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Special Rapporteur for Economic,
Social, Cultural and Environmental Rights

IACHR Inter-American
Commission on
Human Rights

Northern Central America

Situation of Environmental Defenders



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Northern Central America

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Executive Summary

Executive Summary

1. This report analyzes the situation environmental defenders in countries of northern Central America, comprising El Salvador, Guatemala, and Honduras. In the report, the Inter-American Commission on Human Rights (hereinafter “Inter-American Commission,” “Commission,” or “IACHR”) offers a series of recommendations to assist the States of northern Central America in strengthening their efforts to protect and guarantee the human rights of those who defend the environment in this region.
2. Through its different mechanisms, the IACHR has observed that northern Central America is one of the most dangerous places in the world to defend the land, territory, and environment. This is why the specific focus is on this subregion. The IACHR stresses at this time that this report does not address the situation of environmental and territory defenders in Nicaragua, which is the subject of special monitoring via other mechanisms.
3. The acts of violence observed against those who defend the environment have ranged from stigmatizing speech, harassment, criminalization, and threats to attacks on life and integrity of person, murders, and forced disappearances. The IACHR notes that there have been an alarming number of murders of environmental defenders in Honduras and Guatemala over at least the last five years.
4. A significant number of incidents of violence included in this report took place in the context of the presence of megaprojects and natural resource extraction associated with the mining industry, hydroelectric power, electricity, agriculture, excessive and/or illegal logging, and tourism or urban developments. They constitute the main sources of the risk facing those defending land, territory, and the environment. Defenders of the land, territory, and environment play a fundamental role in developing policies and strategies for protecting the environment in order to achieve sustainable development that benefits present and future generations. Acts of violence against these groups therefore not only impact their rights as individuals but also undermine the role they play in the societies of the States of northern Central America and the international community.
5. For its part, the Commission finds that certain groups that take part in defense of the environment, land, and territory are exposed to greater risk, such as women, indigenous defenders, and defenders of African descent. The conditions of vulnerability under which groups that defend the environment operate are worsened by structural factors like ethnic and racial discrimination and by the levels of marginalization, poverty, inequality, and social exclusion they have historically faced.

6. Additionally, the IACHR finds that the criminalization of environmental defenders in Central America through the improper use of criminal law and occasionally with the prolonged use of preventative detention has been common practice, and its use has increased in recent years—both by State authorities and by private third parties—as a way of obstructing their defense activities.
7. In view of the situation of violence, the Commission is concerned at the lack of official statistics and of a detailed, disaggregated, and unified registry of attacks on human rights defenders in the countries of northern Central America, as well as the high rates of impunity for crimes committed against these groups. The report also identifies serious challenges to making progress on investigating these crimes, reflecting a context of impunity.
8. The IACHR analyzes measures taken by States to investigate these crimes, as well as the institutional response in terms of prevention and of protecting human rights and environmental defenders in the countries of northern Central America. In this context, the Commission urges States to redouble their capacities in response to the high number of cases of violence and high rates of impunity for these acts. The report also develops States' obligations and inter-American standards on human rights defenders with a specific focus on the situation and issues facing defenders of land, territory, and the environment in the corresponding countries.
9. In this regard, the Commission calls on the States of El Salvador, Guatemala, and Honduras to foster an environment that is free of human rights violations and where fundamental freedoms are fully respected, as these conditions are indispensable for human rights defenders—including those defending land, territory, and the environment—to do their work freely. In this context, the IACHR offers a series of recommendations to the States of the northern Central America subregion.

Chapter 1

Introduction

Introduction

10. In compliance with its mandate under the Convention, the Inter-American Commission has been monitoring the situation of human rights defenders in the Americas. In the context of this work, and through the Rapporteurship on Human Rights Defenders and Justice Operators, it has identified that certain groups of human rights defenders face greater obstacles and unique risks due to the causes they defend or the content of their demands¹. Such is the case for the contexts of defense of land, territory, environment, and natural resources, particularly when it comes to campesino, indigenous, and Afro-descendant leaders. In recent years, through its various mechanisms, the Commission has observed that the northern Central America subregion is one of the most dangerous—both in the Americas and in the world—for the exercise of this type of defense². The IACHR frequently receives urgent information on situations that endanger the lives, integrity, and personal liberty of those who defend the environment, along with other situations that restrict the freedom to exercise the right to defend human rights and the environment in El Salvador, Guatemala, and Honduras.

11. The Commission has observed that defense of the environment in the countries of northern Central America takes place in the framework of a hostile environment fostered by a variety of public and private actors. A significant number of the acts of violence committed against them take place in the context of the establishment of large-scale projects and the exploitation of natural resources, or in context of agricultural conflict or claims to land as a consequence of its inequitable distribution. Some complaints indicate that the companies benefiting from concessions are behind the attacks on land, territory, and environmental defenders because their work runs contrary to these companies' economic interests; others point to State agents participating directly or acting in cooperation with private companies employing the apparatus of the State for these purposes. The Commission has also identified structural aspects that have contributed to and exacerbated the risks facing environmental defenders in the countries of the subregion, widening existing equality and power gaps between public and private elites and defenders of the environment, land, territory, and natural resources. These structural factors include impunity for crimes committed against these groups; militarization of public security; general insecurity; and high rates of violence, as well as weak institutions and corruption.

¹ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II. Doc. 66, December 31, 2011, Chapter III; IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II.124, Doc. 5 rev.1, March 7, 2006, para. 208.

² Global Witness, [Global Witness reports 227 land and environmental activists murdered in a single year, the worst figure on record](#), September 13, 2021; IACHR, [Press Release 88/17 – Experts Condemn the Attacks and Killings of Environment Defenders in Guatemala](#), Washington, D.C., June 20, 2017; IACHR, [Press Release 118/16 – Honduras, one of the most dangerous countries for human rights defenders – Experts warn](#), Geneva/Washington, D.C., August 19, 2016.

12. In view of the persistence and intensification of the obstacles against and violence facing those who defend land, territory, and the environment in the countries of northern Central America, the Commission deems it relevant to publish a thematic report on the current situation facing groups that engage in such activities in the subregion. The IACHR stresses that this report does not address the situation of environmental and territory defenders in Nicaragua, which is the subject of special monitoring via other mechanisms.
13. The Commission deems it particularly important to identify the sources of risk and the actors fostering violence; the individual, collective, and social impacts of the violence against defenders; and the State initiatives and responses implemented to address this issue in the specific context of the subregion. In this regard, the IACHR offers a series of recommendations intended to serve as a guide for the States of El Salvador, Guatemala, and Honduras toward strengthening their efforts of prevention and protection of the rights of environmental defenders in the specific context of northern Central America.

A. Purpose and methodology of the report

14. In its 2017-2022 Strategic Plan, the Inter-American Commission decided to make the Central America subregion a priority through three strategic lines—technical cooperation, dissemination of human rights, and special projects focused on groups that have historically faced discrimination—and the crosscutting themes established in the same plan—democratic institutions, human rights institutions, judicial independence, access to justice and security, and institutional violence. Within the framework of this program, the IACHR made in loco visits and prepared reports on the human rights situations in countries including Guatemala (2017),³ Nicaragua (2018),⁴ Honduras (2019),⁵ and El Salvador (2021).⁶ It also issued a series of publications on topics including forced displacement in the northern triangle of Central America (2019),⁷ the forced migration of Nicaraguans to

³ ACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17. December 31, 2017.

⁴ IACHR, [Serious human rights violations in the context of social protests in Nicaragua](#), OEA/Ser.LV/II. Doc. 86. June 21, 2018.

⁵ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019.

⁶ IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021.

⁷ IACHR, [Internal Displacement in the Northern Triangle of Central America. Guidelines for formulating public policies](#), OEA/Ser.LV/II. Doc. 101, July 27, 2018.

Costa Rica (2019),⁸ the situation of persons deprived of liberty in Nicaragua (2020),⁹ and the formulation of basic guidelines for investigating crimes against human rights defenders in the Northern Triangle (2021).¹⁰ Currently, the IACHR is working on a series of reports with specific recommendations for the countries of northern Central America regarding pressing issues such as the situation of economic, social, cultural, and environmental rights of persons of African descent and indigenous peoples; the situation of human rights defenders; and the impact of organized crime on the human rights situation of women, children and youths.

15. The objective of this report is therefore to analyze the human rights situation under which defenders do their work to defend land, territory, and the environment in Guatemala, Honduras, and El Salvador. Specifically, it identifies the principle ways these persons defend the environment; the main risks and obstacles they face; and the causes and sources of those risks and obstacles. It also identifies the main challenges to protecting environmental defenders that pose obstacles to establishing an environment conducive to defending the environment. The report additionally documents the measures implemented by the countries of northern Central America to guarantee their protection.
16. To draft this report, the Commission carried out a series of activities aimed at collecting information on the current situation facing defenders of the environment, land, and natural resources in the countries of northern Central America. On November 4, 2021, a closed virtual meeting was held with experts on the situation of environmental defenders in these three countries. Additionally, on January 12, 2022, the IACHR published a questionnaire addressed to civil society organizations, human rights defenders, academia, and interested persons and institutions seeking contributions on the subject of this report. On January 21, 2022, the States of El Salvador, Guatemala, and Honduras and their national human rights institutions were asked for information. The Commission expresses appreciation for the

⁸ IACHR, [Forced Migration of Nicaraguans to Costa Rica](#), OEA/Ser.L/V/II. Doc. 150, September 8, 2019.

⁹ IACHR, [Persons deprived of liberty in Nicaragua in connection with the human rights crisis that began on April 18, 2018](#), OEA/Ser.L/V/II. Doc. 287, October 5, 2020.

¹⁰ IACHR, [Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle](#), OEA/Ser.L/V/II. Doc. 110. June 1, 2021.

valuable information contributed by the States,¹¹ national human rights institutions,¹² and civil society organizations¹³ for preparing this report.

17. The Inter-American Commission has taken into account the information received during its most recent in loco visits to El Salvador, Guatemala, and Honduras and the information documented in its country reports. The report likewise makes reference to a variety of decisions adopted by the Inter-American Court of Human Rights (hereinafter "the Court" or "Inter-American Court") regarding these three countries, as well as decisions from the system of petitions and cases and precautionary measures of the IACHR. The report also reflects information received during public hearings and from its thematic reports, press releases, and requests for information, issued pursuant to the authorities granted to the Commission by Article 41 of the American Convention. Additionally, it has used information collected by international organizations, State bodies, and local, regional, and international civil society organizations—as well as newspaper articles—that address the subject of the report.

18. The draft of this report was approved by the IACHR on September 22, 2022. On October 11, 2022, the IACHR sent a copy of the preliminary draft of this report to you the States of Guatemala, Honduras, and El Salvador, asking them to submit comments, in accordance with its Rules of Procedure. On October 16¹⁴ and November 14,¹⁵ 2022, the IACHR received comments from El Salvador and Guatemala, respectively. They were incorporated where pertinent. For its part, on November 2, 2022, the State of Honduras informed the IACHR that it had no comments on the preliminary draft of the report. The State of Honduras indicated that it had “no comments on the content of the draft report of reference, recognizing that the recommendations emanating from it will enable the States of northern Central America to move forward with strengthening the protection and guarantee of the rights of environmental defenders in the region.”¹⁶ The final version of this report was approved by the IACHR on XX XX 2022.

¹¹ The Commission received the responses to requests for information from Guatemala, Honduras, and El Salvador on February 21, 2022, March 9, 2022, and April 12, 2022, respectively.

¹² The Commission received responses to requests for information from the Guatemalan Office of the Ombudsperson for the Defense of Human Rights (PDH Guatemala), the Office of the Ombudsperson for the Defense of Human Rights in El Salvador (PDDH El Salvador), and the National Commissioner for Human Rights in Honduras (CONADEH) on January 26, 2022, February 22, 2022, and February 23, 2022, respectively.

¹³ The Commission thanks Amnesty International, Global Witness, the Center for Justice and International Law (CEJIL), and IM-Defensoras for their contributions to the drafting of this report.

¹⁴ El Salvador, Comments on the draft report through Diplomatic Note MPOEA-OEA-188/2022, October 17, 2022.

¹⁵ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/fil, November 15, 2022, pg. 2, on file with the IACHR.

¹⁶ Office of the Attorney General of the Republic of Honduras, Comments on the draft report, Official Letter DNDDHH-LI-1144-2022, November 1, 2022.

19. For the purposes of this report, the IACHR established that it would cover the period of 2016 through its publication date so as to offer a broad and up-to-date overview of the situation of violence facing environmental defenders in northern Central America.¹⁷ The report also refers to some specific cases as examples, without those references amounting to a prejudgment regarding an eventual petition before the inter-American system alleging violations of the rights protected under the American Convention and other applicable instruments.

20. This report is divided into seven chapters. The introductory chapter establishes the methodology and purpose of the report. The second chapter establishes key concepts and definitions for the report's analysis, including the relationship between human rights, the environment, and defense of the environment. The third chapter describes the current context in which environmental defenders do their work in the countries of northern Central America and identifies the main groups at risk, as well as the importance of their work. The fourth chapter identifies the main forms of violence facing environmental defenders. The fifth chapter addresses the obligations that the States of northern Central America have to prevent and protect those who defend the environment, pursuant to inter-American standards. In the sixth chapter, the Commission analyzes the institutional response with respect to measures of prevention and protection for human rights and environmental defenders adopted in the three countries. Lastly, in the seventh chapter, the IACHR offers its conclusions and gives recommendations to Guatemala, Honduras, and El Salvador.

¹⁷ In some cases, for illustrative or contextual purposes, reference is made to historical events and trends prior to the established time period in order to provide contextual information for the analysis.

Chapter 2

Important Decisions

Important Decisions

21. This chapter establishes the key concepts and definitions for the report's analysis. First, some general considerations are set forth on the link between the environment and human rights based on the main case law developments in the inter-American and universal human rights systems. The chapter specifically explores the autonomous nature of the right to a healthy environment, as well as the direct relationship between preserving the environment and effective exercise and enjoyment of other fundamental rights. Additionally, the existence of the right to defend human rights is reiterated, as it has been recognized both regionally and universally, including the right to defend environment. Likewise, the chapter underscores the importance of the role played by those who work to defend the environment in strengthening democracy and promoting a just balance between sustainable development and human rights.

A. Human rights and the environment at the international level

22. Although the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights do not make explicit reference to a right to a healthy environment, both the IACHR and the Inter-American Court have recognized it as indispensable for the full enjoyment of the rights enshrined in both inter-American human rights protection instruments, as well as its autonomous nature.

23. The Inter-American Court has found that the right to a healthy environment, as an autonomous right, must be considered as included within the rights protected by Article 26 of the American Convention.¹⁸ Along these lines, it recognizes the unequivocal relationship between protecting the environment and realizing other human rights, as a necessary precondition for the exercise of several fundamental rights is a minimum-quality environment, and these rights are deeply impacted by the degradation of natural resources.¹⁹

24. Additionally, Article 11 of the Additional Protocol to the American Convention on Human Rights on economic, social, and cultural rights (known as the Protocol of San Salvador) recognizes the right to a healthy environment. At the same time, Article 15 of the Inter-

¹⁸ Inter-American Court. *Case of the Indigenous Communities of the Iankan Honhat (Our Land) Association v. Argentina. Merits, Reparations, and Costs*. Judgment of February 6, 2020. Series C No. 400, para. 202; Inter-American Court, *Advisory Opinion OC-23/17*, The Environment and Human Rights (State obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity – interpretation and scope of Articles 4(1) and 5(1) of the American Convention on Human Rights, in conjunction with articles 1(1) and 2), November 15, 2017. Series A No. 23, para. 49 and 57.

