



Republic of Honduras

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by

**CIVICUS: World Alliance for Citizen Participation,
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Red Latinoamericana y del Caribe para la Democracia

and

Asociación de Organismos No Gubernamentales

**CIVICUS: World Alliance for Citizen
Participation**

Inés M. Pousadela, ines.pousadela@civicus.org
Susan Wilding, susan.wilding@civicus.org

Tel: +41 22 733 3435
Web: www.civicus.org

**Red Latinoamericana y del Caribe para la
Democracia (REDLAD)**

Ángela Rodríguez, marianrodriguezg43@gmail.com

**Asociación de Organismos no Gubernamentales
(ASONOG)**

José Ramón Ávila, direccion@asonog.hn

1. Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in 180 countries.
- 1.2 The Latin American and Caribbean Network for Democracy (REDLAD) is a civil society platform with more than 200 members and allies in Latin America and the Caribbean. REDLAD promotes democracy, human rights, sustainable development and citizen integration in the Americas.
- 1.3 The Association of Non-Governmental Organizations (ASONOG) is a network of CSOs working to build new models of social development and democracy in Honduras, on the basis of human rights values.
- 1.4 In this document, CIVICUS, REDLAD and ASONOG examine the Government of Honduras' compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse the actions and policies undertaken by the Government of Honduras regarding the fulfilment of the rights to the freedoms of association, peaceful assembly and expression and the situation of human rights defenders (HRDs) since its previous UPR review in May 2015. We assess the implementation of the recommendations received by Honduras during the 2nd UPR cycle relating to these issues and offer follow-up recommendations.
- 1.5 During the 2nd UPR cycle, the Government of Honduras received 30 recommendations pertaining to the space for civil society – civic space – of which it supported 29. An evaluation of legal sources and documentation summarised in the following sections, however, demonstrates that it has fully implemented only three of them, while partially implementing eight and leaving 19 unimplemented. Although it established a protection mechanism for HRDs and journalists, it failed to ensure its effectiveness. Nor has enough progress been made in the investigation and punishment of those responsible for attacks and crimes against HRDs, and a legal vacuum persists regarding the accountability of the security forces for abuses committed against peaceful protesters.
- 1.6 We are particularly worried by the criminalisation and repression of protests, a longstanding phenomenon that particularly affects students and land and environmental HRDs and that intensified in the aftermath of the disputed November 2017 elections. Persistently high levels of violence make Honduras one of the most dangerous countries in the world for HRDs and journalists, and particularly for those who denounce corruption and the impacts of extractive megaprojects.
- 1.7 As a result of these restrictions, the CIVICUS Monitor currently rates civic space in Honduras as repressed.¹
- 1.8 This report examines the implementation of the recommendations received by the Government of Honduras in the 2nd UPR cycle and its compliance with international standards regarding the freedom of association (section 2), the protection of HRDs and journalists (section 3), the freedom of expression, media independence and

¹ CIVICUS Monitor: Honduras, <https://monitor.civicus.org/country/honduras>. In early 2018 Honduras was added to the CIVICUS Monitor's Watch List due to the severe and sudden decline of the quality of its civic space.

access to information (section 4) and the freedom of peaceful assembly (section 5). Section 6 offers recommendations to address the concerns raised above. The annex lists the recommendations received by Honduras in the 2nd UPR cycle that are referenced in this document.

2. Freedom of association

- 2.1 During its evaluation under the 2nd UPR cycle, Honduras did not receive any specific recommendations on the right to the freedom of association and the creation of an enabling environment for CSOs. However, as evidenced below, the government introduced significant improvements in the regulatory framework for civil society.
- 2.2 Article 78 of the Constitution of Honduras enshrines the freedom of association as long as its exercise does not contradict “public order and good customs.”² Article 302 adds that citizens may “freely associate, establish Federations and Confederations” with the exclusive aim of “seeking the improvement and development of communities.” Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Honduras is a state party, also guarantees the freedom of association. However, the Honduran Labour Code restricts workers’ freedom of association. Additionally, the enjoyment of this freedom by activists working on politically sensitive issues is limited in practice due to stigmatisation, criminalisation and harassment.
- 2.3 The so-called Ley ONG-D, passed in 2011 and regulated in 2013, establishes conditions for the registration and operation of CSOs aligned with international standards.³ The law facilitates the registration process and prevents the exercise of excessive discretion by the authorities. In 2016, Agreement No. 441-2016 established a simple and economical online registration procedure and enabled each organisation to establish its own form of governance and administration.⁴ In 2018, a ‘one-stop shop’ office opened, specialising in CSO registration and offering support programmes for vulnerable groups. Additionally, changes were introduced in the management of the much-questioned Unit for the Registration and Monitoring of Civil Associations (URSAC).⁵
- 2.4 In addition, the regulatory framework that used to tax all CSO activities on the same basis as for-profit companies, which made many organisations unsustainable, has been reformed. The new Tax Code, drafted in agreement with civil society and in force since January 2017, establishes a single tax band and gives CSOs the same treatment

² Political Constitution of Honduras, <https://bit.ly/1XX1ut6>.

³ Ley Especial de Fomento de las Organizaciones No Gubernamentales de Desarrollo, 2011, <https://bit.ly/2msEGLr>; Reglamento de la Ley Especial de Fomento de las Organizaciones No Gubernamentales de Desarrollo, Acuerdo Ejecutivo No. 65-2013, <https://bit.ly/2mONzJ6>.

⁴ Procedimiento para presentación, inscripción y registro de información referente a Asociaciones Civiles, Acuerdo No. 441-2016, <https://bit.ly/2kMih8C>. See also ‘Civic Freedom Monitor: Honduras’, International Center for Not-for-Profit Law, <https://bit.ly/2mXbYzY>.

⁵ In 2019 URSAC was renamed Direction of Civil Associations’ Regulation, Registration and Monitoring (Dirección de Regulación, Registro y Seguimiento de Asociaciones Civiles, DIRRSAC).

as churches, thereby recognising their not-for-profit nature. Procedures for requesting tax and customs exemptions for CSOs were also simplified.⁶

- 2.5** However, despite these positive legal changes, the work of CSOs continued to be undermined by extra-legal factors such as stigmatisation and defamation by politically powerful actors.⁷ For instance, in February 2018 the director of the Interior Ministry's Departmental Regime publicly accused two CSOs of promoting destabilisation actions, which in his opinion would justify the suspension of their legal status; according to civil society sources, these organisations were attacked due to their opposition to a mining project in which several prominent politicians had business interests.⁸ Action by indigenous people's rights, environmental and land rights defenders, as well as students and LGBTQI HRDs, is also hampered through criminalisation, criminal prosecution, harassment and surveillance, as detailed in the following section.
- 2.6** Workers face severe obstacles when trying to exercise their freedom of association. According to the International Trade Union Confederation (ITUC), Honduran law prohibits anti-union discrimination but does not provide adequate measures to protect union freedom. The Labour Code (art. 475) establishes a minimum number of 30 workers to form a union, which ITUC considers to be excessive, prohibits the existence of more than one union within the same company or institution (art. 472) and restricts the collective bargaining rights of certain public employees (arts. 534 and 536). In addition, workers in agricultural or livestock establishments with fewer than 10 employees are excluded from the Labour Code's jurisdiction, and therefore its rights and protections.⁹

3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

- 3.1** During its previous UPR examination, Honduras received 27 recommendations regarding the protection of HRDs and journalists. The government supported them all, although it considered that 17 of them had already been implemented or were in the process of implementation. Among other recommendations, the government committed to "ensure that a robust law protecting human rights defenders, journalists and justice officials is adopted and effectively implemented and that its impact is regularly assessed" (124.56) and to "promptly and impartially investigate any allegations of violence or reprisals against journalists and human rights defenders and ensure that perpetrators are held accountable" (125.48). Three out of 27 recommendations were fully implemented, while eight were only partially implemented and 16 were not implemented at all. As discussed in this section, the government passed a law as a result of which it established an official protection mechanism for HRDs and journalists, but it has failed to guarantee their effective

⁶ Decree No. 170-2016, Código Tributario, <https://bit.ly/2mpM5lo>; 'Código Tributario es socializado con empresarios y sociedad civil', La Prensa, 5 January 2016, <https://bit.ly/2kufJeZ>; 'Código Tributario entrará en vigor el 1 de enero de 2017', La Prensa, 20 July 2016, <https://bit.ly/2mtnZN4>.

