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Совет по правам человека
Двадцать вторая сессия
Пункт 3 повестки дня
Поощрение и защита всех прав человека, гражданских, политических, экономических, социальных и культурных прав, включая право на развитие

Доклад Специального докладчика по вопросу о положении правозащитников Маргарет Секаггии

Добавление

Миссия в Гондурас*

Резюме

Специальный докладчик по вопросу о положении правозащитников совершила официальную поездку в Гондурас в период с 7 по 14 февраля 2012 года и во время своего визита встретилась с высокопоставленными должностными лицами и правозащитниками.

В настоящем докладе Специальный докладчик описывает существующие в Гондурасе правовые и институциональные рамки для поощрения и защиты прав человека. Затем она подробно рассматривает нынешние проблемы, с которыми сталкиваются правозащитники в Гондурасе в ходе осуществления их законной деятельности, включая правозащитников-журналистов; правозащитников, отстаивающих экономические, социальные и культурные права, включая права общин коренных народов; общин гондурасского населения африканского происхождения; правозащитников, занимающихся природоохранными и земельными вопросами; женщин-правозащитников и правозащитников, отстаивающих права женщин и детей; правозащитников, отстаивающих права лесбиянок, гомосексуалистов, бисексуалов, трансгендеров и интерсексуалов; адвокатов, прокуроров и судей; и сотрудников Управления национального уполномоченного по правам человека. С учетом характера их деятельности правозащитники по-прежнему подвергаются опасности применения внесудебных казней,

* Резюме настоящего доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на том языке, на каком он был представлен, и на испанском языке.

насильственных исчезновений, пыток и жестокого обращения, произвольных арестов и задержания, угроз смертью, нападений, слежки, преследований, стигматизации, внутреннего перемещения и принудительного изгнания.

Затем Специальный докладчик анализирует основные проблемы, с которыми сталкиваются правозащитники, включая практику безнаказанности и отсутствие защитных мер, недостаточно развитый институциональный потенциал и неэффективную координацию, незаконные ограничения на осуществление основных прав и стигматизацию правозащитников.

В заключительной части своего доклада она формулирует выводы и рекомендации для рассмотрения всеми заинтересованными сторонами.

Annex

[English and Spanish only]

Report of the Special Rapporteur on the situation of human rights defenders on her mission to Honduras (7 – 14 February 2012)

Contents

I. Introduction

1. Pursuant to General Assembly resolution 60/251 and Human Rights Council resolution 7/8, the Special Rapporteur on the situation of human rights defenders conducted an official visit to Honduras from 7 to 14 February 2012, at the invitation of the Government.

2. The Special Rapporteur thanks the Government of Honduras for extending an invitation to her and for its cooperation throughout the visit. The Special Rapporteur also expresses her appreciation to the Office of the United Nations Resident Coordinator in Honduras and the Human Rights Adviser of the United Nations country team for their excellent support in the preparation of, and during, the visit.

3. The purpose of the visit was to assess the situation of human rights defenders in Honduras in the light of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly in its resolution 53/144. An examination of the legal framework in the country, institutional policies and mechanisms for the promotion and protection of human rights were of particular importance to this assessment.

4. A request to visit Honduras was made by the previous mandate holder, Hina Jilani, in 2008. The Special Rapporteur commends the Government for having extended an open invitation to special procedures, on 12 May 2010, and a specific invitation to 14 special procedures mandate holders in October 2011.

5. The Special Rapporteur travelled to Tegucigalpa, San Pedro Sula and La Ceiba. She had the opportunity to meet with the President of Honduras, the Minister for Justice and Human Rights, the Minister for the Development of Indigenous Peoples and Afro-descendants, two deputy Ministers for Foreign Affairs, the deputy Minister for Defence, the deputy Minister for the Interior and Population, the deputy Minister for Security, the Director of the National Agrarian Institute, the President of the Human Rights Commission of the National Congress, the President and two magistrates of the Supreme Court of Justice, staff members of the Office of the Public Prosecutor, the National Commissioner for Human Rights (CONADEH) and the three members of the National Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment (CONAPREV). The Special Rapporteur regrets that she was not able to meet the Minister for Foreign Affairs, the Minister for Security, the Minister for Defence, the Procurator General and the Minister for the Interior and Population.

6. In addition to the authorities in Tegucigalpa, the Special Rapporteur held meetings in San Pedro Sula with the Governor and the regional representatives of the Head of the Regional Office of the National Commissioner for Human Rights in the Department of Cortés, while in La Ceiba she had the opportunity to meet the Governor of Atlántida, the head of the Regional Office of the National Commissioner for Human Rights and the Regional Prosecutor for Human Rights. Owing to security constraints, she was unable to visit the region of Bajo Aguán (Department of Colón). The Special Rapporteur also met with a very wide and diverse segment of civil society representatives and human rights defenders and with members of the diplomatic community and United Nations agencies.

II. Background

7. On 28 June 2009, the President of Honduras, Manuel Zelaya, was overthrown in a coup d'état. The subsequent de facto Government was headed by the President of Congress,

Roberto Micheletti. General elections were held in November 2009 and were won by Porfirio Lobo.

8. During and after the coup, Honduran military and security forces perpetrated serious and systematic human rights violations. On 26 January 2010, the day before President Lobo took office, the National Congress approved an amnesty law for the events that took place between 1 January 2008 and 27 January 2010. Although the law states that human rights violations are exempt from the amnesty, the ambiguous language used in the law has been the source of concern, including that of the Inter-American Commission for Human Rights.[1]

9. Since the Government of Mr. Lobo took office, there have been certain positive human rights developments, such as the establishment of the Ministry of Justice and Human Rights, the Ministry for the Development of Indigenous Peoples and Afro-descendants and a national preventative mechanism for the prevention of torture. In addition, the Truth and Reconciliation Commission was established in 2010 in order to clarify the events surrounding the coup d'état. In July 2011, the Commission concluded in a report that serious human rights violations, particularly political persecutions, had been perpetrated, and recommended the implementation of profound political and institutional reforms to improve the protection of human rights.[2]

10. As a consequence of the coup d'état, international investment in the country was seriously affected, resulting in the deterioration of the economic and social situation. According to the National Statistics Institute, in 2010, 60 per cent of the population of Honduras lived in poverty, and 39 per cent in extreme poverty.

11. The education system is also a serious concern. Students should receive classes approximately 200 days per year; however, owing to poor quality education and frequent teacher strikes, they currently only receive half the classes. Approximately 50 per cent of the population is younger than 18 years of age, and the lack of access to education is having a serious negative impact on the security and economic situation of the country.

