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Municipal Committee for the Defence of Common and Public Goods (CMDBCP)
Criminalised for defending the environment in Honduras

- ❖ Reynaldo is one of 32 environmental defenders criminalised for peacefully opposing a mining project that contaminated locally protected water sources in northern Honduras, a hotspot for violence and repression of HRDs.
- ❖ The CMDBCP has accused the Honduran state of violating the economic, social, cultural and environmental rights of local communities
- ❖ The Guapinol Resistance movement fought for the freedom of eight members of the CMDBCP, imprisoned for over two and a half years for their work defending the right to clean water.
- ❖ The Guapinol case is illustrative of the situation for environmental defenders and their communities across Honduras, who face violence, intimidation, eviction, defamation and death, at the hands of powerful business interests favouring resource extraction over environmental rights

Defending the Environment in the Agúan Valley of Honduras

The Municipal Committee for the Defence of Common and Public Goods was set up to advocate on behalf of the communities of San Pedro and Guapinol who are negatively impacted by extractive activities, including open pit mining and African palm monocultures.

In 2014 Los Pinares Investments, owned by Lenir Pérez (an associate of disgraced former president Juan Orlando Hernández) was granted a mining concession in the protected area of Carlos Escaleras National Park, in the Agúan Valley, a region with a record of serious human rights abuses.

In 2015 the CMDBCP filed criminal complaints against government ministries and the local mayor, denouncing irregularities in the granting of mining concessions, and contamination of drinking water by open-pit mining in a protected natural area. It also raised concerns about the report of the National Environmental Impact Assessment System (SINEIA), claiming that officials overlooked environmental destruction, and justified the illegal location of the mine due to the generation of jobs.

Since its inception, CMDBCP members have faced extreme risks. Police, the military and in some cases private security companies have carried out mass evictions in the Agúan Valley, often with the use of excessive force and are implicated in dozens of killings of community members for asserting their land and environmental rights. Six CMDBCP leaders have been killed in relation to the mine since 2013. In 2018, an encampment of peaceful protesters established by the CMDBCP were violently evicted by Honduran authorities.

Criminalisation of Guapinol Environmental Defenders

In 2019 arrest warrants were issued for 32 members of the CMDBCP, including Reynaldo, accusing them of robbery, kidnapping, aggravated arson and unlawful association.

Eight of the defenders remained imprisoned for over two and a half years, despite their prosecutors failing to provide any evidence of them having committed a crime, campaigns by the CMDBCP, as well as pressure from various international groups¹. The HRD's sentencing was deeply concerning, especially considering Honduras had been elected to the UN Human Rights Council in 2021.

On February 24, all eight defenders were released following a ruling by the Honduran Supreme Court, however they are still awaiting confirmation of their indefinite freedom. The criminalised defenders, their defence lawyers and supporters have also been targeted in a sustained defamation campaign accusing them of impeding “development” and belonging to an organised criminal network.

Guapinol has become a landmark case for HRDs persecuted for protesting extractive projects which promise the benefits of so-called development yet generate conflict and environmental degradation. Such projects are often imposed on communities without due diligence, adequate consultation and in the case of indigenous communities, the application of the ILO169 convention which guarantees the right to free, prior and informed consent required under international law. After a 10-day assessment mission to Honduras in 2019, the UN reported an urgent need for meaningful dialogue, consultation and participation in [Business and Human Rights practices](#), stating “*there is no real measure in place of whether consultation is effective and meaningful*”.

Risks to Environmental Defenders in the Bajo Aguán region and throughout Honduras

Honduras is one of the most dangerous countries in the world for environmental rights defenders. Over [117 defenders have been killed in the last decade](#) and defenders who report environmental violations by businesses or the State are threatened, harassed and [systematically criminalised](#).

After over a decade of authoritarian rule, [the change in government](#) in January brought hope for many civil society organisations. However, security guarantees for HRDs are still unfulfilled.

HRDs who oppose extractive projects become the targets of violent repression, yet violations committed against environmental defenders [remain in impunity](#). In 2021, the Inter-American Commission on Human Rights estimated a [90 percent impunity rate](#) for crimes against human rights defenders in Honduras.

In the Aguán region, some activists and peasant communities have obtained [precautionary measures from the Inter-American human rights system](#) requiring the Honduran authorities to guarantee their protection. However, like Berta Cáceres, who also benefited from such measures at the time of her killing, this has not prevented them from being targeted.

In September 2021, Juana Zuñiga from the CMDBCP was subjected to [intimidation and surveillance](#) from the same National Police force from whom she is supposed to receive protection. Other HRDs have reported the constant changing of their police liaisons, and subsequent lack of awareness of the risks they face and their protective measures granted by the National Protection System (SNP). At the same time, distrust in national authorities means HRDs fear sharing sensitive information with the SNP and the police.

