

¿Se ha creado un mecanismo de protección para periodistas, comunicadores sociales, defensores de derechos humanos y operadores de justicia? ¿Qué forma se ha tomado, como se conforma su membresía, qué tipo de medidas de protección puede proporcionar y dónde se encuentra? ¿Cuáles han sido los éxitos y los desafíos a los que se ha enfrentado en la práctica el mecanismo? (750 words) [Has a mechanism to protect journalists, social communicators, human rights defenders and justice operators been created?]

In 2015, Honduran lawmakers passed the Law for the Protection of Journalists, Social Communicators, Human Rights Defenders, and Operators of Justice (*Ley de Protección para Periodistas, Comunicadores Sociales, Defensores de Derechos Humanos y Operadores de Justicia*)¹ and established the corresponding National Protection Mechanism (*Sistema Nacional de Protección de Honduras*), based on similar models in Mexico and Colombia.

According to data from the Honduran Human Rights Ministry, by June 2018, 42 journalists had been issued protective measures under this mechanism.² International institutions and advocacy groups, including the UN Special Rapporteur on the Situation of Human Rights Defenders and the Inter-American Commission on Human Rights,³ have generally viewed the law's passage and creation of the mechanism as positive steps, and the Honduran state has made some progress in implementation and funding since 2015.⁴ Nevertheless, the mechanism has not been sufficiently effective in guaranteeing the safety of those who have received protective measures and faces serious challenges to its mission to provide adequate protection. In general, the institutions that make up the mechanism must cooperate more to improve its effectiveness, and ensure greater participation from civil society organizations. Currently, the Technical Committee, the body that conducts risk analysis and decides whether to adopt specific measures in response to a case, is made up entirely of representatives of state institutions. The state should also ensure that the mechanism receives adequate funding and personnel to allow it to perform its duties.⁵

Regarding the risk analysis, each case should undergo a unique analysis to guarantee that relevant and necessary measures are adopted for each specific situation. This includes the need to design protective measures specifically tailored for women and individuals belonging to other marginalized or vulnerable groups.

In general, CPJ research has found that the protective measures implemented under the mechanism are limited in practice to providing police or security personnel to the affected journalist(s), which does not sufficiently guarantee their safety. There is a demonstrated need to provide protective measures that do not involve the police or military, as many journalists do not

¹ <http://www.pasosdeanimalgrande.com/files/Dictamen-Ley-de-Proteccion-de-Defensores-de-Derechos-Humanos.pdf>

² <https://www.laprensa.hn/honduras/1213946-410/defensores-derechos-humanos-periodistas-operadores-justicia-honduras->

³ <http://www.oas.org/es/cidh/prensa/comunicados/2018/171.asp>

⁴ <https://www.ohchr.org/Documents/Issues/Defenders/JointStatementConsejoNacionalProteccionDefensores.pdf>

⁵ <https://www.ohchr.org/Documents/Issues/Defenders/JointStatementConsejoNacionalProteccionDefensores.pdf>

trust these institutions. Introducing different security options that do not rely on state security forces would strengthen both the capacity to guarantee an individual's safety and the overall confidence in the mechanism's ability and commitment to do so. The mechanism has a wide array of measures at its disposal, including preventive measures, protective measures, and collective measures (e.g., bodyguards, bulletproof vests, armored vehicles, temporary relocation, alarms, panic buttons, communication devices, support networks, self-protection courses).⁶

For example, the measures granted to Choluteca-based journalist Jairo López in 2017 were limited in scope and have been ineffective in protecting him in practice. López told CPJ that he was assigned one full-time armed bodyguard (and a second one intermittently), but that he had to cover basic costs for them, including food, and that the bodyguards alone were insufficient in addressing his high level of risk. López's claim is supported by the fact that, while under protection, he has been repeatedly arrested, harassed, surveilled, and attacked, most recently on January 27, 2019, when he was violently arrested and detained for several hours by local police, along with his bodyguard. Although he is still officially under the mechanism's protection and he contacted its representatives multiple times, at the time of writing López had spent more than three weeks without any protective measures, despite the demonstrated risk. This example indicates that the mechanism is failing to provide effective channels for journalists to communicate with staff about their protective measures or compliance, and that the current system of risk analysis and measures are not comprehensively or appropriately addressing such risks.

