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**Поощрение и защита всех прав человека,
гражданских, политических, экономических,
социальных и культурных прав, включая право на развитие**

Посещение Гондураса

Доклад Специального докладчика по вопросу о поощрении и защите прав человека в контексте изменения климата Иана Фрая* **

Резюме

Специальный докладчик по вопросу о поощрении и защите прав человека в контексте изменения климата Иан Фрай посетил Гондурас с 18 по 27 сентября 2023 года по приглашению правительства. В ходе 10-дневного визита Специальный докладчик встретился с различными государственными чиновниками и с представителями подразделений Организации Объединенных Наций, организаций гражданского общества, организаций и общин коренных народов и лиц африканского происхождения. Он посетил столицу Тегусигальпу, а также Лахас Бланкас (Накаоме), Седеньо, Рейтоку, Ла- Сейбу, Токоа, Хиламито, Эль-Прогресо, Ла- Лиму, Сан-Педро-Сулу, Травесио и Бахамар. Гондурас серьезно пострадал от изменения климата, что существенно повлияло на осуществление прав человека в стране. Во время своего визита Специальный докладчик сосредоточил внимание на следующих вопросах: общие последствия изменения климата; перемещение, потери и ущерб в связи с изменением климата; роль защитников экологических прав человека; воздействие технологий предотвращения изменения климата, таких как плотины гидроэлектростанций; и экологические последствия добычи полезных ископаемых. В своих выводах он приветствует усилия, предпринимаемые правительством, но отмечает, что для борьбы с последствиями изменения климата делается недостаточно. Он далее подчеркивает отсутствие стратегических инвестиций в повышение устойчивости к изменению климата и разработку долгосрочных планов борьбы с ним. В докладе вынесены многочисленные рекомендации, в том числе в отношении законодательства и политики, мер по предотвращению изменения климата, защитников экологических прав человека и перемещения населения в связи с изменением климата.

Посещение было совершено прежним мандатарием, который 7 декабря 2023 года ушел в отставку, незамедлительно вступившую в силу. Настоящий доклад представлен нынешним мандатарием Элизой Моргерой.

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Приложение

Доклад Специального докладчика по вопросу о поощрении и защите прав человека в контексте изменения климата Иана Фрая о посещении им Гондураса

I. Introduction

1. Pursuant to Human Rights Council resolution 48/14, the Special Rapporteur on the promotion and protection of human rights in the context of climate change undertook an official visit to Honduras from 18 to 27 September 2023, at the invitation of the Government. In its resolution 48/14, the Council mandated the Special Rapporteur to raise awareness on the human rights affected by climate change, especially of persons living in developing countries particularly vulnerable to climate change and to encourage increased global cooperation in that regard.

2. The Special Rapporteur chose to visit Honduras as the country has suffered many severe impacts from climate change. Significant proportions of the population have been internally displaced or displaced across international borders as a result of the impacts of climate change. The Special Rapporteur wanted to look, in particular, at the human rights implications of climate change displacement during his visit.

3. During the 10-day visit, the Special Rapporteur met with the Minister for Human Rights, the Minister for Tourism, the President of the Congress, the head of the Congress Environment Committee, the Vice-Minister of Natural Resources and Environment, the Secretary of Agriculture and Livestock and officials from the Ministry of Foreign Affairs and International Cooperation, as well as with representatives of the Honduran Institute of Geology and Mining, the Department of Environmental Evaluation and Control, the National Coordination of Original and Afro-Honduran Peoples, the Forest Conservation, Protected Areas and Wildlife National Institute, the National Public Prosecutor's Office (Head of the Office of the Special Environmental Prosecutor, Head of the Office of the Special Prosecutor for the Protection of Ethnic Groups and Cultural Heritage and Head of the Office of the Special Prosecutor for Human Rights) and the National Human Rights Commission. He also met with representatives of a number of United Nations entities, both in person and online, as well as with representatives of the diplomatic corps. In addition, he met with representatives of many civil society organizations, who provided invaluable information on the effects of climate change on the enjoyment of human rights for people in Honduras.

