



Protection of human rights defenders in Honduras

Submission to the 22nd session of the
Universal Periodic Review Working Group of the Human Rights Council

Established in 1998 as Peace Brigades International European Office, since 2007 Protection International (PI) is an international, non-profit organisation that brings protection strategies and security management tools to human rights defenders at risk. While working globally, PI adopts a local approach: focusing on the specific challenges and needs of human rights defenders in their own contexts. To this end PI operates protection desks in several countries in Africa, Asia and Latin America, and has been working in Honduras since 2010.

I. Introduction

1. Protection International envisions a world where human rights and fundamental freedoms are universally recognized and respected, and where everyone has the right to defend these rights and freedoms without fear of threats or attack. This submission focuses on the situation of human rights defenders in Honduras between 2010-14 and the recent development of a public policy for human rights defenders' protection and in particular of a proposed legislative framework.

II. Situation of human rights defenders

2. In November 2010, during the Universal Periodic Review of the Human Rights Council the State of Honduras received 12 recommendations related to human rights defenders (HRDs), six of which involved ensuring effective protection of HRDs against attacks.¹

3. The former United Nations (UN) Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, visited Honduras in February 2012 and observed that "human rights defenders and their families continue to be vulnerable to extrajudicial executions, enforced disappearance, torture and ill-treatment, arbitrary arrest and detention, death threats, attacks, surveillance, harassment, stigmatization, displacement and enforced exile. Their offices are raided and information files stolen. Their rights to freedom of expression, peaceful assembly and association are often unlawfully restricted."²

4. The UN Special Rapporteur recommended that the State of Honduras establish a clear State policy on human rights defenders and the adoption 'in full consultation with civil society' of a legal framework for the protection of defenders at risk.³

5. The Inter-American Court of Human Rights in the case *Carlos Luna López v. Honduras* (2013) recommended to the State of Honduras to "implement, within a reasonable time, an effective public policy for the protection of human rights defenders"⁴ that would take into account specific criteria such as: the formulation of protection standards in consultation with civil society and HRDs; establishment of a comprehensive and inter-institutional protection program; adoption of specially tailored protection measures; creation of a risk-analysis model that would effectively assess risk as well as the protection needs of each defender or group; creation of an information management system and allocation of sufficient human and financial resources; and the promotion of a culture that legitimizes and protects the work of human rights defenders.⁵

6. In its most recent Annual Report, the Inter-American Commission on Human Rights (IACHR) expressed its concern about the risks faced by human rights defenders in Honduras; namely citing the persistence of attacks, assassinations, death threats, harassment and the raids and robberies of HRDs' offices.⁶

1 UPR database: http://www.upr-info.org/database/index.php?limit=0&f_SUR=5-21-22-52-53-58-62-79-80-83-87-102-147-156&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&issueFilterType=OR&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly

2 The United Nations Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Mission to Honduras Doc A/HRC/22/47/Add.1 at 65. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/187/45/PDF/G1218745.pdf?OpenElement>

3 *ibidem* at 132

4 Inter-American Court of Human Rights, in *Luna López v. Honduras* Judgment of October 10, 2013 (Merits, Reparations And Costs), at 265 (10)

5 *Ibidem* at 243-44 These minimum standards are based on the expert advice (*peritaje*) to the Court of Enrique Eguren, President of the Board of Protection International.

6 Inter-American Commission on Human Rights, Annual Report 2013, at 235, 239 and 367

7. On 28 October 2013, Honduran State representatives attended a public hearing before the IACHR in Washington D.C. Here, participating civil society organisations criticised the State of Honduras for its failure to implement sufficient protection measures for human rights defenders at risk and, in order to establish a mechanism that effectively protects human rights defenders, called upon national authorities to initiate an open dialogue on the draft “Law on Protection for Human Rights Defenders, Journalists, and Justice Workers” (Proyecto de Ley de Protección para las y los Defensores de derechos humanos, periodistas, comunicadores sociales y operadores de Justicia), which had been presented to the national Congress in August 2013.⁷

III. State Response

8. The draft law for the protection of HRDs, journalists and justice workers was approved in a first reading by Honduran National Congress on June 4th 2014 and its second reading concluded on August 6th 2014.⁸

9. Still, this draft law presented various limitations and loopholes. This is why, pending its third reading, local civil society – with the support of international non-governmental organisations – insisted on a more thorough review of the draft law with Legislative and Executive branches. This to prevent adopting a legislation that falls short of effectively protecting human rights defenders through mechanisms that are in line with international standards and best practices.

10. The State of Honduras responded positively, and engaged in a comprehensive consultation process with civil society and different beneficiaries throughout the country. The result was a revised draft which incorporated international standards and known best practices related to HRDs protection.⁹ The third and last reading of the law is still pending at the time of writing this submission.

IV. Recommendations to the State of Honduras

11. In order to honor their commendable efforts and ensure greater participation and adherence to international standards national authorities should consider the following when discussing and adopting the draft ‘Law on Protection for Human Rights Defenders, Journalists, and Justice Workers’:

- Further develop a public policy to protect human rights defenders, including effective preventive measures and coordination with authorities in charge of investigations of violations against human rights defenders.
- Ensure the full participation of human rights defenders, civil society organizations and experts when formulating all secondary legislation and operational protocols related to the draft law.
- Explicitly recognise the right to defend human rights.
- Ensure independence of the national protection mechanism and coordination of participating governmental institutions by the Secretary of State through its Offices of Human Rights, Justice, Interior and Decentralization (Despachos de Derechos Humanos, Justicia, Gobernación y Descentralización).
- Adopt a risk-analysis model based on predefined criteria that conform to best practices concerning risk assessment and identifying protection needs.
- Adopt measures that appropriately address the specific risks of a given situation and further develop tools for the protection of collective beneficiaries and bodies.
- Provide capacity building and adequate training to all stakeholders involved and in particular to police forces working to enforce the protection mechanism.
- Ensure informed consent of all beneficiaries when adopting protective measures.
- Allocate sufficient financial resources to governmental entities involved in the law’s implementation.
- Establish transparent and clear coordination mechanisms with the Inter-American Human Rights System emphasizing that the local protection mechanism cannot revoke or substitute granted protection measures.

7 <http://protectioninternational.org/2013/11/02/honduras-does-not-protect-human-rights-defenders/>

8 <http://conexihon.hn/site/noticia/libertad-de-expresion/congreso-nacional-aprueba-en-segundo-debate-ley-de-proteccion>

9 <http://protectioninternational.org/2014/08/11/protection-international-and-cejil-join-efforts-to-pass-law-protecting-human-rights-defenders-in-honduras/>