¹⁹ Inter-American Court. *Case of Kawas Fernández v. Honduras. Merits, Reparations, and Costs*. Judgment of April 3, 2009. Series C No. 196, para. 148.

American Democratic Charter establishes that democracy facilitates the preservation and good stewardship of the environment, calling on States to establish policies and strategies to protect the environment

25. The IACHR has considered the link between human subsistence and the preservation of a healthy environment, as well as its direct connection to the exercise of fundamental rights like the rights to life, integrity of person, and security. Likewise, the IACHR and its Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (REDESCA)—an office established by the Commission in 2017 with the explicit mandate of promoting and protecting environmental rights—have reaffirmed the close interrelationship between human rights, sustainable development, and the environment.²⁰ They have indicated that degradation of the environment can negatively affect access to water and the enjoyment of a variety of human rights, including the rights to life, health, development, and free determination.²¹ The REDESCA underscored that the right to a healthy environment is essential for ensuring the existence not only of humanity but of all forms of life on earth.²² The REDESCA has likewise developed the first document of standards of the inter-American system with respect to emerging climate change challenges, including among its main thrusts States' obligations to protect persons who defend the environment, land, and territory in response to the climate emergency.²³
26. The right to the environment must be understood in both its individual and collective dimensions, as it constitutes a universal value that is owed to both present and future generations and its violation may have a direct and indirect impact on persons owing to its connectivity to other rights.²⁴ The link between civil and political rights and economic, social, and cultural rights, including the right to a healthy environment, demonstrates the need to analyze them as a whole starting from the premise of the recognition of human

²⁰ IACHR, [Business and Human Rights: Inter-American Standards](#), OEA/Ser.LV/II CIDH/REDESCA/MNF.1/19, November 1, 2019, para. 46.

²¹ IACHR, [Indigenous Peoples, Afro-Descendent Communities and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities](#), OEA/Ser.LV/II. Doc. 47/15, December 31, 2015, para. 62; [Economic, social, cultural, and environmental rights of persons of African descent. Inter-American Standards to Prevent, Combat and Eradicate Structural Racial Discrimination](#), OEA/Ser.LV/II. Doc. 109, March 16, 2021, para. 216.

²² IACHR, [Resolution 3/2021](#), Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021.

²³ REDESCA-IACHR, [Resolution No. 3/2021](#), Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021.

²⁴ Inter-American Court, [Advisory Opinion OC-23/17](#), The Environment and Human Rights (State obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity – interpretation and scope of Articles 4(1) and 5(1) of the American Convention on Human Rights, in conjunction with articles 1(1) and 2), November 15, 2017. Series A No. 23, para. 59.

dignity.²⁵ Both the IACHR and the Inter-American Court have articulated a series of State obligations regarding preserving environmental quality so as to enable the enjoyment of human rights. Specifically, they have indicated that States have an obligation to prevent degradation of the environment in order to comply with their human rights obligations in the framework of the inter-American system.²⁶

27. The Commission also notes what the Inter-American Court has found in the sense of recognizing that there are substantive rights and procedural rights linked specifically to the right to a healthy environment. Regarding the first category, the Court indicates that the substantive rights linked to a healthy environment are those rights whose enjoyment is particularly vulnerable to environmental degradation; and, on the other hand, the procedural rights linked to the right to a healthy environment, are those whose exercise supports better environmental policymaking.²⁷ In this regard, the Commission recalls that the case law of the inter-American system has recognized the instrumental nature of certain rights established in the American Convention, such as the right of access to information, insofar as they allow for the realization of other treaty rights, including the rights to health, life, and integrity of person.²⁸
28. Along these lines, the Commission and the REDESCA conclude that the effective protection of the rights of environmental defenders must also be realized through protection of the procedural rights specifically linked to the right to a healthy environment, making it therefore vital to fully guarantee the rights to participation, information, and justice in environmental matters. Regarding the latter, the Commission finds it to include the duty of states to ensure that judicial investigations into attacks, harassment, or other acts of intimidation against environmental defenders are carried out with due diligence and taking into consideration the unique situation of these persons.

²⁵ Inter-American Court, [Advisory Opinion OC-23/17](#), The Environment and Human Rights (State obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity – interpretation and scope of Articles 4(1) and 5(1) of the American Convention on Human Rights, in conjunction with articles 1(1) and 2), November 15, 2017. Series A No. 23, para. 47.

²⁶ IACHR, [Indigenous and Tribal Peoples' Rights over Their Ancestral Lands and Natural Resources: Norms and Jurisprudence of the Inter-American Human Rights System](#), OEA/Ser.L/V/II. Doc. 56/09, December 30, 2009, para. 193.

²⁷ Inter-American Court, [Advisory Opinion OC-23/17](#), The Environment and Human Rights (State obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity – interpretation and scope of Articles 4(1) and 5(1) of the American Convention on Human Rights, in conjunction with articles 1(1) and 2), November 15, 2017. Series A No. 23, para. 64

²⁸ Inter-American Court, [Advisory Opinion OC-23/17](#), The Environment and Human Rights (State obligations in relation to the environment in the context of the protection and guarantee of the rights to life and to personal integrity – interpretation and scope of Articles 4(1) and 5(1) of the American Convention on Human Rights, in conjunction with articles 1(1) and 2), November 15, 2017. Series A No. 23, para. 211

29. At the inter-American level, the General Assembly of the Organization of American States (OAS) issued its first resolution on "Human Rights and the Environment" in June 2001, wherein it recognized the need to promote protection of the environment and the full enjoyment of all human rights.²⁹ Subsequently, in 2008, it issued the resolution "Human Rights and Climate Change in the Americas" highlighting the impact and consequences that climate change could have on the full enjoyment of human rights.³⁰ In 2014, through the resolution "Climate Change in the Context of Sustainable Development in the Hemisphere," the General Assembly recognized "that climate change generates adverse impacts throughout the Hemisphere, causing deterioration in the quality of life and the environment for present and future generations."³¹
30. The universal system has found that human rights are interdependent with and inseparable from an adequate and sustainable environment. The first independent expert on human rights and the environment stated that "all human rights are vulnerable to environmental degradation, in that the full enjoyment of all human rights depends on a supportive environment. However, some human rights are more susceptible than others to certain types of environmental harm."³² Subsequently, the United Nations Special Rapporteur on Human Rights and the Environment published the 16 framework principles on human rights and the environment, which establish that States have a duty to guarantee a safe, clean, healthy, and sustainable environment in order to respect, protect, and fulfill human rights.³³ For its part, the United Nations Human Rights Council pointed to the threat posed by climate change and environmental degradation to human rights, particularly the right to life, the right to the enjoyment of the highest attainable standard of physical and mental health, the right to an adequate standard of living and its components, such as the right to food, and the rights to safe drinking water and sanitation, and to adequate housing.³⁴ Recently, in a resolution adopted on July 28, 2022, the United Nations General Assembly recognized the right to a clean, healthy, and sustainable environment as a human right, highlighted its relationship with other rights and with international law, and affirmed that the

²⁹ OAS, General Assembly, "Human Rights and the Environment," [Resolution OEA/Ser.P AG/RES. 1819 \(XXXI-O/01\)](#), June 5, 2001.

³⁰ OAS, General Assembly, "Human Rights and the Climate Change in the Americas," [AG/RES. 2429 \(XXXVIII-O/08\)](#), June 3, 2008.

³¹ OAS, General Assembly, [Climate Change in the Context of Sustainable Development in the Hemisphere. AG/RES. 2818 \(XLIV-O/14\)](#), June 4, 2014.

³² UN, Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, John H. Knox, [A/HRC/22/43](#), December 24, 2012, para. 19.

³³ UN, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, [A/HRC/37/59](#), January 24, 2018, para. 14.

³⁴ UN, Human Rights Council, Human rights and the environment, [A/HRC/25/L.31](#), March 24, 2014.

promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of the multilateral environmental agreements.³⁵

B. Environmental defenders, the right to defend the environment, and the importance of their work in the countries of northern Central America

31. On multiple occasions, the Inter-American Commission has found human rights defenders to be anyone who “in any way promotes or supports the realization of human rights and fundamental liberties recognized nationally or internationally, with the criterion used being the activity undertaken by the person.”³⁶ This broad definition encompasses professional activities as well as personal or social struggles that are only occasionally associated with the defense of human rights.³⁷ For its part, the Commission has indicated that other factors like whether someone receives compensation for their work or belongs to a civil organization should not influence whether a person is considered a human rights defender.³⁸
32. The IACHR and the REDESCA observed that an environmental defender is anyone who takes action—personally or professionally, individually or collectively, and peacefully—to protect and promote the human rights associated with the environment.³⁹ Through their defense activities, they seek to protect the lives and integrity of person of those who may be impacted by the adverse effects of pollution, environmental degradation, and the excessive and/or illegal extraction of natural resources. On many occasions, this defense is intimately linked to issues adjacent to the defense of the rights of indigenous peoples and/or persons of African descent to their territories and natural resources. Sometimes, environmental defenders are members of the communities whose rights are being affected by the impact of extractive projects, development, or illegal activities. Often they have not been consulted, and they do not necessarily identify themselves as human rights defenders.

³⁵ UN, General Assembly, The human right to a clean, healthy and sustainable environment, A/RES/76/300, July 28, 2022, para. 1.

³⁶ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 4; IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 12; IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II.124, Doc. 5 rev.1, March 7, 2006, para. 13.

³⁷ IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.L/V/II. Doc. 262, December 6, 2019, para. 24.

³⁸ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 21.

³⁹ UN, Report of the Special Rapporteur on the situation of human rights defenders, Environmental Human Rights Defenders, [A/71/281](#), August 3, 2016, para. 7.

33. Along these lines, both the IACHR and the Inter-American Court have indicated that the status of being a human rights defender is based on the work being done—the defense activity is the main identifying criterion.⁴⁰ The Commission has therefore highlighted the broad and flexible nature of the concept of “human rights defender.”⁴¹ The Commission will use the term “environmental defenders” simultaneously or alternatively to those defending not only the right to a healthy environment but also defending land, territory, or natural resources.
34. The work done by human rights defenders is fundamental for the full existence of the rule of law and constitutes an essential pillar for the strengthening and consolidation of democracy.⁴² For this reason, the universal and Inter-American systems recognize the right to defend human rights, which includes not only the defense of civil and political rights but also the activities of filing complaints, monitoring, and educating with respect to economic, social, and cultural rights, in keeping with the principles of universality, indivisibility, and interdependence recognized in the American Declaration of the Rights and Duties of Man, the American Convention, the Inter-American Democratic Charter, and inter-American case law.⁴³ Both the Commission and the Inter-American Court recognize that the right to defend human rights includes the defense of the environment.⁴⁴
35. The activities engaged in by environmental defenders are essential for guaranteeing a balance between environmental protection and sustainable development, as well as for guaranteeing the exercise of rights such as the rights to life and integrity person with respect to pollutants that may harm the environment and put the enjoyment of human rights in jeopardy. The IACHR and its REDESCA recognize the fundamental role of environmental defenders in the establishment of ambitious climate policies and goals and in the protection ecosystems that are strategic for the struggle against climate change,

⁴⁰ Inter-American Court. *Case of Acosta et al. v. Nicaragua. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of March 25, 2017. Series C No. 334, para. 139; IACHR, *Second Report on Situation of Human Rights Defenders in the Americas*, OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 12.

⁴¹ IACHR, *Report on the Situation of Human Rights Defenders and Social Leaders in Colombia*, OEA/Ser.LV/II. Doc. 262, December 6, 2019, para. 30.

⁴² IACHR, *Second Report on Situation of Human Rights Defenders in the Americas*, OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 13.

⁴³ Inter-American Court. *Case of Kawas Fernández v. Honduras. Merits, Reparations, and Costs*. Judgment of April 3, 2009. Series C No. 196, para. 148.

⁴⁴ IACHR, *Second Report on Situation of Human Rights Defenders in the Americas*, OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 311; Inter-American Court. *Case of Escaleras Mejía et al. v. Honduras*. Judgment of September 26, 2018. Series C No. 361, para. 69.

including the oceans, jungles, and forests.⁴⁵ For its part, the United Nations Human Rights Council has highlighted that human rights defenders make a positive, significant, and legitimate contribution to the promotion and protection of the human rights related to the enjoyment of a safe, clean, healthy, and sustainable environment.⁴⁶

36. The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (hereinafter the Escazú Agreement) recognizes the importance of the work of environmental defenders for strengthening democracy and the rights to access to information, and sustainable development,⁴⁷ as well as for striking a balance between economic and social development and environmental protection.⁴⁸ In this sense, this Agreement indicates the need for States to guarantee a safe and favorable environment for human rights defenders working on environmental issues and to adopt adequate and effective measures for recognizing, protecting, and promoting all their rights.⁴⁹
37. The Commission observes that domestically, the countries of northern Central America do not explicitly recognize the right to a healthy environment. However, they have established certain State obligations for ensuring environmental protection. In Guatemala, Article 167 of the Constitution establishes an obligation to promote social, economic, and technological development that prevents environmental pollution and maintains ecological balance.⁵⁰ For its part, the Political Constitution of Honduras recognizes in its Article 145 the right to health and the correlative duty of the State to protect the environment in order to protect people's health.⁵¹ In El Salvador, Article 34 of its Constitution establishes the right of every person to live in family and environmental conditions that enable full development, with the protection of the State, while Article 117 indicates the State has a duty to protect natural resources, as well as the diversity and integrity of the environment, to ensure sustainable

⁴⁵ IACHR, [Resolution 3/2021](#), Climate Emergency: Scope of Inter-American Human Rights Obligations, December 31, 2021.

⁴⁶ UN, Human Rights Council, Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development, [AHRC/40/L.22/Rev.1](#), March 20, 2019, pg. 2.

⁴⁷ CEPAL, Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), March 4, 2018, pg. 13.

⁴⁸ UN, Human Rights Council, Human rights and the environment, [AHRC/25/L.31](#), March 24, 2014, paragraph 8.

⁴⁹ CEPAL, Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), March 4, 2018, article 9. This international instrument is the first of its kind to enshrine binding provisions to ensure the effective protection of environmental defenders. It also establishes a series of guarantees required for the exercise of the right to defend the environment.

⁵⁰ Constitution of the Republic of Guatemala, 1993, Article 167.

⁵¹ Political Constitution of the Republic of Honduras, 1982, Article 145.

development.⁵² In its comments on the draft of this report, El Salvador indicated to the Commission that an environmental jurisdiction has been in place since 2014 (environmental courts and environmental chamber), and it has exclusive competence to hear and resolve civil actions regarding actions that threaten the environment. This jurisdiction is complemented by the authorities that the Environmental Act grants to the environmental courts.⁵³

38. Additionally, the IACHR and the REDESCA observed that the three States with which this report is concerned are parties to the American Convention and the Protocol of San Salvador and therefore report regularly to the Working Group in charge of monitoring the rights recognized by the Protocol, including the right to a healthy environment.⁵⁴ The reports and recommendations of that Inter-American body, in which the Commission participates and coordinates through the REDESCA, also provide States with a fundamental guide to complying with their obligations to respect and guarantee and to the progressive development of the right to a healthy environment.

