

# RECOMMENDATIONS

## TO THE HONDURAN AUTHORITIES

- President Juan Orlando Hernández and other public officials should make strong public statements recognising the legitimate role of land and environmental defenders and committing to guarantee their protection.
- The state must implement its international obligation to protect land and environmental defenders, their families, colleagues and communities against threats and reprisals. This includes ensuring that adequate protection measures are implemented which respond to the specific risks, context, identity and requests of each individual.
- The government must provide the staff, resources, leadership and political backing necessary to ensure the effective implementation of the human rights defender protection law and its operational regulations.
- IACHR precautionary measures must be implemented in line with the specific protection needs of each beneficiary.
- The Honduran government must cooperate fully with the MACCIH and other international bodies, guaranteeing complete and prompt access to the information they require, and ensuring implementation of their recommendations.
- Where there exists reasonable doubt of a lack of proper free, prior and informed consent (in the case of indigenous and Afro-Honduran communities) or consultation (in the case of other communities), projects should be suspended immediately until genuine consent or meaningful consultation is obtained.
- The government must fully recognise Garífuna land rights, as stipulated by the Inter-American Court of Human Rights' decision in the case of *Triunfo de la Cruz*.<sup>248</sup>
- Budget should be increased for the National Agrarian Institute's land-titling programme, ensuring sufficient resources to properly verify the legality of land sales related to development projects.
- The government should outline how it intends to implement all recent UN recommendations pertaining to the protection of human rights defenders, land rights, indigenous rights, community consultation and consent, and business and human rights.<sup>249</sup>
- Accusations of corruption around natural resource exploitation should be thoroughly investigated, conflict of interest laws properly applied, and public officials found to be complicit in such abuses of authority banned from office.

- The Honduran judiciary should be given the resources and political backing required to prosecute the intellectual and material authors of attacks against land and environmental defenders.
- The Honduran government should implement its commitment, made to the IACHR, to establish a special investigatory protocol for crimes against human rights defenders.<sup>250</sup>
- The state must strengthen access to justice for indigenous and rural communities, taking into account geographical, linguistic and cultural barriers. This should include providing more resources for the Special Prosecutor's office for indigenous rights (Fiscalía de Etnias).
- Congress must pass a law on the free prior and informed consent of indigenous and Afro-Honduran peoples, which reflects proposals by local communities and defenders, incorporates international best practice, and guarantees the right to reject a project outright.
- Congress must strengthen environmental legislation, according to best practice, in order to guarantee the meaningful participation of affected communities in the development of environmental impact assessments and other environmental processes.
- Congress should legislate requiring any company that enters into a contract with the state to reveal its true owner.

## TO THE US AUTHORITIES

- Given that Honduras has clearly not taken effective steps to meet aid conditions pertaining to the right of human rights defenders and civil society activists to operate without interference, 50 per cent of funds appropriated for the central government of Honduras should be withheld.
- The State Department must establish effective criteria through which to measure compliance with aid conditions pertaining to civil society space in Honduras. Criteria should be developed and assessed together with local human rights defenders and should include: an increase in prosecutions of the intellectual authors of attacks against defenders, effective implementation of IACHR precautionary measures, and a marked decrease in the killings of local activists.
- Congress should use the Consolidated Appropriations Act 2017 to add an additional condition on aid, requiring that Honduras take effective steps to guarantee the free and informed consultation of all communities – and consent of indigenous and Afro-Honduran communities – prior to the granting of concessions for development projects.

- Congress should pass the Berta Cáceres Act, calling for the suspension of all US military and police aid to Honduras until human rights violations committed by security forces cease and the perpetrators are brought to justice.
- Policies and practices must be put in place to improve transparency and access to information regarding all US aid.
- The US government must work together with its Honduran counterpart to broaden participation of civil society in the oversight and implementation of the Alliance for Prosperity plan.
- The US should use its leverage over IFIs to ensure that they are not complicit in funding industries causing attacks against defenders.
- The US embassy in Honduras should desist from promoting US investment in those industries associated with human rights abuses, until the rights of local communities are protected.
- The US should increase funding for, and take increased action regarding, the protection of human rights defenders and civil society space in Honduras.

### TO ALL FOREIGN GOVERNMENTS

- Through diplomatic missions, create spaces for dialogue between companies, investors, public officials, land and environmental defenders and affected communities.
- Provide technical and financial support for implementation of the human rights defender protection law; encouraging its effective application, and safeguarding civil society participation.
- Support the mandate of the MACCIH and encourage the Honduran government to cooperate with this body.
- Focus aid efforts on strengthening local civil society, human rights defender protection and the justice system.
- Put in place policies and practices to improve access to information regarding foreign aid and investment.

### TO INTERNATIONAL BODIES

- The MACCIH should investigate at least one of the emblematic cases of corruption in the natural resource sector highlighted in this report, including through the identification of intellectual authors and chains of command in regards to attacks against land and environmental defenders.

- The MACCIH should build upon its existing efforts and increase the involvement of civil society in its work, including through broad, iterative and country-wide consultations.

- The Extractive Industries Transparency Initiative in Honduras must be better funded, should require beneficial ownership information for all projects, must produce data on payments from non-metallic mining projects to state officials, and should be adapted to include hydroelectric projects.

### TO INVESTORS AND BUSINESSES

- All companies and investors should refrain from doing business in the mining, hydroelectric, logging, agribusiness and tourism industries until the rights of local communities are protected, activists are safe to participate in decisions regarding their natural resources, and perpetrators of abuses are held to account.
- All companies and investors should abide by the UN guiding principles on business and human rights, refrain from interfering in the work of land and environmental defenders, and contribute to creating a safe and enabling environment for their work.
- All companies and investors should guarantee the informed participation of local communities and human rights defenders in decision-making, including on environmental and human rights impact assessments.
- No phase of any development project should be implemented without the free, prior and informed consent (FPIC) of any potentially affected indigenous or Afro-Honduran community. Where claims of lack of FPIC are alleged, projects should be suspended immediately until FPIC is obtained.
- Wherever a human rights defender is threatened or attacked, having raised concerns regarding a business project, all companies and investors associated with the project should condemn the threat and the project should be suspended until the activist's safety has been guaranteed.