⁷ 'Espacio de Acción de la Sociedad Civil en Honduras', Peace Watch Switzerland, 2017, <https://bit.ly/2msAj04>.

⁸ 'Ministerio del Interior amenaza con suspender personería jurídica a ONGs que promuevan conflictos', Radio América, 3 February 2018, <https://bit.ly/2m8hezO>; 'Régimen de JOH amenaza con suspender personería jurídica a ONGs que defienden al pueblo', Criterio, 4 February 2018, <https://bit.ly/2ks8AvG>.

⁹ Honduran Labour Code, <https://bit.ly/2m8QKhE>; 'Informe sobre las violaciones de los derechos sindicales – Honduras', ITUC, <https://bit.ly/2m8hGOW>.

protection or to make substantial progress in its fight against impunity, which continued to feed violence against HRDs and journalists.

- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to adopt measures to protect HRDs, and the ICCPR guarantees their freedoms of association, peaceful assembly and expression. However, in Honduras, both state and non-state actors frequently attack, intimidate and judicially harass HRDs and journalists. Land rights defenders, students and trade unionists are particularly targeted. Most attacks against them remain unpunished and defenders at risk continue to lack effective protection.¹⁰
- 3.3** A Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators was passed in May 2015 and regulated in August 2016. Under this law, a National System of Protection (SNP) was created in 2017.¹¹ A Prosecutor for Human Rights Protection was also established, an initiative warmly greeted by the Inter-American Commission on Human Rights (IACHR). The IACHR, however, also pointed out “deficiencies in the design and implementation of physical protection measures, the lack of transparency and sufficient motivation behind the decisions taken, insufficient resources and the absence of a comprehensive and differentiated approach to the problem, which vastly exceeds physical protection.”¹² Following the establishment of the SNP, which has been criticised for its emphasis on police-type protection and its low budget, the safety issues faced by HRDs and journalists do not appear to have diminished, largely because the underlying impunity has not been addressed.¹³
- 3.4** The situation of indigenous, environmental and land rights HRDs remained critical, as evidenced by the brutal murder of Berta Cáceres in March 2016. Berta, the co-founder of the Civic Council of Popular and Indigenous Organisations of Honduras (COPINH), led struggles against a hydroelectric dam project that threatened to flood indigenous lands and displace the local population. Berta had repeatedly denounced collusion between powerful economic and political interests; as a result, she had been judicially harassed and suffered an escalation of intimidatory acts and aggressions that eventually led to her murder. As a woman HRD, she faced additional risks associated with her gender, such as rape threats and acts of intimidation directed against her family members, including her children, in an attempt to make her quit her work.
- 3.5** Given the high profile of the case, the probe of Berta Cáceres’ murder experienced greater progress than most; however, advances were still slow and insufficient, and the investigation was plagued by irregularities. More than a year after the murder, the Attorney General's Office refused to attend a meeting convened by the IACHR, and the

¹⁰ ‘Urgent Action Update: Human Rights Defenders Under Attack’, Amnesty International, 18 January 2018, <https://bit.ly/2ktYISa>.

¹¹ Ley de Protección para las y los Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales, y Operadores de Justicia, y su reglamento, <https://bit.ly/2kuiPzD>; Secretaría de Derechos Humanos, Gobierno de la República de Honduras, Sistema Nacional de Protección, <https://bit.ly/2muwli0>.

¹² ‘Observaciones preliminares de la visita de la CIDH a Honduras’, IACHR, 3 August 2018, <https://bit.ly/2FQrh3T>.

¹³ Following a country visit in 2018, the UN Special Rapporteur on the situation of human rights defenders reported that up to May that year the protection system had issued 1,121 protection measures to 211 people. However, the mechanism did not meet expectations since, among other issues, police protection created distrust among CSOs that continued to identify the security forces as major perpetrators of human rights violations and attacks against HRDs. Additionally, even after a substantial increase in 2018, the protection system’s budget remained insufficient to meet the enormous demand. See ‘Informe del Relator Especial sobre la situación de los defensores de los derechos humanos’, United Nations, 11 January 2019, <https://bit.ly/2n28ADl>.

preliminary hearing of the case only took place in June 2017.¹⁴ In October 2017, the International Advisory Group of Experts (GAIPE) issued its final report, which concluded that the Attorney General's Office had sufficient information to determine responsibilities for Berta's death. It also noted the existence of a criminal network that included public officials, illegal armed actors and members of a private company, which allegedly planned the murder together.¹⁵ In November 2017, two police officers were arrested and accused of manipulating evidence at the outset of the investigation. In March 2018, the Executive President of Desarrollos Energéticos S.A. (DESA), the company building the dams to which COPINH objected, was arrested as the intellectual author of the murder.¹⁶ Meanwhile, attacks against COPINH did not subside: in June 2017, Berta's daughter, Berta Zúñiga Cáceres, and two additional COPINH members were attacked; they managed to escape unharmed and one of the suspects for the attack was arrested.¹⁷ In July 2019, COPINH leader Rosalina Domínguez and a colleague were attacked with machetes by former DESA employees; they also managed to escape.¹⁸

- 3.6** Honduras continues to be one of the deadliest countries in the world for environmental activism.¹⁹ Two additional COPINH activists, Lesbia Yaneth Urquía and Nelson García, were killed in 2016 and 2017.²⁰ In September 2017, a peasant leader, José Alfredo Rodríguez, was killed due to his involvement in a land conflict involving a private company; according to local witnesses his attackers were members of the armed forces. The following month Silvino Zapata Martínez, a leader of the Garífuna black indigenous community was killed; he had been active in mobilising the community against the construction of a hydroelectric plant.²¹ In February 2019, Salomón Matute and his son, members of a Tolupan indigenous community and of the Broad Movement for Dignity and Justice (MADJ) were killed.²² Human rights lawyers, including Carlos Hernández, the legal representative of a

¹⁴ 'CIDH pide acelerar investigación de asesinato de Berta Cáceres', Criterio, 19 May 2017, <https://bit.ly/2m8TonB>; 'Llamado a las organizaciones nacionales e internacionales. Audiencia preliminar Caso Berta Cáceres', COPINH, 6 June 2017, <https://bit.ly/2kWIMJx>.

¹⁵ 'Investigación independiente demuestra involucramiento de altas autoridades en asesinato de Berta Cáceres', GAIPE, 31 October 2017, <https://bit.ly/2kzeSda>.

¹⁶ 'Policías alteran investigación de asesinato de Berta Cáceres', DW, 20 November 2017, <https://bit.ly/2mvetsV>; 'Arrestan directivo de DESA e implicado en el crimen de Berta', Confidencial, 2 March 2018, <https://bit.ly/2m6oQmM>.

¹⁷ 'Ataque e intento de asesinato de Berta Zúñiga Cáceres y otros miembros del COPINH', Front Line Defenders, 4 July 2017, <https://bit.ly/2xEabAe>; 'Honduras detienen a sospechoso de atentar contra la hija de la activista Berta Cáceres', Nodal, 7 July 2017, <https://bit.ly/2iR87Sq>; 'CIDH condena el ataque contra defensores de derechos humanos Berta Zúñiga Cáceres, Sotero Chavarría y Asunción Martínez en Honduras', IACHR, 25 July 2017, <https://bit.ly/2mrAdFP>.

¹⁸ 'ALERTA: 'Esta es bruja igual a Berta': la amenaza contra la indígena Lenca Rosalina Domínguez', Centro de estudio para la Democracia, 1 August 2019, <https://bit.ly/2mtOou7>.

¹⁹ In 2017 Global Witness named Honduras as the country with the highest number of murders per capita for this category of HRDs around the world. See 'Defender la tierra', Global Witness, 2017, <https://bit.ly/2sU6qUC>.

²⁰ 'Asesinada en Honduras otra dirigente ecologista, compañera de Berta Cáceres', El País, 8 July 2016, <https://bit.ly/2mOpfXR>; 'Nelson García vive, COPINH sigue', COPINH, 15 March 2017, <https://bit.ly/2kZW8Uj>.