4. The Special Rapporteur would like to thank the Government of Honduras for its invitation to visit the country and for the cooperation provided to him before and during the visit. He would particularly like to thank the members of the communities he visited for being so accommodating and frank about their circumstances. Many of these brave and resilient people live in constant fear of intimidation and violence. The Special Rapporteur wishes to thank the many civil society organizations that facilitated meetings and were able to provide important information associated with human rights and climate change in Honduras. Lastly, he wishes to express his gratitude to the extraordinary support provided during the visit by the country office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Honduras, colleagues from OHCHR in Geneva and interpreters.

5. The present report builds on the Special Rapporteur's preliminary observations,¹ which he shared at a press conference in Tegucigalpa on 27 September 2023.

¹ See <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/statements/eom-statement-honduras-sr-climate-2023-09-27-en.pdf>.

II. Climate change in Honduras

6. Honduras is highly exposed and vulnerable to the impacts of climate change; it is one of the most vulnerable countries in the world. Climate change impacts have generated significant delays in the country's economic and social development and have serious implications for the enjoyment of human rights by its population. Climate change is increasing global mean temperatures, intensifying weather events such as floods, heatwaves, and droughts and raising sea levels, leading to the destruction of crops and houses and to the deepening of poverty. In Honduras there has been a poor institutional response to such events. Honduras has suffered significant losses owing to excess rain (floods), tropical hurricanes (windstorms, floods and landslides) and droughts.

7. Climate change induced disasters will become more severe as the global temperature increases. Honduras has recently experienced the worst droughts, hurricanes and floods in over 40 years. In 1998, Honduras suffered enormous damage from Hurricane Mitch, which killed 8,000 people. Hurricane Mitch, which was rated the most destructive tropical storm in the Caribbean region in 200 years, was followed by Hurricanes Eta and Iota in 2020. Those hurricanes caused an enormous amount of damage from flooding, coastal erosion, landslides and wind damage, exacerbating existing economic and social challenges. Fisherfolk who lost their houses following these storms have been moved far from the coast and farmers who lost their houses owing to landslides have been moved from rural to urban areas, affecting their livelihoods.

8. Droughts pose a significant threat to the livelihoods of Hondurans, particularly farmers and those living in the dry corridor. The Special Rapporteur learned that there used to be two annual harvests in the dry corridor, but now there is only one. Furthermore, when it rains, it is so heavy that it often destroys the harvest. The privatization of water and its use in industrial agriculture creates further difficulties in accessing water.

9. Sea level rise is affecting both the Pacific and Caribbean coast. On the Pacific coast, sea level rise due to changes in trade winds and the thermal expansion of the warming ocean has caused considerable damage, destroying entire villages. In the Sula valley, massive flooding caused by Hurricanes Eta and Iota caused enormous damage to houses, infrastructure, livestock and crops. The two hurricanes also caused significant coastal erosion on the Caribbean coast, with many houses being lost to the sea.

10. Beach erosion has affected tourism, with implications for the economy in Honduras. In addition, global warming has led to damage and loss of the coral reefs, which are also important for tourism. Tourism is also affected by the onset of hurricane season as it leads to the cancellation of trips.

11. An estimated 2.8 million Hondurans have humanitarian needs, including in areas related to food insecurity, violence, the effects of climate change and disasters.² Approximately 70 per cent of those in need are women, the majority of whom live in rural areas, in poverty and with difficulty in accessing public services.

12. The Government has stated that the right to a healthy environment is a priority area. However, the situation is challenging, not least because parts of the country are controlled by private entities that operate mining and deforestation projects. Over the past decade, there has been a lack of adaptation efforts, including preparations for storms. While the Government that took power in 2022 has worked with communities to build shelters and has reactivated emergency committees, it has stated that it needs international support to tackle the impacts of climate change. Honduras has a high level of debt, in part caused by climate change, and is stuck in a poverty trap.

13. The Government noted that climate change, together with other factors such as organized crime and drug trafficking, have affect its ability to uphold human rights.³

² See <https://www.unocha.org/publications/report/honduras/honduras-humanitarian-needs-and-response-plan-summary-2024-december-2023>.

³ See A/HRC/WG.6/36/HND/1.

III. Key thematic issue for the visit

14. Following on from his report on climate change induced displacement presented to the Human Rights Council in 2023,⁴ the Special Rapporteur resolved to examine the subject further. He decided to study the impacts of climate change and their implications for the human rights of members of communities in Honduras, including whether climate change was driving people into situations of internal displacement and/or to be displaced across the country's national borders. He was also interested in considering the overall impacts of climate change and whether there was an assessment of the degree of loss and damage from climate change.