Support from PBI

The PBI team in Honduras has followed the Guapinol case since January 2019, accompanying the CMDBCP throughout the trial, observing the proceedings and meeting with authorities, visiting affected families, and responding to urgent security incidents. In the UK, PBI supports this work through awareness-raising, advocacy, fundraising, and matching UK-based capacity and support with the needs of defenders on the ground.

¹ Members of the European Parliament, the UN, and Amnesty International recognized the deprivation of the liberty of the defenders was arbitrary and declared them prisoners of conscience.

RECOMMENDATIONS

Call upon the Honduran government to sign and ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).

The UN and EU have repeatedly called on Honduras to ratify and sign the [Escazú Agreement](#), a groundbreaking legal instrument and international treaty designed to protect the environment and environmental rights in Latin America and the Caribbean. It includes provisions to protect citizens' rights to a clean environment, ensure access to environmental information, participation in decision-making and prompts states to secure protection and justice for environmental defenders. It calls for accountability for environmental destruction and violence caused by extractive industries in cases such as that of Los Pinares mine in Guapinol and the criminalization of CMDBCP leaders.

Honduras is one of nine countries in the region that have neither signed nor ratified the agreement.

Promote the implementation of the United Nations Guiding Principles on Business and Human Rights through a National Action Plan (NAP)

Adherence with these principles, and their realisation within a National Plan on Business and Human Rights, would support state protection of human rights, contribute to the respect of human rights defenders by private businesses, and provide for access to legal recourse in the case of violations. In January 2020, the Honduran Council on Private Business announced its business and human rights policy, which includes such commitments as promoting respect for human rights, responsible business conduct, and practices to combat corruption among its members and the business sector.

Call on the Honduran government to strengthen, resource and implement the National Protection System (SNP)

Since taking office in January 2022, the administration of Xiomara Castro has fired more than two thirds of the technical personnel of the SNP, generating an almost total paralysis in the application of protection measures. Civil society organisations and the National Human Rights Commissioner (CONADEH) have [denounced the unconstitutional nature of this action](#), while the United Nations office in Honduras has [reiterated the importance of strengthening the mechanism](#).

Sufficient human, technical, and budgetary resources are necessary in order to ensure the proper functioning of the mechanism and protection of HRDs in Honduras. It is crucial that the government effectively implement HRD protection measures, in line with international standards and best practices. This includes ensuring transparency and accountability regarding the administration of the mechanism, providing adequate funding and proper training to ensure its effective operation. Adequate protection of HRD's in Honduras is imperative to ensure they are able to work in a safe, supportive, and legally just environment.

Adopt UK Mandatory Human rights Due Diligence Law

The attacks and criminalisation that Reynaldo and other CMDBCP members face is emblematic of the situation human rights defenders and local communities face across the world in the context of irresponsible and aggressive corporate behaviour. That's why it's so important for real protections to be afforded to those on the frontline of this ecological and humanitarian catastrophe and for companies ensuring their operations do not cause harm.

The criminalisation of Guapinol defenders is an example of how voluntary regulations for conducting supply chain due diligence are not enough. In order to give these due diligence checks a legal obligation and a substantive framework, a UK failure to prevent law is necessary.

This law, known as the [Business, Human Rights and Environment Act](#), would build on proposed amendments to the Environment Bill and on the Modern Slavery Act's Transparency in Supply Chains requirement. It would provide a stronger, overarching approach to ensure transparency and tackle irresponsible business conduct across all human rights and environmental risks, that would complement and go beyond sectoral or issue-specific approaches. Big name companies, investors worth trillions, consumers and campaigners are [all united in their support for the proposed Act](#). It is time for the Government and opposition parties to back it too.

New mandatory due diligence legislation can contribute to preventing the kinds of attacks and criminalisation faced by communities in the Agúan Valley through ensuring certainty about the standards expected from businesses, clarifying legal consequences when those standards are not met, and increasing engagement and leverage with value chain partners.

Strengthen UK Policy on Human Rights Defenders

In the [2019 policy document 'UK Support for Human Rights Defenders'](#), the UK acknowledges the fundamental role HRDs play in the realisation of human rights, gender equality, democratic spaces, and access to justice and peace, all key elements of the UK's foreign policy objectives. This policy document identifies practical support measures, and provides guidance for UK embassies. However implementation is sporadic and under-resourced.

The UK government should provide greater support and protection for Human Rights Defenders, prioritising defenders by developing a strategy to support them which is adequately funded, cross-departmental and gender-responsive, as laid out in our report '[On the Human Rights Frontline](#)'.

The FCDO is currently developing a Civic Space Strategy. This is an opportunity for the Government to address current shortcoming with the implementation of the 2019 policy on HRDs, and to situate that in a broad, preventative approach to the threats facing activists. However, civil society organisations have not yet been consulted on its content. We urge the FCDO to hold roundtables with those of us who work to support defenders at risk and who provided input into the 2019 policy as soon as possible, to discuss the proposed strategy.

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