²¹ 'Asesinan en Honduras a campesino en zona de conflictos por tierras', Radio América, 21 September 2017, <https://bit.ly/2kxjBvV>; 'Asesinan a campesino en el Bajo Aguán', La Tribuna, 21 September 2017, <https://bit.ly/2m7grza>; 'Exigimos investigación exhaustiva sobre asesinato del líder Garífuna Silvino Zapata Martínez', Honduran Black Fraternal Organisation (OFRANEH), 16 October 2017, <https://bit.ly/2kpXebw>.

²² Salomón Matute had been the beneficiary of precautionary measures issued by the IACHR since December 2013. See 'CIDH repudia asesinato de indígena tolupán beneficiario de medidas cautelares, y su hijo, en Honduras', Organization of American States (OAS), 1 March 2019, <https://bit.ly/2kKK89b>.

mayor criminalised for protecting a river from environmental damage caused by a hydroelectric plant, were also victims of lethal violence.²³

- 3.7** In addition to physical violence, HRDs face other challenges, such as arrests on fabricated charges, including illegal possession of weapons, damage, aggravated arson, illicit association and theft, and even ‘impeding forest management plans’²⁴ and ‘usurpation’ of their own ancestral territories;²⁵ travel bans and other restrictions of their freedom of movement for the duration of the proceedings against them; defamation lawsuits, often initiated by the companies whose operations they denounce;²⁶ smear campaigns on social media;²⁷ threats and acts of sabotage, for instance against their vehicles, which makes it difficult for them to continue visiting the remote communities they work with;²⁸ illegal searches of their homes;²⁹ and illegal surveillance.
- 3.8** Concern about illegal surveillance increased in February 2018, when The Guardian newspaper reported that the Honduran government had purchased surveillance technology on the eve of the 2017 elections. The software would allow for the monitoring of messages sent through WhatsApp, emails and social media activity.³⁰
- 3.9** LGBTQI HRDs are also frequently attacked. The LGBTQI organisation Arcoíris reported 21 attacks and five murders between July 2015 and January 2016. In June 2016, René Martínez, a renowned LGBTQI activist, was reported missing and was later found dead in San Pedro Sula.³¹ In July 2017 David Valle of Somos CDC, a CSO, was stabbed but managed to survive. More recently, in July 2019, trans activist Bessy Ferrera, a member of Arcoíris, was murdered.³²

²³ Hernández was murdered in April 2018. See ‘Asesinan a abogado de alcalde de Arizona, acusado por defender el río Jilamito en Atlántida’, Movimiento M4, 12 April 2018, <https://bit.ly/2mtKa5J>.

²⁴ Comité de Familiares de Detenidos Desaparecidos en Honduras, <https://bit.ly/2kxviXp>; ‘#AlertaDefensoras HONDURAS / Criminalización contra Lourdes Gómez y otras 31 personas defensoras de los bienes comunes en Tocoa’, IM-Defensoras, 23 February 2019, <https://bit.ly/2m8Grdq>; ‘Más de 100 organizaciones condenamos la criminalización de nueve indígenas tolupanes en San Francisco Locomapa’, Center for Justice and International Law, 24 June 2019, <https://bit.ly/2YdYTja>.

²⁵ See the cases of César Geovany Bernárdez, director of OFRANEH, the community leaders of the Regional Agricultural Platform of the Aguán Valley and the peasants of the Central de Trabajadores del Campo, acquitted in September 2019 after five years of criminalisation, among others. See ‘#AlertaDefensoras HONDURAS / Criminalización y orden de captura contra integrantes de la Plataforma Agraria Regional del Valle del Aguán’, IM-Defensoras, 30 April 2017, <https://bit.ly/2kxjm3Z>; ‘Defensor territorial Garífuna detenido por usurpación de su territorio ancestral’, OFRANEH, 19 May 2017, <https://bit.ly/2kpWRxE>; ‘Audiencia caso ‘La Jarcia’, comunidad indígena Lenca miembro del COPINH’, COPINH, 19 June 2017, <https://bit.ly/2m0Cyak>; MADJ, <https://bit.ly/2mmiYWm>; ‘Absueltos 13 campesinos y campesinas acusados de usurpación en el norte de Honduras’, MADJ, 20 September 2019, <https://bit.ly/2kpX5ou>.

²⁶ For example, in July 2017 several leaders and members of the Afro-descendant organisation OFRANEH were sued for defamation by representatives of a company that intended to build a tourism project on land that belonged to their community. See ‘#AlertaDefensoras HONDURAS / Criminalización de defensoras garífunas del territorio integrantes de OFRANEH’, IM-Defensoras, 6 August 2017, <https://bit.ly/2wEY6JZ>.

²⁷ ‘Se reactivan los ataques por redes sociales a defensores y periodistas’, C-Libre, 22 May 2018, <https://bit.ly/2kXnSJa>.

²⁸ ‘Hedme Castro’s car tyres punctured’, Front Line Defenders, 7 April 2017, <https://bit.ly/2kxspBW>; ‘Honduras: ADEPZA denuncia nuevos ataques contra el defensor Pedro Canales’, Honduras Tierra Libre, 18 May 2018, <https://bit.ly/2mnuGA3>; ‘#AlertaDefensoras HONDURAS / Amenazan de muerte a Rosalina Domínguez, defensora de la tierra integrante del COPINH’, IM-Defensoras, 2 May 2019, <https://bit.ly/2mvxfQV>.

²⁹ ‘Alerta! Policías allanan sin orden judicial casa de la coordinadora de Mujeres del COPINH’, COPINH, 12 April 2018, <https://bit.ly/2EQJzhU>.

³⁰ The Honduran opposition called on the British government to revoke the licence to use the monitoring technology, arguing that it could have been used to intimidate political activists, HRDs and CSOs. See ‘UK sold spyware to Honduras just before crackdown on election protesters’, The Guardian, 8 February 2018, <https://bit.ly/2sj7jdt>.

³¹ ‘Matan a presidente de la Comunidad Gay en San Pedro Sula’, La Prensa, 3 June 2016, <https://bit.ly/2m6pxfS>.

³² ‘Honduras. Integrantes de la Asociación LGTBI Arcoíris en alto riesgo: PBI’, Kaosenlared, 11 February 2016, <https://bit.ly/2kZir0l>; ‘Attempted murder of David Valle’, Front Line Defenders, 12 July 2017, <https://bit.ly/2kzfAqQ>;

- 3.10** Numerous student leaders, participants in student protests and others linked to the student movement have also suffered aggression and lethal violence. In June 2017, Roberto Antonio Gomez, father of student activist Andy Gómez Jerónimo and an active voice in denouncing the repression of student protests, was killed in Tegucigalpa. The following month Luis Rivera Perdomo, a student leader at the National Autonomous University of Honduras (UNAH) was also killed.³³
- 3.11** Union leaders and activists are also targeted. Between January 2015 and February 2019 alone, the Trade Union Network Against Trade Union Violence documented more than 100 cases of anti-union violence, ranging from criminalisation to murder. According to this study, 77 per cent of the cases were linked to agribusiness.³⁴ A high-profile case was that of brothers Moisés and Misael Sánchez, respectively secretary general and member of the Agribusiness Workers Union, who were attacked with machetes after leaving the union's office and threatened with an escalation of aggression if they continued their union activity.³⁵
- 3.12** Journalists, and particularly those reporting on protests, organised crime, corruption, extractive projects and human rights abuses, experience frequent threats, intimidation and attacks from both state and non-state actors.³⁶ Sometimes they are forced to flee the country.³⁷ Cases have been reported of journalists being kidnapped,³⁸ subjected to smear campaigns from the public podium and on social media,³⁹ having their documents stolen,⁴⁰ receiving undue pressures to cover official candidates or to not broadcast compromising images and being laid off for adopting critical positions.⁴¹ Cases of journalists being arrested while reporting on protests also abound.⁴²

'Asesinato de Bessy Ferrera, defensora LDTBI+, integrante de la asociación Arcoiris', Voces Defensoras, <https://bit.ly/2kxHDXC>.