⁵² Constitution of the Republic of El Salvador, 1983, articles 34 and 117.

⁵³ El Salvador, Comments on the draft report through Diplomatic Note MPOEA-OEA-188/2022, October 17, 2022.

⁵⁴ More information about these reports is available at: [OAS :: DIS :: Protocol of San Salvador \(oas.org\)](https://www.oas.org/en/di/Protocol_of_San_Salvador)

Chapter 3

**Context in which
environmental defenders
do their environmental
defense work**

Context in which environmental defenders do their environmental defense work

39. This chapter addresses the current context in which environmental defenders do their environmental defense work in the countries of northern Central America. To do so, it looks at the main causes for and modalities of environmental defense; the main obstacles and risks obstructing the free exercise of the right to defend the environment; and the sources and origins of these risks in the countries of the subregion. Additionally, especially at-risk groups are identified from among the environmental defense groups, along with the differentiated or disproportionate burdens they face in the countries of northern Central America.

A. Context in which environmental defenders do their environmental defense work

40. The situation of violence facing those who defend the environment, territory, and natural resources in northern Central America has its origins to a large extent in the struggle for land and territory marred by inequitable distribution and territorial displacement of indigenous, Afro-descendant, and campesino peoples and communities going back to the *conquista* and colonialism.⁵⁵ The Inter-American Commission has additionally observed that a model of extractivist economics and development has expanded in the countries of northern Central America with the establishment of agro-industrial, mining, energy, forestry, urban development, and tourism projects, among other things.⁵⁶ Civil society organizations indicate that this economic model has worsened the situation for those who defend the environment.⁵⁷

41. In Guatemala, defenders raised the alarm regarding the effects of the implementation of extractive and development projects, including environmental destruction, displacement

⁵⁵ IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.L/V/II. Doc. 43/15, December 31, 2015, para. 488; IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.L/V/II. Doc. 208/17, December 31, 2017, paras. 374-379; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.L/V/II. Doc. 42/15, December 31, 2015, para. 160-170; IACHR, Resolution 11/2014, Precautionary Measure No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014.

⁵⁶ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.L/V/II. Doc. 43/15, December 31, 2015, para. 488.

⁵⁷ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; GAIPE, [Represa de Violencia: El plan que asesinó a Berta Cáceres](#), November 2017, pg. 12.

from the Commons, and displacement from indigenous, campesino, community, and family lands, leading to social tension and division among communities due to territorial conflict.⁵⁸ The greatest threats to defense of the territory and a healthy environment have arisen from large enterprises engaged in the extractive industry, hydroelectric power, the planting of monocultures, and excessive extraction of natural resources.⁵⁹ Added to this are long-standing territorial conflicts over the illegal appropriation of lands or the nationalization of lands using supposedly legal mechanisms or direct violence. In this context, the situation of indigenous property rights in Guatemala has been characterized by a lack of legal recognition of the lands and territories historically occupied; extreme inequality in land distribution; and juridical insecurity over their tenure, among other things.⁶⁰ Regarding this, the State of Guatemala has expressed to the Commission that, according to the Constitution, natural resources belong to the State and not to any individual, private party, or group.⁶¹

42. The IACHR has received reports indicating that the presence of companies on these lands has resulted in environmental degradation from exhaustion of natural resources, the extraction of natural resources, and pollution of the environment, indicating as well that it has caused division and conflict within the communities with false promises of development and job creation or the purchase of lands from some individuals.⁶²
43. In Honduras, there has been awareness of the context of violence against environmental defenders dating back to the 1990s. Through its judgments, the Inter-American Court has shown that there has been a pattern of violence in the country during this time period in the

⁵⁸ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.L/V/II. Doc. 208/17, December 31, 2017, para. 148; UN, Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani, Addendum Mission to Guatemala, [A/HRC/10/12/Add.3](#), February 16, 2009, para. 34; UN, Report of the Special Rapporteur on the situation of human rights defenders: Visit to Honduras, [A/HRC/40/60/Add.2](#), January 11, 2019, para. 68.

⁵⁹ PDH Guatemala, Response to the IACHR questionnaire, received on January 26, 2022, on file with the IACHR; IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR.

⁶⁰ IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.L/V/II. Doc. 43/15, December 31, 2015, para. 452 – 456.

⁶¹ Report of the State of Guatemala regarding the "Draft General Report on the Situation of Human Rights in Guatemala and the communication of August 14, 2015, from the IACHR," October 6, 2015. See at: IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.L/V/II. Doc. 43/15, December 31, 2015, para. 452.

⁶² PDH Guatemala, Response to the IACHR questionnaire, received on January 26, 2022, on file with the IACHR; IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR.

form of assaults on and murders of environmental defenders.⁶³ The Commission observes that, following the 2009 *coup d'état*, the security situation of human rights defenders in Honduras worsened thanks to an extractivist economic model that has promoted extensive expansion of crops like African palm, cane sugar, and others; the promotion of the energy sector in its different forms (hydroelectric, solar, wind, and thermal energy); the tourism industry; and the mining industry.⁶⁴ This has increased socio-environmental conflict, environmental impacts, human rights violations and serious risks to those confronting this model and fighting to defend territory and shared natural resources.⁶⁵ Alongside this is the illegal activities aimed at excessive exploitation of natural resources.⁶⁶

44. The Honduran State has recognized that mining has caused conflict and a tearing of the social fabric, along with pollution, displacement of communities, criminalization of environmentalists and territory defenders, limitation to rights, and reprisals for defense work, among other problems, resulting in greater poverty and social inequality.⁶⁷ It informed the Commission that on February 28, 2022, Honduran territory was declared free of open pit mining, and it would therefore proceed to review, suspend, and cancel related environmental licenses, permits, and concessions.⁶⁸ The Commission welcomes this decision and will monitor compliance with it.
45. In the framework of its visit to El Salvador in 2019, the Commission and its REDESCA were informed of the possible cross-border pollution of the water resources that supply the Salvadoran population, the deterioration and pollution of aquifers, and the overexploitation

⁶³ Inter-American Court. *Case of Escaleras Mejía et al. v. Honduras*. Judgment of September 26, 2018. Series C No. 361, para. 69; *Case of Luna López v. Honduras, Merits, Reparations and Costs*. Judgment of October 10, 2013. Series C No. 269, para. 20; Inter-American Court. *Case of Kawas Fernández v. Honduras. Merits, Reparations, and Costs*. Judgment of April 3, 2009. Series C No. 196, para. 69.

⁶⁴ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; International Land Coalition, *Situación de defensoras y defensores de la tierra y el medio ambiente. Honduras*, November 11, 2020, pg. 7; GAIFE, *Represa de Violencia: El plan que asesinó a Berta Cáceres*, November 2017, pg. 11; WOLA, *Human Rights Protections in Honduras: Evaluating State Capacity to Protect and Promote Human Rights*, December 2019, pg. 8.

⁶⁵ CEJIL, Response to the IACHR questionnaire, received on March 4, 2022, on file with the IACHR; also see: CESPAD, *Hidroeléctricas y minería: la corrupción desde el Estado, detrás de las concesiones*, September 2018.

⁶⁶ IACHR Report *43/14 Case 12.492, Merits, Carlos Escaleras Mejía and family regarding Honduras*, OEA/Ser.L/V/II.151 Doc. 8, July 17, 2014, para. 43.

⁶⁷ Government of the Republic of Honduras, Additional information to the request for information on the human rights situation of environmental defenders in Honduras, from the Rapporteurship on Human Rights Defenders and Justice Operators, Official Letter No. SEDH-2 69-202 2, March 23, 2022, on file with the IACHR.

⁶⁸ Government of the Republic of Honduras, Additional information to the request for information on the human rights situation of environmental defenders in Honduras, from the Rapporteurship on Human Rights Defenders and Justice Operators, Official Letter No. SEDH-2 69-202 2, March 23, 2022, on file with the IACHR.

of natural springs.⁶⁹ It also received complaints about the actions of companies that did not have environmental permits or that put pressure on a variety of authorities to implement projects and prioritize their interests, along with noncompliance with regulations on wastewater disposal and the unsuitability of these parameters in view of the content of the rights to water and a healthy environment.⁷⁰ Civil society organizations warn of the threat to limited natural spaces due to the presence of urban development projects for resource exploitation by private companies, which has worsened environmental problems.⁷¹ Specifically, according to civil society organizations, water availability during recent decades in El Salvador has been significantly impacted by land use changes, mainly by the elimination of tree coverage; the fostering of urban development or the appropriation of land by producers, replacing natural vegetation of crops; and the spread of monocultures without any work to preserve the soil.⁷²

46. In response to the negative effects of the increase in concession projects, as well as the excessive and/or illegal exploitation of natural resources, organized groups of persons and some leaders in these countries began taking action to defend and protect the environment.⁷³ In several cases, the alleged failure to recognize the rights of indigenous peoples and persons of African descent—particularly the right to prior, free, and informed consent by the governing entities in charge of evaluating and approving natural resource exploitation licenses—is a factor that affects the risk faced by defenders of the environment, land, and territory.⁷⁴ The State of Honduras has recognized that the main origin of the conflict and violence in communities is the approval of concessions and contracts granted for the extraction of natural resources or power generation without prior, free, and informed consent, in keeping with Convention 196 of the ILO.⁷⁵

⁶⁹ IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021, para. 299-300.

⁷⁰ IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021, para. 301.

⁷¹ PDDH El Salvador, Response to the IACHR questionnaire, received on January 22, 2022, on file with the IACHR.

⁷² FESPAD, [El rol de la persona defensora de DDHH en el marco de los procesos sociales vinculados al Derecho Humano al Agua](#), April 28, 2022, pg. 17.

⁷³ IACHR Report [43/14 Case 12.492, Merits, Carlos Escaleras Mejía and family regarding Honduras](#), OEA/Ser.LV/II.151 Doc. 8, July 17, 2014, para. 44.

⁷⁴ Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR.

⁷⁵ Republic of Honduras, Response to the request for information on the human rights situation of environmental defenders in Honduras, received on March 9, 2022, on file at the IACHR, pg. 5.

47. The Commission has found that environmental defenders in Honduras and Guatemala organize to report irregularities and corruption in the granting of licenses for exploring or exploiting natural resources or illegal cutting of trees, lack of prior, free, and informed consent, and unequal access to basic rights like water and health included under the right to a healthy environment and the right to food.⁷⁶ The State of Guatemala indicated that the main causes of environmental defense include opposition to the possible exploration, exploitation, and extraction of natural and agricultural resources, as well as the lack of prior consultation with communities on natural resource exploration and/or extraction processes.⁷⁷ In El Salvador, environmental defense revolves mainly around the water and the protection of water resources, as this is the country's most significant environmental crisis, given its scarcity and the pollution of rivers and water resources.⁷⁸ Likewise, the Salvadoran State reported to the Commission that the protection of forests, the protection of water resources, actions in response to the risks of mining, actions aimed at protecting historical heritage, and cases of displacement due to climate change tend to be the main causes taken up by environmental defenders.⁷⁹
48. Additionally, environmental defense is done through a variety of methods—for example, through public allegations in traditional media or on social media, the use of administrative, criminal, or constitutional law to file the corresponding lawsuits or legal actions,⁸⁰ or by requesting precautionary measures (individual or collective) to prevent or mitigate harm to the environment.⁸¹ Other ways of carrying out their defense activities have included national and international coordination and partnership with defense organizations and

⁷⁶ Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; CEJIL, Response to the IACHR questionnaire, received on March 4, 2022, on file with the IACHR.

⁷⁷ State of Guatemala, Response to the request for information on the human rights situation of environmental defenders in Guatemala, received on February 21, 2022, on file at the IACHR.

⁷⁸ PDDH El Salvador, Response to the IACHR questionnaire, received on January 22, 2022, on file with the IACHR; IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.L/V/II. Doc. 278, October 14, 2021, para. 299 and 301.

⁷⁹ State of El Salvador, Response to the request for information on the human rights situation of environmental defenders in El Salvador, received on April 12, 2022, on file at the IACHR.

⁸⁰ Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; CEJIL, Response to the IACHR questionnaire, received on March 4, 2022, on file with the IACHR; State of Guatemala, Response to the request for information on the human rights situation of environmental defenders in Guatemala, received on February 21, 2022; IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR.

⁸¹ State of El Salvador, Response to the request for information on the human rights situation of environmental defenders in Honduras, received on April 12, 2022, on file at the IACHR.

national and international advocacy and reporting on damage caused by extractive projects and the lack of prior, free, and informed consultation.⁸²

49. The Commission has found that holding peaceful protests or establishing permanent encampments are other tools used by organizations and persons that defend the environment to demonstrate their opposition, raising awareness on and visibility of the risks and harm of developing different projects and megaprojects. They also use these tactics to demand access to land and territory.⁸³ The Commission notes that the State response to these demonstrations has sometimes included the undue and excessive use of force,⁸⁴ as well as the imposition of states of exception.⁸⁵ In other cases, it has received information on the issuance of arrest warrants as a way of criminalizing social protest.⁸⁶
50. In this context, the Commission has observed that those defending the environment, the land, and natural resources are at greater risk in Honduras and Guatemala.⁸⁷ This situation has led to the issuance of a series of orders in recent years from the IACHR granting

⁸² PDH Guatemala, Response to the IACHR questionnaire, received on January 26, 2022, on file with the IACHR.

⁸³ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 306; IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 315; National Human Rights Commissioner, Response to the IACHR questionnaire, received on February 23, 2022; FESPAD, [El rol de la persona defensora de DDHH en el marco de los procesos sociales vinculados al Derecho Humano al Agua](#), April 28, 2022, pg. 17.

⁸⁴ IACHR, Press Release 293/21 – [IACHR Condemns Excessive Use of Force and Repression Against Indigenous Mayan Q'eqchi' People, Journalists, and Media Outlets in El Estor, Guatemala](#), Washington, D.C, November 4, 2021.

⁸⁵ IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 170 and 316.

⁸⁶ IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 198; UN, Working Group on the issue of human rights and transnational corporations and other business enterprises, [Declaración de las Naciones Unidas al final de la visita a Honduras](#), August 28, 2019, pg. 12.

⁸⁷ IACHR, Annual Report 2020, Chapter IV.A, [Human Rights Development in the Region](#), 2020, para. 500; IACHR, Annual Report 2019, Chapter IV.A, [Human Rights Development in the Region](#), 2019, para. 392; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 150; IACHR, Press Release 88/17 – [Experts Condemn the Attacks and Killings of Environment Defenders in Guatemala](#), Washington, D.C., June 20, 2017; IACHR, Press Release 118/16 – [Honduras, one of the most dangerous countries for human rights defenders – Experts warn](#), Geneva / Washington, D.C., August 19, 2016.

precautionary measures to protect them.⁸⁸ In this report, the IACHR notes that the violence has persisted and even increased over time.

