**Questionnaire in relation to Human Rights Council resolution 53/6 on human rights and climate change**

**Input by the OHCHR Honduras Country Office – 01 February 2024**

1. **Please describe through concrete examples and stories the impacts of loss and damage from the adverse effects of climate change on the full enjoyment of human rights in your country. Please indicate whether the impact was exceptional or whether an example of many similarly situated cases. Please estimate the number of cases that may be similar in your country.**

During his official visit to Honduras in September 2023, the Special Rapporteur on climate change visited several communities affected by the adverse effects of climate change:

* 1. He visited the town of Cedeño, on the Pacific coast, where the town has been flooded by the sea. by the sea. The houses have been completely destroyed due to the rising sea level and its displacement inland. The local school was filled with beach sand and destroyed. Their water supply has been contaminated by seawater. A shrimp processing factory was destroyed by rising sea levels and the community is now concerned that the chemicals used in the factory have contaminated the waters surrounding Cedeño. As a result, the fishermen now have to fish offshore and are facing disputes over fishing grounds with fishermen from neighboring countries.
  2. He also visited the village of Reitoca, in the Dry Corridor, where community members, particularly the Lenca indigenous people, are trying to protect their local river from construction. Lenca indigenous people, are trying to protect their local river from hydroelectric dams. This community has already witnessed the impacts of a long drought and loss of water. They are extremely concerned that they may lose all access to their water if a dam is built. In addition, the Lenca people have a strong belief that damming the rivers contravenes their worldview, in which the natural system is paramount. These human rights defenders have suffered continuous persecution and criminalization by those they assume to be representatives of the hydroelectric dam company, the police and the army. Several members of the community are facing convictions for alleged crimes they deny committing. No consent and consultation provisions are not being applied to the developments associated with the dam. Other tactics are being used to divide the community. Some community members are given fertilizer while human rights defenders are not. Lenca people are not recognized as indigenous. These divide-and-rule methods are typical tactics used by companies to promote their projects. Human rights defenders fear for their lives, as they are continually threatened.
  3. The community of El Socorro, in El Progreso, was severely affected by hurricanes Eta and Iota. Much of their land was flooded and the community lost almost everything and had to rebuild. The community members went to great lengths in boats to rescue people from the roofs of their homes. Some assistance was provided to the community in the form of temporary housing and water tanks, but these houses are not suitable for long-term habitation.

1. **Please describe any relevant quantitative and qualitative data as well as mechanisms and tools to measure, monitor, report on, and evaluate the impacts of loss and damage, including from extreme weather and slow-onset events, on the full enjoyment of human rights. Please consider, inter alia, the disproportionate effects on women and girls, children, youth, older persons, persons with disabilities, Indigenous Peoples, migrants, persons living in poverty and others in vulnerable situations.**
2. **Please describe any specific measures, including public policies, legislation, practices, strategies, or institutional arrangements that your Government has undertaken or plans to undertake at a national, sectoral or sub-national level, in compliance with applicable international human rights law, to avert, minimize and address loss and damage, including equity-based approaches and solutions. Please also identify any relevant mechanisms for ensuring accountability, including means of implementation.**

The following is a list and brief description of the main regulatory provisions in Honduras related to climate change:

1. **Climate Change Law (2013)**

The Law provides that the President of the Republic directs and guides actions through the Interinstitutional Committee on Climate Change (CICC, by its Spanish acronym), as a permanent, consultative, deliberative and advisory body to formulate policies, monitoring and social control of the management of reduction and prevention of the negative impacts of climate change and mitigation of its adverse effects.

1. **General Water Law (2009)**

The purpose of the Law is to establish the principles and regulations applicable to the adequate management of water resources for the protection, conservation, valorization and use of water resources in order to promote integrated water resource management at the national level.

1. **National Risk Management System Law (2009)**

The National Risk Management System (SINAGER, by its Spanish acronym) will be regulated in an institutional framework, which will include all sectors of Honduran society, both for existing institutions and those that may come into existence, without any exclusion whatsoever.

1. **Forestry, Protected Areas and Wildlife Law (2007)**

The Law contains some objectives that provide space for the regulation of the different environmental goods and services derived from the management of forest resources and Protected Areas, among them the carbon market; these are: to determine and implement a valuation system for environmental goods and services as an incentive for the conservation and improvement of forest areas, both public and private; to promote and facilitate ecotourism projects; and to promote and facilitate activities aimed at carbon capture, for its corresponding commercialization.