15. Since many impacts of climate change are felt at the community level, the Special Rapporteur was interested in investigating actions led by community leaders to defend their human rights, including the right to a clean, healthy and sustainable environment, as well as the treatment of environmental human rights defenders. Other issues arose during his visit, including the impacts of mitigation technologies, such as hydroelectric dams, whether the carbon market would be an effective mitigation tool and whether the environmental implications of mining for minerals needed for the renewable energy industry were affecting human rights.

IV. Community visits to observe climate change impacts

16. During his visit in Honduras, the Special Rapporteur was able to travel to a number of communities in various parts of the country that have suffered the impacts of climate change.

A. Lajas Blancas, Nacaome

17. The first community the Special Rapporteur visited was Lajas Blancas, Nacaome, in the "dry corridor" region. The community has suffered a prolonged drought that has made it extremely difficult to grow crops. The growing season is no longer in spring, as it used to be. The community has lost access to water as the wells have dried up. Access to other sources of water is limited as most of the available water is used in industrial agriculture. As a result, the community is forced to buy water for consumption from the municipality of Nacaome. Civil society organizations have proposed that the Government regularize the available water, as there are three rivers in the area, but most of the water is directed to the agriculture industry, the production of which is exported, not leaving enough water for local use. The lack of water creates conflicts, both with the agricultural companies or within the communities, as families have to take turn using the wells. Members of the community are also forced to buy fertilizer as the soil no longer has enough nutrients due to desertification. As a consequence of the drought, 80 per cent of the members of the community have migrated out of the country. Internal migration is limited as there few opportunities for farmers in Honduras. Some families have managed to survive thanks to remittances that family members send from abroad. The community was also concerned about mining and the contamination of water supplies.

18. The community members informed the Special Rapporteur that some but not all families have received grants from the Government and that the support was not sustainable. They alleged that no grants were given to environmental human rights defenders in the community who were opposing mining projects, leaving them facing threats, prosecution and possible murder for their activism.

B. Cedeño

19. The Special Rapporteur visited the Pacific coast village of Cedeño, which has been inundated by the sea. Houses have been completely destroyed as the sea has risen and moved

⁴ [A/HRC/53/34](#).

inland. The local school has been filled with beach sand and destroyed. The water supply has been contaminated by sea water. As a result, water for consumption has become an important part of the community's basic expenses. A shrimp processing factory was destroyed by sea level rise and the community expressed concern that chemicals used in the factory have contaminated the waters around Cedeño. As a consequence, fisherfolk have had to fish further out to sea and face disputes over fishing grounds from fisherfolk from neighbouring countries.

20. In Cedeño, the Special Rapporteur heard testimonies from women whose children have migrated as the sea level rise has destroyed their businesses. Since the majority of young people have migrated to seek better economic opportunities, the members of the community are mostly elderly. The older people struggle to survive and face enormous challenges. For instance, in several cases families had not yet finished paying the loans on their businesses when the sea destroyed them, forcing them into a debt that they struggle to pay.

21. Community members noted that they are asking for the establishment of a law on forced displacement, a national policy on resettlement, a national loss and damage mechanism, urban and rural planning, adequate health services and the active participation of affected communities in decision-making. They also informed the Special Rapporteur that although the Government had a fund to build a sea wall, a sewage system and running water, it has not been used.

C. Reitoca

22. The Special Rapporteur visited the town of Reitoca in the dry corridor where community members, particularly the Lenca Indigenous People, were trying to protect their local river from being developed for hydroelectric dams. They were also concerned about mineral exploitation affecting their rivers. They want their rights under the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) to be respected. Members of the community have already witnessed the impacts of a long drought and loss of water and are gravely concerned that they will lose all access to their water if the hydroelectric dam project is completed. Furthermore, the Lenca Indigenous People have strong beliefs that damming rivers contravenes their cosmovision of the world, in which the natural system is paramount.

23. Within the community, the environmental human rights defenders have suffered continuous persecution and criminalization from what they believe to be representatives of dam company, the police and the military. A number of community members face sentences for alleged crimes which they deny they have committed. The communities stated that there were no free, prior and informed consent provisions being applied to the developments associated with the dam. Furthermore, members of the Lenca Indigenous People are not recognized as being Indigenous. Other tactics are being used to divide the community; some community members are given fertilizer while the human rights defenders are not. These divide and conquer methods are typical tactics employed by companies to promote their projects. Women human rights defenders reported that they live in fear for their lives as they are continuously threatened and have been removed from the protection of the National Protection Mechanism for human rights defenders, journalists, social communicators and justice operators.