There are also concerns about privacy and economic burdens placed on journalists in the mechanism. Journalists who are under protection have told CPJ they worry that they may be surveilled by the security personnel assigned to them and in multiple instances say they have been obligated to cover personal expenses, including food and housing, for security personnel. Before assigning security personnel to at-risk individuals, state officials should ensure that the individuals in question are able to choose from multiple options and that they feel safe with their assigned security guards.

¿Se trasladan los casos de violencia contra periodistas, comentaristas sociales y defensores de derechos humanos a la Oficina del Fiscal Especial de Derechos Humanos? ¿Se hace esto inmediatamente después de recibir información de la denuncia? Si no, ¿cómo se tratan estos casos? (750 words) [Are cases of violence against journalists taken to the Human Rights' Special Prosecutor's Office?]

CPJ does not have comprehensive documentation on this matter. However, in this respect it is important to note that on March 6, 2018, the government created a new special prosecutor's office, the *Fiscalía Especial para la Protección de Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia*. This office is charged with investigating crimes committed against journalists, human right defenders, media professionals, and justice operators and is separate from the Special Prosecutor's Office for Human Rights. However, the creation of the office alone is insufficient to ensure that there is any progress in investigations of crimes against journalists or to truly combat widespread impunity in these

⁶ <https://www.sedh.gob.hn/sistema-nacional-de-proteccion-snp>



cases. The Inter-American Commission on Human Rights has previously called on Honduras to provide sufficient funding to this new office and create specialized investigate protocols to deal with crimes against journalists and human rights defenders, in order for this new office to be effective in its mandate.⁷

It is important to note that impunity for crimes against journalists is extremely high. As CPJ has documented, the near-complete rates of impunity in these cases “means the cases go mostly unsolved and the motives unexplained.”⁸ According to the Honduran Human Rights National Commissioner (CONADEH), of the 75 cases of media workers (including journalists, owners, cameramen, and others) who lost their lives under violent circumstances between 2001 and 2018, 92 percent remain in total impunity. During that same time period, CPJ documented 26 journalists killed in Honduras, without any accountability. In light of these numbers, it is clear that the system has not been successful in prosecuting crimes against journalists and that important changes need to be made so that the new *Fiscalía Especial* can successfully carry out its mandate.

¿Se han aumentado las penas respecto a quienes cometen crímenes contra la prensa y la libertad de expresión? [Has there been increase in the sanctions for those who commit crimes against the press and freedom of expression?]

No.

¿Se ha adoptado un código de ética profesional para los medios de comunicación? [Has a code of ethics for the media been adopted?]

No.

The Journalists’ Union of Honduras (Colegio de Periodistas de Honduras) does have its own code of ethics, originally adopted in 1979 and available here:

<http://colegiodeperiodistasdehonduras.hn/wp/2017/11/23/codigo-de-etica-del-colegio-de-periodistas-de-honduras/>

¿Se ha despenalizado la difamación, calumnia e injuria? (250 words) [Have calumny, insult, and defamation been decriminalized?]

No. Though there have been multiple calls and proposals to remove them from the criminal code, Honduras’s current penal code criminalizes calumny, insult, and defamation in Title III, "Crimes Against Honor." These crimes apply equally to the person who initially commits the offense and any person who spreads or disseminates the offending statements further, according to Article 161.

