

## Honduras, victim of COVID-19 and corruption

### Executive summary

Honduras continues to experience low security levels for the professional exercise of journalism nationwide. In addition, the Law for Classification of Public Documents regarding National Security and Defense (Ley para la Clasificación de Documentos Públicos relacionados con la Seguridad y Defensa Nacional), known as the "Law of Secrecy," in force as of March 7, 2014, under the pretext of protecting State information and concealing the management of public resources in over 20 government agencies. In the framework of this COVID-19 crisis, with its first case confirmed on March 11 this year, the Honduran press has not been allowed to investigate and adequately report on millions worth of medical equipment, medicines, and mobile hospitals procurement, under suspicion of irregularities and lack of transparency following an emergency executive order and the "Law of Secrets" issued by the current administration.

### Introduction

This report has been prepared in the context of President Juan Orlando Hernández Alvarado's second term in office, after a fiercely criticized reelection in light of the violation of some constitutional precepts, thereby stripping legitimacy of the current administration. Conditions for good journalism based on accuracy and objectivity continue to be difficult in Honduras, since the prevailing situation in the period from May 1, 2019 to April 30, 2020, has not changed in any respects.

The Law of Secrecy ruled out the categories of reserved, confidential, secret and ultra-secret information, to focus on that of classified information in favor of the Department of Defense and Security (Secretaría de Defensa y Seguridad), also governing a number of ministries and agencies in no connection with security, but actually controlling a significant portion of the government budget. This proves lack of transparency in procurement and acquisition of government goods and services (Proceso Digital, 2019).

For example, in the context of the COVID-19 pandemic, the government declared a state emergency for procurement that was not transparent and has been difficult to review, in spite of considerable doubts existing as to whether these purchases were the best and whether the prices were fair (Proceso Digital, 2020).

## **Report**

As for the overall rating of Honduras, in the period from May 1, 2019 to April 30, 2020, it achieved 53 points. We can point out that, in spite of a relative freedom of expression as claimed by the authorities, the truth is that there are methods of censorship curbing this constitutional right.

### **On environments: Institutional action against freedom of expression**

Citizens get news from the mainstream press, radio and television. However, due to strong pressure from the government to keep its image and credibility on the mainstream media, social media have become very belligerent and gained acceptance from a segment of the population, primarily young people who do not follow politics as usual in Honduras.

On June 25 this year, a new Criminal Code (Código Penal) entered into force, whereby the current regime added to the statutory framework harsh penalties for slander and defamation crimes, mostly directed at some journalists opposing the current administration (La Tribuna, 2020). Most notably, we find the case of journalist David Romero Elnar, who uncovered an act of corruption unprecedented in the history of Honduras at the Honduran Institute of Social Health (Hondureño de Salud Social, IHSS). This left the corruption of President Hernandez's government exposed.

The Executive branch, with authority to grant and revoke media licenses, in addition to managing an advertising budget crucial for subsistence of the media in this time of crisis, significantly controls and restricts the information disseminated among citizens. In other words, a large percentage of the news is influenced by political interests.

The Legislative branch is aligned with the interests of the Executive because it is controlled by the same political party, enacting legislation that restricts freedom of the press and transparency. The National Congress [Legislative], in new Criminal Code Article 335-B, known as the "Muzzle Law", sets forth penalties for media making apology, praise, and justification for terrorism, following a series of public protests that took place in the main streets and avenues of Tegucigalpa (Proceso Digital, 2020).

Additionally, the new Criminal Code provides for punishment to journalists and media owners who commit slander, defined as wrongly attributing a crime under the knowledge of its falsehood, that is, reckless disregard for the truth. In case of defamation, the law defines it as singling out or damaging the dignity of other persons, undermining their honor. For both, long prison terms against defendants are provided for. (CPJ, 2020)

The crimes of slander and defamation, as set forth by this law, were repealed, since they were considered excessive and a restriction to freedom of expression. Notwithstanding, according to the legal procedure for a bill to enter into force, the National Congress must send it to the Executive branch for its signing into law and this has not taken place to date. As it can be noted, there is a completely hostile environment against freedom of expression imposed by the current regime, which at all costs has sought to silence popular protests.

Furthermore, the judicial branch was appointed by a majority from the ruling party. Furthermore, at all court levels, there are judges, clerks, and administrative staff allegiant to this political establishment. Therefore, a vast majority of them act to help their fellow partisans and damage their opponents. A clear example is that involving journalist David Romero Elnor who, for the crime of slander and defamation, was imposed a disproportionately harsh sentence according to many experts.

My means of that sentence to a journalist opposing the regime, a clear message was sent: Journalists must be very careful when reporting news on complaints and claims naming the current government, because those who transgress the legal order will be prosecuted to the fullest extent of the Law.

Since they were appointed by the National Congress, the justices heading the judicial branch are contaminated by politics. This makes it very difficult to rule in accordance with the Law on matters brought to them. Therefore, in general terms, the journalists' guild does not believe in the Judiciary and law enforcement.

### **Realm A: Honduran citizens free to express themselves**

Generally, Honduran citizens are informed, because, in recent years, there has been a proliferation of mass media, which promotes competition in the coverage of news events. On the other hand, some media encourage free speech by means of call-ins so that the people will give their opinion on the issues being addressed, also on social media, e.g. a text-in numbers on WhatsApp. Nevertheless, other media do not make use of this communication tool.

The extent of information and free speech often depends on the fact of whether a topic focuses on the national government, which is the source of the greatest number of problems, in view of the power and advertising budget it wields.