D. Tocoa

24. The Special Rapporteur met with community members from Tocoa (Department of Colón) who are particularly concerned about mining in the nearby Montaña de Botaderos Carlos Escaleras Mejía National Park, which is causing deforestation and contributing to climate change. In addition to deforestation, water sources are affected, since the project is located in the buffer zone of a protected area. The whole ecology of the park is being affected by the mine. The Special Rapporteur was able to observe images of the mining operation and was quite concerned that such a destructive operation is being allowed inside a national park. It would appear that the mine waste is contaminating the river. The mine waste is being

concentrated due to low river flows from an extended drought due to climate change. The community was further concerned about the impact of extreme rainfall from hurricanes, which may cause much greater river contamination from the mine.

25. Community members, who reported that there are 41 applications for mining exploration, fear that the park will be destroyed. The Special Rapporteur was also told that the environmental measures implemented have not been sufficient; environmental impact assessments have historically favoured the mining companies.

26. The community members who were opposed to the mine were being persecuted by various municipal officials, company representatives and gangs hired to harass them. Between January and September 2023, three environmental human rights defenders in the community were killed. Eight members of the community, known as the Guapinol Eight, were arbitrarily arrested and placed in pretrial detention in 2019; they were not released until February 2022. In addition, 42 people were displaced from the community due to violence resulting from their efforts to protect the environment. The community believes that public officials in the region are corrupt and are being manipulated by the mining company. Members of the community live inside a culture of fear and are suffering from psychological trauma. Community representatives who approached the Minister of the Environment for help reported that there have been no efforts to close the mine.

27. In addition to the mining operation, the community is losing access to water due to large agro-industrial businesses, including businesses for the production of African palm oil, which uses large quantities of water and thus deprives the community of the right to water for its own domestic and small farm use. This means that the region suffers from a lack of staple food production and that the community is being denied the right to food.

E. Jilamito, Arizona

28. The Special Rapporteur visited with community members from Jilamito, Arizona municipality, who have banded together to protect the Rio Jilamito and to protest against the development of a hydroelectric dam there; they have been protesting for over six years. Climate change is a reality for the community, which historically had a plentiful supply of water and fertile land, but now lacks water and has drastically diminished water reservoirs. Members of the community are also concerned about mining, which they believe is destroying the upper part of the mountain.

29. Five members of the community, including the local mayor, have been charged as criminals for protesting against the dam and defending their river against the hydroelectric company. All five individuals appeared in court the week after they met with the Special Rapporteur, charged with “misappropriation” (usurpación). They were acquitted, following the criminal proceedings. They consider that the land is not suitable for hydroelectric dams because of the high vulnerability of the region to heavy rains and erosion resulting during hurricane season. This view has been supported by the Ministry of Natural Resources and Environment, although it appears that there is an intention to build the dam in any case. The Special Rapporteur was informed that although the area has already been declared as protected, hydroelectric dams have nevertheless been built there. The area has been privatized, with no surveillance provided by the authorities. The project is being promoted as a development to benefit the local community, but community members clearly stated that this is not true, noting that the hydroelectric company will take 99 per cent of the power produced.

F. El Socorro, El Progreso

30. The Special Rapporteur subsequently visited the community of El Socorro, El Progreso municipality, which had been heavily affected by Hurricanes Eta and Iota. Much of the land was flooded during the hurricanes; the community lost almost everything and had to rebuild. A major effort was carried out by community members in boats to rescue people from the roofs of their houses. Some relief was provided in the form of temporary housing

and water tanks, but the temporary houses are unsuitable for long-term habitation. Furthermore, there was considerable sickness from mosquito-borne diseases after the floods.

31. Community members regretted that the Government has no focus on prevention. They noted the need for a rescue corps and equipment, comprehensive attention to watersheds, maintaining buffer zones and relief outlets. They also noted the need for reforestation. They expressed further concerns about mining concessions, noting that there have been no limits to how many concessions are provided and that the mines are polluting their river.

