis of 2009 had been overcome. At the time of writing this report an official response from the Commission to the government's request has not been publicly released.</p>

◀ PROGRESS AND SETBACKS IN THE IMPLEMENTATION OF RECOMMENDATIONS RELATING TO THE PROTECTION OF HUMAN RIGHTS

SOURCES: SHADOW REPORT FOR THE UPR WRITTEN BY THE COALITION AGAINST IMPUNITY (COALICIÓN CONTRA LA IMPUNIDAD), UNITED NATIONS DECLARATIONS, PRESS ARTICLES FROM EL LIBERTADOR, IACHR PRESS RELEASES, JUDGMENTS OF THE IACTHR, AND INFORMATION GATHERED BY PBI HONDURAS

T07. "Ley de protección para periodistas en Honduras, paso de avance para derrotar la violencia", Sociedad Interamericana de Prensa, June 6, 2014.

T08. "Informe sombra para el Examen Periódico Universal ", Coalición contra la Impunidad, September 2014.

T09. "Honduras solicita ayuda a donantes para apertura de oficina especial de ddhh", El Libertador, October 8, 2014

T10. "La impunidad perpetúa la violencia contra periodistas y defensores de derechos humanos en Honduras", UNHCHR, April 17, 2014



Radio Faluma Bimetu (Coco Dulce) - Garifuna community, Triunfo de la Cruz. This community in Bahía de Tela has been affected since 1989 by the implementation of mega tourism projects. On April 28, 2006, the IACHR granted precautionary measures to the Garifuna community. More than 10 years after the case had been presented before the Inter-American human rights system, it was referred to the Inter-American Court of Human Rights (IACtHR) due to the lack of compliance by the State with the recommendations established by the IACHR. Photo: PBI

PBI RECOMMENDATIONS

We believe that the international community should place a special emphasis on the protection of defenders, their communities and their families, during the UPR. While civil society has recognised some progress on this issue, such as the announced opening of the OHCHR Office in 2015, there have also been reports of serious setbacks in this area, as already mentioned above. We therefore suggest that the international community urges the Honduran government to:

- i) incorporate the UN Declaration on Human Rights Defenders into national legislation;
- ii) revise and strengthen the CONADEH to guarantee an effective and independent body that can supervise the country's compliance with its international human rights obligations;
- iii) ensure that the Bill for the protection of journalists, human rights defenders and law enforcement officers meets international human rights standards, and that its content is agreed with human rights organisations;⁰⁸
- iv) comply with its obligation "to offer the necessary guarantees" to all those who cooperate with the Inter-American Human Rights System.⁰⁹

08. Preliminary Observations concerning the Human Rights Situation in Honduras, IACHR, December 5, 2014.

09. Article 63 of the IACHR Regulations.

5. FREE ACCESS TO INFORMATION, PARTICIPATION AND FREE, PRIOR AND INFORMED CONSULTATION

"(...) The IACHR also received alarming information concerning killings, acts of violence, and death threats against indigenous leaders, particularly those who defend their territories and natural resources, in the context of the development of mega-projects without prior and informed consultation"

IACHR, December 2014

UNIVERSAL PERIODIC REVIEW 2011

During the previous UPR Panama recommended that Honduras ensure the participation of civil society in institutional fora related to the development and evaluation of public policies on protection mechanisms. Austria, meanwhile, recommended the passing of laws to guarantee the rights of indigenous peoples, including the right to free, prior and informed consent. Meanwhile Peru and Chile recommended that free access to information be guaranteed.

PROGRESS AND SETBACKS

In its Mid Term report the Honduran State referred to measures taken under the government of Porfirio Lobo by institutions whose power and resources have been cut under the current government. This is the case of the Ministry for Indigenous Peoples and Peoples of African Descent, responsible for leading consultation processes with indigenous peoples. The report also refers to training processes on the Law of Transparency and Access to Public Information (Ley de Transparencia y Acceso a la información Pública) which was recently amended by the provisions of the Law on Official Secrets and the Declassification of Public Information (Ley de Secretos oficiales y desclasificación de la Información Pública).

