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Honduras: Front Line Defenders expresses serious concern over a proposed bill that includes clauses to criminalise human rights defenders providing help to migrants in Honduras

On 15 October 2019, a proposed bill was presented to the Honduran National Congress urging the executive branch, through the National Defence and Security Council (Consejo Nacional de Defensa y Seguridad) to pass the proposed bill. The text has multiple clauses but includes a provision to criminalise those who “promote” migration. The broad framing of this clause is of serious concern in the context of ongoing efforts to criminalise human rights defenders that seek to provide humanitarian and other assistance to migrants. The proposed bill has been approved and a legislative commission has presented it to the National Defence and Security Council. If endorsed by the Council, it is likely to become a draft bill.

The text, presented by the representative for the National Party, David Chavez, establishes in paragraph five that “[t]hose who put at risk the life and freedom of people by promoting massive illegal migration, (...) regardless of whether they received money in exchange” will be criminally prosecuted, and opens the provision for these people to be extradited. This definition is open to the interpretation that human rights defenders, who provide unconditional assistance to migrants, could be seen as human traffickers for providing this support and defending the rights of people in transit.

The motion also seeks to bolster militarisation on the streets and increase the number of maximum security prisons. In July 2017, the United Nations Human Rights Committee [warned](#) against the militarisation of law enforcement and urged the Honduran government to instead strengthen the National Police so that it incorporates the law enforcement functions of the armed forces, and not vice-versa. Civil society organisations in the region have long documented how, in Latin American countries, the deployment of military forces to deal with civil affairs causes an increase in cases of enforced disappearance, torture, and extrajudicial executions. Militarisation results in migration routes becoming more diversified clandestine, making them more dangerous and more open to human rights violations.

The motion also seeks to establish a double sentence for extradited persons, suggesting that once they serve their sentence in the country of extradition, they should automatically transfer back to face their criminal trials in Honduras.

The proposed bill has been presented in the context of the current migration crisis in Central and North America, where human rights defenders have been constantly subjected to defamation and criminalization. The most common accusations that human rights defenders face include “human trafficking” and “smuggling”, as well as “collaboration with criminal groups”. In [Mexico](#), [Honduras](#) and the [United States](#) this inflammatory discourse has been stoked by high-profile officials, fuelling stigmatisation and hindering the work of humanitarian aid, desert rescue, human rights education and community organisation carried out by human rights defenders.

Front Line Defenders has [extensively documented](#) the risks human rights defenders face in carrying out their essential work defending the right to seek asylum, as set out in Article 14 of the Universal Declaration of Human Rights. These include arrests, deportations, detentions, trials, defamation, threats, surveillance, intimidation, and physical and verbal assaults.

Front Line Defenders is deeply concerned about this proposed bill, which, in the case it becomes law, could potentially be used to criminalise the work of migrant rights defenders. In addition, Front Line Defenders urges state authorities to ensure that such a proposed bill undergoes a proper consultation process with diverse members of civil society before it is put to a vote.

Finally, Front Line Defenders calls on the authorities of Honduras to refrain from taking actions and making statements that stigmatise and expose migrant defenders to greater risk. Instead, it urges the authorities to take the necessary measures to ensure that human rights defenders can carry out their human rights work freely and safely.

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