12. Violence and insecurity are key concerns. According to the World Study on Homicide of the United Nations Office on Drugs and Crime (UNODC), Honduras has the highest rate of violent death in the world; for example, in 2010, the rate of violent deaths reached 82.1 such deaths per 100,000 inhabitants.[3] The pervasive violence is the result of a number of factors, including an increase in organized crime and drug trafficking. The police force itself is responsible for serious human rights violations and corruption, which has led to the increase in the use of private security providers.

13. The high levels of impunity, corruption, poverty and inequality, compounded by with increasing criminality and violence, have negatively affected the confidence of the Honduran people in national institutions. Social and political polarization still prevails, particularly within civil society organizations.

[1] See the preliminary observations of the Inter-American Commission on Human Rights on its visit to Honduras, May 15 to 18 May 2010, 3 June 2010. Available from www.cidh.org/countryrep/Honduras10eng/Honduras10TOC.eng.htm.

[2] See www.comisionde verdadhonduras.org/.

[3] See www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa_study_on_homicide_2011_web.pdf.

III. Legal and institutional framework for the promotion and protection of human rights

A. Legal framework

1. International level

14. As at February 2012, Honduras was a State party to the International Covenant on Civil and Political Rights (1997), the First (2005) and Second (2008) Optional Protocols thereto; the International Covenant on Economic, Social and Cultural Rights (1981); the Convention on the Elimination of All Forms of Discrimination against Women (1983); the Convention on the Rights of the Child (1990) and the two Optional Protocols thereto; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1996) and the Optional Protocol thereto (2006); the International Convention on the Elimination of All Forms of Racial Discrimination (2002); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2005); the Convention on the Rights of Persons with Disabilities (2008) and the Protocol thereto (2010); the International Convention for the Protection of All Persons from Enforced Disappearance (2008) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO).

15. The Special Rapporteur notes that Honduras is not yet a State party to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women or the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

16. International treaties are part of the legal framework of Honduras, and take precedence over national legislation, as stipulated by articles 15 and 18 of the Constitution of Honduras.

2. Domestic level

(a) Constitution

17. The Constitution was approved in 1982 and has been modified several times thereafter. In the preamble thereto, reference is made to the strengthening and perpetuation of the rule of law in order to ensure that society is politically, economically and socially just. The importance of providing "conducive conditions for the full realization of man, as a human being, in terms of justice, freedom, security, stability, pluralism, peace, representative democracy and the common good" is also stressed.

18. The mandate of the National Commissioner for Human Rights is described in article 59 of the Constitution, which also, in article 60, declares punishable any discrimination on grounds of sex, race, class or any other ground injurious to human dignity. The Constitution also recognizes a broad range of human rights, including inter alia, the right to freedom of expression and opinion (art. 72), the rights to freedom of association and assembly (art. 78), the right to freedom of movement (art. 81) and the right to work (art. 127). It furthermore recognizes the guarantee of habeas corpus (art. 182).

(b) Law No. 153-95 on the National Commissioner for Human Rights

19. Law No. 153-95 describes the structure of the office of the National Commissioner for Human Rights (Comisionado Nacional de los Derechos Humanos) and sets out its functions. Every six years a person can be chosen as National Commissioner by the

National Congress, with re-election possible for one additional term (for a total duration of 12 years).

(c) Decree No. PCM-027-2011 on the Law of the Organization, Functions and Competences of the Executive Power

20. Decree No. PCM-027-2011 on the Law of the Organization, Functions and Competences of the Executive Power (Reglamento de Organización, Funcionamiento y Competencias del Poder Ejecutivo) establishes in its article 87-D and E the Ministry of Justice and Human Rights, and specifies its functions.

(d) Law No. 219-2011 on the Judicial Council and Judicial Career

21. The Judicial Council, not yet in existence at the time of the visit of the Special Rapporteur, will be responsible for the administration and supervision of judges, including in relation to their appointment and promotion and the application of disciplinary measures.

22. While the Special Rapporteur notes the positive nature of Law No. 219-2011 on the Judicial Council and Judicial Career (Ley del Consejo de la Judicatura y la Carrera Judicial), given that it strengthens the independence of the judiciary, she considers that the Council as envisaged has a number of shortcomings with regard to its capacity to safeguard the independence of the judiciary. The leadership in the Council by the President of the Supreme Court may generate political interference and affect the legitimacy of the judiciary.

(e) Law No. 9-99-E on Criminal Procedure

23. Law No. 9-99-E on Criminal Procedure (Código Procesal Penal) establishes the function of special judge (juez de ejecución) in charge of monitoring the execution of sentences and security measures, and of ensuring that preventive detention and prison sentences are carried out in accordance with the law and on the basis of judicial decisions.

(f) Law No. 156-1998 on the National Police

24. Law 156-1998 on the National Police (Ley Orgánica de la Policía Nacional) moves the authority for the Police force from the Ministry of Defence to the Ministry of Security. The National Police is responsible for investigating offences and acts under the authority of the Ministry of Security, to prevent, discourage and combat offences, and restore law and order (art. 37); and manage penitentiaries and ensure their security (art. 52).

25. The Special Rapporteur is seriously concerned about the extensive investigative responsibilities of the Police, especially given its widespread involvement in human rights violations. This has contributed to the general climate of impunity in the country and puts prosecutors and staff of human rights institutions at risk.

(g) Specialized Law No. 32-2011 on the Promotion of Non-governmental Organizations for Development

26. Article 3 of Specialized Law No. 32-2011 for the Promotion of Non-governmental Organizations for Development defines these organizations as private entities not affiliated to a political party, non-profit, without trade union, work-related or religious goals, and with objectives that contribute to humanitarian development. The legal personality or the incorporation of a non-governmental organization may be suspended or cancelled for, inter alia, failing to submit an annual report and a financial report for two or more consecutive years (art. 26). The Special Rapporteur is of the view that the law should be revised to bring it into compliance with international human rights standards.

(h) Law No. 252-2010 prohibiting the Financing of Terrorism

27. Law No. 252-2010 prohibiting the Financing of Terrorism (Ley contra el Financiamiento de Terrorismo) defines terrorist activities as those crimes that are defined in international conventions relating to terrorism to which Honduras is a party, as well as "any other act that has the aim of causing death or serious bodily harm to a civilian or to any other person", when the purpose of said act or event, owing to its nature or context, is "to intimidate the population or to oblige a Government or an international organization to carry out or to abstain from carrying out a given act".