⁷ <http://www.oas.org/es/cidh/prensa/comunicados/2018/171.asp>

⁸ <https://cpj.org/reports/2014/09/who-is-killing-central-americas-journalists-impunity-violence-murders-unsolved.php>



Journalists continue to be criminally prosecuted on the basis of these norms. For example, on January 11, 2019, the Honduras Supreme Court unanimously upheld a lower court's conviction and sentencing on charges that journalist David Romero Ellner, director of Radio Globo and Globo TV, defamed former prosecutor Sonia Inez Gálvez Ferrari in his journalistic work. The lower court (the Fourth Chamber of Honduras' Sentencing Court), led by Judge Geraldina Mejía Rivera, had sentenced Romero in March 2016 to one year and eight months in prison for each of six charges that he defamed Gálvez in his reporting, for a total sentence of 10 years in prison. Journalist Fabricio Garibaldi Mejia is currently facing a criminal suit for defamation after posting several complaints regarding allegedly unjustified termination of workers and illegal use of funds by a private entity (the Cooperativa Taulabe Limitada) on his Facebook accounts.

According to local NGOs Comité por la Libre Expresión (C-Libre) and the Centro de Investigación y Promoción de los Derechos Humanos en Honduras (CIPRODEH), 13 criminal processes have been brought against journalists for divulging information or giving their opinions on matters of public interest between 2003 and January 2019.⁹

¿Se han implementado otras leyes, reglamentos, políticas, decisiones administrativas u otras medidas que afecten el derecho a la libertad de opinión y expresión después de la visita del Relator Especial? (1000 words) [Have other laws, regulations, politics ... been adopted that affect the right to free expression after the visit of the Special Rapporteur?]

In April 2018, the Honduran congress passed a preliminary version of a cybersecurity bill that would severely harm free speech by compelling companies providing internet services to censor content. CPJ joined calls on Honduran lawmakers to reject the law, which would regulate online speech by requiring internet service providers, online platforms, and their administrators could be required to block information and content that could constitute "acts of discrimination, hate, insults, threats, or incitement of violence." The bill did not define what content should be blocked, leaving it open to interpretation by private companies and individual administrators, and potentially threatening the freedom of expression of human rights defenders, activists, and citizens.

At time of writing, the bill was still pending in the congress.

A new penal code, passed in February 2017, included the controversial article 335B, which made it a criminal offense for individuals or media outlets to engage in the “apology, glorification, [or] justification” of terrorism—a term that the statute defined vaguely and too broadly. The vague definition of speech promoting terrorism left it open to interpretations that could criminalize the work of critical journalists or civil society groups. Congress repealed the provision on “apology, glorification, [or] justification” of terrorism in June 2018.

¿Hay alguna información adicional relevante que desee agregar? (500 words) [Additional information you wish to add?]

⁹ (<http://www.clibrehonduras.com/index.php/pronunciamientos/935-la-criminalizacion-de-la-libertad-de-expresion-nunca-debe-ser-el-camino>).



- In February 2019, Secretary of Human Rights Karla Cueva met with the Journalists' Union to discuss the creation of a Freedom of Expression Observatory (*Observatorio de la Libertad de Expresión*), as well as to strengthen the protection mechanism. The observatory, which was proposed by the union, would be charged with permanently monitoring the situation of freedom of speech in Honduras, with daily documentation of threats, intimidations, and attacks suffered by press workers.¹⁰
- The current Organic Law on the Journalists' Union (Ley Orgánica del Colegio de Periodista) mandates that only members of the Journalists' Union can work as journalists in Honduras. This requirement places a near-impossible burden on people who may not have access to the necessary resources to obtain a journalism degree from an accredited university and become union members, effectively barring them from the profession or defining them as “unofficial” journalists, regardless of the realities of their professional work or achievements. This provision is contrary to international standards on freedom of the press which view the obligation to become part of the union as an undue restriction of freedom of speech.

¹⁰ <http://www.proceso.hn/mas-noticias/32-m%C3%A1s-noticias/colegio-de-periodistas-a-favor-de-la-creacion-del-observatorio-de-la-libertad-de-expresion.html>