51. For example, in 2021 alone in Guatemala, the United Nations Office of the High Commissioner of Human Rights (OHCHR) documented 800 attacks—of a variety of types—against environmental defenders, while in Honduras, 169 cases of attacks against defenders of land, territory, and the environment were recorded.⁸⁹ Likewise, there have been reports of threats and acts of harassment against these groups. Many of these attacks have been committed by State and local officials, the police and the military, the employees of private security companies hired by the enterprise is benefiting from the concessions, and illegal armed groups.⁹⁰ In its comments on the draft of this report, the State of Guatemala indicated that in 2021, the Office of the Public Prosecutor, via its Office on Human Rights and Prosecution of Crimes against Activists and Human Rights Defenders, launched an investigation into the attempted murder of an environmental defender, with three persons implicated in the process so far.⁹¹ The Commission observes that the State did not specify the case under investigation.
52. In the case of El Salvador, the lack of a registry of attacks on environmental defenders in the country⁹² contributes to concealing the violence perpetrated against these groups and its possible connection to environmental defense activities. However, according to

⁸⁸ Between January 2013 and April 2022, the Inter-American Commission issued two precautionary measures resolutions to protect environmental defenders regarding Guatemala, as well as seven resolutions regarding Honduras. See: IACHR, Resolution 33/2019, Precautionary Measure No. 487/19, [Quelvin Otoniel Jiménez Villalta regarding Guatemala](#), July 3, 2019; IACHR, Resolution 17/2018, Precautionary Measures No. 54/18, [Germán Chirinos Gutiérrez regarding Honduras](#), March 8, 2018; IACHR, Resolution 64/2016, Precautionary Measures No. 705/16, [Matter of Esteban Hermelindo Cux Choc regarding Guatemala](#), December 6, 2016; IACHR, Resolution 16/2016, Precautionary Measures No. 112/16, [Extension of beneficiaries, COPINH members and relatives of Berta Cáceres regarding Honduras](#), March 23, 2016; IACHR, Resolution 8/2016, Precautionary Measures No. 112/16, [Matter of Members of COPINH and Berta Cáceres' relatives regarding Honduras](#), March 5, 2016; IACHR, Resolution 46/2015, Precautionary Measures No. 589/15, [Ana Miriam Romero et al. regarding Honduras](#), November 16, 2015; IACHR, Order 33/2015, Precautionary Measures No. 460-15, [Kevin Donald Ramírez and family regarding Honduras](#), September 28, 2015; IACHR, Order 11/2014, Precautionary Measures No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014; IACHR, Resolution 12/2013, Precautionary Measures No. 416/13, [18 members of the Broad Movement for Dignity and Justice \(MADJ\) and their Families, Honduras](#), December 19, 2013.

⁸⁹ OHCHR, Situation of human rights in Guatemala 2021. Report of United Nations High Commissioner for Human Rights, [AHRC/49/20](#), February 28, 2022, para. 70; OHCHR, Situation of human rights in Honduras 2021, [AHRC/49/21](#), March 4, 2022, para. 43.

⁹⁰ IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.LV/II. Doc. 43/15, December 31, 2015, para. 138; We effect, [Luchas de alto riesgo: las mujeres en primera línea en la defensa de la tierra y el territorio](#), November 2020, pg. 6.

⁹¹ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPA/DEH/WEBS/fil, November 15, 2022, pg. 2, on file with the IACHR.

⁹² IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021, para. 285; IACHR, [Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle](#), OEA/Ser.LV/II. Doc. 110; June 1, 2021, para. 60.

information received, environmental defenders in El Salvador face threats and intimidation from economic groups, both national and international, with interests in natural resource exploitation, as well as from State officials trying to obstruct their work.⁹³ Specifically, civil society organizations indicate that environmental defenders are at a disadvantage compared to private companies with links to State authorities and/or organized criminal groups.⁹⁴ Additionally, the information available indicates that in El Salvador, violence against environmental defenders is investigated and prosecuted as gang-related, despite accusations that the motive may be retaliation for their defense work.⁹⁵

53. The lack of recognition for the work that environmental defenders do and the lack of public policies aimed at comprehensive protection of environmental defenders are also obstacles to providing them with proper protection. In northern Central America, stigmatizing speech and smear campaigns aimed at discrediting their defense work is common. In some cases, these accusations have been made by public officials and private-sector actors.⁹⁶
54. The failure to investigate and punish the persons responsible for crimes against environmental defenders—both perpetrators and masterminds—has led to high rates of impunity, which perpetuates the repetition of such acts.⁹⁷ In contrast to investigations into crimes committed against environmental defenders, the criminal processes brought against them move forward quickly and are often characterized by a prolonged use of pretrial detention. This improper use of the criminal justice system is concerning, including, as it does, the prolonged use of pretrial detention to intimidate persons defending the territory of indigenous communities and persons of African descent and the environment.⁹⁸

⁹³ WOLA, [Gaps in Human Rights Protections in El Salvador: Evaluating State Capacity to Protect and Promote Human Rights](#), September 2019, pg. 42.

⁹⁴ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR.

⁹⁵ *Revista Gato Encerrado*, [Exigen que se investigue si asesinato de Dina Puente está ligado a su lucha ambientalista](#), August 23, 2018; *Alfa y Omega*, [El sacerdote salvadoreño Pérez Cruz pudo ser asesinado por denunciar la tala ilegal](#), May 23, 2019.

⁹⁶ OHCHR, Situation of human rights in Guatemala 2021. Report of United Nations High Commissioner for Human Rights, A/HRC/49/20, February 28, 2022, para. 69; IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR.

⁹⁷ IACHR, [Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle](#), OEA/Ser.L/VII. Doc. 110; June 1, 2021, para. 11.

⁹⁸ IACHR, Press Release 195/21, [IACHR and OHCHR Call on State to Refrain from Criminalizing Garifuna Women Human Rights Defenders in Honduras](#), Tegucigalpa/Washington, D.C., July 27, 2021; IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.L/VII. Doc. 208/17, December 31, 2017, para. 166.

55. In addition to these obstacles, defending the environment in this subregion tends to take place in unfavorable structural contexts that influence the persistence of the levels of violence against these groups. The militarization of public security, the violence and general insecurity in these countries, and the high rates of impunity are some factors that help keep these risks permanent.⁹⁹ On the other hand, corruption and institutional weakness are factors that contribute to a lack of trust in State authorities and exacerbate social conflict.¹⁰⁰
56. The Commission observes that in northern Central America, environmental defense is done in a context of incentives that restrict democratic spaces. The IACHR has expressed its concern at the passage of laws and legal reforms that restrict public space, violate the rights to association, make public participation and defense of human rights disproportionately difficult, and foster the criminalization of human rights defenders.¹⁰¹

B. Especially at-risk groups

57. The Commission notes that among the persons who defend the environment in northern Central America, there are certain groups that are exposed to greater risk. A targeted response is therefore needed to provide them with enhanced and differentiated protection. Specifically, the IACHR has found that indigenous and Afro-descendant communities and women who choose to dedicate themselves to defense of the environment, land, and natural resources face differentiated risks.

1. Indigenous Peoples and Afro-Descendants

58. The Commission has observed that in Guatemala and Honduras, indigenous peoples organize to report irregularities and corruption in the granting of licenses for exploring or exploiting natural resources or illegal cutting of trees, lack of prior, free, and informed

⁹⁹ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; Amnesty International, [“We Are Defending the Land with Our Blood:” Defenders of the land, territory, and environment in Honduras and Guatemala](#), September 2016, pg. 17.

¹⁰⁰ Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; CEJIL, Response to the IACHR questionnaire, received on March 4, 2022, on file with the IACHR; National Human Rights Commission of Honduras, Response to the IACHR questionnaire, received on February 21, 2022, on file with the IACHR.

¹⁰¹ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; IACHR, Press Release 308/21 – [The IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of El Salvador to Not Pass the Foreign Agents Bill](#), Washington D.C., November 17, 2021; IACHR, Press Release 304/21, [IACHR Concerned About the Implementation of Legislative Reforms with a Regressive Impact on the Exercise of the Right to Protest in Honduras](#), November 16, 2021; IACHR, Press Release 128/21 – [IACHR and RFOE Reject Entry into Force of Reforms to the Nongovernmental Organizations Act in Guatemala](#), Washington, D.C., May 19, 2021.

consent, and unequal access to basic rights like water and health included under the right to a healthy environment and the right to food, among other rights.¹⁰²

59. The IACHR notes that violence against indigenous persons emerges in large part during struggles for land and territory that are exacerbated by the conditions of inequality and discrimination affecting these groups and the subsequent barriers they face to access to justice.¹⁰³ It notes that many of these causes taken up are the result of projects imposed in the context of the State's failure to guarantee free, prior, and informed consultation and consent with respect to the communities affected, pursuant to international standards.¹⁰⁴ Additionally, society organizations point to the severe risks facing indigenous and/or Afro-descendant communities that defend land, territory, and the environment in contexts where the territories are controlled by illegal armed groups or organized criminal groups.¹⁰⁵
60. The information received by the IACHR indicates that in recent years, a number of indigenous leaders and authorities in Guatemala and Honduras have been murdered for motives presumably links to their defense activities, particularly those opposing mining, hydroelectric, and agrindustrial projects.¹⁰⁶ Likewise, a series of acts of violence, attacks, and detentions have taken place in the context of evictions and demonstrations opposing development and investment projects.¹⁰⁷
61. Following its *in loco* visit to Guatemala, the Commission raised the alarm as to attacks on human rights defenders fighting for the rights of indigenous peoples and for economic, social, cultural, and environmental rights, which accounted for 90% of the attacks.¹⁰⁸ The IACHR warns that the murders of indigenous and Afro-descendant leaders seriously

¹⁰² IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 452; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 150; Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR.

¹⁰³ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 42/15, December 31, 2015, para. 76.

¹⁰⁴ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 57.

¹⁰⁵ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR.

¹⁰⁶ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 57; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 150.

¹⁰⁷ IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.LV/II. Doc. 43/15, December 31, 2015, para. 197.

¹⁰⁸ IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.LV/II. Doc. 43/15, December 31, 2015, para. 195.

impact cultural integrity by breaking the cohesiveness of peoples and communities as regards the defense of their human rights.¹⁰⁹

62. The State of Guatemala indicated in its comments on the draft of this report that there were no cases under investigation in connection with the context described in previous paragraphs. It likewise indicated that according to the Agency on Crimes against Human Rights Activists, there was no increase in reports between 2020 and 2022. It informed the IACHR that under Directive 5-2018, the Human Rights Office of the Office of the Public Prosecutor approves the investigation protocol for crimes committed against human rights defenders with the aim of establishing specific criteria and instruments the Office of the Public Prosecutor's staff to employ.¹¹⁰
63. In Honduras, indigenous and Afro-Honduran human rights defenders who protect their territories and natural resources from the implementation and proliferation of extractive industries, tourism projects, and large-scale monoculture are at particular risk.¹¹¹ The risk these groups face in Honduras is clear given that, according to information provided by the State, as of January 2022, there were 68 measures of protection in force in the country for indigenous and Afro-Honduran environmental defenders.¹¹²
64. The Commission has expressed its concern on prior occasions at the special risk faced by the Tolupán indigenous people from the execution of mining projects and hydroelectric dams without an adequate process for prior, free, and informed consultation.¹¹³ In 2019, it expressed its repudiation of the murder of Salomón Matute and his son Juan Samael Matute, both Tolupán indigenous members of the San Francisco Locomapa tribe and the

¹⁰⁹ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 298.

¹¹⁰ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/ffil, November 15, 2022, pgs. 3 and 4, on file with the IACHR.

¹¹¹ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 200; OHCHR, Situation of human rights in Honduras. Report of the United Nations High Commissioner on Human Rights, A/HRC/46/75, March 10, 2021, para. 31.

¹¹² Republic of Honduras, Response to the request for information on the human rights situation of environmental defenders in Honduras, received on March 9, 2022, on file at the IACHR.

¹¹³ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 42/15, December 31, 2015, para. 79.

Movimiento Amplio por la Dignidad y la Justicia (MADJ) and beneficiaries of IACHR precautionary measures.¹¹⁴

65. Additionally, the criminalization of indigenous leaders has been especially concerning for the Commission. During 2020, the Commission was informed of the persistence in Guatemala of criminal processes brought against human rights defenders in more than 65 instances of criminalization, including against defenders of the environment and indigenous territories.¹¹⁵ The Commission is concerned that a number of Guatemalan communities have repeatedly alleged that the roundtable dialogues coordinated by the State regarding lands and related issues have been used to identify indigenous and community leaders to criminalize them later.¹¹⁶ In Honduras, the United Nations Special Rapporteur found that criminalizing human rights defense and using it as a threat is a common practice that particularly impacts those defending land and the environment.¹¹⁷ In particular, the use of criminal offenses that are ambiguous or that criminalize social protest was identified, such as crimes of “usurpation,” “disturbance of the peace,” “public disorder”, “illegal meetings and demonstrations,” “terrorist association,” “criminal conspiracy,” or “endangerment of public transport and infrastructure.”¹¹⁸
66. In its comments on the draft of this report, Guatemala added that the Office of the Public Prosecutor provides its personnel the take part in the investigation with specific criteria and instruments to employ under General Directive 5-2018. It also indicated that between 2020 and September 2022, the Prosecutor for Crimes against Activists and Human Rights Defenders had received two complaints from environmental defenders alleging criminal

¹¹⁴ IACHR, Press Release 53/19 - [IACHR Condemns Murder of Indigenous Tolupán Precautionary Measure Beneficiary and his Son in Honduras](#), March 1, 2019. According to the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, the Tolupán indigenous community has been one of the most affected by violence, with around 100 murders over the last decade, most of which remain in impunity. UN, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to Honduras, [A/HRC/35/23/Add.1](#), April 11, 2017, para. 54

¹¹⁵ Convergencia de Derechos Humanos, Report on the public hearing “Impunity in attacks on and murders of human rights defenders in Guatemala,” presented on October 2, 2020 during the 177th Period of Sessions of the Inter-American Commission on Human Rights.

¹¹⁶ The UN Human Rights Committee has previously expressed concern at “the abusive use of criminal proceedings directed against defenders, journalists and, in particular, indigenous leaders who are defending their land and natural resources.” OHCHR, Report of the United Nations Office of the High Commissioner of Human Rights on the Activities of the Office of the United Nations High Commissioner for Human Rights in Guatemala, [A/HRC/40/3/Add.1](#), January 28, 2019, para. 46.

¹¹⁷ UN, Report of the Special Rapporteur on the situation of human rights defenders: Visit to Honduras, [A/HRC/40/60/Add.2](#), January 11, 2019, para. 25.