28. Reportedly, Law No. 252-2010 has created legal uncertainty for non-governmental organizations and limited their right to freedom of association. Chapter XIII of the law sets out obligations and rules for non-profit organizations, including registering with the Unit for the Registration and Monitoring of Civil Associations (art. 56), and informing the authorities of all donations of more than $2,000 (art. 58). Furthermore, the competent authority may, by means of an administrative order, suspend or dissolve a non-profit organization that has "knowingly encouraged, promoted, organized or committed terrorist acts or financed such acts" (art. 60).

29. The Special Rapporteur is concerned that the valuable role played by human rights defenders may be affected by the adoption of vague laws. For this reason she recommends that such laws be revised in order to create a more favourable environment for civil society organizations.

(i) Law No. 185-95 on the Framework of the Telecommunications Sector

30. Law No. 185-95 on the Framework of the Telecommunications Sector (Ley Marco del Sector de Telecomunicaciones) establishes the conditions for obtaining a radio broadcasting license for a radio frequency. It grants authorities the power to revoke or cancel broadcasting licenses on the grounds of national security concerns.

31. The Special Rapporteur received information that Law No. 185-95 interferes in the creation and development of alternative media, particularly community radio stations. In cases where there is more than one interest in obtaining a particular radio frequency, a tender for the license is held, in which community radio stations are, however, at a disadvantage against commercial radio companies. Many journalists who use alternative media for the promotion of human rights in rural and poor communities have been negatively affected by this concession process.

32. The Special Rapporteur recognizes the right of the State to grant State bodies legal powers to revoke or cancel broadcasting licenses on the grounds of national security. She is, however, concerned that these policies may continue to apply outside the context of a formal state of emergency. In her opinion, the law is in breach of international standards regarding the freedom of expression and should therefore be revised.

(j) Law No. 143-2010 on the Regulatory System of Public and Private Associations

33. Law No. 143-2010 on the Regulatory System of Public and Private Associations (Ley del Régimen Regulador de las Asociaciones Público Privada) regulates public and private associations in order to increase investment and national development. The Special Rapporteur received information that communities living in areas where projects are being developed were not consulted, and that there has been an increase in the number of evictions, particularly affecting indigenous and afro-Honduran communities. She was also informed that certain projects are causing serious environmental pollution and that the health of the population is being affected. In her opinion, all public and private associations should be regulated in accordance with international human rights standards.

3. General shortcomings in the legal framework

34. The Special Rapporteur has taken note of significant deficiencies in the full implementation of legal instruments, a situation that adversely affects the work and safety of human rights defenders.

35. The Special Rapporteur observes that the absence of a specific legal framework for the protection of human rights defenders contributes to their situation of vulnerability. She firmly believes that the adoption of a national law on their protection would enhance and give legitimacy to their work, and contribute to the improvement and strengthening of the framework for national dialogue with civil society. Such a law should be enacted as a matter of priority.

36. During her meeting with the President of the Human Rights Commission of the National Congress, the Special Rapporteur welcomed the openness expressed to examine the possibility of drafting such a law.

B. Institutional framework

1. Law enforcement authorities and defence

37. The Special Rapporteur met with the Deputy Minister for Security and the Deputy Minister for Defence.

38. While recognizing the existence of corruption in the police force, the Deputy Minister for Security pointed out that measures and reforms were being devised and implemented. The Deputy Minister also referred to the substantial shortcomings in their training and capacity, as well as the incidence of arbitrary detentions and excessive use of force. She recognized that the police does not have a dedicated unit with vetted officers for providing protection, and that the institution does not manage to protect all persons with precautionary measures issued by the Inter-American Commission on Human Rights. He furthermore highlighted the refusal by certain victims to be assigned police protection.

39. It is of grave concern to the Special Rapporteur that most of the human rights violations reported were allegedly attributable to law enforcement authorities. In the light of the investigative responsibility of the police, she noted a systematic failure to report violations against defenders when police officers are alleged to have been responsible. The Special Rapporteur notes that the need for police reform is widely acknowledged by all public institutions and civil society; she therefore recommends the implementation of holistic policies to effectively combat impunity in the country.

40. The Deputy Minister for Defence pointed out that the military was entrusted with autonomous functions in public order enforcement, in accordance with a constitutional amendment passed in November 2011. The military is currently conducting joint operations with the police; to date, however, no detentions have been undertaken by the army without the presence of the police.

41. The Special Rapporteur is concerned that the lack of trust in the police is leading to the use of the military for policing functions, and reminds the Government that the military should not assume such a role.

2. Judiciary

42. The Special Rapporteur met with three magistrates in Tegucigalpa, including the President of the Supreme Court, who stated that the performance of the judiciary had been affected by the general climate of impunity in the country. The Special Rapporteur was

informed that the judiciary is hampered by a lack of human and financial resources and a backlog in investigations of human rights violations, many of which are poorly undertaken.

43. The Special Rapporteur also received information indicating a lack of independence and impartiality in the judiciary. Such a situation undermines both the effectiveness of the administration of justice and the potential role of judges as human rights defenders. Protection remedies, such as habeas corpus and the writ of *amparo*, have become illusionary mechanisms. The Special Rapporteur observes that the Supreme Court previously had excessive administrative and disciplinary powers over judges and exercised arbitrary control over their careers. She furthermore notes that the incertitude over the tenure of judges is detrimental to the exercise of their functions.

44. The Special Rapporteur emphasizes the fact that an independent and effective judicial system is essential if widespread impunity is to be tackled.

3. Public prosecutors

45. The Special Rapporteur met with members of the Office of the Public Prosecutor, including the Human Rights Unit. Prosecutors pointed out their dependency on the investigative capacity of the police and the fact that the judiciary regularly refused to act on the pretext that the necessary information was lacking.

46. The ability of the Office of the Public Prosecutor to undertake effective and impartial criminal investigations is seriously undermined by the alleged participation and collusion of police force members in committing crimes, including serious violations of human rights. The Special Rapporteur received information from various sources indicating that police agents, including at the senior levels, had impeded and obstructed investigations. She was also informed that the Human Rights Unit of the Office of the Public Prosecutor was affected by political interference and lack of resources, and that its staff had received death threats. The protection measures available to witnesses and victims are extremely limited.

47. The Special Rapporteur considers that the Office of the Public Prosecutor should be allocated additional resources and that its independence should be strengthened.

