



San José, Brussels, Geneva, Tegucigalpa, April 14, 2015

Mauricio Oliva
President
National Congress of Honduras

Dear Mr. President:

We have the great honor of addressing you in the name of Just Associates (JASS), the Center for Justice and International Law (CEJIL), Protection International (PI), International Service for Human Rights (ISHR) and the National Network of Women Human Rights Defenders in Honduras.

JASS is an international nonprofit organization that specializes in the defense of human rights in the region, strengthening the voice, visibility and collective power of women in order to create a just and sustainable world for all.¹ PI is an international organization that has served civil society, the United Nations, various governments and has provided expertise for the IAHCR regarding human rights defenders protection policy.² The National Network of Women Human Rights Defenders in Honduras accompanies Women Human Rights Defenders (WHRDs) that are in vulnerable situations of risk due to their activism.³ The ISHR is an independent non-governmental organization dedicated to the promotion and protection of human rights by supporting human rights defenders around the world.⁴ CEJIL is a regional organization whose mission is to contribute to the enjoyment of human rights for all in the member states of the OAS through proper use of the Inter-American System.⁵

JASS, PI, the National Network in Honduras, ISHR and CEJIL have been accompanying civil society initiatives related to the creation of a new law that would protect human rights defenders. We are aware that the National Congress of Honduras is currently in its third

Translation from Spanish to English made by D.P JASS (Just Associates).

¹ More information: www.justassociates.org

² More information: <https://protectioninternational.org/>

³ More information: <http://redefensorashn.blogspot.com/>

⁴ More information: <http://www.ishr.ch/>

⁵ More information: www.cejil.org/

debate, discussing the proposed *Law for the Protection of Human Rights Defenders, Journalists and Justice Operators*.

The aforementioned proposed law, whose content incorporates comments from diverse civil society actors, represents an important opportunity for the Honduran State to meet various international requirements⁶ and recommendations originating from numerous international human rights protection bodies⁷, which is why we welcome Congress' initiative to adopt international standards in its national legislation.

Nevertheless, upon analyzing the law proposal that is currently being discussed in Congress, we are concerned about various modifications that have been added to the proposal, which would affect its ability to achieve its goal.

Firstly, we'd like to highlight that the National System of Protection of Human Rights Defenders in the current version of the law does not have the autonomous characteristics necessary for this kind of mechanism. When one considers that the risks that this mechanism would be responding to and trying to prevent, it is important to consider the various and diverse sectors. Particularly, we feel it is important that Congress reevaluates the wording of article 20. In our opinion, it is necessary that this mechanism be a national entity constituted as a decentralized structure of the Ministry of Human Rights, Justice, Governance and Decentralization in order to have functional, administrative and budgetary independence.

We'd also like to point out that National Council for the Protection of Human Rights Defenders embodies certain elements which only raise our concern. In particular, we refer to the inclusion of the Ministry of Defense and the reduction in number of civil society representatives in the aforementioned mechanism.

It is important to mention that the Inter-American Commission on Human Rights has warned the Honduran State⁸ on various occasions that, "the clear and precise separation between national security as carried out by the Police and national defense as carried out by the Armed Forces is fundamental considering that both institutions are substantially different in terms of their purposes, training and preparation."⁹ For this reason, our organizations feel including the Secretary of Defense in this mechanism to guarantee the safety of the intended beneficiaries (human rights defenders) is unwise as it could compromise trust among users.

On the other hand, the law states that the National Council of Protection will also include "a representative of the Honduran Association of Judges and Magistrates"¹⁰, however, as there are two such associations, and many more could exist, we suggest that the law

⁶ I/A Court H. R., Luna López v. Honduras. Merits, Reparations and Costs. Judgment of October 10, 2013. Series C No. 269. Par. 243

http://www.corteidh.or.cr/docs/casos/articulos/seriec_269_esp.pdf

⁷ United Nations. Report of Margaret Sekagya. Special Rapporteur on the Situation of Human Rights Defenders. A/HRC/13/22. December 30, 2009. Pars. 112 and 113. Available on: http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-22_sp.pdf

⁸ IACHR. *Annual Report 2013. Chapter IV: Honduras*, par. 263. Available on: <http://www.oas.org/es/cidh/docs/anual/2013/docs-es/InformeAnual-Cap4-Honduras.pdf>

⁹ IACHR. *Report on Citizen Security and Human Rights*. OEA/Ser.L/V/II. Doc. 57, December 31, 2009, par. 100. Available on: <http://www.cidh.org/pdf%20files/SEGURIDAD%20CIUDADANA%202009%20ESP.pdf>

¹⁰ Article 22, Bill on Protection to Human Rights Defenders, Journalists, Social Communicators and Justice Operators.

guarantees the participation of all the associations by amending the appropriate article so that it mentions including one representative from each association.

Finally, we cannot fail to mention the importance of organized civil society participation in this protection mechanism. The current proposed law only includes two representatives from this important group of beneficiaries in the Council and it states they must be “accredited” by the National Human Rights Commission (CONADEH)¹¹. We believe that this requirement could risk full representation of civil society. We would also like to point out that in previous versions of the proposed law, there was space for five civil society representatives and there was no mention of “accreditation” by CONADEH.

We make these comments in the hopes that this proposed law results in something innovative and legitimate; worthy of all Hondurans and the beneficiary population.

Based on all we have shared, we respectfully ask that the requested amendments are made during parliamentary discussion of the proposed law. This will ensure that the beneficiary groups are guaranteed protection under the law.

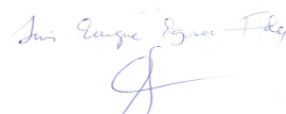
Thank you for your time and consideration.



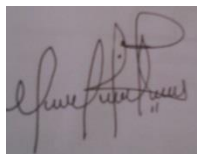
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¹¹ Article 22, Bill on Protection to Human Rights Defenders, Journalists, Social Communicators and Justice Operators.