³³ Perdomo had received numerous threats that continued to arrive even after his death, forcing his family to leave their home. See 'Father of human rights defender killed amidst wave of repression against student movement', Front Line Defenders, 30 June 2017, <https://bit.ly/2mODH22>; 'Honduras: Asesinato del Sr. Luis Joel Rivera Perdomo, estudiante miembro del movimiento estudiantil de la UNAH', International Federation for Human Rights, 21 July 2017, <https://bit.ly/2kXQD8C>.

³⁴ More specifically, violence was often linked to subsectors such as the that of African palm oil extraction in the Aguán Valley, where workers were organising unions. See 'Sindicalistas y miembros de la comunidad LGTBI de Honduras son víctimas de diversas violaciones', Criterio, 21 August 2019, <https://bit.ly/2m6rclC>.

³⁵ The IACHR ordered the government to protect the threatened trade unionists. See 'Honduran workers' rights activists face rising violence', Equal Times, 1 May 2017, <https://bit.ly/2kWDUwo>; 'CIDH condena ataque contra sindicalistas en Honduras', IACHR, 1 May 2017, <https://bit.ly/2muA44A>.

³⁶ 'Honduras: Periodista denuncia amenazas de muerte a través de mensaje de Facebook', IFEX, 25 April 2018, <https://bit.ly/2m2he4y>; 'Amenazas a periodista por informar sobre la 'privatización del sistema de salud'', C-Libre, 26 August 2018, <https://bit.ly/2kWEyR1>.

³⁷ This was the case with Bictor Ruiz Hernandez, who left the country in February 2018, a year after receiving death threats, given the insufficient protection measures offered by the state mechanism. Shortly after his departure, his family's house was attacked. See 'Periodista se refugia en Estados Unidos tras graves amenazas en Honduras', C-Libre, 12 February 2018, <https://bit.ly/2mpSKCo>.

³⁸ Víctor Manuel Pineda, host of the television show 'Sin Tabu' and candidate for the National Assembly, was kidnapped in August 2017 and held captive for more than a month. See 'Liberan al periodista y diputado Víctor Manuel Pineda', Criterio, 23 September 2017, <https://bit.ly/2ytkYNI>.

³⁹ 'Se reactivan los ataques por redes sociales a defensores y periodistas', C-Libre, 22 May 2018, <https://bit.ly/2kXnSJa>.

⁴⁰ 'Manipulan cámara de seguridad de canal de TV y sustraen documentos del interior del vehículo de periodista', C-Libre, 22 May 2018, <https://bit.ly/2m1RgOI>.

⁴¹ 'Periodista Cesia Mejía confirma su despido de TSI', Criterio, 20 May 2018, <https://bit.ly/2kWUy5g>.

⁴² Repression is also frequently exercised against activists who film the repression of protests, as was the case with Norberto López during the violent eviction of the Camp in Defence of Water and Life, set up outside the El Progreso hydroelectric power plant. See 'Policías detienen a defensor que grababa represión a ciudadanos' C-Libre, 6 May 2018, <https://bit.ly/2mnuI4z>. See two additional examples: 'Periodista hondureño es detenido el día del periodista', C-Libre, 25

3.13 According to the National Commissioner for Human Rights (CONADEH), between 2001 and 2017 there were 69 documented cases of murdered media workers, 91 per cent of which went unpunished.⁴³ The IACHR, meanwhile, recorded 18 murders between 2014 and 2018.⁴⁴ Among the most recent murders were those of TV anchors Osmin España and William Flores and camera operator Carlos Oveniel Lara.⁴⁵ In many cases, those killed had previously received repeated threats. Demonstrating the link between aggression and journalistic work is particularly difficult in Honduras, the country with the highest homicide rate in the world. The perpetrators of these crimes are rarely brought to justice, and the prevailing impunity only feeds the violence.

3.14 Violence intensified around the November 2017 elections. Weeks before the polls, three activists from opposition parties were killed.⁴⁶ After the election, attacks against HRDs increased. The Coalition Against Impunity documented 64 cases of attacks between 26 November 2017 and 23 January 2018.⁴⁷ Among others, a young activist, Wilmer Paredes, who had requested protective measures, was murdered on 1 January 2018. Days later, opposition activist Santos Alvarado was also killed. On 20 January 2018, two MADJ members, Ramón Fiallos and Geovanny Díaz, were murdered in separate incidents, by police officers, according to eyewitnesses.⁴⁸ In retaliation for his alleged role in promoting protests, the national police lifted protection measures issued on behalf of journalist Jairo López, who was under threat for reporting on corruption cases.⁴⁹

4. Freedom of expression, independence of the media and access to information

4.1 In the 2nd UPR cycle, Honduras received four recommendations regarding the freedom of expression and access to information. The government supported the

May 2017, <https://bit.ly/2kMTGR7>; 'Periodista detenido por militares durante cobertura: 'informativa'', C-Libre, 12 December 2017, <https://bit.ly/2kWOOZz>.

⁴³ 'Impune el 91% de los crímenes cometidos contra personas ligadas a medios de comunicación', CONADEH, 2 May 2017, <https://bit.ly/2p5GcvL>.

⁴⁴ 'Observaciones preliminares de la visita de la CIDH a Honduras', IACHR, 3 August 2018, <https://bit.ly/2FQrh3T>.

⁴⁵ 'Asesinan a comunicador en Omoa Cortes', C-Libre, 13 September 2017, <https://bit.ly/2m48gDR>; 'Relatoría Especial condena asesinato del periodista Carlos William Flores en Honduras e insta a investigar relación con su actividad periodística', OAS, 19 September 2017, <https://bit.ly/2kMSNbf>; 'Copán: Un detenido por crimen de Osmin España; investigan causa pasional', Tiempo Digital, 5 October 2017, <https://bit.ly/2muvpQ9>; 'Camarógrafo asesinado en La Entrada había sido amenazado', La Prensa, 23 October 2017, <https://bit.ly/2m7hPBQ>. Many other media workers, such as camera operator René Alberto Ortega, shot in May 2017, suffered serious but non-fatal attacks. See 'CONADEH pide medidas de protección para camarógrafo víctima de atentado', CONADEH, 7 June 2017, <https://bit.ly/2m48nPN>.

⁴⁶ These were Isli Raquel Portillo, of the Liberal Party, murdered on 20 October 2017, and José Mario Discua and José Gonzalo Castillo, of the Free Party, murdered the next day. See 'Asesinan a mujer activista del Partido Liberal en La Ceiba, al norte de Honduras', El Heraldo, 21 November 2017, <https://bit.ly/2zWBPfj>; 'Matan a dos activistas de la Alianza de Oposición', La Prensa, 22 November 2017, <https://bit.ly/2m22Ysy>.

⁴⁷ 'Honduras: Monitoreo de violaciones de derechos humanos en la coyuntura del fraude electoral', Coalición Contra la Impunidad Honduras, <https://bit.ly/2m245Zg>; 'Urgent Action: Human Rights Defenders Under Attack', Amnesty International, op. cit.

⁴⁸ Wilmer Paredes, HRD Memorial, <https://bit.ly/2kZmlg9>; 'Asesinan en Honduras a maestro y militante del partido LIBRE', TelesurTV, 9 January 2018, <https://bit.ly/2m8cCtv>; '#Alerta: Peligrosa campaña de odio y desprestigio en contra de Martín Fernández y Víctor Fernández, liderazgos del MADJ', MADJ, 15 January 2018, <https://bit.ly/2kshSYA>; 'Noche violenta en Honduras: asesinan a tres opositores y desaparecen a otro', Confidencial, 23 January 2018, <https://bit.ly/2mpW948>; 'Honduras. Pronunciamiento ante los 2 recientes crímenes en contra del Movimiento Amplio por la Dignidad y la Justicia', Resumen Latinoamericano, 24 January 2018, <https://bit.ly/2kZc4Ga>.

⁴⁹ 'Honduras: RSF condena la suspensión de las medidas de protección al periodista Jairo López', Reporteros Sin Fronteras, 13 December 2017, <https://bit.ly/2kXci4l>.

three recommendations that generically demanded the protection of the freedom of expression, while noting the only specific one, which urged it to “amend legislation to decriminalise defamation, slander and libel” (126.10). However, it did not take effective measures to implement any of the recommendations.