4. National Commissioner for Human Rights

48. The Special Rapporteur met with the National Commissioner for Human Rights, who is responsible for the promotion and protection of human rights by means of, inter alia, monitoring the rights established in the Constitution and human rights treaties ratified by Honduras, and for immediately addressing and following up on any allegations of human rights violations. All other public powers and public institutions must treat the investigations carried out by the National Commissioner as a priority. According to article 45 of the National Commissioner Law, the National Commissioner is to submit an annual report to Congress describing the general situation of human rights in the country. The National Commissioner is in charge of addressing recommendations to public authorities.

49. The National Commissioner for Human Rights informed the Special Rapporteur of the small number of petitions the institution had received from human rights defenders, mainly owing to problems in the dialogue with non-governmental organizations. He also acknowledged delays in handling complaints owing to a lack of staff and financial resources.

50. The Special Rapporteur also met with the regional representatives of the National Commissioner for Human Rights in Cortés and Atlántida. Both reportedly maintain an open dialogue with local civil society representatives.

51. The National Commissioner for Human Rights is a key institution for human rights defenders seeking redress. The Special Rapporteur is concerned that, for several reasons, the role of the National Commissioner has been marginalized by different sectors of society; however, most of the defenders she met during the mission voiced their disappointment and distrust in the current functioning of the institution. Several defenders pointed out that the leadership of the institution had lost credibility following the coup.[4]

52. The Special Rapporteur emphasizes the importance of having a strong and independent human rights institution in compliance with the Paris Principles. She believes that the institution should be more proactive, becoming a bridge between the Government and civil society.

5. Ministry of Justice and Human Rights

53. The Special Rapporteur met with the Minister for Justice and Human Rights twice. On the basis of article 87-D, E of the Law on the Organization, Functions and Competences of the Executive, the Ministry has the responsibility to promote, coordinate, implement and evaluate all justice and human rights policies, and to ensure coordination for the effective implementation of policies by relevant entities, inter alia, the Executive and the judiciary, as well as the Procurator General, the Public Prosecutor and the National Commissioner for Human Rights.

54. The Minister stated that the protection of human rights defenders was a main concern for her institution. She pointed out that a human rights defender unit had been created within the institution, which was in charge of ensuring the implementation of the protection measures requested by national authorities and international organizations, including more than 380 precautionary measures issued by the Inter-American Commission on Human Rights. A direct telephone line had been established for the purpose of requesting protection. Furthermore, the Minister highlighted the fact that her institution was currently developing a national plan of action for human rights.

55. The creation of the Ministry of Justice and Human Rights is a positive development for the State in the fulfilment of its responsibility to protect human rights. The Special Rapporteur encourages the Ministry to strengthen its efforts to provide protection measures, in particular through the formal creation of an inter-institutional protection programme focused on practical protection measures in consultation with the beneficiaries, and to ensure regular evaluation of their implementation.

56. The Special Rapporteur encourages the Ministry to continue to develop the national plan of action in close coordination with relevant stakeholders and entities, including the authorities, the National Commissioner for Human Rights and civil society representatives.

6. Ministry for the Development of Indigenous Peoples and Afro-descendants

57. The Special Rapporteur welcomes the establishment of the Ministry for the Development of Indigenous Peoples and Afro-descendants, which was created after the adopting of Decree No. 203-2010 on the Law on Public Administration. She met with the Minister on two occasions. The Ministry is in charge of, inter alia, designing, coordinating, implementing and evaluating all policies that promote the economic, social and cultural

[4] In October 2011, the Subcommittee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights downgraded the accreditation status of the Comisionado Nacional de los Derechos Humanos de Honduras to B. See http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/SCA%20REPORT%20OCTOBER%202011%20-%20FINAL%20(with%20annexes).pdf.

development of indigenous and Afro-descendants communities, and of strengthening the exercise by these communities of their rights.

58. The Minister expressed his willingness to support communities that were being evicted as a consequence of public and private investments. He also stated that education was among his priorities. Although several programmes for the development of indigenous and Afro-Honduran people had been implemented, the Minister acknowledged that the institution did not have a policy or programme for human rights defenders working on the rights of these communities. He added that one of the main problems encountered by his institution was the lack of resources.

59. The Special Rapporteur is concerned that all of the different voices within these communities are not being given equal attention. She received complaints from defenders that their petitions had not been taken into account, particularly when their rights had been violated by transnational companies. The Special Rapporteur recommends that dialogue with all communities be strengthened.

7. National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment

60. Decree No. 136-2008 created the National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment to monitor the situation of human rights of people in detention. The Special Rapporteur met with three experts from the Committee.

61. The Committee is facing challenges raised by the lack of adequate budget allocations. In 2011, its offices were attacked, during which time computer equipment and information were stolen.

62. The Special Rapporteur is concerned that the recommendations provided by the Committee are not sufficiently taken into account by other institutions. Given the current situation of Honduran detention centres, the Special Rapporteur considers that the Committee's role should be strengthened in order to guarantee and protect the fundamental rights of people in detention. She noted the importance of supporting this institution financially and in terms of staff, to guarantee its independence from other Government institutions and to ensure prompt compliance with its recommendations.

IV. Situation of human rights defenders

63. During her visit, the Special Rapporteur met with more than 300 human rights defenders engaged in advocating and protecting civil, political, economic, social and cultural rights. She is particularly grateful to those defenders who travelled long distances to meet her in San Pedro Sula and La Ceiba. From April 2006 to February 2012, the mandate holder has sent 29 communications to the authorities on alleged human rights violations against defenders, including one after the mission.

64. The Special Rapporteur observed that, because of their legitimate work in upholding human rights and fundamental freedoms, certain categories of human rights defenders are at particular risk, including journalists; defenders working on economic, social and cultural issues, including defenders working on indigenous, Afro-Honduran, environmental and land rights issues; defenders working on the rights of women, children and the lesbian, gay, bisexual, transgender and intersex community (LGBTI); lawyers, prosecutors and judges; and the staff of the National Commissioner for Human Rights.

65. Owing to the exposed nature of their activities, human rights defenders and their families continue to be vulnerable to extrajudicial executions, enforced disappearance, torture and ill-treatment, arbitrary arrest and detention, death threats, attacks, surveillance,

harassment, stigmatization, displacement and enforced exile. Their offices are raided and information files stolen. Their rights to freedom of expression, peaceful assembly and association are often unlawfully restricted.

66. Such violations are commonly attributed to law enforcement authorities. However, collusion and/or acquiescence has also reportedly been shown with regard to abuses committed by private actors, inter alia, criminal gangs and private security guards. The Special Rapporteur was repeatedly informed that impunity for such violations was a chronic problem.