32. The Special Rapporteur was told that many families had migrated overseas after the floods, with only older members of the community remaining. The community needs flood shelters and support to build houses on stilts so that floodwaters can pass underneath.

G. La Lima

33. The Special Rapporteur visited the Filadelfia neighbourhood of La Lima, which was also seriously affected by floods caused by Hurricanes Eta and Iota; 96 per cent of the community was inundated by floodwater. During his visit, the Special Rapporteur observed that many houses remained abandoned due to the serious damage and large amounts of mud deposited in the homes; the community hall was still unusable because of the thick layer dried-out mud that covered the floor; and part of the primary school was still unusable due to flood damage. For 10 days after the floods, the La Lima community was isolated from the rest of the country. In total, 30 per cent of the members of the community have migrated away because they cannot afford to restore their homes.

H. Travessa and Bajamar

34. The Special Rapporteur visited the communities of Travessa and Bajamar on the Caribbean coast, which are predominantly made up of the Garifuna people. The coastline has been heavily eroded from the storm surges caused by Hurricanes Eta and Iota. Many houses in the Bajamar region have been washed into the sea. Flooding caused by the hurricanes also caused considerable damage to the land and created new river courses that had never previously existed. The new water courses have become breeding grounds for mosquitoes and insect-borne diseases. The community has been fighting for land security and opposing major developments on their land.

35. The Garifuna community is seeking support for the construction of a purpose-built hurricane shelter on a nearby hillside and a new bridge at Barrio Titabla as they fear the existing bridge will be washed away. They are also concerned about the effects of upstream mining and hydroelectric dams on the water flow, which is critical for maintaining deep river channels and avoiding flooding of the land. In addition to the impacts of climate change, the coastline between Travesía and Bajamar is covered in plastic waste that has washed down from neighbouring countries.

36. Members of the Garifuna community who work to defend the environment face threats. Some choose to leave, while others are prosecuted for their activism. The Special Rapporteur was informed about several attacks against Garifuna people. On 18 July 2020, four members of the nearby community of Triunfo de La Cruz, Tela, were disappeared; their whereabouts remain unknown. The local community believes that the military was involved. Members of the Garifuna community want to prevent the construction of hydroelectric dams. They have been attacked for defending their ancestral territories and the environment. It was reported that 150 Garifuna people have been killed since 2018. During the Special Rapporteur's visit to Honduras, one Garifuna leader was attacked in her home.

I. San Pedro Sula: returned migrant centre

37. The Special Rapporteur visited the centre for returned migrants in San Pedro Sula, which is operated by the Ministry of Foreign Affairs and International Cooperation, with support from the International Organization for Migration. He was informed that flights with

migrants who are deported from abroad arrive at San Pedro Sula airport every day. All adults come to the centre, while families are taken to another centre, in Belén, where the National Directorate for Children, Youth and Families and the International Red Cross and Red Crescent Movement provide support.

38. The Special Rapporteur met with people and heard stories about people who had migrated due to climate change. Some who tried to migrate abroad and who had been returned to Honduras were poor farmers who left because of food insecurity due to droughts or floods. These people were not recognized as refugees and were sent back to Honduras. They told the Special Rapporteur stories of degrading treatment in the country of destination. The Special Rapporteur was able to interview some of the returnees who had just landed from a plane. They had many tragic stories to tell about why they migrated. Many migrated due to climate change, others due to poverty, lack of jobs or to escape gang violence.

V. Impact of climate change on human rights in Honduras

A. Development projects

39. Honduras is one of the poorest countries in the Western Hemisphere. Climate induced weather events have a significant negative impact on its economic and social development. At the same time, the Honduran economy depends largely on agricultural exports, the production of which contributes to climate change. For example, coffee is an important product for export, but it is also a driver of deforestation. Mining and dams also have negative environmental impacts.

40. The Government has had to deal with a legacy of many years of mismanagement and corruption by previous administrations. This has led to the granting of mining leases, hydroelectric dams and large-scale industrial agriculture, in particular, concessions for the production of African palm oil, without due consideration regarding the sustainability of such enterprises and their effects on the rights of local communities. In the north of the country, African palm oil is now the main crop. It has replaced the production of staple foods such as corn and beans, thus exacerbating food insecurity. Agro-industry, forest logging and mining generate more vulnerabilities, including landslides. While extractivism has been presented as an alternative to poverty, members of affected communities who disagree and oppose such projects owing to their negative impacts are often subject to criminalization.