- 4.2 Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Articles 72, 73 and 74 of the Constitution of Honduras also enshrine the freedom of expression and the press.⁵⁰ However, article 75 also establishes that “the Law regulating the expression of thought may establish prior censorship to protect the ethical and cultural values of society, as well as the rights of persons, and particularly of children, adolescents and youth.”
- 4.3 The new Criminal Code, enacted in May 2019, maintains the crimes of slander and insult (arts. 229 to 232),⁵¹ which it punishes with fines, and with fines plus imprisonment for cases of slander committed “with publicity,” that is, through any means of dissemination, whether through a gathering of people, traditional media or social networks. It also punishes with fines and imprisonment the “discovery and disclosure of industrial or commercial secrets” (art. 395).⁵² Defamation statutes were have been used by the legal representative of the national police to request that the Public Prosecutor's Office investigate three journalists who reported on alleged links between the police leadership and drug trafficking.⁵³
- 4.4 Honduras has had an Access to Information Law since 2006; however, the right to access information has been restricted by the so-called Law of Official Secrets (2014), which civil society has repeatedly urged to be repealed.⁵⁴ In addition to resulting in the denial of access to information requests,⁵⁵ this law has enabled situations such as the dismissal of the Public Information Access Officer of the National Electric Power Company under the accusation of having provided information about payments to suppliers to a citizen who had requested it through the channels provided by law, on the grounds that this was reserved information.⁵⁶
- 4.5 In February 2018, a draft National Law on Cybersecurity and Protective Measures Against Hate and Discrimination Acts on the Internet and Social Media was submitted to the National Assembly, where it remains under consideration. According to sources in civil society and international organisations, the draft law contradicts current

⁵⁰ Political Constitution of Honduras, op. cit.

⁵¹ In August 2019, the president of the National Congress announced the decision to eliminate crimes against honour from the Criminal Code, a change that was to take effect in November of the same year. See ‘CN eliminará delitos contra el honor del nuevo Código Penal’, Congreso Nacional, 29 August 2019, <https://bit.ly/2n4mBRJ>.

⁵² Criminal Code, 2019, <https://bit.ly/2VHOS0s>.

⁵³ ‘Piden investigar a periodistas para luego querellarlos por reportaje de cúpula policial’, El País, 30 January 2018, <https://bit.ly/2ksmrSl>.

⁵⁴ Ley para la Clasificación de Documentos Relacionados con la Seguridad y Defensa Nacional, 2014, <https://bit.ly/2kNc24q>. This law has been criticised as “an obstacle for the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) to carry out its work” and “a shield for the corrupt”. See ‘Ley de Secretos es un escudo para los corruptos’, Criterio, 10 July 2017; <https://bit.ly/2mvkiXd>; ‘Ley de Secretos debe ser derogada’, ConexiHon, 19 July 2018, <https://bit.ly/2zVWuCa>.

⁵⁵ Consider, for instance, the case of journalist Wendy Funes, whose request for public information on the judicial process against former President Porfirio Lobo for the violent repression of protests in 2011 was rejected by the Public Prosecutor's Office on the grounds that she was not an interested party in the criminal process. See ‘Sub Directora General de Fiscalías niega información de interés público a periodista y parte interesada de caso’, C-Libre, 13 April 2018, <https://bit.ly/2mmvg0W>.

⁵⁶ ‘Gerente de la ENEE despidió a Oficial de Acceso a Información Pública’, C-Libre, 20 October 2017, <https://bit.ly/2kskUMs>.

standards and could result in the criminalisation of critical opinions considered to be offensive by the government.⁵⁷

- 4.6** Article 83 of the Telecommunications Sector Law’s regulation framework empowers the National Telecommunications Commission to shut down media outlets for committing infractions.⁵⁸ As a result, community radio stations are routinely harassed and threatened with the non-renewal of their licences.⁵⁹ The cancellation of television programmes due to political pressures has also been relatively frequent.⁶⁰
- 4.7** As reported by the Inter-American Press Association, the environment worsened in the post-election context, due to fraud allegations and the repression of the ensuing protests. Among newly imposed restrictions were denials of entry authorisations to foreign journalists and the prohibition of local journalists from accessing institutional spaces; sabotage actions designed to prevent radio and television stations from broadcasting, as was the case with Une TV and Radio Progreso; death threats; and physical aggression against journalists covering protests and the destruction of their equipment by security forces.⁶¹ Some reporters covering protests were also injured when the security forces used disproportionate force against demonstrators.⁶²

5. Freedom of peaceful assembly

- 5.1** During the evaluation of Honduras in the 2nd UPR cycle, the government did not receive any specific recommendations on the freedom of assembly, although it did receive three regarding the redefinition of the roles of the security forces in line with human rights standards, two of which it supported. As a result, the government committed to “redefine clearly the role of the military police as a temporary measure and step up the professionalising process of the national police to ensure the protection of human rights in all their work” (124.48). However, as evidenced below,

⁵⁷ ‘Ley que regula el odio en redes sociales pasa en primer debate en el Congreso Nacional’, El Heraldo, 9 February 2018, <https://bit.ly/2m6wH3K>; ‘La SIP pide precaución por regulación sobre redes sociales en Honduras’, Sociedad Interamericana de Prensa (SIP), 14 February 2018, <https://bit.ly/2mvlh1j>; ‘Avanza en el Congreso de Honduras Ley sobre discurso de odio con fuertes incumplimientos a los estándares internacionales de libertad de expresión’, Observacom, 17 April 2018, <https://bit.ly/2kMZM3X>; ‘Organizaciones sociales rechazan proyecto de Ley de ciberseguridad y contra el odio en Internet en Honduras’, Observacom, 20 May 2019, <https://bit.ly/2kKy2gh>.

⁵⁸ ‘Reglamento general de ley marco del sector de telecomunicaciones’, Presidencia de la República de Honduras, 2002, <https://bit.ly/2mYehCz>.

⁵⁹ See for instance the case of OFRANEH: ‘Alerta Defensoras: Amenazan con clausurar la Radio Comunitaria Garífuna Waruguma en Trujillo’, IM-Defensoras, 27 July 2017, <https://bit.ly/2m3Pa0N>; ‘Honduras: Cierre de Radios Comunitaria’, Medio A Medio, 12 August 2017, <https://bit.ly/2mnnqV4>.

⁶⁰ For example, Isaac Calix’s programme on Channel 27, which discussed political and electoral issues that bothered the local mayor, was cancelled in October 2017. The programme of Jackie Bonilla was cancelled shortly after they criticised the president. See ‘Periodista pierde espacio televisivo por presiones de alcalde’, Observatorio de los Periodistas, 10 October 2017, <https://bit.ly/2kq25tg>; ‘Canal 13 cancela arbitrariamente programa a economista Jackeline Bonilla’, Criterio, 28 October 2017, <https://bit.ly/2mvmA8R>.

⁶¹ ‘Honduras: Condena la SIP expulsión y agresiones contra periodistas’, SIP, 7 December 2017, <https://bit.ly/2l05iAb>; ‘Medios hondureños denuncian sabotaje y boicot a transmisiones’, C-Libre, 11 December 2017, <https://bit.ly/2kxVvhY>; ‘Periodista recibe amenazas a muerte tras difundir información político partidaria’, C-Libre, 9 January 2018, <https://bit.ly/2kz6lXE>; ‘Honduras: militares golpean periodistas de UneTV y les destruyen equipo’, Criterio, 12 January 2018, <https://bit.ly/2m8vEjg>; ‘Periodista Rony Martínez denunció ante el MP a militares por ser víctima de sus agresiones’, Tiempo Digital, 16 January 2018, <https://bit.ly/2kZdlap>; ‘Una vez más impiden acceso al Congreso al periodista César Silva’, C-Libre, 23 January 2018, <https://bit.ly/2mmpJaG>; ‘Policía Militar golpea y despoja a periodista de su equipo de trabajo’, C-Libre, 26 March 2018, <https://bit.ly/2m9a0eX>.

⁶² ‘Reportero de HispanTV es agredido por Policía Militar de Honduras’, HispanTV, 20 January 2018, <https://bit.ly/2ku9CY6>.

the civilian population continues to be frequently repressed with excessive and sometimes lethal force when exercising this right.

