



Committee to Protect Journalists

**CPJ Submission to the United Nations Universal Periodic Review of
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Committee to Protect Journalists

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330 7th Avenue, 11th Floor

New York, NY 10001

Tel 212-465-1004

Fax 212-465-9568

General: info@cpj.org

Advocacy Director: cradsch@cpj.org

Deputy Advocacy Director: kpaterson@cpj.org

Central and South America & the Caribbean Program Coordinator: nsouthwick@cpj.org

Central and South America & the Caribbean Senior Researcher: anunez@cpj.org

Brief description of CPJ:

1. The Committee to Protect Journalists (CPJ) is an independent, nonprofit organization that promotes press freedom worldwide. We defend the right of journalists to report the news safely and without fear of reprisal.
2. CPJ is made up of about 40 experts around the world, with headquarters in New York City. When press freedom violations occur, CPJ mobilizes a network of correspondents who report and take action on behalf of those targeted.
3. CPJ reports on violations in repressive countries, conflict zones, and established democracies alike. A board of prominent journalists from around the world helps guide CPJ's activities.
4. CPJ's work is based on its research, which provides a global snapshot of obstructions to a free press worldwide. CPJ's research staff document hundreds of attacks on the press each year.

Summary

This submission was prepared for the Universal Periodic Review (UPR) of Honduras in October 2019. In it, CPJ assesses the press freedom framework and the situation on the ground in the country.

CPJ acknowledges Honduras' stated commitment to improving press freedom, as shown by the establishment and development of the National Protection System (*the mechanism*) which by June 2018 had 42 journalists under protection, as [reported](#) by the Honduran *Secretaria de Derechos Humanos*. Honduras' commitment to improve press freedom is also manifested by the August 2019 Congressional decision to decriminalize so-called "[crimes against honor](#)" (calumny, insult, and defamation), under which journalists have been prosecuted and imprisoned.

However, CPJ remains concerned about the hostile environment and perilous conditions under which reporters work in Honduras, which remains one of the most dangerous places in the Western hemisphere to be a journalist. As documented by CPJ, journalists in Honduras are consistently threatened, harassed, attacked, imprisoned and even killed in direct retaliation for their work. Moreover, impunity for crimes against journalists is extremely high, and families and colleagues spend years waiting for justice which, in almost all cases, never comes. The violent environment surrounding many journalists in Honduras makes it a particularly challenging place for investigative journalism, which provides a vital role as a watchdog and check on power and corruption.

In this document, CPJ highlights some examples of the ongoing press freedom violations and attacks against journalists in Honduras.

In the final section, CPJ makes a number of recommendations to the Honduran government to address the press freedom concerns raised in this submission.

Legal Framework

1. Honduras' constitution protects freedom of speech and of the press, with some limitations. Article 72 prohibits prior censorship, but Article 75 stipulates an exception in cases "to protect the ethical and cultural values of the society."
2. The Criminal Code currently in force in Honduras criminalizes calumny, insult and defamation in Title III, "Crimes Against Honor." These crimes apply equally against the person who initially commits the offense and any person who, according to Article 161, spreads or disseminates the offending statements further. In particular, Article 155, criminalizing calumny, states that the calumny or false accusation of a crime (the crime being of the type that does not require the victim's participation in order to be prosecuted by the government), is punishable by 2-3 years of imprisonment. In addition, at the victim's request, the deciding portion of the sentence in which the calumny is declared may be published in the papers of the greatest circulation in the country, at the cost of the defendant.
3. A new criminal code, passed in May, and set to enter into force in November, continued to stipulates the so-called "crimes against honor." However, in August, the Honduran National Congress announced that it would decriminalize these crimes, removing them from the new criminal code and allowing only civil suits on those matters, CPJ [documented](#).
4. Honduras is a party to all international instruments that make up the International Bill of Human Rights and other notable international human rights instruments, including the American Convention on Human Rights.

Main submission:

1. The following submission is drawn from research conducted by the Committee to Protect Journalists. All CPJ publications on Honduras can be found at [this link](#).
2. Out of the 45 [recommendations](#) concerning press freedom made by other member states, Honduras accepted all of them. Most recommendations called for Honduras to take all necessary steps to guarantee that journalists could do their work safely, independently, and free from harassment and retaliation, and to fight impunity for crimes against journalists.
3. CPJ would like to raise ongoing and grave concerns pertaining to the following accepted [recommendations](#) from the 1st and 2nd UPR Cycles, providing a representative sample of recommendations made to the State of Honduras on freedom of the press: Paragraph 82.33 (France), Paragraph 82.6 (Mexico), Paragraph 82.76 (United States of America), Paragraph 82.77 (Italy), Paragraph 82.95 (Argentina), Paragraph 124.42 (Poland), Paragraph 124.52 (Switzerland), Paragraph 125.51 (Ireland).