41. The Special Rapporteur was informed that no new mining concessions have been granted, although companies that already have permits can continue mining. He also heard reports that some companies continue mining even though their concessions have expired. The Special Rapporteur further heard that there is no transparency relating to mining concessions and that although the Government promised to review all existing concessions, the review had not yet taken place.

42. The Special Rapporteur heard many concerns relating to the building of hydroelectric dams. While it is important to develop alternative sources of energy, this should not be done at the expense of the affected communities. Community concerns about hydroelectric dams must be carefully considered. There are alternative, less harmful, ways of generating hydroelectricity without the need to construct large-scale hydroelectric dams, including run-of-river power generation and off-river pumped hydropower. Other, more sound sources of renewable energy and energy efficiency are also possible.

43. The effects of climate change do not seem to have been taken into account in development strategies over past decades. As a consequence, many communities have suffered water loss, water contamination, flooding and drought and, in some places, coastal erosion, landslides and sea level rise. The damage to the environment, owing to a laissez-faire approach to development, particularly in favour of private enterprises by the previous Government, has resulted in suffering on the part of a large percentage of the population. Nevertheless, not all blame can be placed on the previous Government. The Special Rapporteur heard many claims that the current Government has yet to deliver on its promises and that certain private enterprise interests still hold a strong sway within the Government.

44. The Special Rapporteur heard many concerns about the role and impact of transnational corporations. He was informed that corruption and fraud are important factors in so-called development projects and that environmental licenses have been very flexible, without adequate supervision. He also heard that some people migrate because they have been evicted from their lands by transnational corporations. The Special Rapporteur noted with concern that there are plans to reduce national parks to give transnational corporations rights to exploit the land.

45. The Special Rapporteur shares the concern expressed by the Working Group on the issue of human rights and transnational corporations and other business enterprises at the lack of a robust legal and policy framework to protect against business-related human rights abuses, in a context in which development projects and investments appear to have outpaced protections for the population and the environment.⁵ He urges the Government to implement the relevant recommendations made by the Working Group following its visit to Honduras.

B. Climate change displacement

46. Migration and displacement result from climate change events such as tropical storms and droughts. However, there are various reasons why people are displaced. Displaced people are also impacted by poverty, crime, gangs and food insecurity. In all the communities the Special Rapporteur visited, he heard testimonies of how people have migrated away and crossed the national borders to seek better opportunities and saw houses abandoned by families that had moved away.

47. A large number of people left Honduras after Hurricanes Eta and Iota. The Special Rapporteur heard that members of the migrant caravan leaving Honduras and heading north in the aftermath of the two hurricanes were brutally repressed. The hurricanes are still causing migration related to the lack of rights in emergency contexts, problems related to recovering livelihoods and uncertainty and psychological trauma related to future storms. There is also a risk of displacement related to territorial conflicts for the Garifuna community and the Lenca Indigenous People and for farmer communities who are opposing hydroelectric dams or mining concessions.

48. Young people appear to represent the majority of migrants who leave due to the impacts of climate change. Climate change has left them with little choice but to migrate. This leaves older people to fend for themselves under considerable hardship. The resilience of those who remain is extraordinary. While some families receive remittances from abroad, others do not; the migration journey is treacherous and there is no guarantee that family members will find work when they get to their destination.

C. Climate change legislation and policies

49. The Special Rapporteur was told that while there are many laws and policies relevant to climate change, they are not being effectively implemented. In addition, the fragmented approach exacerbates vulnerability. Both the legislative and institutional approaches to climate change lack coordination, with various pieces of legislation and government bodies involved. The Special Rapporteur was also made aware of the lack of institutional capacity and human and financial resources for the implementation of existing policies. There is also a lack of data, which makes it difficult to effectively address climate change. The Special Rapporteur also heard concerns that public policies are not coordinated or comprehensive.

50. Another concern shared with the Special Rapporteur was that there is a lack of environmental awareness on the part of the judiciary. While there are specialized prosecutors, environmental crimes are tried before general courts rather than special courts.

51. According to testimonies the Special Rapporteur heard, it is evident that decree No. 297-2013 (law on climate change) is outdated and needs to be revised to properly reflect the climate change emergency that Honduras is facing. While the law establishes necessary

⁵ [A/HRC/44/43/Add.2](#), para. 103.

regulations to respond appropriately to climate change impacts, it does not establish any sanctions or methods to cancel projects. The Government needs to establish a clear plan to address the impacts of climate change.