67. A very large number of human rights defenders are protected by precautionary measures taken by the Inter-American system. The Special Rapporteur is disturbed by information that the failure of the authorities to provide effective protective measures has resulted in human rights defenders being victims of killings, attacks and threats. At the time of her visit, more than 380 people in Honduras were beneficiaries of precautionary protection measures and a significant number of them expressed grave concern for their security.

68. Regarding the performance of civil society organizations, the Special Rapporteur regrettably noted a lack of cooperation among them, a lack of networks for the protection of victims and a lack of knowledge of United Nations mechanisms. She emphasized that empowering human rights defenders contributed to their protection.

69. In the view of the Special Rapporteur, as a matter of priority, impunity should be addressed and human rights defenders should be provided with effective protection. Laws that restrict their work should be revised, and the stigmatization of their work should be punished.

A. Defenders working as journalists

70. Journalists have increasingly been targeted for exposing human rights violations and poor governance. An alarming number of journalists have been killed since 2009, and those who covered the street protests and denounced human rights violations after the coup were particularly vulnerable.

71. The Special Rapporteur is concerned at the lack of investigations into the attacks against journalists, as well as at information received regarding serious violations of and restrictions to the freedom of expression, particularly after the coup. She noted that measures to restrict the media remain in place and have resulted in self-censorship among journalists. Numerous community radio stations were closed shortly after the coup, and remain inoperative. Furthermore, according to information received in April 2011, all low radio frequencies were suspended, making community radio stations illegal and affecting, in particular, the right of rural and indigenous and Afro-Honduran communities to have access to information. For instance, she received information that several journalists working at the radio station La Voz de Zacate Grande, which supports the land rights movement of local farmers, were being prosecuted.

72. The Special Rapporteur has emphasized that the role of journalists in following up on cases at the national level as investigative journalism can make a real difference when raising public awareness and shedding light on responsibilities.[5]

[5] A/63/288, para. 54.

B. Defenders working on economic, social and cultural rights

73. The Special Rapporteur is concerned at the degree of violence affecting people claiming their economic, social and cultural rights, including land rights, by peaceful means. She met several representatives of organizations who had been targeted as a consequence of their interventions to protect the environment and livelihood of their communities or of other communities against projects by private companies or State agents, in particular relating to dams, mining and tourism. Many of these defenders live in a constant state of fear. Moreover, she received information that community leaders were particularly targeted by the police and security guards hired by private companies.

74. The Special Rapporteur is also concerned about concessions made by the Government in order to create "charter cities", and the lack of prior consultation on the Law on the Regulatory System of Public and Private Associations, given that these initiatives are having an impact on the livelihood of rural populations. According to information received, Honduras also faces challenges regarding land titles, and land disputes are commonly exacerbated by the fact that several people all claim ownership of the same plot of land.

75. The Special Rapporteur recognized the legitimate right of the Government to promote private investment. She recommends, however, that human rights and environmental regulations be strengthened to prevent public and private actors from committing violations in the communities where they operate.

1. Defenders working for the rights of indigenous people

76. The Special Rapporteur notes that the departments with the highest prevalence of indigenous people show the lowest indicators in terms of health and education conditions, access to basic services and economic development.

77. The Special Rapporteur is disturbed by the vulnerability and exclusion suffered by indigenous peoples in the country. In particular, she notes that there are cases where the Government has provided legal licenses to private companies in lands considered ancestral by the indigenous communities, without consulting the indigenous peoples concerned, as required by ILO Convention No. 169, to which Honduras is a party, and the United Nations Declaration on the Rights of Indigenous Peoples. Furthermore, human rights defenders working on indigenous issues commented on the lack of knowledge of local authorities, the judiciary and law enforcement authorities of ILO Convention No. 169.

78. Human rights defenders working on indigenous issues also recognize their own lack of knowledge in relation to their own rights. The Special Rapporteur welcomed some initiatives of cooperation undertaken by the indigenous communities, such as community radio stations.

2. Defenders working for the rights of Afro-Hondurans

79. The Special Rapporteur is concerned that Afro-descendant communities, like their indigenous counterparts, are marginalized and live in areas marked by low social and economic indicators. They are concentrated along coastal areas of the Caribbean, traditionally vulnerable to natural disasters and to pressure exerted by private companies, including tourist projects on the Caribbean coast. Communities are reportedly being evicted from their lands, and their claims are not been taken into account by the authorities.

80. The Special Rapporteur emphasized the fact that the contact of indigenous and Afro-Honduran people with their ancestral land, water and resources is part of their identity as much as their livelihood.

81. The Special Rapporteur is concerned at information received that there was a lack of cooperation within Afro-Honduran communities. She recommends that efforts be made to strengthen their networks.

3. Defenders working on environmental and land rights issues

82. Defenders protecting natural resources (forest, land and water) have been repeatedly arrested, beaten and, in some instances, killed because of their activities. Defenders who denounce environmental issues and educate citizens about their rights to land and food have been branded as members of the resistance, guerrillas, terrorists, political opponents or criminals. The Special Rapporteur is gravely concerned at the situation in Valle de Siria, an area where children and adults of the community have been poisoned as a consequence of the activities of a private mining company. Community leaders who have denounced the situation claim that they have not received any redress thorough the authorities.

83. In spite of the fact that the Special Rapporteur did not travel to Bajo Aguán for security restrictions, she managed to meet around 40 farmers living in the region, as well as the Director of the National Agrarian Institute and a representative of a corporation working in the area. She is gravely concerned at the situation of violence and impunity in Bajo Aguán and the deployment of military forces in the area.

84. In general, the Special Rapporteur received contradictory information in relation to the perpetrators of violence, inter alia, security guards, police officers, the military and farmers. She also noticed, however, the high level of politicization, polarization and stigmatization among the parties.

85. The Special Rapporteur noted the peaceful work carried out by human rights defenders in the region. During the period under review, defenders who provided farmers with legal assistance were subjected to threats and attacks. She received information that, in certain cases, the police refused to register their complaints.

86. The Special Rapporteur took note of the efforts made by authorities to mediate in order to resolve land ownership disputes, and encourages such efforts in order to prevent the land conflict in this region from adversely affecting the national situation.

C. Women defenders and defenders working on women and children's rights

87. During the mission, women's organizations raised concerns that, owing to pervasive gender discrimination, their complaints of violations against their integrity and work were dismissed and that they endured intimidation by the authorities, in particular by members of the police force. The Special Rapporteur received information that Gladys Lanza, a human rights defender from the "Visitación Padilla" Pro-Peace Women's Movement, had been subjected to repeated threats and intimidation that have not been investigated and that she, despite being a beneficiary of precautionary measures, is currently not provided with any protection.