- 5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. Article 78 of the Honduran Constitution also enshrines this freedom as long as its exercise does not contravene “public order and good customs.”⁶³ Article 79 sets out to establish that the exercise of the freedom of peaceful assembly does not require authorisation, but then specifies that “outdoor meetings and political meetings may be subjected to a special permit regime for the sole purpose of guaranteeing public order.”
- 5.3** Current legislation requires 72-hour advance notification, although it also allows for spontaneous demonstrations. Article 150 of the Electoral Law establishes time and place restrictions for the holding of public meetings and demonstrations by “political parties, alliances or independent candidates.”⁶⁴ For its part, the Police Law authorises the police to “dissolve groups that protest by occupying streets, bridges, roads, buildings and facilities affecting public services when they prevent free circulation or access to them or contradict public order, morals and good customs and damage public and private property,” adding that in such cases, “the employees of private surveillance and security companies, if any, must collaborate with the police”(art. 51). The Police Law also states that demonstrations “must be prohibited when it is considered that they will affect free circulation and the rights of others” (art. 60).⁶⁵
- 5.4** The new Criminal Code maintains broad definitions of “crimes against public order” such as attack (art. 570), disobedience (art. 572), public disorders (art. 573), disruption of order (art. 574), impediments to traffic (art. 576) and terrorism (arts. 587 to 589), as well as crimes related to the convening of or participation in “illegal meetings and demonstrations” (art. 553), which may result in fines and prison sentences.⁶⁶ Civil society has denounced these provisions as tools to criminalise social protest.
- 5.5** The right of workers to protest is also legally restricted. According to the Labour Code, employees of state-owned companies must provide notification six months in advance or have government approval before beginning a strike (art. 558). Additionally, the Labour Code requires a two-thirds majority vote for a union to declare a strike (arts 495 and 563) and requires mandatory arbitration for workers in public services, including non-essential ones (arts. 554, 820 and 826). It also prevents public employees from taking part in solidarity strikes, prevents federations and confederations from calling strikes (art. 537) and empowers the Ministry of Labour and Social Security to end disputes in the area of oil production, refinery, transportation and distribution (art. 555).⁶⁷ It is not uncommon for strikes to be dissolved through violent and abuse-ridden intervention by the security forces, as was the case with the Chiquita strike in 2018.⁶⁸

⁶³ Political Constitution of Honduras, op. cit.

⁶⁴ Ley Electoral y de las Organizaciones Políticas, 2004, <https://bit.ly/2kZfh8H>.

⁶⁵ Ley de Policía y de Convivencia Social, 2001, <https://bit.ly/2kZhYqO>.

⁶⁶ Criminal Code, 2019, op. cit.

⁶⁷ Honduran Labour Code, op. cit.; ITUC, op. cit.

⁶⁸ Chiquita Honduras workers went on strike on banana farms for more than 70 days between December 2017 and March 2018, when they were repressed by hundreds of military personnel. The security forces used live ammunition, threw teargas and tortured several detainees, while the company responded by dismissing more than 100 workers and criminalising strike leaders. See ‘Honduras: La huelga más larga en la empresa que simbolizó las ‘banana republics’’, Plaza Pública, 13 March 2018, <https://bit.ly/2m0xW4g>; ‘Por huelga: Policías desalojan a trabajadores de Chiquita Honduras’, Tiempo Digital, 9

- 5.6** Peaceful demonstrations, particularly by students,⁶⁹ are frequently dissolved with excessive force, typically leading to people being arrested or injured, and occasionally resulting in fatalities.⁷⁰ In a July 2019 statement, the IACHR expressed concern about two such cases of violent repression that took place in June and July of that year.⁷¹ People detained in these protests are usually criminally prosecuted for public disorder, usurpation, attacks, injuries and property damage, and while they are often freed quickly they may remain subject to further restrictions, such as bans on leaving the country, although in cases of recidivism they may also remain in prison.⁷²
- 5.7** Protests by indigenous, peasant and environmental movements also tend to be arbitrarily dissolved and repressed. Protests caused by the unconsented installation of extractive or infrastructure projects are frequently dispersed with teargas and occasionally with live ammunition. In January 2018, for instance, the military police used firearms against members of the Popular Movement for the Defence of the Environment who had occupied the entrance to a dam construction site on the Petacón River.⁷³ These protests often lead to people being injured and arbitrarily detained and subsequently criminalised, and sometimes those detained are tortured and subjected to other forms of ill-treatment.⁷⁴
- 5.8** The most serious episodes of repression during this period occurred in reaction to the mass protests motivated by the allegedly fraudulent results of the November 2017 presidential election. On 1 December 2017, the government declared a state of emergency and the suspension of constitutional guarantees. In this context the security forces operated with increased impunity.⁷⁵ According to a mapping by the Platform of the Social and Popular Movement in Honduras (PMSPH), between 30 November and 17 December 2017 there were at least 323 protests and 32 instances

March 2018, <https://bit.ly/2FG7zJ5>; 'Violento desalojo en transnacional Chiquita Honduras', UNE TV, 9 March 2018, <https://bit.ly/2m462Ev>.

⁶⁹ In recent years, Honduran high school and university students have protested for various reasons, including on issues related to education, against the allegedly fraudulent election results of 2017 and the tightening of legislation on protest, against the criminalisation of the student movement, and in demand of clarification of the murder of Berta Cáceres, among others.

⁷⁰ For some recent examples, see 'Fuerzas policiales pisotean autonomía de la UNAH en nueva represión contra estudiantes', ConexiHon, 2 May 2017, <https://bit.ly/2kzsmWk>; 'Desalojo provoca batalla campal entre estudiantes y policías en la UNAH', El Herald, 16 June 2017, <https://bit.ly/2kZhYqO>; 'Cacería de estudiantes en la UNAH', Criterio, 16 June 2017, <https://bit.ly/2muLhCc>; 'Vaivén en la justicia para estudiantes condenados', ConexiHon, 2 August 2017, <https://bit.ly/2kWxDY3>; 'Policía de Honduras lanza gas y se enfrenta con piedras a estudiantes universitarios', Criterio, 1 March 2018, <https://bit.ly/2m0NgxY>.

⁷¹ The first case of violent repression occurred on 24 June 2019, when the military police violently broke into UNAH facilities in Tegucigalpa, which resulted in three people being injured by a firearm. The second took place on 1 July 2019, when the military police tried to dissolve a demonstration in UNAH at the Sula Valley with teargas and firearms. See 'CIDH manifiesta su preocupación por la situación en Honduras; y llama al Estado a garantizar el derecho a la protesta y reunión pacífica de acuerdo a estándares americanos', OAS, 3 July 2019, <https://bit.ly/2loqHTG>.

⁷² 'Ministerio Público acusa de atentados, daños y lesiones a estudiantes de secundaria detenidos en protestas', C-Libre, 27 April 2017, <https://bit.ly/2mp3Vv3>; 'CIPRODEH acompaña legal y humanitariamente a universitarios', Centro de Investigación y Promoción de los Derechos Humanos, 26 May 2017, <https://bit.ly/2kXiZQk>; 'Universitario detenido ayer en protesta, tenía libertad condicional', Tiempo Digital, 7 November 2017, <https://bit.ly/2kq7ccW>.

⁷³ 'PMOP dispara contra ambientalistas Reitoca y amenaza a la población', Defensores en Línea, 31 January 2018, <https://bit.ly/2m7NO54>.

⁷⁴ 'Alerta Red Nacional de Defensoras de DDHH en HONDURAS/Amenaza de desalojo y judicialización contra Vecinos del Boulevard', IM-Defensoras, 29 August 2017, <https://bit.ly/2m5ooFb>; 'Pobladores criminalizados por protestar contra proyecto de energía', C-Libre, 25 September 2017, <https://bit.ly/2mcxNuQ>; 'WHRD Alert Honduras/Violent eviction of Camp Dignity for Water and Life in Pajuales encampment', IM-Defensoras, 8 May 2018, <https://bit.ly/2mAKZd1>.