D. Environmental human rights defenders

52. Honduras is one of the countries in the world most affected by attacks against environmental human rights defenders. At the time of his visit, the Special Rapporteur learned that there had been over 200 attacks so far in 2023, more than the total number of attacks in 2022. Approximately 40 per cent of the environmental human rights defenders who have been victims of violence are Indigenous or Afrodescendent People. Many live in the coastal areas in the north where there are numerous land conflicts. The perpetrators are often unknown and are frequently linked to organized crime.

53. The Special Rapporteur was deeply concerned that environmental human rights defenders have suffered from serious intimidation and abuse, including homicides and physical and psychological attacks on their well-being. Many communities live in a culture of fear and psychological trauma due to constant intimidation. Some have been persecuted by the Government and corrupt officials, have been subjected to criminal proceedings for defending their rights to sustainable livelihoods and are often accused of opposing development. The Special Rapporteur heard that laws are being misused to imprison environmental human rights defenders, such through the misuse of the provision of “forced displacement” or “misappropriation” (usurpación). He learned that the crime of forced displacement was initially applied to the activities of gangs that force people to move or threaten them. However, as the definition is not clear, in recent years it has been used to prosecute environmental human rights defenders who are charged with “forcing” companies to be displaced. This practice continues today. People still live in fear from corrupt officials and companies that allegedly use criminal gangs to intimidate and attack people who are trying to defend their human rights, including the right to a clean, healthy and sustainable environment. Much more needs to be done to protect these people.

54. The Special Rapporteur strongly encourages Honduras to become party to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement), which could help the country to become a safer place for environmental human rights defenders. Agreement provides the right to access environmental information, public participation in environmental issues, access to justice in environmental issues and the protection of environmental human rights defenders.

VI. Conclusions and recommendations

55. Climate change is having a negative impact on human rights in Honduras, including the rights to water and sanitation, food, culture, education, healthy environment, health, work and adequate housing. The costs of climate-related events and the lack of capacity to address climate change seem to be the main problems. Many communities face the combined impacts of climate change, mining, hydroelectric dams, deforestation and large-scale agro-industries, such as African palm oil plantations.

56. Indigenous Peoples and Afrodescendants, who mainly live on the Atlantic Coast, are highly vulnerable to the impacts of climate change as their way of life is closely linked to the ecosystem. Other groups are also disproportionately affected by the impacts of climate change, including persons with disabilities, children and women, in particular rural women. Concerning indigenous women in particular, the Special Rapporteur shares the concern expressed by the Committee on the Elimination of Discrimination against Women about the lack of consultation with Indigenous women on large-scale projects, including agro-industrial and hydroelectric projects undertaken by foreign investors and private enterprises on Indigenous lands and using

their natural resources, as well as the adverse impact of climate change on rural and Indigenous women.⁶

57. Members of communities in Honduras believe that the Government is not doing enough to provide support for the poorest people, many of whom are farmers. There are extremely high rates of malnutrition in Honduras. Rivers dry up and are contaminated from mine waste and overuse by agro-industries, which means that a large percentage of the population does not enjoy the human right of access to safe drinking water.

58. Intimidation and attacks against environmental human rights defenders is an issue of great concern to the Special Rapporteur. During his short visit, three environmental human rights defenders were attacked, and one killed. Honduras is one of the most dangerous countries in the world for environmental human rights defenders.

59. The Special Rapporteur welcomes the efforts made by President Iris Xiomara Castro and her Government to make significant social changes after many years of neglect and corruption by the previous Government. While welcoming those efforts, it is evident that not enough is being done to address the impacts of climate change. While the Government gives priority to climate change and human rights, concrete results are lacking. There does not appear to be strategic investment in building climate change resilience and establishing long-term climate change planning.

60. Much of the responsibility for addressing the human rights impacts of climate change should fall on the world's major greenhouse gas polluters, who have three clear responsibilities: (a) to urgently and dramatically reduce their emissions; (b) to provide adequate support for adaptation strategies in vulnerable countries; and (c) to provide comprehensive financing for an effective loss and damage programme to support those who have been impacted by climate change.