¹¹⁸; OHCHR, Situation of human rights in Honduras 2021. Report of United Nations High Commissioner for Human Rights, [A/HRC/49/21](#), March 4, 2022, para. 44.

threats and murder attempts. With respect to indigenous and community leaders, it received 24 complaints for a variety of reasons, including threats, coercion, injury, and theft.¹¹⁹

67. The Commission has also received information about stigmatizing speeches and smear campaigns against indigenous or Afro-descendant leaders. In Guatemala, the Commission documented racist stigmatizing statements and defamation campaigns against the leaders of indigenous peoples in the context of their opposition to diverting rivers, alleging contamination or lack of water, power outages, or complaints over lack of access to public information.¹²⁰ The OHCHR and the Human Rights Ombudsperson (PDH) in Guatemala have expressed likewise.¹²¹
68. In its comments on the draft of this report, Guatemala indicated that the Secretariat of Indigenous Peoples had established 14 roundtables for dialogue and coordination between indigenous authorities and prosecutors from the Office of the Public Prosecutor in the departments of Totonicapán, Sololá, Quiché, San Marcos, Huehuetenango, Chiquimula, Alta Verapaz, Baja Verapaz, Livingston, El Estor Izabal, Jalapa, Jutiapa, Santa Rosa, Petén, Guatemala, Escuintla, and Chimaltenango. Their purpose is to establish communication and rapprochement with indigenous populations to address shared issues of social conflict and seek fair solutions to resolve them.¹²²

2. Women environmental defenders

69. The Commission has observed that women environmental defenders face extreme risk from the constant violence, criminalization, and smears they face for opposing the establishment of hydroelectric, mining, and agricultural projects that affect their territories and natural resources.¹²³ The IACHR has warned about the differentiated and disproportionate risks facing women environmental defenders for reasons of gender, risks

¹¹⁹ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/ffil, November 15, 2022, pgs. 2 and 5, on file with the IACHR.

¹²⁰ IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.L/V/II. Doc. 208/17, December 31, 2017, para. 155.

¹²¹ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 57.

¹²² State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/ffil, November 15, 2022, pg. 6, on file with the IACHR.

¹²³ IACHR, Press Release 19521, [IACHR and OHCHR Call on State to Refrain from Criminalizing Garifuna Women Human Rights Defenders in Honduras](#), Tegucigalpa/Washington, D.C., July 27, 2021; IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.L/V/II. Doc. 208/17, December 31, 2017, para. 161-162; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.L/V/II. Doc. 146, August 27, 2019, para. 151.

that are exacerbated depending on their ethnic origins and location of the territories.¹²⁴ Specifically, indigenous and Afro-descendant women face dual discrimination—or intersectional discrimination—due to their racial or ethnic identities and their sex.¹²⁵ Women environmental defenders in northern Central America therefore may face a triple risk, due to their gender, their indigenous or Afro-descendant identities, and because they defend the environment.

70. In Guatemala, the Defenders Protection Unit of Guatemala (UDEFEFEGUA) documented at least 18 attacks on women defenders of land, territory, and the environment in 2021.¹²⁶ In addition to the above, in the framework of the public hearing on the "Situation of the human rights of women environmental defenders in Guatemala," held on December 15, 2021 during the 182nd period of sessions of the IACHR, the women defenders reported experiencing high rates of insecurity, along with the gender violence they face as a consequence of their work to defend the territory and the environment.¹²⁷ They indicated that between 2019 and 2020 women who defend land and territory have been one of the most attacked groups of defenders, with 28 attacks documented during the period, of which stigmatization and criminalization were the main forms of violence used against them.¹²⁸ In addition, sexual violence was used particularly frequently against women environmental defenders and women indigenous leaders to defend the environment and their territory in Guatemala.¹²⁹ In its comments on the draft of this report, the State of Guatemala highlighted that the source used were not official and the parameters used for registering attacks were not known. It noted that in the event of attacks against these groups, reports can be filed with the National Civilian Police.¹³⁰
71. In Honduras, civil society organizations indicate that one out of every three women human rights defenders who are murdered were defending land, territory, water, and/or the

¹²⁴ IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.L/V/II. Doc. 262, December 6, 2019, para. 68.

¹²⁵ IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II.124, March 7, 2006, para. 231.

¹²⁶ UDEFEGUA, [Situation of human rights defender persons, organizations, and communities in Guatemala 2021](#), June 2022, pg. 19.

¹²⁷ IACHR, Public Hearing, [Situation of the human rights of environmental defenders in Guatemala](#), 182 regular session, Washington, D.C., December 15, 2021.

¹²⁸ UDEFEGUA, [Guatemala, an unpaid debt. Recommendations for a public agenda that guarantees the right to defend rights](#), January 18, 2021, p. 13.

¹²⁹ Association for Women's Rights in Development, [Women Human Rights Defenders Confronting Extractive Industries An Overview of Critical Risks and Human Rights Obligations](#), 2017, pg. 14.

¹³⁰ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/Ifll, November 15, 2022, pg. 6, on file with the IACHR.

commons. They indicate that between 2020 and March 2022, four women land and territory defenders were murdered in Honduras, two of them Garifuna women.¹³¹ Civil society organizations report that following the murder of human rights defender and Lenca indigenous leader Berta Cáceres on March 3, 2016—a leader who had dedicated much of her life to defending the territorial rights of the Lenca people in the context of a hydroelectric project being built without consultation on the Gualcarque River in Honduras—attacks on land and territory defenders increased substantially in the country, doubling in 2017 (475) compared to 2016 (203).¹³²

72. Women who defend the environment in El Salvador also face particular risks, although to a lesser extent. Information provided by civil society indicates that violence against women environmental defenders and water defenders in El Salvador does not come strictly from States, enterprises, and/or security forces: It also originates in their communities and families as a result of the machista and patriarchal culture that prevails in society.¹³³
73. The violence committed against women environmental defenders in northern Central America has other consequences with a differentiated effect on them. Women defenders and indigenous women told the Commission that as a result of certain mining activities, they have had to leave their homes, several women have needed to separate from their families for reasons of security, and several women said they had experienced emotional and physical health problems.¹³⁴
74. Additionally, civil society organizations indicate that access to justice is nonexistent for women who defend human rights.¹³⁵ It is especially concerning to the Commission that the women defenders who are the victims of sexual violence and assault rarely report these incidents due to social stigma and fear.¹³⁶ In Honduras, between 2016 and 2017, only 18.5% of women human rights defenders filed reports due to their lack of trust in the authorities. They indicate that when filing a complaint, women who defend economic,

¹³¹ IM-Defensoras, [Asesinatos contra defensoras de tierra y territorio siguen en aumento en Honduras](#), March 3, 2022.

¹³² IM-Defensoras, [Tendencia en defensoras de tierra, territorio y justicia](#), August 21, 2021, pg. 3 and 5.

¹³³ FESPAD, [El rol de la persona defensora de DDHH en el marco de los procesos sociales vinculados al Derecho Humano al Agua](#), April 28, 2022, pg. 10.

¹³⁴ IACHR, Public Hearing, [Situation of the human rights of environmental defenders in Guatemala](#), 182 regular session, Washington, D.C., December 15, 2021.

¹³⁵ CEJIL, Response to the IACHR questionnaire, received on March 4, 2022, on file with the IACHR; IACHR, Public Hearing, [Situation of the human rights of environmental defenders in Guatemala](#), 182nd regular session, Washington, D.C., December 15, 2021.

¹³⁶ MUNDUBAT, [Informe final: Misión de Observación Internacional de los Derechos Humanos de los defensores y las defensoras de la Tierra y el Territorio en Honduras](#), September 2019, pg. 13.e

social, and cultural rights tend to face greater discrimination for being women, campesinas, indigenous, and having other marginalized identities.¹³⁷

¹³⁷ PBI, [Informe para el Examen Periódico Universal a Honduras 2020. Mujeres defensoras de la tierra, el territorio y el medio ambiente](#), September 2019, para. 17.

Chapter 4

Forms of violence against Environmental defenders in Northern Central America

Forms of violence against Environmental defenders in Northern Central America

75. In this chapter, the IACHR will analyze the most frequent acts of violence or obstacles facing the persons who do this type of defense in Guatemala, Honduras, and El Salvador and that prevent the free and full exercise of the right to defend human rights. These obstacles range from stigmatizing speech and processes of criminalization to assaults, threats, and murder attempts and attacks on integrity of person. In particular, it finds that a significant number of the attacks on these groups take place in the context of mining, hydroelectric, and agribusiness development and the defense of territory and land access.¹³⁸

A. Murders

76. The Commission observes that all three countries have seen a reduction in their murder rates.¹³⁹ However, the high rates of violence against human rights defenders are still concerning, especially in Guatemala and Honduras, where they have had a particular impact on those who defend the environment, territory, and natural resources.

77. Defenders of the environment, territory, land, and natural resources in Guatemala and Honduras face the greatest danger in the world as a result of their actions with respect to large-scale projects or illegal activities that threaten the right to a healthy environment.¹⁴⁰ The Commission has learned that many of the murders documented amount to retaliation and a method to silence the work of reporting acts of corruption

¹³⁸ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 57.

¹³⁹ In Honduras, the Commission observed that the murder rate continues to trend downward compared to 2011, when the murder rate reached 85.6 murders per 100,000 inhabitants. According to information from the State, through June 2021, the rate stood at 23.17 homicides per 100,000 inhabitants. IACHR, Annual Report 2021, Chapter IV.A, [Human Rights Development in the Region](#), 2021, para. 657; with respect to Guatemala, the State informed the Commission that the murder rate was down in 2020, reaching 16.6 per 100,000 inhabitants, a decline of 28.7% compared to 2019 when the rates stood at 23.3 murders. See: IACHR, Annual Report 2020, Chapter V, [Third report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2020, para. 77; in its comments on the draft of this report, Guatemala indicated that the murder rate as of November 1, 2022, stood at 14.7 per 100,000 inhabitants; in El Salvador, as of the end of 2019, the national murder rate had declined by 60%; and during 2020, there were a total of 1332 murders, compared to 2398 victims in 2019. See: IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021, para. 33.

¹⁴⁰ IACHR, Press Release 88/17 – [Experts Condemn the Attacks and Killings of Environment Defenders in Guatemala](#), Washington, D.C., June 20, 2017; IACHR, Press Release 72/17 – [IACHR issues call for OAS States to Protect Defenders of the Land and Environment](#), Washington, D.C., June 5, 2017.

associated with business and/or illegal activities that endanger the environment, territorial rights, and access to land.¹⁴¹

78. In Guatemala, from the beginning of 2022 through the approval date of this report, the IACHR learned of one murder of a defender of the environment and territory.¹⁴² In 2021, figures from OHCHR¹⁴³ and UDEFEGUA¹⁴⁴ indicate that the lives of at least five defenders of the environment, land and its natural resources were taken. In 2020, UDEFEGUA registered 15 cases of murders of defenders,¹⁴⁵ while Global Witness registered 13 cases of murders that same year¹⁴⁶ and 12 cases during 2019.¹⁴⁷
79. The IACHR notes that 2018 was the deadliest year for the defense of the environment in Guatemala, with 26 human rights defenders murdered¹⁴⁸ of which 16 were defenders of the environment and territory.¹⁴⁹ Figures from civil society indicate that at least 77 people associated with the defense of the environment, land and natural resources have been murdered in Guatemala between 2012 and 2020.¹⁵⁰
80. The Commission notes that more environmental defenders are murdered in Honduras. During the first quarter of 2022 alone, there were five murders of defenders of the

¹⁴¹ IACHR, [Corruption and Human Rights: Inter-American Standards](#), OEA/Ser.LV/II. Doc. 236, December 6, 2019, para. 400 and 401.

¹⁴² IACHR, Press Release 114/22 – [IACHR: IACHR: Increased Violence Against Human Rights Defenders during the First Four Months of 2022 Makes It More Urgent for States to Protect Their Lives and Work](#), May 25, 2022.

¹⁴³ OHCHR, Situation of human rights in Guatemala 2021. Report of United Nations High Commissioner for Human Rights, AHRC/49/20, February 28, 2022, para. 70.

¹⁴⁴ UDEFEGUA, Situation of human rights defender persons, organizations, and communities in Guatemala 2021, June 2022, pg. 15.

¹⁴⁵ IACHR, Annual Report 2020, Chapter IV.A, [Human Rights Development in the Region](#), 2020, para. 432; IACHR, Annual Report 2020, Chapter V, [Third report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2020, para. 153.

¹⁴⁶ Global Witness, [Last line of defence: The industries causing the climate crisis and attacks against land and environmental defenders](#), September 2021.

¹⁴⁷ Global Witness, [Defending Tomorrow: The climate crisis and threats against land and environmental defenders](#), July 2020.

¹⁴⁸ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 10.

¹⁴⁹ Global Witness, [Enemies of the State? How governments and business silence land and environmental defenders](#), July 2019, pg. 8.

¹⁵⁰ Global Witness, [In numbers: Lethal attacks against defenders since 2012](#), visited on March 30, 2022.

environment, land, territory, and natural resources.¹⁵¹ In 2021, OHCHR figures indicated that at least 10 human rights defenders suffered violent deaths during 2021, 6 of who were defenders of the environment and territory.¹⁵² For their part, civil society organizations reported eight murders of environmental defenders over the same period, highlighting attempted murders of indigenous and Afro-Honduran leaders.¹⁵³

81. In 2020, Global Witness documented the murders of 17 people associated with the defense of the environment, land and natural resources.¹⁵⁴ The year was the most violent year for those engaging in this kind of defense, followed by 2019, when 14 murders were documented.¹⁵⁵ Figures provided by civil society indicate that at least 109 environmental defenders were murdered in Honduras between 2012 and 2020,¹⁵⁶ making it the most dangerous country in the world to do this kind of defense in terms of accumulated *per capita* murders.¹⁵⁷
82. The IACHR and the United Nations Special Rapporteur on human rights defenders have described Honduras as one of the most dangerous countries in the world for human rights defenders.¹⁵⁸ For its part, the State has indicated that murders of environmental defenders are most frequent, noting that it is aware of 13 cases in which the victims (for the most part) opposed hydroelectric construction, mining, and agrindustrial projects or were engaged in protecting forests and territory.¹⁵⁹

¹⁵¹ IACHR, Press Release 114/22 – [IACHR: Increased Violence Against Human Rights Defenders during the First Four Months of 2022 Makes It More Urgent for States to Protect Their Lives and Work](#), May 25, 2022.

¹⁵²; OHCHR, Situation of human rights in Honduras 2021. Report of United Nations High Commissioner for Human Rights, [AHRC/49/21](#), March 4, 2022, para. 43.

¹⁵³ ACI Participa, Informe situacional de derechos humanos. Honduras: de la dictadura, caminando hacia la democracia, January 2022.

¹⁵⁴ Global Witness, [Last line of defence: The industries causing the climate crisis and attacks against land and environmental defenders](#), September 2021.

¹⁵⁵ Global Witness, [Defending Tomorrow: The climate crisis and threats against land and environmental defenders](#), July 2020.

¹⁵⁶ Global Witness, [In numbers: Lethal attacks against defenders since 2012](#), visited on March 30, 2022.

¹⁵⁷ Global Witness, [Honduras: the deadliest country in the world for environmental activism](#), January 31, 2017; Global Witness, [Defenders of the Earth: Global Killings of Land and Environmental Defenders 2016](#), July 2017; Global Witness, [On dangerous ground: 2015's Deadly Environment: the Killing and Criminalization of Land in Environmental Defenders Worldwide](#), June 2016.

¹⁵⁸ IACHR, Press Release 118/16 – [Honduras, one of the most dangerous countries for human rights defenders – Experts warn](#), Geneva / Washington, D.C., August 19, 2016; UN, Report of the Special Rapporteur on the situation of human rights defenders: Visit to Honduras, [AHRC/40/60/Add.2](#), January 11, 2019, para. 23.

