



Center for Gender & Refugee Studies

<https://cgrs.uclawsf.edu/>

## Submission to the Independent Expert on Human Rights and International Solidarity

### Input for the Report on Indigenous Peoples and International Solidarity

Center for Gender & Refugee Studies  
University of California College of the Law, San Francisco

October 31, 2024

The Center for Gender & Refugee Studies (CGRS) is grateful for the opportunity to contribute this input to inform your report on Indigenous Peoples and international solidarity to be presented to the 59th session of the UN Human Rights Council in June 2025.<sup>1</sup>

This submission draws upon the following CGRS materials, which provide analysis and information relevant to the call for input. Copies of these resources are included in the Annex.

- CGRS, [Honduras: Climate Change, Human Rights Violations, and Forced Displacement](#) (December 20, 2023).
- CGRS, [Root Causes of Migration: Climate Disasters and Environmental Degradation in Honduran Asylum Claims](#) (October 24, 2024).

This submission highlights the critical state of Indigenous rights in Honduras. Part I focuses on the oppression and neglect Indigenous communities face and the subsequent threat to their culture and connection to their ancestral lands. Part II delves into the disproportionate

---

<sup>1</sup> Independent Expert on human rights and international solidarity, [Call for input for the report on Indigenous Peoples and International Solidarity](#), The Office of the High Commissioner for Human Rights (accessed on Oct. 3, 2024), **Question № 5**: "Please indicate whether the State has provided recognition of Indigenous People's collective rights to the territories and resources which they have traditionally owned, occupied, or otherwise used or acquired. Do Indigenous Peoples have their free, prior, and informed consent guaranteed in relation to activities in their territories or any other decisions or legislation that may affect them?"; **Question № 6**: "Please indicate whether Indigenous Peoples enjoy rights to health care, education, adequate housing, and an adequate standard of living in comparison with the non-Indigenous persons within your country?"

impact of climate change on Indigenous Peoples, due largely to the State's general neglect, as well as its inadequate response after disasters. Part III presents several general recommendations to strengthen the autonomy of Indigenous communities, including by fostering meaningful prior consultations, and adopting equitable land legislation. The submission aims to illuminate the urgent need to protect the rights and livelihoods of Indigenous Peoples.

## **I. CONDITIONS FOR INDIGENOUS PEOPLES IN HONDURAS**

Indigenous Peoples have distinct social, cultural, economic, and political structures intrinsically tied to their ancestral lands. Their identity is deeply connected to their surrounding ecosystems. Unfortunately, in Honduras Indigenous Peoples have historically been neglected and oppressed. Although the State has recognized their special relationship to the land and traditions, including by classifying their lands as national reserves, it has advanced many policies that in practice significantly limit their rights.

Specifically, Honduras has enacted environmental laws and policies that have facilitated the expansion of extractive industries and other environmentally harmful industrial projects which, in turn, limit Indigenous Peoples' rights over their lands. For example, Honduras undertook significant land reforms in the 1990s that have allowed corporations, both domestic and foreign to appropriate large swaths of land.<sup>2</sup> This reform has adversely impacted not only Indigenous Peoples, but also peasant cooperatives and small landowners.<sup>3</sup>

In addition, Honduras grants concession permits to multi-national companies without following proper procedures, such as meaningful consultation with local communities, including Indigenous Peoples. A significant example of this disregard for due process was the development of the San Andrés gold mine in the Province of Copán. Mining operations began without any consultation with the local Indigenous community or the required environmental impact assessments. Once underway, these operations proceeded without any regulatory enforcement.

---

<sup>2</sup> Declaration Of Donald Hernández Palma, Expert on Climate Disasters and Environmental Degradation in Honduras (Sep. 18, 2024). The document is available upon request to advocates working on fear-of-return claims for Honduran nationals through [CGRS's Technical Assistance Library](#) or via this [link](#) for general research purposes.

<sup>3</sup> See Interview by Refugee and Human Rights Clinic (RHRC) and Center for Gender for Refugee Studies (CGRS) with Elvin Hernandez, Equipo de Reflexión, Investigación y Comunicación SJ (ERIC-SJ), San Pedro Sula, Hond. (Oct. 29, 2022) (on file with CGRS); see also Andres Leon Araya, The politics of dispossession in the Honduran palm oil industry: A case study of the Bajo Aguán, 71 J. Rural Stud. 134 (2019), <https://www.sciencedirect.com/science/article/abs/pii/S074301671730623X>.

As a result, mining activities led to significant water and air pollution, causing numerous health issues among locals, including skin, respiratory, and gastrointestinal problems. Operations also drained water streams, weakening the community's capacity to sustain itself. Additionally, the destruction of an ancestral cemetery represented a direct violation of the Indigenous community's rights, including their cultural identity and connection to their land. Together, these sustained abuses reflect a broader pattern of exploitation in Honduras that threatens both environmental health and human dignity.

The impact of extractive industries not only harms the physical health of Indigenous Peoples, and their ties to the land, but also exposes them to direct forms of violence. Those who resist harmful policies, refuse to leave their lands, or oppose exploitation face forced disappearance, displacement, and even death, often with State complicity. Furthermore, the State criminalizes individuals who defend their rights, further limiting their access to protection and justice. Forced displacement from their ancestral lands leads to the loss of cultural heritage. Entrenched racial biases and social exclusion further deny Indigenous Peoples access to protection and justice.

## **II. THE IMPACT OF CLIMATE CHANGE ON INDIGENOUS PEOPLES**

Indigenous Peoples are disproportionately affected by the impacts of climate change. Honduran authorities fail to provide basic infrastructure and services in rural areas, which are predominantly inhabited by Indigenous groups. This translates to a lack of developed roads, access to running water, education, and health facilities. Consequently, these communities are often left out of State post-disaster relief efforts. This makes Indigenous Peoples especially vulnerable to the devastation of the climate emergency.

Any efforts to respond to disasters or even monitor environmental degradation are insufficient and often marred by corruption. Indigenous Peoples are left to cope with the effects of climate change on their own. The absence of any support compounds their existing vulnerabilities, making it harder to adapt to worsening environmental conditions. Without inclusive, targeted and transparent governance, the Indigenous Peoples will continue to bear the brunt of the climate crisis.

## **III. RECOMMENDATIONS**

There is an urgent need to uphold the inherent rights of Indigenous Peoples in Honduras and around the world. Delivering justice requires implementing policies that protect their lands, cultures, and livelihoods, ensuring they have a voice in decisions that affect their lives. In light of this, we urge the Independent Expert on human rights and international solidarity

to include the following recommendations in their report on Indigenous Peoples and international solidarity:

1. Strengthen collaboration with local indigenous communities and civil society organizations to support mitigation and adaptation strategies that center their voices and knowledge.
2. Prioritize community and human rights in investment initiatives, ensuring they are thoroughly assessed for human rights and environmental impacts and have appropriate oversight.
3. Ensure that land legislation respects Indigenous Peoples' rights to collective lands, upholding these rights to support resilient and sustainable livelihoods.
4. Promote meaningful community consultations and respect for ancestral rights.
5. Enhance environmental protections and oversight to prevent violations of Indigenous rights.
6. Guarantee equitable post-disaster relief that reaches all populations without discrimination.