61. Honduras is one of the poorest countries in the Western Hemisphere, making it difficult for the Government to deal with the impacts of climate change. The country needs access to loss and damage funding. The international community, in particular the major greenhouse gas polluters, must take full responsibility for the harm they have created and not sidestep their obligation to support loss and damage.

62. Domestically, the observations of the Special Rapporteur suggest that there are key steps that the Government should take to address the human rights implications of climate change more effectively, including:

(a) Revise and update the environment act (ley general del ambiente), the forest law (ley forestal), the law on climate change and the national climate change plan in order to properly and comprehensively address the impacts of climate change and to build greater resilience measures;

(b) Be active in discussions regarding the implementation of the loss and damage fund and seek sources of finance to address the loss and damages suffered by the country;

(c) Consider establishing a climate change relief trust fund to provide targeted finance for the most affected and poorest communities; an independent advisory group should be established to provide guidance as to how the trust fund money should be spent;

(d) Negotiate debt forgiveness for climate change action as a means of providing finance for the climate change relief trust fund;

(e) Carefully consider whether hydroelectric dams are suitable for a mountainous country that is highly exposed to the impacts of hurricanes and consider alternative renewable energy technologies that would not affect people's right to safe, affordable and reliable drinking water;

⁶ Concluding observations on the ninth periodic report of Honduras [CEDAW/C/HND/CO/9](#) para. 42.

- (f) Ensure that the consideration of development projects, such as mines or hydroelectric dams, are done in full consultation with affected communities (including Indigenous Peoples and Afrodescendent Honduran communities) and with the free, prior and informed consent of Indigenous Peoples, including indigenous women;
- (g) Remove all legislative and administrative obstacles to the exercise of the right of access to information at all stages of the issuance of environmental licences and concessions, adopt a regulatory and institutional framework to ensure the equal and meaningful participation in decisions regarding business projects from an early stage and ensure protection of the right of people living in rural areas, including indigenous peoples, to possess, use, develop and control their lands and resources, with full security of their land rights, as recommended by the Working Group on the issue of human rights and transnational corporations and other business enterprises;⁷
- (h) Dramatically accelerate its land reform programme to ensure that small landowners affected by climate change are able to properly build a resilient and sustainable lifestyle without the threat of being moved from their lands;
- (i) Ensure that all the territories of Indigenous Peoples and Afrodescendent Honduran communities are properly enshrined in law, enforce the law and protect the access and uninterrupted use of their lands and territories by those groups;
- (j) Take urgent steps to protect environmental human rights defenders from attacks by business interests, government officials, corrupt police and gang members; the Government must investigate all attacks against the defenders and bring the perpetrators to justice; laws that are being misused to imprison defenders, such as the misuse of the provision of “forced displacement” or “misappropriation” (usurpación), should be rescinded;
- (k) Undertake major reforms to local administrations and the police force to eliminate corruption and the intimidation of environmental human rights defenders;
- (l) Develop a full understanding of the implications of the carbon market and ensure that it is not undermining its own targets set in its own nationally determined contribution; trading carbon credits overseas only sells easy emission reduction targets and allows the major international polluters to continue to pollute;
- (m) Ratify the Escazu Agreement to ensure that it provides an inclusive society that is given access to information, justice and the protection of environmental human rights defenders;
- (n) Work with other countries in the region to develop protection measures for people displaced across international borders due to climate change; expanding the definition of the Cartagena Declaration on Refugees to include people displaced across international borders due to climate change could be a first step in this regard;
- (o) Engage with other countries in the region to create a dialogue with destination countries to ensure that migrants detained abroad are treated humanely and with dignity;
- (p) Provide shelters and adequate facilities for people who are returned to Honduras from abroad until it is safe for them to return to their communities;
- (q) Consider advocating for an optional protocol under the 1951 Convention relating to the Status of Refugees to give proper protection to people displaced across international borders due to climate change;
- (r) Implement the United Nations Declaration on the Rights of Indigenous Peoples and support the efforts of Indigenous Peoples to protect their land from invasive cattle grazing, mining, coca growers, crime gangs, hired militia and corrupt police;

⁷ A/HRC/44/43/Add.2, paras. 39 and 109.

(s) **Strengthen both the budget and the independence of the mandate of the National Human Rights Commission in order to allow it to continue and expand its important work in the area of human rights and climate change.**