⁷⁵ 'Gobierno hondureño declara estado de excepción y suspende garantías fundamentales', C-Libre, 4 December 2017, <https://bit.ly/2mdydAQ>; 'Honduras: Government deploys dangerous and illegal tactics to silence population', Amnesty International, 8 December 2017, <https://bit.ly/2kUv7SI>.

of repression.⁷⁶ According to the leader of the opposition, the government infiltrated the protests to provoke clashes with the police in order to justify the use of disproportionate force against protesters.⁷⁷ The repression resulted in dozens of deaths, injuries to hundreds of people and thousands of arrests.⁷⁸ According to a report by the United Nations High Commissioner for Human Rights, up to 27 January 2018, the president's inauguration date, at least 23 people were killed in the context of the post-election protests, including 22 civilians and one police officer. All deaths attributed to the security forces were caused by firearms, and the analysis of the injuries suggested an intentional and lethal use of firearms, as well as some cases of extrajudicial executions.⁷⁹ At a hearing of the IACHR in late February, civil society representatives stated that the process had led to 38 deaths, 76 victims of torture, 393 people injured in protests, 1,257 arrests, 105 people displaced by political violence, 73 threatened activists, 24 political prisoners and 192 instances of repressed demonstrations.⁸⁰ Deliberate assaults against journalists recording human rights violations committed by the security forces were also documented.⁸¹

6. Recommendations to the Government of Honduras

CIVICUS, REDLAD and ASONOG urge the Government of Honduras to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the government must guarantee the freedoms of association, peaceful assembly and expression, the rights to operate free from unwarranted interference, to communicate and cooperate, and to seek and secure funding, and the state's duty to protect. In the light of this, the following recommendations are made:

6.1 Regarding the freedom of association

- Modify articles 495, 537, 555, 558 and 563 of the Honduran Labour Code to remove unjustified restrictions on the freedom of association, in accordance with articles 21 and 22 of the ICCPR.
- Guarantee the operation of autonomous unions by eliminating any unwarranted

⁷⁶ See 'PMSPH: Protestas contra la dictadura (Noviembre-Diciembre)', <https://bit.ly/2m6ORIU>.

⁷⁷ 'Oficialismo infiltró activistas que terminó en batalla campal: Nasralla', Confidencial, 14 January 2018, <https://bit.ly/2meXb2l>.

⁷⁸ According to CONADEH, up to 15 December 2017 alone 16 people had been killed, without anyone being held accountable. A month later, a new CONADEH report recorded 182 reports of abuses such as death threats, attacks on the freedom of expression and violations of due process. The Coalition against Impunity, meanwhile, recorded 33 deaths that occurred before 23 January 2018. See 'Informe Ejecutivo al pueblo hondureño sobre las actuaciones del CONADEH en la defensa de la dignidad humana en el período post elecciones generales 2017', CONADEH, 15 December 2017, <https://bit.ly/2kAdQxl>; 'Crisis post electoral: Tercer informe sumario y recomendaciones del Comisionado Nacional de los Derechos Humanos', CONADEH, 15 January 2018, <https://bit.ly/2kSg2k9>; 'Honduras: Monitoreo de violaciones de derechos humanos en la coyuntura del fraude electoral', Jueces por la Democracia, 29 January 2018, <https://bit.ly/2kFkxhQ>.

⁷⁹ 'Las violaciones a los derechos humanos en el contexto de las elecciones de 2017 en Honduras', Office of the United Nations High Commissioner for Human Rights, 2018, <https://bit.ly/2Do8HPS>.

⁸⁰ 'Honduras Contexto Post electoral', 27 February 2018, IACHR/YouTube, <https://bit.ly/2l01XB9>.

⁸¹ Protests demanding the president's resignation have continued, and in June 2019 repression by riot police claimed three MORE lives of protesters and left more than 20 people injured. See 'Honduras: muertos y heridos en protestas', DW, 21 June 2019, <https://bit.ly/2kKkUg1>.

limitation of the freedom of association, collective bargaining and the right to strike.

6.2 Regarding the protection of human rights defenders

- Ensure that HRDs are able to carry out their legitimate activities in the absence of fear, undue hindrances or legal or administrative harassment.
- Carry out impartial, thorough and effective investigations of all cases of attacks, harassment and intimidation against HRDs, and bring the perpetrators of such offences to justice.
- Work with CSOs to introduce improvements that make the National Protection System more effective.
- Publicly condemn at the highest level all instances of harassment of and intimidation against activists and CSOs.

6.3 Regarding the freedom of expression, independence of the media and access to information

- Bring all national legislation in line with international standards regarding the freedom of expression; in particular, reform defamation legislation in accordance with article 19 of the ICCPR.
- Reform the Law for the Classification of Public Documents Related to National Security and Defence to ensure that its provisions are not used to restrict access to information on sensitive issues or hinder journalistic work.
- Enable the resumption of activities by all media outlets that have been shut down unjustifiably and arbitrarily.
- Ensure that journalists and writers can work without fear of reprisals for expressing critical opinions or covering issues that the government might deem sensitive.
- Refrain from passing the draft National Cybersecurity Law and Protection Measures Against Hate and Discrimination Acts on the Internet and Social Media, which would grant the government undue control over online content.
- Implement measures to ensure citizens' effective access to information through mechanisms aligned to the best practices on the freedom of information.

6.4 Regarding the freedom of peaceful assembly

- Adopt best practices on the freedom of peaceful assembly, as set forth by the UN Special Rapporteur on the right to freedom of peaceful assembly and of association in his 2012 annual report.
- Amend the articles of the Criminal Code that are used to criminalise the exercise of the freedom of peaceful assembly.

- Immediately and unconditionally release all protesters, journalists and HRDs detained for exercising their right to the freedom of peaceful assembly, and review their cases to avoid further harassment.
- Immediately and impartially investigate all instances of extrajudicial execution and excessive force committed by the security forces in the context of monitoring protests and demonstrations.
- Review and if necessary update, in collaboration with independent CSOs, the existing human rights training for police and security forces, in order to consistently implement international human rights standards such as the UN Basic Principles on the Use of Force and Firearms.
- Provide recourse for judicial review and effective reparation, including compensation, for cases of unlawful denial of the right to the freedom of peaceful assembly.
- Publicly condemn at the highest levels the use of excessive and lethal force to disperse protests, initiate formal investigations into such cases and bring the perpetrators to justice.

6.5 Regarding access to UN Special Procedures mandate holders

The Government of Honduras should prioritise official visits by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the right to freedom of peaceful assembly and of association and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

6.6 Regarding the state's engagement with civil society

- Implement transparent and inclusive mechanisms for public consultation in all the above-mentioned issues and allow the effective participation of civil society in the preparation of legislation and public policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult civil society on the implementation of the UPR recommendations, including by holding extensive periodic consultations with a wide range of civil society.
- Incorporate the results of this UPR into public policies for the promotion and defence of human rights, taking into account the proposals of civil society, and submit to the Human Rights Council a mid-term evaluation report on the implementation of the recommendations of the current session.

Annex – UPR of Honduras (2nd Cycle – 22th Session) – List of recommendations pertaining civic space

Recommendation	Position	Assessment/Comments on level of implementation
<p>125.5. Adopt laws protecting freedom of expression and freedom of the media (Lebanon)</p> <p>Source of position: A/HRC/30/11 - Para. 125</p>	Supported	<p>Status: Not implemented</p> <p>Source: Para. 4.3 f.</p>
<p>126.10. Amend legislation to decriminalize defamation, slander and libel and convert them into matters regulated by civil law rights standards set by the United Nations and the Inter-American Commission on Human Rights observations and recommendations (United Kingdom of Great Britain and Northern Ireland)</p> <p>Source of position: N/A</p>	Noted	<p>Status: Not implemented</p> <p>Source: Para. 4.3</p>
<p>124.48. Redefine clearly the role of the military police as a temporary measure and to step up the professionalizing process of the national police to ensure the protection of human rights in all their work (Switzerland)</p> <p>Source of position: A/HRC/30/11 - Para. 124</p>	Supported	<p>Status: Not implemented</p> <p>Source: Paras. 5.6, 5.7 and 5.8</p>
<p>125.28. Raise the capacity and effectiveness of investigation and prosecution of all allegations of torture and ill-treatment by members of both State security forces and private companies and strengthen legal safeguards available for victims of torture and ill-treatment (Czech Republic)</p> <p>Source of position: A/HRC/30/11 - Para. 125</p>	Supported	<p>Status: Not implemented</p> <p>Source: Para. 5.8</p>
<p>124.50. Ensure freedom of expression and take steps to end threats and attacks against journalists and human rights defenders, including lesbian, gay, bisexual, transgender and intersex defenders (Australia)</p> <p>Source of position: A/HRC/30/11 - Para. 124</p>	Supported	<p>Status: Not implemented</p> <p>Source: Paras. 4.3 f.; 3.2 f.</p>
<p>125.50. Respect and protect the right to freedom of expression and strengthen the protection of journalists, civil society activists and human rights defenders against attacks (Estonia)</p>	Supported	<p>Status: Not implemented</p> <p>Source: Paras. 3.2 f.</p>

