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Defending Collective Territories in Honduras: Navigating self-determination and human rights in the face of global business and organised crime.

- ❖ Melissa Fabiola Martinez Reyes, is a prominent Honduran human rights defender and member of The Honduran Black Fraternal Organisation (OFRANEH) which defends cultural and territorial rights of the Garifuna people in Honduras since 1978.
- ❖ Despite the great potential of President Xiomara Castro's mandate to improve conditions for the defense of human rights in the country, nearly two years after her inauguration, land and environmental rights defenders in Honduras are facing an escalation in attacks from smear campaigns to harassment, criminalisation and assassination.
- ❖ Recently, Garifuna communities have faced violence from the state and organised crime, which they link to an increase in business activities in the region such as logging, mining and tourism, which have led to deforestation and mass displacements.

Melissa Fabiola Martinez Reyes, a resident of the Garifuna community of Punta Gorda on the island of Roatan (Bay Island, Honduras), has been working for 5 years within the Honduran Black Fraternal Organisation (OFRANEH), a human rights organisation for the Garifuna people. She is also a member of the National Network of Women Human Rights Defenders in Honduras. Within OFRANEH, Melissa is dedicated to the defence of land and territory and the strengthening access to integral health care through the Ancestral Health House.

Honduras is one of the most dangerous countries in the world to defend human rights. In 2022, the Office of the United Nations High Commissioner for Human Rights (OHCHR) recorded 173 attacks against journalists and Human Rights Defenders, including 14 murders. Women human rights defenders face specific and additional threats. The National Network of Women Human Rights Defenders registered 98 incidents in the first six months of 2022, with 621 total aggressions against women defenders and their collectives. Violence against women affects all spheres of public and private life. In January 2023 alone, 38 femicides were registered in the country.

In recent decades, and particularly after the 2009 Coup d'état, the Garifuna people have seen an increase in pressure on their ancestral lands. This has been linked to the government's promotion of extractive industries and tourism projects on the Atlantic coast. There has been a rise in forced displacement within the Garifuna communities, driven by the lack of legal guarantees of ancestral rights, non-compliance with ILO Convention 169 (ratified by Honduras in 1995), as well as acts of intimidation and criminalisation against OFRANEH leaders.

Non-implementation of Inter-American Commission rulings

Having failed to find an adequate response from the Honduran authorities, OFRANEH has brought several of its cases before the Inter-American Commission on Human Rights (IACHR). In 2015, the IACHR held the state of Honduras responsible for violating the right to collective property of the Garifuna communities of Punta Piedra and Triunfo de la Cruz.

However, to date, the state has not complied with several of the reparation measures ordered by the court. The community of Punta Piedra, for example, still cannot fully enjoy the ancestral lands titled by the state, as the land has not yet been duly regularised. In the case of Triunfo de la Cruz, the state of Honduras has not yet complied with the IACHR's request for delimitation and demarcation of the territory and delivery of a collective property title.

Recent enforced disappearance of OFRANEH members and a lack of accountability

The failure of the Honduran state to provide restitution in Triunfo de la Cruz led to the community's decision in June 2020, in the face of Covid-19 crisis, to take back their land. On 18 July 2020, five people who had entered these lands, including four community leaders, disappeared. According to testimonies, armed persons identified with uniforms of the Honduran Police Investigation Directorate (DPI) carried out the alleged kidnapping and disappearance. OFRANEH has repeatedly denounced the lack of progress in the investigation by the Public Prosecutor's Office into the whereabouts of these persons and the actors involved in the disappearances. In March 2023, the UN working Group on Enforced and Involuntary Disappearances visited Honduras, and reiterated the need for a prompt and independent investigation to clarify the possible involvement of public officials in the events.

RECOMMENDATIONS

Honduras' National Protection Mechanism for HRDs and Journalists

Following recommendations that Honduras had received in the previous Universal Periodic Review, the Protection Mechanism for Human Rights Defenders and Journalists was established in 2015, in an attempt to establish a clear process and resources through which the government could protect threatened activists and journalists. However, several shortcomings persist in the Mechanism's implementation:

- The Mechanism continues to be underfunded and has an insufficient number of staff, meaning protection measures are often not adequately implemented, leaving at-risk Human Rights Defenders exposed.
- The protection measures are of a police nature, while the same state forces are identified as aggressors in numerous cases of violations of the rights of Human Rights Defenders.
- The Mechanism has consistently failed to implement the preventative measures and policies that could reduce threats against Human Rights Defenders in the first place.
- The mechanism is failing to tackle the impunity that prevails in most cases of attacks against Human Rights Defenders and journalists, meaning that the Mechanism is unable to fully guarantee the safety of those at risk. The failure to investigate and sanction attacks on Defenders places them at continued risk.

The UK should urge the Honduran authorities to convene consultations with advance invites to civil society to facilitate their participation. They should insist that OFRANEH be consulted and encourage the Honduran government to incorporate their proposals.

Strengthen UK Policy on Human Rights Defenders

In the [2019 policy document 'UK Support for Human Rights Defenders'](#), the UK acknowledges the fundamental role Human Rights Defenders 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 inputted into the 2019 policy as soon as possible, to discuss the proposed strategy.

Adopt UK Mandatory Human rights Due Diligence Law

The violence that Garifuna communities in Honduras face is emblematic of the situation indigenous 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.

A new UK Failure to Prevent 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 tackling 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 displacement faced by Garifuna communities in Honduras 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.

Support the work of OFRANEH and Human Rights Defenders in Honduras

The UK Government should

- Ensure Embassy staff visit the offices of OFRANEH to meet with members of the organisation and discuss what else they can do to apply the UK's 2019 policy on HRDs to OFRANEH.
- Urge the Honduran authorities to implement the rulings in the cases of the communities of Punta Piedra and Triunfo de la Cruz, and ensure their land is duly regularised and collective property titles delivered.
- Urge the authorities to strengthen the National Protection Mechanism and offer support in doing so.

UK Parliamentarians

MPs can provide invaluable support to OFRANEH and Garifuna communities in Honduras through actions including tabling parliamentary questions. Some suggested PQs:

- To ask the Secretary of State for Foreign, Commonwealth and Development Affairs how the FCDO and its embassies are responding to recent OHCHR reports that 173 journalists and human rights defenders were attacked, including 14 murders, in Honduras in 2022, and to the spate of attacks and murders of land and environmental defenders in the first half of 2023
- To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, whether he has had discussions with his Honduran counterpart on mass displacements of Garifuna communities in Punta Gorda on Roatan, Honduras.
- To ask the Secretary of State for Foreign, Commonwealth and Development Affairs, how his Department is supporting Human Rights Defenders and displaced Garifuna communities in Honduras.
- To ask His Majesty's Government what steps they are taking to ensure that UK companies operating in Honduras respect the rights of Indigenous peoples and local communities.
- To ask the Secretary of State for Foreign, Commonwealth and Development Affairs what assessment he has made of reports that 50 people from the Garifuna communities in Punta Gorda were left injured during forced eviction by National Police and Military forces.

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