LAW ON OFFICIAL SECRETS AND THE DECLASSIFICATION OF PUBLIC INFORMATION (LEY DE SECRETOS OFICIALES Y DESCLASIFICACIÓN DE LA INFORMACIÓN PÚBLICA)

On January 13, 2014, Congress passed the Law on Official Secrets and the Declassification of Public Information, under which the government holds discretionary powers to classify certain data as being in the public interest, work formerly carried out exclusively by the Institute for Access to Public Information. Organisations such as Reporters Without Borders have criticized this measure, due to the broad powers it gives to the government to impose secrecy on certain documents without having to account for its decisions.^{L05}

According to Dina Meza, this "secret" information held privately by the State prevents public access to case files on killings of journalists.^{L06}



Observation in Rio Blanco during 1st anniversary of a demonstration held by the Lenca indigenous community of La Tejera against the Agua Zarca hydroelectric project. It is estimated that indigenous peoples make up between 7 and 13% of the total Honduran population, spread over nine culturally distinct peoples, namely the Pech, Nahua, Lenca, Tolupan, Garifuna, Misquito, Tawahka and Chorti Peoples. Photo: PBI

L05. "Honduras: Secrecy law deals major blow to public's right to be informed", Reporters without Borders, January 16, 2014

L06. "Dina Meza: El violento oficio de escribir en Honduras", PEN International, May 2, 2014

PBI RECOMMENDATIONS

PBI asks the international community to urge Honduras to ensure the effective and informed participation of civil society, with special emphasis on the rural population, in institutional fora and processes to review and evaluate public policies, in particular, national mechanisms for the protection of human rights defenders. Furthermore, the government should establish national mechanisms to ensure compliance with the provisions of ILO Convention 169 and the Declaration on the Rights of Indigenous Peoples, in relation to free, prior and informed consultation.

CONSULTATION WITH INDIGENOUS PEOPLES AND PEOPLES OF AFRICAN DESCENT

According to information provided by human rights organisations for the upcoming UPR, the State has failed to guarantee the process of free, prior and informed consultation with indigenous peoples affected by projects in their territory, before granting concessions over natural resources. Moreover, the new Mining Law, in force since April 2013, contradicts international standards on the right to consultation.^{L07}

L07. "Violaciones de DDHH en proyectos extractivistas en Honduras", Shadow report, Coalición Nacional de Redes Ambientales de Honduras - CONROA, September 2014.

PRESENTATION OF PBI

Peace Brigades International (PBI) is a non-governmental organisation that promotes the protection of human rights and conflict transformation through nonviolent means. Via international accompaniment, PBI provides protection for individuals, organisations and communities who carry out actions to promote and defend human rights, always at their request and in response to their needs. In this way, PBI helps to protect the space for human rights, social justice and peace initiatives. PBI currently has projects in Colombia, Guatemala, Mexico, Kenya, Nepal, Indonesia and Honduras, and 16 active national groups in Europe, North America and Australia.

PBI'S MANDATE IN HONDURAS

PBI Honduras seeks to contribute to improving the human rights situation and the development of participatory processes in the country, through an international presence that offers support to protect and extend the workspace of individuals, organisations and other social initiatives that face repression for their work defending human rights.

INTERNATIONAL ACCOMPANIMENT

Our international accompaniment and observation work is based on three principles:

NON VIOLENCE – we accompany individuals, organisations and other social initiatives that peacefully defend human rights.

NON PARTISANSHIP – PBI is independent of political and economic powers. We maintain working relationships with the different parties involved in the conflict, such as social organisations and public authorities.

NON INTERFERENCE – we respect the autonomy of organisations. We accompany human rights defenders without interfering in their decision-making processes.

INTERNATIONAL ACCOMPANIMENT FOR THE PROTECTION OF HUMAN RIGHTS IS CARRIED OUT THROUGH:

PHYSICAL PRESENCE we visit the headquarters of accompanied organisations and communities – we also attend public events and meetings when they request it.

MEETINGS WITH AUTHORITIES we explain our work to local, district, national and international authorities. We express concern over attacks against the individuals, organisations and social initiatives that we accompany.

DISSEMINATION OF INFORMATION we send information to our support network within and outside the country, in order to raise awareness on the reality for human rights defenders.



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