88. The Special Rapporteur noted with concern reports that femicide had dramatically increased. She has reiterated on several occasions that women defenders are more at risk of certain forms of violence and other violations, such as prejudice, exclusion and repudiation, than their male counterparts. This is mainly due to the fact that women defenders are perceived as challenging accepted sociocultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation and the role and status of women in

society, which often serve to normalize and perpetuate forms of violence and oppression.[6] The Special Rapporteur strongly recommends that the role of women human rights defenders be recognized.

89. During the period under review, defenders working on children's and youth rights were also harassed, particularly those working with children in vulnerable situations, such as street children, and those working on cases of summary executions of children. Defenders who had denounced social cleansing of children and young people by public and private actors were specifically targeted. The Special Rapporteur is concerned at the case of Reinaldo Cruz Palma, a community leader who worked with young people in Ciudad Planeta and who disappeared in 2011 while using public transportation. He had previously been were mistreated by police officers. The authorities have failed to provide information on his case.

D. Defenders working for the rights of the lesbian, gay, bisexual, transgender and intersex community

90. The LGBTI community constitutes another group facing severe discrimination and violence in Honduras, particularly since the coup d'état. According to the information received, the persistence of acts of violence and attacks against persons belonging to the LGBTI community could correspond to patterns of hate crimes by public and private agents, including, primarily, the police and private security guards. The Special Rapporteur received information that, since June 2009, more than 34 people belonging to the LGBTI community had been killed in the country. She addressed an allegation letter in 2010 on the killing of the human rights activist Walter Tróchez, who worked to promote and protect the human rights of the LGBTI community. The Special Rapporteur regrets that the criminal investigation into his death has not yielded results.

91. The Special Rapporteur is also concerned that public officials, including high-ranking authorities, made public statements stigmatizing members of the LGBTI community. She received information indicating that human rights defenders working on the protection of the rights of LGBTI persons had been threatened and persecuted, particularly by police officers, because their work was perceived as defending immoral behaviour. In addition, she received information that members of the LGBTI community were prohibited from meeting in certain public places by police agents and threatened with arbitrary detention. As a consequence of this discrimination, members of the LGBTI community live in constant fear of attack. The Special Rapporteur calls upon the State to recognize their rights and to strengthen their actions to effectively prevent and investigate cases of attacks against relevant defenders.

E. Lawyers, prosecutors and judges

92. The Special Rapporteur observed that lawyers, prosecutors and judges who act as human rights defenders had been subjected to death threats or even murdered. Those working on cases of impunity for human rights violations or investigating corruption had been particularly targeted.

93. The Special Rapporteur received information that prosecutors, particularly those working on human rights and environmental issues, had received death threats and that their situation had become especially precarious. Furthermore, prosecutors and judges working on cases in which the police had been involved in crimes were under political

[6] A/HRC/16/44, para. 23.

pressure from high-ranking authorities, including from within the office of the General Prosecutor. The Special Rapporteur is concerned at the situation of the staff of the Human Rights Office of the Public Prosecutor. She believes that the Office is fundamental in combating the high level of impunity in the country. She also noted that judges faced political pressure, which may affect their independence. In 2010, the Special Rapporteur expressed concerned that, in May 2010, four judges and a public attorney were arbitrary removed from their posts for allegedly taking part in peaceful demonstrations against the coup d'état of 2009. Judges and court officials who participated in demonstrations in favour of the Government created after the coup d'état were not subject to the same treatment.

94. The Special Rapporteur received reports that lawyers working for the National Commissioner for Human Rights had been threatened. Staff members of the office of the National Commissioner were continuously exposed to danger, given that, on many occasions, the police were involved in the allegations received by the office.

95. Lawyers working on human rights issues were targeted. A lawyer working for the non-governmental organization Asociación para una Sociedad más Justa was killed in 2006, and other lawyers working for the organization continued to receive death threats.

96. The Special Rapporteur calls upon the State to provide lawyers, prosecutors and judges with effective protection.

V. Challenges faced by human rights defenders

A. Culture of impunity and lack of protection measures

97. Honduras faces serious challenges in combating violence and insecurity. Human rights defenders stated that, although they were awarded precautionary or provisional protection measures by the Inter-American system, they had not been effectively implemented. For instance, in 2010, Nahún Palacios Arteaga, a journalist who had conducted research into organized crime, corruption and human rights violations, was murdered, despite the precautionary measures granted to him by the Inter-American Commission on Human Rights.

98. Owing to their fear of the police, many human rights defenders abstain from seeking protection, since they believe that contact with the police exposes them to greater security risks and potential reprisal.

99. The Special Rapporteur met several human rights defenders who observed that the police officers assigned to provide them with protection were frequently rotated and lacked training. They stated that the lack of knowledge about the police officer assigned to provide their protection increased their feeling of insecurity. One human rights defender benefiting from precautionary measures commented that the police officers assigned for protection were confused about their task and presumed that the human rights defender was on provisional release. Consequently, the person who was supposed to be receiving protection was treated like a suspect rather than a victim.

100. Prosecutors were subjected to threats and pressure by different State and non-State actors, and did not receive sufficient protection nor were they able to provide adequate protection for witnesses owing to limited human and financial resources. These factors limited progress in improving the administration of justice.

101. The Special Rapporteur emphasizes the fact that the State has an obligation to demonstrate due diligence and to take preventative measures to protect persons who are at risk for having defended human rights. The lack of protection for human rights defenders

increases their vulnerability, obstructs the ability of the authorities to conduct investigations and thereby contributes to the cycle of impunity. She recalls the commitments made by Honduras during its universal periodic review in 2010 to improve the protection of human rights defenders.[7]

102. The Special Rapporteur observes with concern that there has been little or no progress in investigating the attacks and threats made against journalists, human rights defenders and political activists since 2009. Those responsible for human rights violations remain unpunished, and the victims have yet to receive adequate judicial protection or reparation. This has negatively affected the credibility and legitimacy of the judicial institutions. She believes that the authorities should take concrete steps to reduce impunity and to prevent attacks against human rights defenders, thereby restoring trust in the country's judicial system and in the police.

B. Institutional capacity and coordination

103. The Special Rapporteur noted that there were certain institutional overlaps regarding the promotion and protection of human rights. She is also concerned that, when she asked who was responsible for specific functions, authorities answered that the task mentioned was the responsibility of another ministry. For instance, when she asked several high-ranking officials how the communications sent by her mandate in relation to individual cases were dealt with, she did not once receive a clear answer stating which institution was responsible. She also received information that some institutions were not cooperating among themselves. She is therefore concerned that this lack of coordination and cooperation within the Government is worsening the general situation of impunity.

