



HONDURAS

JOURNALISM IN THE SHADOW OF IMPUNITY

“When we allow impunity for human rights violations, we see the crimes of the past translated into the crimes of the future.”

Bertha Oliva, Co-ordinator of the Committee of Relatives of the Detained and Disappeared in Honduras

PEN Canada and IHRP Recommendations to the Standing Committee

We are asking the Standing Committee on International Trade to recommend that the following be implemented prior to third reading of Bill C-20:

(1) Independent human rights assessment

(a) Canada should commission an independent, impartial, and comprehensive assessment of the state of fundamental human rights, including freedom of expression, in Honduras, and make the findings of this assessment public.

(b) Canada should negotiate an agreement with Honduras whereby both parties would be required to submit an annual public, independent, impartial, and comprehensive human rights assessment report, with each subsequent report providing an update on how the issues noted in previous reports are being effectively addressed

(2) Fundamental human rights enforceable through trade treaty

Canada and Honduras incorporate into the treaty language that references existing fundamental human rights obligations and makes these enforceable within the treaty.

**SUBMISSION OF PEN CANADA AND THE INTERNATIONAL HUMAN RIGHTS
PROGRAM (IHRP), UNIVERSITY OF TORONTO FACULTY OF LAW TO THE
STANDING COMMITTEE ON INTERNATIONAL TRADE**

Bill C-20, An Act to implement the Free Trade Agreement between Canada and the Republic of Honduras, the Agreement on Environmental Cooperation between Canada and the Republic of Honduras and the Agreement on Labour Cooperation between Canada and the Republic of Honduras

Speaking Notes: April 10, 2014

CARMEN CHEUNG

Researcher for PEN-IHRP report *Honduras: Journalism in the Shadow of Impunity*

Good morning. On behalf of PEN Canada and the International Human Rights Program at the University of Toronto Faculty of Law, I would like to thank the Committee for this opportunity to present on Bill C-20. I will be sharing my time with Tasleem Thawar, the Executive Director of PEN Canada.

Since 2010, PEN and the IHRP have worked together to research and report on threats to freedom of expression around the world. This January, we released our latest joint report, which focuses on impunity and violence against journalists in Honduras. Copies of this report and its Executive Summary have been provided to the Committee. Our research included a thorough review of previous work published on the problem of impunity in Honduras, and extensive in-country interviews with working journalists, human rights defenders, lawyers, government officials and other stakeholders.

Threats to freedom of expression

When we first embarked on this study, we were drawn to Honduras because we were – quite frankly – alarmed at what we were seeing: deadly violence against journalists in a country that until quite recently was not particularly notorious for such threats. Although Honduras has been plagued by violence and high crime rates for several years, the evidence suggests that the sharp increase in violence against journalists cannot simply be ascribed to this trend. Our report finds that journalists are targeted for their work, and that they are especially vulnerable members of the population.

As detailed in our report, freedom of expression in Honduras has suffered serious restrictions since the ouster of President Zelaya in June 2009. These past five years have seen a dramatic erosion in protections for expressive life in Honduras – journalists are threatened, harassed, attacked and murdered with near impunity, and sometimes in circumstances that strongly suggest the involvement of state agents. This has had a devastating impact on the general state of human rights and the rule of law in the country, since violence against journalists often silences coverage of topics such as corruption, organized crime, drug trafficking and political reportage. Fearing for their personal safety, many journalists either self-censor or flee the country altogether.

Institutional challenges

Among the journalists and human rights defenders we spoke with, there is a pervasive sense that they are under threat, and that the state is, at best, unable or unwilling to defend them, or at worst, complicit in the abuses. This general feeling is borne out by the numbers: as our report sets out,

only two convictions have been secured in the 32 journalist killings between 2003 and 2013 – an impunity rate of 95 per cent.

Investigations by the National Police are conducted poorly, if at all. Indeed, the National Police is widely acknowledged to be highly corrupt, notwithstanding decades of “purification”. When we were in Honduras, the Deputy Minister of Justice and Human Rights told us that the police forces suffer from serious institutional problems, including infiltration by organized crime. A representative from an intergovernmental organization told us that his office operates under the assumption that narco-trafficking groups have established links with politicians, the army and the police.

The taint of corruption and the culture of impunity have undermined trust among state agencies and public confidence in key institutions. Public distrust of the police is so great that only about 20 per cent of crime is reported, and of that, less than four per cent gets investigated. According to Honduras’s own statistics, less than one per cent of all crime in Honduras is subject to a police investigation.

Serious problems are evident throughout the criminal justice system. Police will say an investigation is underway when there is none. The office of the Special Prosecutor for Human Rights does not have the jurisdiction to try those responsible for the murders of journalists, and lacks resources to conduct even the most basic investigations into other human rights violations. The office, which was nominally responsible for over 7000 cases in 2012, only had the resources to investigate a very small percentage of them.