1. **General Environmental Law (1993)**

The Law provides that the protection, conservation, restoration and sustainable management of the environment and natural resources are of public utility and social interest. The Central Government and the municipalities shall promote the rational use and sustainable management of these resources, in order to allow their preservation and economic use.

1. **Special Law on Forest Carbon Transactions for Climate Justice (2023)**

Approved on 26 July 2023, the Law empowers the Honduran State to carry out carbon transactions with national and foreign entities, organizations and companies in a carbon market. However, the law has been the subject of discussion by different sectors and organizations linked to environmental issues, due to its lack of clarity and, above all, for not having been consulted with local communities, vulnerable populations and indigenous peoples.

Other state policies and strategies on climate change include:

1. **The National Climate Change Adaptation Plan 2018-2030 (2015)**.

In 2015, the process of developing the National Adaptation Plan began, which was consolidated in 2016 as a participatory consultation process that involved the various actors of Honduran society and government sectors, considering previous experiences and traditional and scientific knowledge. Likewise, commitments on climate change adaptation are reaffirmed in the Nationally Determined Contribution (NDC) submitted by Honduras under the Paris Agreement in 2015. In the NDC, Honduras prioritizes adaptation for the agricultural food and marine-coastal sectors. The National Climate Change Adaptation Plan aims to dictate the guidelines for climate change adaptation based on the country's development policies and will provide guidelines for coordination, institutional structure and coherent lines of work between the different development sectors. In this sense, the plan stands as a strategic document that visualizes adaptation to climate change as a development process that places people at the center of the intervention. However, a review is proposed to verify its current status and ensure that the figures created in the decree are applicable and relevant in order to improve climate change management.

1. **NDCs (2016):**

In the framework of the Paris Agreement, Honduras submitted its Nationally Determined Contribution (NDC) in 2016. The Nationally Determined Contribution of Honduras (NDC-HN), coordinated by the Ministry of Natural Resources and Environment through the National Directorate of Climate Change, in relation to the United Nations Framework Convention on Climate Change (UNFCCC) had been planned with a view to strengthen the strategic guidelines for improving the adoption of measures in favor of climate action. Honduras' first NDC update in 2021 determined to increase its greenhouse gas emission reduction commitment from 15% to 16%. It also increased the target of forest areas to be restored by 30%, for a total of 1.3 million hectares, considering the significant importance of caring for forests, which represent more than 55% of the country's land area. Nevertheless, and considering the validity of this commitment, the Office urges a comprehensive approach to the issue.

1. **The National Climate Change Strategy (2010)**

Created within the framework of the National Climate Change Directorate addresses the interactions between the different aspects of climate change: causes, manifestations, adverse effects and response measures; as well as the social, economic and environmental dimensions of Honduran society. Consequently, the National Climate Change Strategy identifies areas of advocacy with Strategic Objectives for adaptation and mitigation, which have marked the main axes of the National Climate Agenda in recent years.

1. **Please identify and share examples of promising practices and critical challenges in the promotion, protection, and fulfilment of the full enjoyment of human rights in the context of loss and damage, including examples that highlight multilateral cooperation and approaches, at global and regional levels, including equity-based approaches and solutions.**
2. **Please provide specific recommendations, if possible, on how to address the critical challenges that have been identified, including actions to be taken at country, regional, and global levels, as well as by different groups of stakeholders, Governments, development agencies, financing institutions, and others.**

Climate change has a significantly increased negative impact on indigenous peoples. This is further exacerbated by the negative impact of extractive projects in the areas where indigenous peoples live. Extractive project most often translate into limitations on access to natural resources, lands and territories. The lack of a law or protocol for Free, Prior, and Informed Consultation further complicates their participation in decisions about projects that affect them. Peasant groups in Honduras thus face intertwined challenges: they are severely affected by climate change and are embroiled in complex land tenure issues and conflicts over natural resource ownership. These interconnected issues deeply impact their lives and rights. In this regard, OHCHR has made the following recommendations to the State:

* Accession to the Escazú Agreement:
  + The Agreement is conceived as a road map that will enable States to move toward sustainable development conceived from a highly democratic vision with the participation of all, allowing for a comprehensive approach that includes economic, environmental and social considerations.
  + The Agreement offers important opportunities to generate a sustained and sustainable investment climate, generating certainty and stability, providing a solid and secure framework at the regional level, but at the same time allowing it to be adapted to national realities and contexts.
  + Multilateral development banks have included the Agreement's standards in their policies on social and environmental safeguards, and States Parties to the Agreement are among the largest recipients of foreign direct investment, as evidenced by the fact that they are among the largest recipients of foreign direct investment.
* Approval of an environmental legislative agenda:
  + It would allow the identification and prioritization of the relevant regulatory framework in environmental matters, complementing administrative and regulatory reforms. E.g., Mining Law, General Environmental Law, Forestry and Protected Areas Law.
  + In addition, it would allow for the review of extractive projects that have had serious consequences in terms of human rights and whose authorization was given in the framework of irregular processes or linked to corruption. E.g., the Botaderos case.
* The Ministry of Natural Resources and Environment should review its regulatory and administrative framework for environmental licensing:
  + It would make it possible to move towards an environmental licensing model that guarantees the participation of communities affected by extractive projects and the right to free, prior and informed consultation and consent of indigenous and Afro-Honduran peoples.
  + Adapt a more efficient model and strengthen SERNA's supervision and control functions.
* Review and update of the regulatory and institutional framework related to the State's response to climate change, including the National Climate Change Strategy, National Adaptation Plan, NDC, among others.

Following his visit to Honduras in September 2023, the Special Rapporteur on the promotion and protection of human rights in the context of climate change made recommendations on some key measures that the government of Honduras should take to address the implications of climate change more effectively. These include:

* Update the climate change plan and the Climate Change Law to adequately address the impacts of climate change and build resilience measures.
* Be active in the negotiations around the loss and damage fund and seek a that the loss and damage fund will provide sufficient sources of funding to address loss and damage suffered by the country.
* Consider the creation of a climate change assistance fund (trust fund) to support the most affected and poorest communities. The creation of a non-political advisory group should be created to provide guidance on the use of the money in this fund.
* Negotiate debt forgiveness for climate change action as a means of providing funding for the climate change relief trust fund.
* Carefully consider whether hydroelectric dams are appropriate for a mountainous country highly exposed to hurricane impacts. Carefully consider the concerns of communities about hydropower dams. There are other renewable energy technologies that are less damaging to local communities.
* Ensure that any development considerations, such as mines or hydroelectric dams, are made in full consultation with local communities (including indigenous and Afro-Honduran peoples) and with their free, prior, and informed consent.
* Drastically accelerate its agrarian reform program to ensure that smallholders affected by climate change can adequately build a resilient and sustainable livelihood without the threat of being displaced from their land.
* Ensure that the territories of indigenous and Afro-Honduran peoples are duly enshrined in law.
* Take urgent measures to protect environmental human rights defenders and to repeal laws that are being misused to imprison them, such as the misuse of the "forced displacement" or "usurpation" provision.
* Undertake major reforms in local administrations and the police force to end corruption and intimidation of environmental human rights defenders.
* Fully understand the implications of the carbon market and make sure that it is not undermining its own targets set within its own nationally determined contribution. Foreign carbon credit trading only sells easy emissions reduction targets and allows large international polluters to continue polluting.
* Ratify the Escazú Agreement to ensure that it provides an inclusive society with access to information, justice, and protection of environmental human rights defenders.
* Work with other countries in the region to develop protection measures for people displaced across international borders due to climate change. A first step could be to broaden the definition in the Cartagena Declaration to include people displaced by climate change.
* Engage with other governments in the region in a dialogue with countries of destination to ensure that migrants detained abroad are treated humanely and with dignity.
* Provide adequate shelters and facilities for returnees to Honduras until they have a safe until they have a safe situation to return to the community.
* Consider advocating for an optional protocol under the Refugee Convention to provide adequate protection to persons displaced across international borders due to climate change.
* Implement the UN Declaration on the Rights of Indigenous Peoples and support indigenous peoples' efforts to protect their lands from invasive cattle grazing, mining, and coca growers and criminal groups, militias for hire and corrupt police.

1. **Please provide any additional information you believe would be useful to support climate action and justice that promotes the full enjoyment of human rights in the context of loss and damage.**

Within the framework of OHCHR's technical support to the Special Rapporteur on the promotion and protection of human rights in the context of climate change, during his visit to the country in September 2023, a meeting was held with the President of the National Congress and the Coordinator of the Legislative Commission on Environment and Climate Change, resulting in a commitment to promote a new legislative agenda on the environment and climate change, from a human rights approach. In addition, the Office has prioritized the approach to climate change in relation to the environmental impacts of extractive projects; For this reason, the Office is providing extensive technical assistance to the Ministry of Natural Resources and Environment for the revision of the regulatory and administrative framework for environmental licensing to move towards an environmental licensing model that guarantees the participation of communities affected by extractive projects and the right to consultation and free, prior and informed consent of indigenous and Afro-Honduran peoples, as well as to strengthen the environmental supervision and control functions of the Ministry.