The assessment of the institutional action regarding "citizens free to express themselves" reaches 13.3 out of 23 maximum points. The perception is that, in Honduras, there is still a degree of freedom within acceptable ranges. There are different video, print, and digital information outlets enabling each citizen to gain a rather comprehensive perspective on issues of any nature or relevance in the nation.

However, the veracity of the information flow is notably impaired by the lack of credibility in news on the government. It has been found that certain officials try to

conceal inefficiency and indecisiveness with a false image built by means of for-hire [social media] accounts and sites. On July 25, 2019, social media app Facebook closed 181 fake accounts and 1,488 pages in Honduras. These profiles were fraudulent and devoted to commenting and sharing positive content on President Hernández. (Cuenta Corriente, 2019). In addition, on April 2, 2020, social media app Twitter deleted 3,104 accounts solely devoted to retweeting what President Hernández would write. (Radio América, 2020). These acts unmasked the lack of support for the current administration and the importance of getting news from highly reliable media.

### **Realm B: Conditions conducive to practice journalism**

The practice of journalism is regulated by the Honduran Association of Journalists (Colegio de Periodistas de Honduras), which registers, swears in, and certifies journalists who have graduated from the different universities in the country. In Honduras, there are approximately 1,600 registered journalists; but there are almost as many people qualifying as news professionals actively involved in the media, as show hosts, announcers, etc.

Journalists have to follow the editorial policy in their workplace. Therefore, there is self-censorship, given the fact that 85% of the media in Honduras have close ties to the government. The exercise of journalism scored 4.8 points out of a maximum of 10; indicating the existence of a partial restriction on the information disseminated by journalists.

Media owners, in general, have other interests and additional businesses, which binds them, in one way or another, to treat the government deferentially. Based on this fact, a "harmonious" relationship between media entrepreneurs and the government administration develops.

### **Realm C: Violence and impunity against journalists**

Honduras is a violent country. 10 years ago, the murder rate was 93.2 per 100,000 inhabitants. (BID, 2017). However, the current administration managed to lower that rate by half, investing a considerable amount of economic and human resources. This does not mean that the country has overcome the existing violence and crime environment.

Journalists have not been oblivious to this violent reality since many have been killed and most of these crimes are still unpunished, because neither those who perpetrated nor those who masterminded these murders are convicted. Statistics show that over 70 newsmen have been murdered in Honduras and the worst thing is that over 90% of the crimes are unpunished. (Once Noticias, 2018). These data mirror the score of 0 of 17 points possible in the impunity index.

On July 5, 2019, journalist Santiago Carvajal was viciously attacked by individuals whose identity or whereabouts are still unknown. Santiago was hosting a show on a local channel in Puerto Cortés and had complained on his social media accounts that he was being censored by public officials from the municipality (SIGNIS ALC, 2020). This case adds to over 70 journalists who have lost their lives in recent years, which speaks of the high risk of practicing this profession in the country.

#### **Realm D: Government in control of a large section of the public opinion**

Article 72 of The Constitution of the Republic has recognized freedom of thought since 1982 as enacted in Decree 131-82: "Expression of thought shall be free, and may be expressed through any means of dissemination, without prior censorship. Those who abuse this right, and those who by direct or indirect methods restrict or limit the communication and circulation of ideas and opinions shall be liable before the law" (OBSERVACOM.org, 2014).

Honduras reached 12 out of 16 maximum points in [the sub-realm of] direct control over the media. In recent years, due to the economic crisis experienced by the country, governments then in office have used the tool of the advertising budget to control the mass media. The budget is spent on motivational, alienating campaigns exalting the president's image and the actions of the government. Ultimately, it is a direct way to avoid criticism, disparaging messages, and attacks against the public administration.

In the case of indirect control over the media, the country achieved a 9 over 9 points possible. For many years, governments have been indirectly buying publicity slots for shows where journalists, who are largely public opinion leaders, are awarded these advertising contracts. By controlling media owners and the most influential newsmen, the government guarantees moderate governance levels. It is noteworthy that, in the last 30 years, no media outlets have ever been closed, only Globo TV, which is opposed to the regime, and whose license was suspended on grounds of not paying taxes due; but it is no secret to anyone that, in the end, this was politically motivated.

#### **Conclusions**

Impunity for crimes against journalists and newsmen is a clear sign that practicing journalism in the country is a high-risk career that can be dangerous depending on the nature and editorial policy of the media and journalists. There is a stigmatization on the part of the president and the cabinet against those journalists who attack, criticize, and affect the image of the present government. In turn, [government spokespersons] describe them in their addresses as troublemakers, social alienators, promoters of evil, and unwilling to see anything good in what [the administration] does. This stigmatization issues an indirect threat against the

journalists' guild, which, in many political, social, and protest events, has been attacked not only verbally but also physically.

In the National Congress, there is a project to control social media and chats damaging the image of the government; but it has not yet been approved by the current administration. It is a clear intention to put under surveillance and punish those who use social media to encourage opposition to this regime.

The COVID-19 emergency has been a clear example of the lack of transparency at all levels in the procurement of mobile hospitals, medical supplies and protective equipment (CNN, 2020). Nevertheless, the press has managed to investigate and condemn such actions. Government information sources and the Institute of Access to Public Information (Instituto de Acceso a la Información Pública, IAIP) have not clearly accounted for every cent of government procurement, which is a clear example of manipulation, restriction, and the lack of access to accurate and timely information.

The threats to the free press continue as next year we will witness an electoral process whose power players are the same behind the making of President Hernández Alvarado. These institutions and individuals are stakeholders in an alleged electoral fraud by means of tampering of records, electric power disruptions at the time of the vote count and a series of irregularities that spawned a serious political crisis in the country. The press should play an independent role in the face of an electoral process that will clearly benefit the ruling party.

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