¹⁵⁹ Republic of Honduras, Response to the request for information on the human rights situation of environmental defenders in Honduras, received on March 9, 2022, on file at the IACHR, pg. 3.

83. El Salvador has documented fewer cases of murders of persons who defend the environment, land, and natural resources. In this regard, the IACHR received information on at least two murders in El Salvador between 2018-2019.¹⁶⁰ However, the Commission notes the lack of official and independent registries of attacks on human rights defenders in El Salvador, which could tend to obscure the violence facing this group there.¹⁶¹ Additionally, the Commission has learned that attacks on human rights defenders are being attributed to the country's overall lack of security rather than the hypothesis that the crimes could have been committed as a consequence of their human rights defense activities.¹⁶²
84. An example of this is the case of the priest Cecilio Pérez Cruz, murdered on the 18, 2019, in Juayúa, El Salvador.¹⁶³ Initially, the motive of the facts was said to be the situation of widespread insecurity in the country,¹⁶⁴ even though multiple testimonies indicated a possible link to his activities reporting illegal tree cutting by private companies on El Águila Mount.¹⁶⁵ Likewise, the Commission learned of the murder of Dina Yaseni Puente on August 9, 2018 in Jujutla, El Salvador.¹⁶⁶ Regarding this incident, concerning official statements were issued by the National Civilian Police indicating that the human rights defender and the facts of her death were linked to criminal gangs, including in response to allegations that her murder was possibly in retaliation for her work defending the territory.¹⁶⁷

¹⁶⁰ IM-Defensoras, [Asesinan a Dina Yaseni Puente, defensora de la tierra, el territorio y los bienes comunes integrante de la RACDES](#), August 12, 2018; *Revista Factum*, [El Salvador persigue a los guardianes del agua y la tierra](#), October 4, 2021.

¹⁶¹ IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021, para. 285.

¹⁶² IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021, para. 285; PDDH El Salvador, Response to the IACHR questionnaire, received on January 22, 2022, on file with the IACHR. In this regard, the Office of the Ombudsperson for the Defense of Human Rights (PDDH) of El Salvador, said this is what happened with the murders of human rights defenders opposed to mining in the department of Cabañas, “[...] where the prosecutor closed the investigations concluding that the incidents were ‘linked to gangs’ or ‘family quarrels’ that they said led to the hiring of gang hitmen.”

¹⁶³ PDDH El Salvador, Response to the IACHR questionnaire, received on February 22, 2022, on file with the IACHR.

¹⁶⁴ *Aciprensa*, [Desconocidos matan a joven sacerdote en El Salvador](#), May 19, 2019.

¹⁶⁵ *Revista Factum*, [El Salvador persigue a los guardianes del agua y la tierra](#), October 4, 2021; *Alfa y Omega*, [El sacerdote salvadoreño Pérez Cruz pudo ser asesinado por denunciar la tala ilegal](#), May 23, 2019; Twitter, Rodríguez Tercero, A. [@AntonioPadretoo], *Al Sacerdote asesinado a quien conocía le quitaron la Vida por su denuncia por la tala de árboles en Juayua. Traficantes de madera lo mataron y quisieron pasarse como imitadores de pandillas. CONDENO TODO ATENTADO CONTRA LA VIDA SEA QUIEN SEA Y CAIGA TODO EL PESO DE LA LEY* [Tweet], May 20, 2019, <https://twitter.com/AntonioPadretoo/status/1130491397046505472>

¹⁶⁶ IM-Defensoras, [Asesinan a Dina Yaseni Puente, defensora de la tierra, el territorio y los bienes comunes integrante de la RACDES](#), August 12, 2018.

¹⁶⁷ PDDH El Salvador, Response to the IACHR questionnaire, received on February 22, 2022, on file with the IACHR. *Solo Noticias*, [Presunta colaboradora de la MS fue asesinada en Jujutla, Ahuachapán](#), August 9, 2018; *Gato Encerrado*, [Exigen que se investigue si asesinato de Dina Puente está ligado a su lucha ambientalista](#), August 23, 2018.

85. Many of these murders have taken place as a result of the presence of mining projects and hydroelectric dams—allegedly billed without consultation—or illegal activities on the ancestral lands and territories of indigenous or Afro-descendant communities.¹⁶⁸ The IACHR also observes that the causes taken up by groups in their social struggles and defense of human rights are also closely linked to other economic, social, and cultural rights, such as access to water, the right to food, and the right to health, included in the right to a healthy environment.¹⁶⁹
86. Regarding the above, the Commission has condemned the murders of environmental defenders in the context of peaceful protests against large-scale projects that threaten the right to a healthy environment. For example, in Guatemala, human rights defender Sebastián Alonso Juan died on January 17, 2017, from a gunshot wound after armed men shot into a crowd at a peaceful protest in which he was participating to oppose a hydroelectric project in Ixquisis. In its comments on the draft of this report, Guatemala indicated that the murder of Sebastián Alonso was under investigation by the Prosecutor for Crimes against Activists and Human Rights Defenders.¹⁷⁰ Also in Guatemala, human rights defender Carlos Maaz Coc died on May 27, 2017, after being injured by a projectile while participating in a peaceful demonstration seeking a solution from the authorities to the pollution of Lake Izabal due to mining activities in the area.¹⁷¹
87. In other cases, the murders take place in contexts of significant agrarian conflicts related to struggles to reclaim lands given the legal uncertainty of their ownership; to recognition of territorial rights in view of their traditional possession by indigenous and Afro-descendant communities; or to combat the unequal distribution of lands and the hoarding or

¹⁶⁸ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; [Situation of human rights in Honduras](#), OEASer.LV/II. Doc. 42/15, December 31, 2015, para. 76-77; [Situation of human rights in Guatemala: Diversity, Inequality, and Exclusion](#), OEASer.LV/II. Doc. 43/15, December 31, 2015, para. 458; OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 26.

¹⁶⁹ Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR.

¹⁷⁰ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/II, November 15, 2022, pg. 8, on file with the IACHR.

¹⁷¹ IACHR, [Press Release 88/17 – Experts Condemn the Attacks and Killings of Environment Defenders in Guatemala](#), Washington, D.C., June 30, 2017.

concentration of them.¹⁷² The IACHR is aware that in Guatemala, between 2018 and February 2022, at least 23 members of the Comité de Desarrollo Campesino (CODECA)—an organization dedicated to defending the rights of campesino communities—have been murdered.¹⁷³ In its comments on the draft of this report, the State of Guatemala indicated that the case of Carlos Maaz Coc was being investigated by the Office of the Public Prosecutor of the Municipality of Morales for the criminal offenses of murder, theft, arson, and homicide. It reported having held meetings with campesino groups and established working groups to support with the investigations. One of the working groups was with CODECA and included the participation of the Office of the Secretary for Indigenous Peoples and the different prosecutors in charge of investigating the cases.¹⁷⁴

88. In Bajo Aguán, Honduras, where there is a long-standing agrarian conflict between peasant communities and private companies with a pattern of violence against the communities, the Commission has received numerous complaints of repeat incidents of harassment, threats, attacks, murders, and disappearances committed against defenders of land, territory, and the environment.¹⁷⁵
89. The IACHR has also received information on the risk and vulnerability faced by Afro-Honduran Garifuna leaders in connection with territorial conflicts over the implementation of tourism, mining, and monoculture agricultural projects, the risks of which have increased with the presence of organized crime on their territories.¹⁷⁶

¹⁷² IACHR, [Situation of human rights in Honduras](#), OEA/Ser.L/V/II. Doc. 146, August 27, 2019, para. 137; IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.L/V/II. Doc. 208/17, December 31, 2017, para. 148; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.L/V/II. Doc. 42/15, December 31, 2015, para. 76; IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.L/V/II. Doc. 43/15, December 31, 2015, para. 452 and 456; OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 25.

¹⁷³ *El Periódico*, [Suman 23 asesinatos en contra de dirigentes de Codeca](#), February 8, 2022; Peace Brigades International, [Monthly Information Package on Guatemala](#), Number 221, February 2022.

¹⁷⁴ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFH/WEBS/ffil, November 15, 2022, pg. 8, on file with the IACHR.

¹⁷⁵ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.L/V/II. Doc. 146, August 27, 2019, para. 175; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.L/V/II., Doc. 42/15, December 31, 2015, para. 160; IACHR, Resolution 11/2014, Precautionary Measure No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014.

¹⁷⁶ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; International Service for Human Rights, [The role of business and States in violations against human rights defenders of land rights, the right to territory and rights related to the environment](#), October 2015, p. 47; Global Witness, [How many more? 2014's deadly environment: the killing and intimidation of environmental and land activists, with a spotlight on Honduras](#), April 20, 2015, pg. 19.

90. On July 18, 2020, the Commission was informed of the alleged forced disappearances of four members of the El Triunfo de la Cruz Garífuna community and members of the Organización Fraternal Negra Hondureña (OFRANEH)¹⁷⁷ after armed persons wearing uniforms of the Office of Police Investigations burst into the community and took Alberth Sneider Centeno, Milton Joel Martínez Álvarez, Suami Aparicio Mejía, and Gerardo Mizael Rochez from their homes.¹⁷⁸ As of the date of publication of this report, their whereabouts remain unknown.
91. The Commission observes that murders of environmental defenders have a serious impact on families and communities,¹⁷⁹—especially when they are indigenous or Afro-descendant environmental defenders—because of the important roles they play in their communities and peoples.¹⁸⁰ For environmental defenders, in addition to the dangers inherent to the causes and rights they defend, women human rights defenders face distinct and enhanced risks due to their gender.
92. The Commission has observed that murders of persons who defend the environment, land, and natural resources tend to take place in rural and remote areas where State institutions have a minimal or lesser presence. Additionally, impunity for crimes committed against these groups has contributed to the repetition of acts of violence.¹⁸¹
93. Added to this, the Commission has received information on the militarization or enhanced presence of armed forces on the ancestral lands and territories of indigenous and Afro-descendant communities where megaprojects that have not been subject to proper

¹⁷⁷ Twitter, IACHR [@CIDH] (July 24, 2020), *#Honduras La @CIDH condena la presunta desaparición forzada de 4 integrantes de la comunidad garífuna El Triunfo de la Cruz e integrantes @OFRANEH, Milton Martínez, Suami Aparicio, Gerardo Trochez y Alberth Sneider Centeno también presidente del Patronato. #Afrodescendientes 1 Según información pública, el #18Julio hombres armados no identificados portando chalecos antibalas con siglas de la Dirección Policial de Investigaciones irrumpieron en el domicilio de los desaparecidos para ser sustraídos. Hasta el momento se desconocería su paradero. #DDHH 2 La #CIDH conoce sobre las investigaciones iniciadas por la @PoliciaHonduras y la detención de una persona presuntamente responsable. Insta al Estado a adoptar todas las medidas necesarias para dar con el paradero de los desaparecidos y garantizar su vida e integridad personal. 3 El Estado debe continuar con las investigaciones iniciadas de forma diligente a fin de sancionar a los responsables considerando como hipótesis la actividad que los líderes desempeñaban en exigir cumplimiento del fallo de la @CorteIDH en favor de la comunidad y su territorio. 4, <https://twitter.com/CIDH/status/1286652598397874177>.*

¹⁷⁸ OFRANEH, *Comunicado: Día Internacional de las Víctimas de la Desaparición Forzada*, August 30, 2021.

¹⁷⁹ IM-Defensoras, *Tendencia en defensoras de tierra, territorio y justicia*, August 21, 2021, pg. 6.

¹⁸⁰ IACHR, *Right to Self-determination of Indigenous and Tribal Peoples*, OEA/Ser.L/V/II. Doc. 413, December 28, 2021, para. 87.

¹⁸¹ IACHR, *Indigenous Peoples, Afro-Descendent Communities and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities*, OEA/Ser.L/V/II. Doc. 47/15, December 31, 2015, para. 316; OHCHR and PDH Guatemala, *Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad*, May 2019, para. 21.

consultation are being carried out as a strategy to enable their installation.¹⁸² In this regard, the presence of the military or security forces is not only being used as a means of intimidation: There are also accusations alleging soldiers and police officers of being directly involved in murders and other grave human rights violations, such as forced disappearances.¹⁸³

94. The Commission is especially concerned at allegations that officials from State security agencies—including members of civilian police forces or the Armed Forces—are colluding with private enterprises and using the State apparatus to end the lives of persons whose defense activities run contrary to their economic interests.¹⁸⁴ The IACHR has likewise been informed of cases alleging the participation of private security companies or even members of organized criminal groups and hitmen hired by private enterprises to end the lives of environmental defenders.¹⁸⁵
95. An example of this is the murder of Berta Cáceres, a renowned human rights defender, Lenca indigenous leader, and coordinator of the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH) who had also been the beneficiary of precautionary measures from the IACHR since 2009.¹⁸⁶ A week before her murder, she had publicly decried the murders of four members of her community and denounced the

¹⁸² IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; IACHR, [Indigenous Peoples, Afro-Descendent Communities and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities](#), OEA/Ser.L/V/II. Doc. 47/15, December 31, 2015, para. 193; Amnesty International, [“We Are Defending the Land with Our Blood”: Defenders of the land, territory, and environment in Honduras and Guatemala](#), September 2016, pg. 16.

¹⁸³ Global Witness, [Honduras: The deadliest country in the world for environmental activism](#), January 31, 2017, pg. 12; Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; IACHR, Resolution 11/2014, Precautionary Measure No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014.

¹⁸⁴ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.L/V/II. Doc. 43/15, December 31, 2015, para. 138.

¹⁸⁵ Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; CEJIL, Response to the IACHR questionnaire, received on March 4, 2022, on file with the IACHR; IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.L/V/II. Doc. 42/15, December 31, 2015, para. 167.

¹⁸⁶ On June 29, 2009, the IACHR granted precautionary measures in favor of Berta Isabel Cáceres with respect to Honduras in the framework of MC/196/09. At that time, it was addressing a series of situations arising from the *coup d'état* in Honduras on June 28, 2009. According to the information received, military forces had surrounded the home of human rights defender Berta Cáceres. On July 31, 2013, the IACHR notified the parties that it would continue to monitor the situation of Ms. Cáceres under precautionary measure 405/09. Berta Cáceres dedicated a large part of her life to defending the territory and rights of the Lenca people, particularly in the context of the construction project to build a hydroelectric dam in the Agua Zarca sector on the Gualcarque river, and regarding which she had decried a lack of prior, free and informed consultation of the affected communities.

death threats she had received.¹⁸⁷ The investigations conducted have demonstrated the material participation of current and former soldiers,¹⁸⁸ in collusion with private parties hired by the company benefiting from the concession, Desarrollos Energéticos S.A. (DESA). The investigations also implicated the management of the firm as the masterminds.¹⁸⁹

B. Threats, attacks and harassments

96. The Commission has also documented other types of aggressions, including death threats and physical violence, harassment, and assaults, to give a few examples. The IACHR notes that violence against persons who defend land, territory, and the environment often forms part of a pattern of escalation, beginning with harassment and intimidation, followed by threats or other physical assaults and, in some cases, concluding with the taking of a life.
97. In Guatemala, the PDH indicated that, in addition to murders and disappearances, the most frequent modalities of violence against this group usually include arrests, harassment and threats, murder attempts and attacks on integrity of person, raids, and evictions.¹⁹⁰ Between January and December 2021, UDEFEGUA documented 1,002 attacks on human rights defenders, including murders, threats, criminalization, harassment, and intimidation.