4. The concerns are as follows:
5. In Honduras, violence against journalists is prevalent, and in some cases deadly, as CPJ has [documented](#).
6. During 2019, the Honduran ombudsman [CONADEH](#) documented cases of journalists who had to flee the country to safeguard their lives, while others were subjected to threats and violence, both by individuals and State agents, primarily during protests.
7. At least [six journalists have been murdered](#) in direct retaliation for their work in Honduras since 1992, including Valle TV reporter [Leonardo Gabriel Hernández](#), who was killed in March 2019, according to CPJ research.
8. On March 21, 2019, the National Police of Honduras said that police believe Leonardo Gabriel Hernández was targeted because of his criticism of organized criminal groups. Police said that they had detained two members of the Mara Salvatrucha (MS-13) gang in connection with Hernández's murder, according to local [news reports](#).
9. CPJ is investigating a [further 23 cases](#) of journalists killed in Honduras since 1992, to determine if their work was a motive in the killing.
10. A 2014 CPJ [report](#) found that organized crime and corruption in Honduras have produced an alarming rate of unsolved cases of violence against journalists.
11. According to the Honduran ombudsman [CONADEH](#)—which uses different criteria than CPJ—79 journalists and media workers have been killed in Honduras between October 2001 and September 2019, with convictions in less than 10 percent of those cases.
12. In August 2019, representatives of the National Congress [announced](#) the Honduran legislature would eliminate a number of penal code articles related to slander and libel, presently under Title III of the national Penal Code, by as part of the process to reform the code. Since March 2019, Radio Globo director David Romero Ellner has been in prison, where he is serving a 10-year prison sentence for defamation, according to [CPJ reporting](#). According to [a report](#) in local daily *El Heraldo*, Romero will be eligible to appeal his sentence when the new penal code takes effect in November 2019.
13. [According](#) to Honduran free expression organization [Comité por la Libre Expresión](#) (C-Libre) and Centro de Investigación y Promoción de los Derechos Humanos en Honduras (CIPRODEH), between 2003 and January 2019, 13 criminal proceedings were opened against journalists for divulging information or offering opinions on matters of public interest.
14. In April 2018, Congress passed a preliminary version of a cybersecurity bill that has the potential to severely harm free speech by compelling companies providing internet services to censor content, as [documented by CPJ](#). CPJ, along with a coalition of civil society organizations, [called on Honduran lawmakers](#) to reject the proposed law, titled

“Law that regulates acts of hate and discrimination in social media and the Internet,” on the grounds that it could lead to excessive regulation and restriction of online speech.

15. Under the proposed cybersecurity bill, 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, which is still pending in Congress, does not define what content should be blocked, leaving it open to interpretation by private companies and individual administrators, [as documented by CPJ](#).

Recommendations for the Honduran Government

16. Ensure that journalists in Honduras can freely engage in investigative reporting and exercise their right to inform without facing intimidation or harassment.
17. Take all necessary action to guarantee that crimes against journalists are fully, promptly and credibly investigated and that both the perpetrators and masterminds are brought to justice.
18. Take all necessary measures to ensure that the *Sistema Nacional de Protección*, and the corresponding “mechanism”--which were created by the 2015 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), tasked with coordinating and taking action to ensure the protection of journalists at risk, including the issuance of protective measures--has the required funding and operational capacity necessary to undertake the complex task of providing assistance and protection to journalists in need.
19. Ensure that “crimes against honor” are eliminated from the new Criminal Code before it enters into force in November.
20. Refrain from using criminal defamation lawsuits against reporters.
21. Reject the “Law that regulates acts of hate and discrimination in social media and the Internet,” currently pending in Congress.
 1. Take appropriate legislative steps to ensure that Honduran regulations related to press freedom are brought into alignment with international human rights standards.
 2. These recommendations are consistent with those supported by Honduras during previous UPR cycles.

Annex 1: Relevant recommendations from 1st Cycle (2010)

1. A - 82.33. Take the necessary measures to improve the security of journalists and human rights defenders, and carry out independent and credible investigations into the murders of seven journalists and threats against several others that occurred in 2010, and bring to justice the perpetrators of those condemnable acts. (Supported - France). 1st cycle
2. A - 82.67. Provide sufficient financial and human resources to the new Ministry for Justice and Human Rights and to the Office of the Special Prosecutor for Human Rights, so that they can perform their function of preventing and effectively investigating cases of human rights violations, particularly those committed against journalists and human rights defenders. (Supported - Mexico).
3. A - 82.76. Continue bolstering the investigative and prosecutorial resources in order to conduct prompt, transparent, credible and effective investigations of the killing of journalists since March 2010, and effectively prosecute those responsible for these crimes. (Supported - USA).
4. A - 82.77. Continue to investigate cases of violence against journalists and to effectively prosecute those responsible for such acts. (Supported - Italy)
5. A - 82.95. Adopt effective measures to guarantee the right to life and the physical integrity of Honduran journalists, as well as the exercise of freedom of expression, adopt all possible measures to carry out investigations in order to end impunity for the killing of journalists. (Supported - Argentina).

Annex 2: Relevant recommendations from 2nd cycle (2015)

6. A - 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. (Supported - Poland)
7. A - 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 resources and without it being necessary to resort to civil society contributions. (Supported – Switzerland)
8. A - 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. (Supported – Ireland)