104. Information was received on the Inter-Institutional Commission for the Protection of Human Rights, headed by the Procurator General. The Commission reportedly includes members of the Ministry of Foreign Affairs, the Ministry of Security and the Ministry of Justice and Human Rights, and is supposed to meet periodically. Although the Special Rapporteur welcomes this initiative, she received information from various stakeholders, including authorities, indicating that the Commission failed to provide any effective framework for institutional coordination of human rights protection, because it focused on responses to international human rights mechanisms rather than on concrete measures at the national level.

105. The absence of an effective inter-institutional protection programme for human rights defenders was a major concern expressed by a majority of stakeholders. The above-mentioned Inter-Institutional Commission for the Protection of Human Rights should be reformed to provide effective inter-institutional coordination of human rights protection.

106. During her visit, the Special Rapporteur also noted that several institutions working in the field of human rights lacked the resources necessary to carry out their work. For instance, the Ministry of Justice and Human Rights, the Ministry for Development of Indigenous Peoples and Afro-descendants, the National Commissioner for Human Rights, the Human Rights Office of the Public Prosecutor and the National Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment have not been provided with sufficient funds to carry out their fundamental functions.

107. The Special Rapporteur also observed a shortage in knowledge among some authorities regarding the role and specificities of human rights defenders.

[7] A/HRC/16/10.

108. In general, the Special Rapporteur emphasized the importance of the commitment of all authorities to human rights. In this regard, she also emphasized the importance of systematic institutional training on human rights standards.

C. Restrictions on the exercise of fundamental rights

109. With regard to the legitimate right of human rights defenders to freedom of association, the Special Rapporteur received information indicating that human rights organizations faced difficulties in gaining the legal recognition required to register from authorities and that organizations had been threatened with closure. One of the organizations reportedly affected is APUVIMEH, which works with the LBGTI community and supports persons affected by HIV/AIDS.

110. In this connection, the Special Rapporteur is concerned that the valuable role played by human rights organizations may be affected by legislation aimed at restricting the work of civil society organizations, particularly Specialized Law No. 32-2011 on the Promotion of Non-Governmental Organizations for Development and Law No. 252-2010 prohibiting the Financing of Terrorism.

111. The Special Rapporteur has previously stated that, although the registration requirement does not necessarily, in itself, violate the right to freedom of association, registration should not be compulsory and non-governmental organizations should be allowed to exist and carry out collective activities without having to register if they so wish.[8]

112. Furthermore, Law No. 185-95 on the Framework of the Telecommunications Sector restricts access to radio frequencies and therefore hampers the freedom of expression of journalists and local leaders. The Special Rapporteur believes that laws that impede and deter defenders from carrying out their legitimate activities should be revised.

D. Stigmatization of human rights defenders

113. The Special Rapporteur is concerned at stigmatization in the media and the delegitimizing statements made by public officials against human rights defenders, and notes the particular vulnerability of women defenders and defenders working on women's and children's rights, those working on the rights of the LGBTI community, journalists and defenders working on social, economic and cultural rights, particularly indigenous and Afro-Hondurans and those working on land issues.

114. The Special Rapporteur calls upon the State to recognize and support the work and roles of all groups, organs and individuals involved in the promotion and protection of human rights and fundamental freedoms, as this is the first step towards the creation of a safe working environment for defenders.

VI. Role of the international community in the protection of human rights defenders

115. The Special Rapporteur met with members of the diplomatic community and of the United Nations country team, including the United Nations Resident Coordinator. She welcomes the role played by the United Nations and diplomatic missions in supporting civil society organizations, particularly those working with human rights defenders.

[8] A/64/226, para. 59.

116. The Special Rapporteur wishes to encourage the use of the Declaration on Human Rights Defenders, the European Union Guidelines on Human Rights Defenders and the manual thereon, which are useful tools for the promotion of the role of defenders and their protection.

VII. Conclusions and recommendations

A. Conclusions

117. **The coup d'état of 2009 aggravated institutional weaknesses, increased the vulnerability of human rights defenders and provoked a major polarization in society.**

118. **The Government of Honduras has taken positive initiatives for the promotion and protection of human rights, inter alia, the creation of the Ministry of Justice and Human Rights, the Ministry for Development of Indigenous Peoples and Afro-descendants, and the National Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment. The Special Rapporteur commends the report prepared by the Truth and Reconciliation Commission, particularly the recommendations regarding human rights issues.**

119. **The Special Rapporteur also welcomes the engagement of the authorities and civil society during the universal periodic review process and the Government's acceptance of a significant number of recommendations, including those relating to improving the protection of human rights defenders.**

120. **The pervasive impunity and absence of effective investigations of human rights violations undermine the administration of justice and damages the public's trust in the authorities. The high levels of impunity are affecting the stability of society.**

121. **Defenders face multiple challenges and dangers in their daily work, and the State has the responsibility to protect them. In order to do so, the State should evaluate its current policy framework to promote protection and accountability mechanisms, strengthen institutional cooperation and ensure effective enforcement of the law. The Special Rapporteur underlines the responsibility of the State in ensuring that human rights defenders are provided with effective protection measures in a prompt manner. Full accountability for violations against defenders is an absolute priority and perpetrators must be brought to justice.**

122. **The Special Rapporteur thanks the Government of Honduras once again for its cooperation during her visit. She welcomes the commitment expressed by the Government, including the President himself, to accept and implement her recommendations, and its openness to have a constructive dialogue with civil society.**

B. Recommendations

1. For the Government of Honduras

123. **The Government should promote awareness of the role and importance of the work of human rights defenders, and establish a clear State policy that recognizes their indispensible work. The President should promote and lead a constructive dialogue between the authorities and civil society to create a favourable environment for human rights defenders and to generate trust within the population.**

124. **The Government should integrate a human rights approach in the policies of its institutions. A holistic approach should be the baseline for establishing a State policy**

that provides for the effective operation and comprehensive coordination of public institutions. The Ministry of Justice and Human Rights should lead the reform of the Inter-Institutional Commission for the Protection of Human Rights in order to coordinate effective implementation of the State's human rights protection policy.