¹⁸⁷ IACHR Press Release No. 24/16, [IACHR Condemns the Killing of Berta Cáceres in Honduras](#), March 4, 2016.

¹⁸⁸ On November 28, 2018, the Honduran National Criminal Court convicted seven people for the murder of Berta Cáceres: former DESA security chief and former US-trained army lieutenant Douglas Geovanny Bustillo; former special forces sergeant Henry Hernández; US-trained special forces officer Mariano Díaz Chávez; Oscar Torres; the environmental manager of DESA, Sergio Ramón Rodríguez Orellana; Edwin Rapalo; and Edilson Duarte Meza. On November 29, 2018, Edilson Duarte Meza's brother, Emerson Duarte Meza, was found not guilty on charges of attempting to cover up the crime. Front Line Defenders, [Conviction in murder trial of woman human rights defender Berta Cáceres](#), December 6, 2018.

¹⁸⁹ *BBC*, [Berta Cáceres: condenan a 22 años de cárcel al autor intelectual del asesinato de la ambientalista](#), June 21, 2022; *DW*, [Ministerio Público de Honduras: condena de militar por asesinato de Berta Cáceres es "histórica"](#), July 5, 2021; Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 99; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 174; Twitter, IACHR [@CIDH], (July 7, 2021), [#Honduras Ante la primera condena contra un autor intelectual del asesinato de la defensora Berta Cáceres el #5julio, la #CIDH saluda este fallo como un avance en el acceso a la justicia y a la reparación integral adecuada de sus familiares. #CIDH alienta al Estado de #Honduras a avanzar en la lucha contra la impunidad sobre delitos contra personas defensoras, y a seguir investigando diligentemente el asesinato de #BertaCáceres a fin de sancionar a todos los autores materiales e intelectuales](#), <https://twitter.com/CIDH/status/1412816784340787203>. Days after her death, the Commission learned of the shooting death of human rights defender Nelson Noé García, a member of COPINH and beneficiary of IACHR precautionary measures. The Commission had repudiated the murder of Lenca indigenous leader Tomás García in 2013, who was shot several times by alleged members of the Honduran Army while participating in a demonstration opposing the Agua Zarca hydroelectric plant.

¹⁹⁰ PDH Guatemala, Response to the IACHR questionnaire, received on January 26, 2022, on file with the IACHR.

Of these attacks, 179 were committed against individuals, organizations, and communities that defend land, territory, and the environment.¹⁹¹

98. The State of Guatemala indicated that “resource guards” and regional technicians from institutions in charge of protecting natural resources are particularly vulnerable to aggressions, murder attempts, and attacks on their integrity person, especially when it comes to threats from private individuals engaging in illegal activities inside protected natural areas. In this regard, it reports that these groups have been the victims of threats, kidnappings, physical and verbal assaults, and property damage.¹⁹² Likewise, civil society indicates that individuals and non-governmental organizations authorized by the State to manage nature reserves in Guatemala are often the victims of aggression at the hands of private actors, particularly organized criminal groups with connections to illegal trafficking in flora and fauna.¹⁹³
99. In Honduras, the Honduran National Commissioner for Human Rights (CONADEH) indicated that threats, attacks on integrity of person, and property damage are other acts of violence they face.¹⁹⁴ According to OHCHR, there were at least 182 acts of violence in which 302 human rights defenders and journalists were victims recorded during 2021. Of them, 169 were engaged in defense of land, territory, and the environment.¹⁹⁵
100. In El Salvador, properly-disaggregated public information on crimes against human rights defenders is quite limited, and it is therefore impossible to have an approximate figure for aggressions and other acts of violence committed against them. However, civil society organizations report that obstructions and aggressions facing environmental defense groups specifically have increased. They include threats and other incidents of violence against environmental defenders. They indicate that they have documented cases of threats against those reporting deforestation and illegal tree cutting, as well as intimidation

¹⁹¹ UDEFEGUA, Situation of human rights defender persons, organizations, and communities in Guatemala 2021, June 2022, pg. 12-13.

¹⁹² State of Guatemala, Response to the request for information on the human rights situation of environmental defenders in Guatemala, received on February 21, 2022, on file at the IACHR.

¹⁹³ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR.

¹⁹⁴ National Human Rights Commission of Honduras, Response to the IACHR questionnaire, received on February 21, 2022, on file with the IACHR.

¹⁹⁵ OHCHR, Situation of human rights in Honduras 2021. Report of United Nations High Commissioner for Human Rights, [A/HRC/49/21](#), March 4, 2022, para. 43.

in the form of the presence of criminal gangs and other impacts from the militarization of the communities defending their territories.¹⁹⁶

101. The Commission has found that threats are used as a form of retaliation for filing legal actions over violations of environmental regulations or prior consultation of communities.¹⁹⁷ They are also used to retaliate for reporting crimes and acts of violence committed against environmental defenders or their families to State authorities.¹⁹⁸ For example, in August 2022 in El Salvador, the Commission learned that leaders of the Indigenous Committee for the Defense of the Commons of Nahuizalco—comprised of representatives of the Pushtan and Sisimitepet peoples—had requested measures of protection from the PDDH after having received threats for reporting the impacts of the construction of an eighth dam on the Sensunapán River in Sonsonate.¹⁹⁹ Similarly, civil society organizations have documented that in Juayúa, El Salvador, leaders from the area have been the victims of threats from private enterprises²⁰⁰ following public allegations of illegal tree cutting on El Águila Mount.²⁰¹
102. As far as the methods used, the IACHR has found that the most frequent *modus operandi* is verbal threats. Civil society organizations indicate that the objective is to make it impossible to document the criminal acts, making it difficult for human rights defenders to file complaints given the lack of evidence.²⁰² Sometimes, the verbal threats are also accompanied by serious acts of intimidation and harassment, or attacks on integrity of person or personal liberty.²⁰³

¹⁹⁶ University Human Rights Observatory of the Universidad Centroamericana José Simeón Cañas, [Informe sobre defensoras y defensores de derechos humanos en El Salvador 2019 – 2020](#), 2020, pg. 23.

¹⁹⁷ Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; IACHR, Resolution 33/2019, Precautionary Measure No. 487/19, [Quelvin Otoniel Jiménez Villalta regarding Guatemala](#), July 3, 2019; IACHR, Resolution 17/2018, Precautionary Measures No. 54/18, [Germán Chirinos Gutiérrez regarding Honduras](#), March 8, 2018.

¹⁹⁸ IACHR, Resolution 46/2015, Precautionary Measure No. 589/15, [Ana Miriam Romero et al. regarding Honduras](#), November 24, 2015.

¹⁹⁹ [Voces, Piden a PDDH medidas de protección por amenazas a personas defensoras del río Sensunapán](#), August 23, 2022; [La Prensa Gráfica, Defensores del río Sensunapán buscan protección en PDDH por amenazas](#), August 24, 2022.

²⁰⁰ University Human Rights Observatory of the Universidad Centroamericana José Simeón Cañas, [Informe sobre defensoras y defensores de derechos humanos en El Salvador 2019 – 2020](#), 2020, pg. 23.

²⁰¹ [Gato Encerrado, ¿Quiénes están detrás de la tala en Juayúa?](#), February 22, 2019.

²⁰² University Human Rights Observatory of the Universidad Centroamericana José Simeón Cañas, [Informe sobre defensoras y defensores de derechos humanos en El Salvador 2019 – 2020](#), 2020, pg. 23.

²⁰³ IACHR, Resolution 17/2018, Precautionary Measure No. 54/18, [Germán Chirinos Gutiérrez regarding Honduras](#), March 8, 2018; IACHR, Resolution 64/2016, Precautionary Measures No. 705/16, [Matter of Esteban Hermelindo Cux Choc regarding Guatemala](#), December 6, 2016.

103. Phone calls and SMS messages are another of the main ways of communicating threats.²⁰⁴ The IACHR has also learned of reports of written messages supposedly left at the homes of human rights defenders,²⁰⁵ as well as the increasing use of social media to threaten them.²⁰⁶ Another modality is to have unidentified and heavily armed persons surveilling and following human rights defenders on their way home or to their workplaces, then stop them and threaten to kill them.²⁰⁷ Examples of this include the attacks on and threats against human rights defender Germán Chirinos Gutiérrez, a member of the Movimiento Ambientalista Social del Sur por la Vida (MASS Vida), after he secured a court order suspending a mining project in Honduras. In this regard the Commission received information on incidents of persecution and surveillance by unidentified individuals; text messages received containing threats; and physical attacks by armed individuals who threatened to kill him. In view of the seriousness and urgency of the alleged facts, the IACHR decided to grant precautionary measures in his favor.²⁰⁸
104. In contrast to the threats issued against men, the language used in messages directed at women include a strong connotation of sexual violence.²⁰⁹ Verbal and sexual attacks are also used to silence their opposition to business projects that affect their land and livelihoods.²¹⁰ Women defenders are more exposed to their children or relatives being threatened or attacked as a form of intimidation.²¹¹

²⁰⁴ IACHR, Resolution 17/2018, Precautionary Measure No. 54/18, [Germán Chirinos Gutiérrez regarding Honduras](#), March 8, 2018; IACHR, Resolution 8/2016, Precautionary Measures No. 112/16, [Matter of Members of COPINH and Berta Cáceres' relatives regarding Honduras](#), March 5, 2016; IACHR, Resolution 12/2013, Precautionary Measures No. 416/13, [Matter of 18 members of the Broad Movement for Dignity and Justice \(MADJ\) and their Families, Honduras](#), December 19, 2013.

²⁰⁵ IACHR, Resolution 33/2015, Precautionary Measure No. 460/15, [Kevin Donaldo Ramírez and family regarding Honduras](#), September 28, 2015;

²⁰⁶ IACHR, Resolution 33/2019, Precautionary Measure No. 487/19, [Quelvin Otoniel Jiménez Villalta regarding Guatemala](#), July 3, 2019.

²⁰⁷ IACHR, Resolution 17/2018, Precautionary Measure No. 54/18, [Germán Chirinos Gutiérrez regarding Honduras](#), March 8, 2018.

²⁰⁸ IACHR, Resolution 17/2018, Precautionary Measure No. 54/18, [Germán Chirinos Gutiérrez regarding Honduras](#), March 8, 2018.

²⁰⁹ IACHR, Public Hearing, [Reports of criminalization of human rights defenders who oppose hydroelectric projects in Guatemala](#), 161st regular period of sessions, Washington, D.C., March 20, 2017; Association for Women's Rights in Development, [Women Human Rights Defenders Confronting Extractive Industries An Overview of Critical Risks and Human Rights Obligations](#), 2017, pp. 14.

²¹⁰ Global Witness, [Honduras: The deadliest country in the world for environmental activism](#), January 31, 2017, pp. 29.

²¹¹ IM-Defenders, Response to the IACHR questionnaire, received on February 12, 2022, on file with the IACHR; IACHR, [Violence and discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean](#), OEA/Ser.L/V/II. Doc. 233, November 14, 2019, para. 127.

105. The information received also describes allegations of plans for attempted murder and attacks on the integrity of person of women environmental defenders.²¹² The IACHR has received information on alleged financial compensation offered to commit these acts,²¹³ as well as on the hiring of criminal gangs of hitmen to carry them out.²¹⁴ One example of these plans coming to fruition is the case of Berta Cáceres in Honduras, who, prior to her death, received phone calls informing her of the alleged existence of a plan to end her life in retaliation for her defense work opposing the Agua Zarca hydroelectric project.²¹⁵
106. The Commission has also received information on attacks on integrity of person and acts of harassment against those defending the environment, territory, or natural resources. In this regard, the IACHR is aware of attacks allegedly including beatings;²¹⁶ break-ins or raids without warrants at the homes of leaders;²¹⁷ attacks, injuries, or mutilations using bladed weapons or fire carried out against defenders or their homes;²¹⁸ and even detentions by State agents who allegedly tortured them.²¹⁹ An example of the above is the case of Esteban Hermelindo Cux Choc—a Mayan Q'eqchi' leader and national leader of

²¹² IACHR, Resolution 64/2016, Precautionary Measure No. 705/16, [Matter of Esteban Hermelindo Cux Choc regarding Guatemala](#), December 6, 2016; IACHR, Resolution 8/2016, Precautionary Measures No. 112/16, [Matter of Members of COPINH and Berta Cáceres' relatives regarding Honduras](#), March 5, 2016.

²¹³ IACHR, Resolution 33/2015, Precautionary Measure No. 460/15, [Kevin Donaldo Ramírez and family regarding Honduras](#), September 28, 2015;

²¹⁴ IACHR, Resolution 33/2019, Precautionary Measure No. 487/19, [Quelvin Otoniel Jiménez Villalta regarding Guatemala](#), July 3, 2019; IACHR, Resolution 11/2014, Precautionary Measures No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014.

²¹⁵ IACHR, Resolution 8/2016, Precautionary Measure No. 112/16, [Matter of Members of COPINH and Berta Cáceres' relatives regarding Honduras](#), March 5, 2016.

²¹⁶ IACHR, Resolution 46/2015, Precautionary Measure No. 589/15, [Ana Miriam Romero et al. regarding Honduras](#), November 24, 2015; IACHR, Order 64/2016, Precautionary Measures No. 705/16, [Matter of Esteban Hermelindo Cux Choc regarding Guatemala](#), December 6, 2016; IACHR, Resolution 11/2014, Precautionary Measures No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014.

²¹⁷ IACHR, Resolution 46/2015, Precautionary Measure No. 589/15, [Ana Miriam Romero et al. regarding Honduras](#), November 24, 2015; IACHR, Order 11/2014, Precautionary Measures No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014.

²¹⁸ IACHR, Resolution 46/2015, Precautionary Measure No. 589/15, [Ana Miriam Romero et al. regarding Honduras](#), November 24, 2015; IACHR, Order 8/2016, Precautionary Measures No. 112/16, [Matter of Members of COPINH and Berta Cáceres' relatives regarding Honduras](#), March 5, 2016; IACHR, Resolution 64/2016, Precautionary Measures No. 705/16, [Matter of Esteban Hermelindo Cux Choc regarding Guatemala](#), December 6, 2016; IACHR, Resolution 11/2014, Precautionary Measures No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014.