We met with two of the Special Prosecutors for Human Rights Defenders during our time in Tegucigalpa last year. One of them – Rosa Seaman – told us that she was personally responsible for 200 cases. However, her office received only enough funding for her salary and a vehicle. She had virtually no investigative resources – no team beyond herself and the other Special Prosecutor for Human Rights Defenders, no investigative analysts, no technical capacity to even trace the source of threats sent by email or made over the telephone. She estimated that realistically, she could only investigate and prosecute about one case per month. Meanwhile, she and the other prosecutor we spoke with also reported being subject to threats for their work in protecting human rights. So while a Special Prosecutor for Human Rights exists on paper and as an institution, its ability to carry out its mandate is seriously compromised by severe underfunding and threats to the safety of the prosecutors themselves.

Honduras is facing a serious human rights crisis; this is not just a matter of working with Honduras to move beyond a troubled past. Violence against journalists, complete collapse of expressive life and impunity for violent crimes and human rights abuses remain the norm there. Ms. Thawar will set out why this is important for Canada and our interests in the region. Thank you again for the opportunity to address the Committee, and I look forward to your questions.

TASLEEM THAWAR
Executive Director, PEN Canada

Thank you for this opportunity to inform your thinking on the Canada-Honduras Free Trade Agreement.

Before I begin, a bit about PEN Canada. We're the Canadian centre of PEN International, the oldest human rights organization in the world, working in more than 100 countries. Though we are active in the international freedom of expression arena, (we're just back from Washington DC testifying on Honduras at the Organization of American States' Inter-American Commission on Human Rights) we don't often testify on Canadian foreign policy issues. However, as you've heard from Ms. Cheung, the state of freedom of expression in Honduras is deeply concerning, and so, here we are.

It's also important to point out that PEN Canada has no view on whether Canada should or should not enter into a preferential trade agreement with Honduras. That said, we do feel that bi-lateral negotiations with Honduras must be informed by the dire situation there and should be used as an opportunity to improve the conditions for freedom of expression.

We believe that this ought to be a priority for Canada, as a major donor to the country and potential future preferential trading partner. A free and independent press is essential to a free and democratic society, rule of law, and combating corruption.

We believe that Honduras' dismal record on freedom of expression poses great risk to Canadian companies and Canada generally. I have some brief points that I want to emphasize.

First, Honduras is far worse than any of Canada's current trading partners in the region. To give you an idea of the situation in relation to others, in the Global Press Freedom rankings of 191 countries, compiled by Freedom House and where Canada ranked 29,

- Costa Rica ranked 23;
- Chile ranked 64;
- Peru ranked 89; and
- even Colombia, plagued by narco-trafficking, ranked 112.

Where did Honduras rank? 140, tied with Egypt, which has imprisoned two Canadian media workers in the past eight months. Thirty-two journalists have been murdered in Honduras since 2003 – thirty-two.

So, this agreement should not be business as usual for Canada. When it comes to freedom of expression, this is a country that has performed far worse than its neighbours.

Second, not only have Honduran institutions failed at protecting basic human rights for its citizens, there is a history of government involvement in these human rights abuses. Our research shows that the state not only failed to investigate crimes against journalists, but that in many cases state actors were themselves complicit in these crimes. This is a government that is plagued by corruption and it has a record of failure in bringing perpetrators to justice.

Third, many of the issues that put journalists in danger are related to trade, investment, and business. There is evidence that journalists writing about sensitive subjects such as the environment, natural resources and land conflicts are far more likely to be targeted than others. It follows that Canada and Canadian companies may very well be affected by the freedom of

expression situation in Honduras. Even if Canadian companies in Honduras act according to Canadian values, we are dealing with a country where journalists are being killed for covering issues that may affect them nonetheless, either directly or indirectly. We need only look back at what happened in Nigeria with Shell and the killing of Ken Saro-Wiwa, to see what kind of devastating impact this could have on the reputation of Canadian companies. Indeed Canada's reputation generally could be at risk. Guilt by association is not uncommon in the international arena when it comes to human rights.

So what can we do to improve the situation in Honduras and mitigate these risks?

If passed as it currently stands, Bill C-20 would implement a treaty that is silent in relation to an unfolding human rights disaster in Honduras. This is a missed opportunity. Bi-lateral trade negotiations and the resulting deepening of Canada's relationship with Honduras puts Canada in a unique position to press Honduras to do more to address this crisis.

It is not too late for us to take advantage of this opportunity.

Today, we are asking the Standing Committee to recommend that Canada commission human rights assessments and reporting, and second, that we ensure that fundamental human rights are enforceable through the trade agreement.

A bit of detail about the two tools:

- (1) Human rights assessments – these are not new. They are done by many countries as part of trade agreements, including Canada with the Canada-Colombia free trade agreement. There are two parts to this recommendation:
 - a. First, in order to establish a baseline, Canada should commission an independent, impartial, and comprehensive assessment of the state of fundamental human rights in Honduras, including a specific focus on freedom of expression, and make the findings of this assessment public.
 - b. Second, in order to ensure that progress is being made in meeting their human rights obligations, Canada should negotiate an agreement with Honduras whereby both parties would be required to submit an annual public, independent, impartial, and comprehensive human rights assessment report, with each subsequent report providing an update on how the issues noted in previous reports are being effectively addressed.
- (2) Finally, because there are serious doubts about whether Honduras is willing or able to fulfill its existing human rights obligations, we would like to see fundamental human rights enforceable through this trade agreement. This would simply mean incorporating language that references both our countries' existing human rights obligations and making these enforceable within the treaty.

Thank you for your time. We look forward to your questions.