Source of position: A/HRC/30/11 - Para. 125		
124.43. Guarantee that all complaints regarding human rights violations and other abuses committed by the police, armed forces or members of private security companies are subject to, in a brief period of time, independent and exhaustive investigations; and that those responsible for such violations are brought to justice and that the victims have access to reparations (Belgium)	Supported	Status: Not implemented Source: Paras. 3.4 f.; 5.8
Source of position: A/HRC/30/11 - Para. 124		
125.45. Strengthen the security apparatus through a civilian police in order to combat impunity, especially in cases of crimes against journalists and femicides, without involving the military apparatus (Costa Rica)	Supported	Status: Not implemented Source: Sections 3 and 5
Source of position: A/HRC/30/11 - Para. 125		
124.42. Effectively fight impunity against the perpetrators of the crimes against judges, journalists and human rights defenders and conduct effective investigations of human rights violations in these cases (Poland)	Supported	Status: Not implemented Source: Section 3
Source of position: A/HRC/30/11 - Para. 124		
125.27. Continue strengthening judicial and administrative measures initiated to ensure the effective investigation and punishment of those responsible for acts of violence, in particular those targeting human rights defenders (Argentina)	Supported	Status: Not implemented Source: Section 3
Source of position: A/HRC/30/11 - Para. 125		
125.48. Promptly and impartially investigate any allegations of violence or reprisals against journalists and human rights defenders and ensure that perpetrators are held accountable (Austria)	Supported	Status: Not implemented Source: Section 3
Source of position: A/HRC/30/11 - Para. 125		
124.49. Enhance efforts to create a safe environment for human rights defenders and journalists (Italy)	Supported	Status: Not implemented Source: Section 3
Source of position: A/HRC/30/11 - Para. 124		
124.52. That the implementation of the new law on the protection of human rights defenders, journalists, social communicators and justice officials is allocated sufficient	Supported	Status: Not implemented Source: Para. 3.3

resources and without it being necessary to resort to civil society contributions (Switzerland) Source of position: A/HRC/30/11 - Para. 124		
124.56. Ensure that a robust law protecting human rights defenders, journalists and justice officials is adopted and effectively implemented and that its impact is regularly assessed (Czech Republic) Source of position: A/HRC/30/11 - Para. 124	Supported	Status: Partially implemented Source: Para.3
125.47. Establish a mechanism for the protection of human rights defenders (Timor-Leste) Source of position: A/HRC/30/11 - Para. 125	Supported	Status: Implemented Source: Para. 3.3
125.49. Continue to give priority to efforts aimed at the recognition and protection of journalists and human rights defenders (Colombia) Source of position: A/HRC/30/11 - Para. 125	Supported	Status: Partially implemented Source: Para. 3.3
125.51. Ensure provision of adequate financial and human resources for the implementation of the law on the protection of human rights defenders, journalists, social communicators and justice officials and commit to reviewing its operation, including its consistency with international human rights standards, after a period of initial implementation (Ireland) Source of position: A/HRC/30/11 - Para. 125	Supported	Status: Not implemented Source: Para. 3.3
125.52. Ensure effective implementation of the law on the protection of human rights defenders, journalists, social communicators and justice officials and provide adequate resources to establish an effective protection mechanism for human rights defenders (Italy) Source of position: A/HRC/30/11 - Para. 125	Supported	Status: Partially implemented Source: Para. 3.3
125.53. Adopt laws and policies protecting human rights defenders and journalists; involve civil society in this process as well make available sufficient funding for implementation (Netherlands) Source of position: A/HRC/30/11 - Para. 125	Supported	Status: Partially implemented Source: Para. 3.3

<p>125.56. Continue the proceedings relating to human rights defenders, journalists, social communicators and justice officials for their full and effective protection, enabling them to perform their functions with all guarantees (Spain)</p> <p>Source of position: A/HRC/30/11 - Para. 125</p>	Supported	<p>Status: Not implemented</p> <p>Source: Para. 3.3</p>
<p>125.57. Guarantee that all human rights defenders in Honduras are able to carry out their legitimate human rights activities according to the Declaration on Human Rights Defenders (Sweden)</p> <p>Source of position: A/HRC/30/11 - Para. 125</p>	Supported	<p>Status: Not implemented</p> <p>Source: Section 3</p>
<p>125.58. Bring to a conclusion the legislative process and proceed to implement the bill on the protection of human rights defenders, journalists, those working in the media, and justice officials (Uruguay)</p> <p>Source of position: A/HRC/30/11 - Para. 125</p>	Supported	<p>Status: Implemented</p> <p>Source: Para. 3.3</p>
<p>124.54. Approve and implement a law on the protection of human rights defenders, journalists, social communicators and justice officials, and provide adequate human and financial resources to establish an effective State mechanism to protect those at risk (Belgium)</p> <p>Source of position: A/HRC/30/11 - Para. 124</p>	Supported	<p>Status: Partially implemented</p> <p>Source: Para. 3.3</p>
<p>125.54. Expedite the enactment and implementation of the bill on the protection of human rights defenders, journalists and justice officials, and provide adequate resources to establish an effective protection mechanism (Sierra Leone)</p> <p>Source of position: A/HRC/30/11 - Para. 125</p>	Supported	<p>Status: Partially implemented</p> <p>Source: Para. 3.3</p>
<p>125.59. Guarantee the effective implementation of the bill on the protection of human rights defenders, journalists, social communicators and justice officials, including appropriate financing (Brazil)</p> <p>Source of position: A/HRC/30/11 - Para. 125</p>	Supported	<p>Status: Partially implemented</p> <p>Source: Para. 3.3</p>
<p>125.60. Pursue the legislative work initiated in 2014 to protect journalists, human rights defenders and some members of the judiciary in the fight against crime (France); consider approving the draft bill for the protection of human rights defenders, journalists, social communicators and justice officials (Paraguay); continue ongoing efforts aimed at the</p>	Supported	<p>Status: Implemented</p> <p>Source: Para. 3.3</p>

<p>adoption of the law for the protection of human rights defenders, journalists, social communicators and justice officials (Peru)</p> <p>Source of position: A/HRC/30/11 - Para. 125</p>		
<p>124.53. Implement the new law (on the protection of human rights defenders, journalist, social communicators and justice officials) through an open consultation and participation process with civil society (Switzerland)</p> <p>Source of position: A/HRC/30/11 - Para. 124</p>	Supported	<p>Status: Partially implemented</p> <p>Source: Para. 3.3</p>
<p>124.51. Establish effective mechanisms to guarantee the safety of human rights defenders, judges, prosecutors and journalists, and ensure that acts of violence which in many cases result in deaths, intimidation and attacks against them, do not remain unpunished (Chile)</p> <p>Source of position: A/HRC/30/11 - Para. 124</p>	Supported	<p>Status: Not implemented</p> <p>Source: Paras. 3.3 f.; 4.7</p>
<p>124.55. Improve the effectiveness of prevention, investigation and prosecution of all forms of attacks against human rights defenders, journalists, lawyers and judges in order to lower their incidence and to tackle impunity for these crimes (Czech Republic)</p> <p>Source of position: A/HRC/30/11 - Para. 124</p>	Supported	<p>Status: Not implemented</p> <p>Source: Paras. 3.5 and 3.13</p>
<p>125.55. Ensure prompt investigations into attacks and threats against human rights defenders, indigenous people, and journalists as well as to ensure that they can carry out their activities without fear of reprisals (Slovenia)</p> <p>Source of position: A/HRC/30/11 - Para. 125</p>	Supported	<p>Status: Not implemented</p> <p>Source: Paras. 3.5 and 3.13</p>