

IAB PRESS RELEASE ON DRAFT AMENDMENT TO THE TELECOMMUNICATIONS LAW IN HONDURAS

The International Association of Broadcasting – IAB - notes with deep concern a draft amendment to the Telecommunications System Law in Honduras, which contains provisions that severely affect the full exercise of Freedom of Expression and the activity of free independent media, contrary to constitutional provisions and principles laid down in Conventions, Declarations and international recommendations.

The articles aim to establish a regime that would impose controls on content and programming for all forms of audiovisual and sound communication, creating among other mechanisms a 'Programming Regulatory Commission ', which represents a clear control of the Government on the media content, with broad and diffuse sanctioning powers.

Article 7 of the Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court jurisprudence states that: *"Prior conditioning of expressions, such as truthfulness, timeliness or impartiality is incompatible with the right to freedom of expression recognized in international instruments."*

The regime of sanctions in the project and its imprecision, does not meet international standards, since it does not fit the "tripartite test" established by the jurisprudence of the Inter-American System of Human Rights, being particularly serious the delegation of the legislative function in the person of the President of the Republic, who would have the power to rule matters that urgently need to be defined in the Law.

Regarding the regulation of ownership of concessions and licenses, the project violates the Declaration of Principles on Freedom of Expression of the IACHR setting standards "exclusive to the media", which additionally empower the administrative authority, creating conditions of vulnerability and legal uncertainty that are especially harmful for Freedom of Expression, as evidenced in recent comparative experience.

IAB urges the Honorable Congress of Honduras to carefully review this draft amendment of the Telecommunications Law, avoiding the adoption of rules contrary to Freedom of Expression and the existing constitutional provisions.

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