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The UN Human Rights Council (UNHRC) met in November in Geneva, where it is headquartered, and, in its Universal Periodic Review (UPR) of Honduras, made more than 100 recommendations to this Central American nation’s government.

President Porfirio Lobo’s administration says that it is one step ahead and that the suggestions have either been fulfilled or are in the process of being implemented.

In addition, during the UNHRC's Nov. 1-12 meeting, the Honduran government also made, through its 17-strong delegation, voluntary pledges and commitments, which were included in the draft UPR report and then passed—prior to the final report, scheduled for next March.

But human rights activist Marcia Aguiluz, a lawyer with the Center For Justice and International Law (CEJIL), says government statements are nothing but doublespeak, with officials saying one thing and reality being another, added to the fact that golpistas [leaders and supporters of last year’s coup d’etat] go unpunished and are holding key positions of power in the executive and judicial branches.

Far-reaching recommendations from UNHRC

The 112 recommendations formulated by UNHRC member countries during the talks include that the Honduran government "undertake all necessary measures to ensure the independence of the judiciary, including by putting an end to any intimidation or unjustified disciplinary procedures against judges perceived as critical of the coup."

It also recommended that the Honduran government "strengthen the administration of justice according to international standards, which may contribute to reducing the growing number of cases of impunity," according to the 23-page, five-section report.

The council recommended that Honduras "adopt measures as a matter of urgency to put an end to arbitrary detention, torture and illegal centers of detention; ensure due oversight regarding the legality of detentions; and ensure the effectiveness of judicial remedies against such practices" and "establish a mechanism for monitoring the legality of arrests and detentions."

It also suggested implementing "sustainable public policies to prevent torture and prosecute and punish perpetrators," as well as establishing programs to "train and sensitize the armed forces and the police" and defining "the crime of torture in domestic legislation."

Honduras should also "adopt measures to end threats against and harassment of human rights defenders, journalists, and judges, in accordance with the 1998 [UN] General Assembly declaration..."
on human rights defenders, such as the establishment of a mechanism to effectively implement the precautionary measures requested by the Inter-American Commission on Human Rights."

The country should "ratify the main human rights treaties to which Honduras is not yet a party" and "ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, particularly Women and Children," as stated in other recommendations.

**Honduras touts its voluntary commitments**

Through its delegation, headed by First Vice President María Antonieta Guillén, the Honduran government made five voluntary pledges and commitments, which were included in the preliminary report.

The government official said the UPR is seen by Honduras as "an opportunity for strengthening its national capacities and guiding it in addressing its immediate challenges, in particular with regard to its voluntary commitments."

The latter include "starting the process for preparing and drafting the national human rights plan of action with the participation of thematic working groups, organizations of civil society, interested groups and institutions with a mandate to promote and protect human rights."

It also includes "generating a debate in the National Congress and civil society with a view to harmonizing the regulatory framework of the Telecommunications Sector Law and ensuring that it is in line with the international human rights conventions and standards, in particular with regard to the levels of public, private, and community broadcasting."

Honduras committed itself to "promoting the reform of Article 209-A of the Criminal Code, referring to the offence of torture, with a view to harmonizing it with the Optional Protocol to the Convention against Torture," and to "promoting discussion of the draft law against trafficking in persons and sexual and commercial exploitation, which prohibits and punishes all forms of such offences, in accordance with the relevant Protocol."

And it committed to "increasing the efforts of the state to improve conditions for citizen security, considering as priority elements attention to victims of violence and crime, arms control, the professionalization and modernization of the national police and armed forces, and making accountable all authorities responsible for implementing the policy and strategy on citizen security."

**Human rights group questions government commitment**

According to Aguiluz, CEJIL’s lawyer for Honduran matters, anything the government says regarding willingness to improve the country’s human rights record is not true.

On the one hand, Lobo has undertaken actions such as creating the Ministerio de Justicia y Derechos Humanos and the Comisión de la Verdad y Reconciliación—to investigate coup-related events—and has announced that a Plan Nacional de Acción en Derechos Humanos is to be drawn up, and top government and judiciary officials tell the UNHRC that the administration is active in this field, the lawyer told NotiCen.

However, these authorities are still officially claiming that what happened last year in Honduras was not a coup (NotiCen, July 2, 2009) but a "constitutional succession" to "protect the Constitution," she pointed out.
Government statements and actions are an "attempt to evade what’s substantial. And, what is substantial? Substantial is that we have the golpistas in power structures and that no one has been declared responsible for anything that happened," stressed Aguiluz. "Thus, we have the same magistrates in the Corte Suprema de Justicia (CSJ)."

"So, this ambivalence, where key problems have not been tackled ...where golpista structures are maintained in power, where clearly President Lobo has no action margin, presents a impossible scenario for effective positive things to happen," Aguiluz added. "We have absolutely illegitimate institutions...not recognized by civil society," and "people feel unprotected."

The lawyer said the recommendations made at the UNHRC meeting last month "are something I value as positive. But what are the challenges?"

"In their discourse, they’re going to tell you anything," she warned, referring to the Honduran government, and went to say that "in the UPR issue, for example, the Honduran state dares to say that it has implemented or is in the process [of implementing] the recommendations made, 112. God, what cynicism! What does that mean?"

"So, I really see no fertile ground for the recommendations...there are no conditions" for their implementation, because "you see these power groups, so strong, this level of ambivalence in statements, and you don’t really see anything concrete," she pointed out, adding that "then, one says, ‘there are no conditions here.’"

The lawyer predicted that "nothing’s going to happen, because the powerful golpista groups are still there, with their very clear interests, because so far they’ve felt they’re protected by impunity and that they’re immune, and they are, they are, to a certain extent."

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