125. **As a crucial measure to overcome the distrust in authorities by human rights defenders, an adequately resourced protection programme for human rights defenders should be formally established and implemented as a matter of urgency. Under the leadership of the Ministry of Justice and Human Rights, an inter-institutional framework should assume responsibility for its implementation in consultation with beneficiaries. A regular and transparent review of the protection programme should be ensured.**

126. **The process of applying for protective measures provided under such a programme should be accessible, and immediate protection should be granted while the risk situation of the person is being assessed. All measures for the protection of human rights defenders should be planned and agreed upon directly with the individuals concerned. Furthermore, the existing toll-free 24-hour emergency hotline for human rights violations should be widely publicized.**

127. **The key priorities of the Ministry of Justice and Human Rights should be identified and its role vis-à-vis other authorities clarified in order to avoid overlapping. The Ministry should assume responsibility for the development of human rights policies as well as for the internal coordination of protection strategies for human rights defenders. All policies, strategies and programmes, including the current initiative to develop a national plan of action, should be developed taking into account the recommendations made by human rights mechanisms, including special procedures mandate holders, treaty bodies, the universal periodic review and the Inter-American System, as well as those made by the Truth and Reconciliation Commission. A national mechanism to evaluate regularly the degree of implementation of recommendations should be established in consultation with civil society.**

128. **Institutions that work in the human rights field, inter alia, the Ministry of Justice and Human Rights, the Ministry for Development of Indigenous Peoples and Afro-descendants, the National Commissioner for Human Rights, the Human Rights Office of the Public Prosecutor and the National Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment should be allocated adequate human and financial resources to enable them to carry out their mandates fully.**

129. **Reform of the police force, criminal investigations into human rights violations allegedly perpetrated by police officers and disciplinary measures against police officers suspected of involvement in human rights violations should be undertaken as a matter of priority in order to increase the credibility of the institution responsible for law enforcement. The military should not assume policing functions.**

130. **A dedicated unit of vetted and specifically trained police should be established for the protection of human rights defenders. Their sensitization and awareness of the role of human rights defenders should be significantly strengthened, with technical assistance from relevant United Nations entities, non-governmental organizations and other partners.**

131. **Judges, prosecutors, lawyers and other relevant public officials should be systematically trained on human rights standards, including on the recourse of habeas corpus in order to improve its effective use.**

132. **The national legal framework should be comprehensively revised to harmonize it with the principles and provisions of international human rights instruments. The Declaration on Human Rights Defenders should be incorporated into national legislation, and awareness-raising initiatives on the definition and role of human rights defenders should be undertaken. Legislation should also emphasize the protection of human rights defenders, with an emphasis on defenders facing greater risks. It should also be developed in full consultation with civil society, while technical advice may be sought from relevant United Nations entities.**

133. **Law No. 185-95 on the Framework of the Telecommunications Sector, Specialized Law No. 32-2011 on the Promotion of Non-governmental Organizations for Development, Law No. 252-2010 prohibiting the Financing of Terrorism and Law No. 143-2010 on the Regulatory System of Public and Private Associations should be reviewed in the light of international human rights standards. Furthermore, a law on the provision of reparation for victims of human rights violations should be promptly adopted.**

134. **The State should ensure that both public and private actors, including transnational companies and private security companies, respect the work of human rights defenders, particularly those working on economic, social and cultural rights. Instances where non-State actors have committed violations against human rights defenders should be investigated; those found to be accountable should be prosecuted and punished, and compensation should be provided to victims.**

135. **Efforts to mediate in land ownership disputes should be strengthened. Consultations with indigenous communities should be undertaken in accordance with ILO Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples.**

2. For the judiciary

136. **The judiciary should be aware of the role of human rights defenders. It should also take proactive measures to ensure the protection of human rights defenders.**

137. **Prompt, thorough and impartial investigations on violations committed against human rights defenders should be conducted, and perpetrators should be prosecuted. Practical measures should be taken to address backlogs and delays in administrating cases of human rights violations. Effective reparation should be available to victims.**

138. **While noting the adoption of Law No. 219-2011 on the Judicial Council and Judicial Career, an independent body should be promptly established to safeguard the independence of the judiciary and to supervise the appointment, promotion and regulation of the profession in accordance with international human rights standards. Judges should be ensured tenure so that they may exercise their functions in an independent manner.**

3. For the Office of the Public Prosecutor

139. **A policy for effective criminal investigations should be defined, and investigative working methods should be revised. Reports of threats and attacks against human rights defenders should be given priority and investigated ex officio when required. The witness protection programme of the Office of the Public Prosecutor should be significantly strengthened. Safeguards should be put in place to protect the Human Rights Office of the Public Prosecutor from political interference and to ensure the physical security of prosecutors, particularly when they are investigating cases involving members of the police force as alleged perpetrators.**

4. For the National Commissioner for Human Rights

140. **The role and independence of the National Commissioner for Human Rights should be strengthened according to the Paris Principles. Cases transmitted by the Commissioner should be promptly investigated by the competent authorities. The Commissioner should also be consulted in the process of developing human rights protection mechanisms and, in particular, in the establishment of a protection programme for human rights defenders.**

141. **The functioning of the office of the National Commissioner should be reviewed with a view to strengthening the institution by, inter alia, increasing its capacity to improve its case-handling function and to monitor independently compliance with recommendations by international and regional human rights mechanisms.**

5. For human rights defenders

142. **Platforms and networks aimed at promoting and protecting defenders, facilitating national and local dialogue and coordination among them should be developed and strengthened.**

143. **Defenders should be better aware of the Declaration on Human Rights Defenders. In this regard, they should create a comprehensive strategy on the adoption of national laws on the protection of human rights defenders.**

144. **Efforts should be made to continue to make full use of existing international and regional human rights mechanisms.**

6. For the international community and donors

145. **The United Nations and the international community should support dialogue and encourage collaboration between the Government and civil society.**

146. **The situation of human rights defenders, in particular the most targeted and vulnerable ones, should be constantly monitored, and support for their work should be provided in order to empower civil society.**

147. **Attacks against human rights defenders should be condemned publically. The situation of human rights defenders should constitute a high priority in dialogue with the authorities.**

148. **Diplomatic missions should be familiar with the Declaration on Human Rights Defenders, and are encouraged to pay due attention to the European Union Guidelines on Human Rights Defenders and the Manual thereon.**

149. **Recommendations by international and regional human rights mechanisms, including those made by the Truth and Reconciliation Commission, should be encouraged, monitored and included in institution-building, as well as in the implementation of development programmes.**

7. For all stakeholders

150. **Any stigmatization of human rights defenders, whether by public or private entities, such as the media, should be discouraged and sanctioned.**

151. **National reconciliation in the country should be promoted by all players in society, and efforts should be continued to raise the awareness of the general public and to foster a spirit of dialogue and cooperation in society.**

152. **The Declaration on Human Rights Defenders should be disseminated widely.**