²¹⁹ National Human Rights Commission of Honduras, Response to the IACHR questionnaire, received on February 21, 2022, on file with the IACHR; IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.L/V/II. Doc. 43/15, December 31, 2015, para. 205; IACHR, Resolution 11/2014, Precautionary Measure No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014.

the Campesino Unity Committee—and Juan Moisés Mo Quib in Guatemala, men who are currently beneficiaries of IACHR precautionary measures. According to the information provided, in September 2016, unidentified individuals allegedly attacked Mr. Cux Choc's home with verbal intimidation and by throwing stones and shooting inside it. During the confrontation, Mr. Cux Choc was shot, his brother was injured with a machete, and Mr. Mo Quib was shot in the face. The requesting party indicated that the facts were related to an agrarian conflict between private companies and campesino and indigenous communities in the department of Alta Verapaz, Guatemala, after a number of Mayan peoples recovered some territories.²²⁰ In its observations on the draft of this report, the State of Guatemala indicated with respect to Esteban Hermelindo Cux Choc there were six cases before the Municipal Prosecutor's Office of Santa Catalina la Tinta Alta Verapaz and one before the District Prosecutor's Office of Alta Verapaz. According to their status, four were closed and in one, where he appeared as an injured party, a plea bargain was in effect; in one he was accused of violence against a woman; and in the other as injured by firearm, illegal possession of a firearm, among other offenses. Regarding Juan Moisés Mo Quib, there were two case files: one before the District Prosecutor's Office of Alta Verapaz as the injured party without criminal offense, with his status under analysis; and the second before the Municipal Prosecutor's Office of Santa Catalina la Tinta, Alta Verapaz, where he is accused of negligent discharge of a firearm.²²¹

107. Information has also been received on cases of attacks against indigenous communities opposing megaprojects where they have experienced destruction, theft, and the burning of their homes and crops, as well as obstruction of their roads and destruction of bridges, in some instances, where they were the only routes of communication.²²² For example, for Honduras, the IACHR received information indicating that in September 2014, individuals alleged to be police officers and armed civilians went to the facilities of the Indigenous Council of San Isidro, where they fired in the air, burned homes, destroyed crops and stole agricultural equipment. According to information provided in the framework of the request for precautionary measures, the acts were in retaliation for the work the indigenous community was doing to oppose the establishment of a hydroelectric project without consultation on its territories. The Commission considered these incidents, among other factors, in granting precautionary measures to human rights defender Ana Miriam Romero

²²⁰ IACHR, Resolution 64/2016, Precautionary Measure No. 705/16, [Matter of Esteban Hermelindo Cux Choc regarding Guatemala](#), December 6, 2016.

²²¹ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/fll, November 15, 2022, pg. 9, on file with the IACHR.

²²² IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 375.

and 13 leaders of the Indigenous Council of San Isidro and the Movimiento Indígena Lenca Independiente de la Paz.²²³

108. Additionally, the IACHR has found that the harassment of human rights defenders also takes the form of constant tailing and surveillance, as well as lurking near homes or workplaces, sometimes even by State security officials.²²⁴ It has likewise received information on cases of vehicular pursuits,²²⁵ intimidation using firearms,²²⁶ search attempts,²²⁷ irregular inspections by authorities,²²⁸ inquiries into personal information about leaders or members of indigenous or Afro-descendant communities,²²⁹ photographic surveillance,²³⁰ and other measures.
109. Additionally, the Commission has been informed of incidents of surveillance and harassment against the families of human rights defenders to have been criminalized and imprisoned, family members who sometimes act as spokespersons or organize to peacefully protest for the release of their relatives. Similarly, legal teams and organizations

²²³ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 42/15, December 31, 2015, para. 86; IACHR, Resolution 46/2015, Precautionary Measure No. 589/15, [Ana Miriam Romero et al. regarding Honduras](#), November 24, 2015.

²²⁴ IACHR, Resolution 33/2019, Precautionary Measure No. 487/19, [Quelvin Otoniel Jiménez Villalta regarding Guatemala](#), July 3, 2019; IACHR, Resolution 64/2016, Precautionary Measures No. 705/16, [Matter of Esteban Hermelindo Cux Choc regarding Guatemala](#), December 6, 2016; IACHR, Resolution 16/2016, Precautionary Measures No. 112/16, [Extension of beneficiaries, COPINH members and relatives of Berta Cáceres regarding Honduras](#), March 23, 2016; IACHR, Resolution 46/2015, Precautionary Measures No. 589/15, [Ana Miriam Romero et al. regarding Honduras](#), November 24, 2015; IACHR, Order 12/2013, Precautionary Measures No. 416/13, [Matter of 18 members of the Broad Movement for Dignity and Justice \(MADJ\) and their Families, Honduras](#), December 19, 2013.

²²⁵ IACHR, Resolution 33/2019, Precautionary Measure No. 487/19, [Quelvin Otoniel Jiménez Villalta regarding Guatemala](#), July 3, 2019; IACHR, Resolution 17/2018, Precautionary Measures No. 54/18, [Germán Chirinos Gutiérrez regarding Honduras](#), March 8, 2018.

²²⁶ IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 375; IACHR, Resolution 12/2013, Precautionary Measure No. 416/13, [Matter of 18 members of the Broad Movement for Dignity and Justice \(MADJ\) and their Families, Honduras](#), December 19, 2013.

²²⁷ IACHR, Resolution 16/2016, Precautionary Measure No. 112/16, [Extension of beneficiaries, COPINH members and relatives of Berta Cáceres regarding Honduras](#), March 23, 2016.

²²⁸ IACHR, Resolution 17/2018, Precautionary Measure No. 54/18, [Germán Chirinos Gutiérrez regarding Honduras](#), March 8, 2018; IACHR, Resolution 8/2016, Precautionary Measures No. 112/16, [Matter of Members of COPINH and Berta Cáceres' relatives regarding Honduras](#), March 5, 2016.

²²⁹ IACHR, Resolution 17/2018, Precautionary Measure No. 54/18, [Germán Chirinos Gutiérrez regarding Honduras](#), March 8, 2018; IACHR, Resolution 64/2016, Precautionary Measures No. 705/16, [Matter of Esteban Hermelindo Cux Choc regarding Guatemala](#), December 6, 2016; IACHR, Resolution 46/2015, Precautionary Measures No. 589/15, [Ana Miriam Romero et al. regarding Honduras](#), November 24, 2015.

²³⁰ IACHR, Resolution 16/2016, Precautionary Measure No. 112/16, [Extension of beneficiaries, COPINH members and relatives of Berta Cáceres regarding Honduras](#), March 23, 2016.

contributing to or providing legal support in the cases and journalists for media outlets covering the allegations made by these communities have been affected by these types of reprisals.²³¹ For example, the IACHR received information on acts of intimidation directed at members of the legal defense team of the defenders of the Guapinol River, in the form of armed men who accompanied the prosecutors on the case from the Office of the Public Prosecutor during the oral trial against them in January 2022.²³²

110. Additionally, the implementation of megaprojects in northern Central America has led to an increase in the presence of police and military forces on the ancestral territories and lands of indigenous or Afro-descendant communities, a situation that can disrupt or disturb daily life in these communities. The Commission was informed that this practice is intended to intimidate and deter participation in defense causes, amounting to a *modus operandi* for implementing development and extractive projects without consultation. For example, in Guatemala, civil society organizations report that states of exception are frequently used in response to demonstrations related to defending territory or natural resources in areas where the population is majority indigenous. Police and military forces are deployed without effective controls, leading to aggression and incidents of violence perpetrated against human rights defenders and indigenous leaders. In this regard, civil society organizations report that during the pandemic, the use of states of exception increased the level of conflict and aggression against land and territory defenders in Guatemala.²³³ In its observations on the draft of this report, Guatemala indicated that the National Civilian Police cooperates with the military by providing support and cooperation as needed within its sphere of competence. It indicated that when providing support, the police prepare internal plans as needed, such as, for example, the state of emergency implemented in the municipality of Estor.²³⁴
111. The Commission also received allegations of frequent cases of forced evictions of entire communities from their lands and homes in the countries of northern Central America with

²³¹ Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; PDDH El Salvador, Response to the IACHR questionnaire, received on February 22, 2022, on file with the IACHR.

²³² C-libre, [Representantes legales denuncian intimidación y vigilancia en el juicio para defensores de Guapinol](#), January 24, 2022; Front Line Defenders, [New acts of surveillance, harassment and threats against people accompanying and supporting defenders of Guapinol](#), January 26, 2022.

²³³ IACHR, Meeting of experts on the situation of defenders of the environment, land, and natural resources in northern Central America, November 4, 2021, on file with the IACHR; UDEFEGUA, [Guatemala, an unpaid debt. Recommendations for a public agenda that guarantees the right to defend rights](#), January 18, 2021, pgs. 11-12.

²³⁴ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFH/WEBS/ffll, November 15, 2022, pgs. 9 and 10, on file with the IACHR.

the objective of making way for development and extractive products.²³⁵ At times, private security guards have participated in these operations along with security forces.²³⁶ In Honduras, the Commission received information on the forced eviction and displacement of the Lenca indigenous people from their lands, supposedly for the construction of the El Tornillito hydroelectric project in 2018, without prior, free and informed consultation as required by international standards.²³⁷

112. As a result of these attacks, indigenous or Afro-descendant men and women leaders had to leave their communities, or even the country, for reasons of security and fear of becoming the victims of violence after receiving threats or in the victims of other violent attacks in response to their opposition to a variety of large-scale corporate projects.²³⁸
113. As regards the origin of the threats, attacks, and acts of harassment, the IACHR has repeatedly received information indicating that public security agents participated directly in the acts of violence perpetrated against indigenous communities and their members.²³⁹ It has also received information on the participation of personnel from private security companies and even members of organized criminal groups hired by the companies responsible for the development projects to take part in the violence against these groups, in some cases with the collusion or acquiescence of State authorities.²⁴⁰ For its part, the United Nations Special Rapporteur on human rights defenders observed that the material

²³⁵ PDH Guatemala, [Annual report on activities and human rights situation, 2020](#), January 2021, pg. 60-63; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 42/15, December 31, 2015, para. 81; IACHR, Resolution 11/2014, Precautionary Measure No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014.

²³⁶ IACHR, [Indigenous Peoples, Afro-Descendent Communities and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities](#), OEA/Ser.LV/II. Doc. 47/15, December 31, 2015, para. 270.

²³⁷ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 305.

²³⁸ IACHR, [Internal Displacement in the Northern Triangle of Central America. Guidelines for formulating public policies](#), OEA/Ser.L/V/II. Doc. 101, July 27, 2018, para. 41; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 42/15, December 31, 2015, para. 83; IACHR, [Internal Displacement in the Northern Triangle of Central America. Guidelines for formulating public policies](#), OEA/Ser.LV/II. Doc. 101, July 27, 2018, para. 46; IACHR, Resolution 33/2015, Precautionary Measure No. 460/15, [Kevin Donaldo Ramírez and family regarding Honduras](#), September 28, 2015;

²³⁹ Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; IACHR, Resolution 11/2014, Precautionary Measure No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014.

²⁴⁰ IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.LV/II. Doc. 43/15, December 31, 2015, para. 138; Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR. IACHR, Resolution 11/2014, Precautionary Measure No. 50/14, [Matter of Campesino Leaders of Bajo Aguán regarding the Republic of Honduras](#), May 8, 2014; IACHR, Resolution 12/2013, Precautionary Measures No. 416/13, [Matter of 18 members of the Broad Movement for Dignity and Justice \(MADJ\) and their Families, Honduras](#), December 19, 2013. PDDH El Salvador, Response to the IACHR questionnaire, received on January 22, 2022, on file with the IACHR; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 219.

perpetrators of the attacks on these groups included members of the National Police, the Army, hitmen, and unknown individuals, while the masterminds included public officials, persons from the corporate sector, and security forces.²⁴¹

C. Stigmatization and smear campaigns

114. The practice of smearing and stigmatizing human rights defenders is a common tactic for distorting perceptions of the work they do.²⁴²
115. In northern Central America, environmental defenders have been accused of being “criminals,” “drug traffickers,” “terrorists,” “anti-development,” and “narco-leaders,” among other serious accusations.²⁴³ It has been observed that these types of messages and campaigns are coordinated to take place during specific activities carried out by human rights defenders. They are aimed at calling into question the work done by the organizations, thereby impacting their credibility and legitimacy.²⁴⁴
116. Stigmatization and smear campaigns have a differentiated impact on women environmental defenders as a result of traditional gender relationships. These types of assaults also target domestic life, family, and community environments, attacking the role of women in society and their sexuality. The Commission has received information on women human rights defenders being called “divisive” and “troublemakers.”²⁴⁵ The stigmatization and violence against them also extends to their families and communities, with clear discriminatory and racist components in the case of women defenders of indigenous or Afro-descendant origin.²⁴⁶
117. The armed conflict during the 1990s in Guatemala continues to have repercussions for the work of defending human rights. The concept of an internal enemy is today applied to

²⁴¹ UN, Report of the Special Rapporteur on the situation of human rights defenders: Visit to Honduras, [AHRC/40/60/Add.2](#), January 11, 2019, para. 24.

²⁴² IACHR, [Human Rights Situation in Guatemala](#), OEA/Ser.LV/II, December 31, 2017, para. 11.

²⁴³ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 160; MUNDUBAT, [Informe final: Misión de Observación Internacional de los Derechos Humanos de los defensores y las defensoras de la Tierra y el Territorio en Honduras](#), September 2019, pg. 12.

²⁴⁴ Coalición contra la Impunidad, [Honduras. Informe de la sociedad civil sobre la implementación del PIDCP](#), June 2017, para. 127-128.

²⁴⁵ Amnesty International, [“We Are Defending the Land with Our Blood”: Defenders of the land, territory, and environment in Honduras and Guatemala](#), September 2016, pg. 47.

²⁴⁶ IACHR, Press Release 230/18 – [IACHR Expresses Alarm over the Increase in Murders and Aggressions against Human Rights Defenders in Guatemala](#), Washington, D.C., October 31, 2018.

persons who defend land, territory, and the environment, with them being described as “opposition,” “enemies of the State,” and even “terrorists.”²⁴⁷ In this regard, the IACHR has received information on media campaigns conducted by organizations or foundations with links to active-duty and retired soldiers, as well as public statements made by State authorities against indigenous leaders and civil society organizations.²⁴⁸ In its comments on the draft of this report, the State of Guatemala indicated that no government institution or officials during the 2020-2024 presidential term has used the terms “opposition, enemies of the State, or terrorists” in referring to any individual exercising the right to demonstrate peacefully.²⁴⁹

118. Regarding Honduras, the Commission learned previously of statements made by senior State authorities that impacted the work of human rights defenders, particularly environmental defenders.²⁵⁰
119. The Commission is concerned at allegations that private enterprises participated in campaigns to stigmatize and smear human rights defenders. According to the information received, some companies have used corporate media and social media to disseminate images of human rights defenders with messages aimed at discrediting and dismissing their leadership.²⁵¹
120. For example, one private enterprise in charge of building three hydroelectric projects in Guatemala described indigenous demonstrators opposed to the projects as “violent,”

²⁴⁷ IACHR, [Human Rights Situation in Guatemala](#), OEA/Ser.L/V/II, Doc. 208/18, December 31, 2017, para. 154.

Amnesty International, [“We Are Defending the Land with Our Blood”: Defenders of the land, territory, and environment in Honduras and Guatemala](#), September 2016, pg. 7.

²⁴⁸ IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.L/V/II, Doc. 43/15, December 31, 2015, para. 221.

²⁴⁹ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFH/WEBS/ffil, November 15, 2022, pg. 10, on file with the IACHR.

²⁵⁰ During the public hearing entitled [“Situation of justice and human rights defenders in Honduras,”](#) held on December 1, 2016, the Commission was informed of the repeated statements made by senior government authorities smearing the work of human rights defenders, particularly environmental defenders, by accusing them of “links to organized crime,” “protecting vandalism,” and calling them “bad Hondurans who denigrate the country and distort reality.” Also see IACHR, [Situation of human rights in Honduras](#), OEA/Ser.L/V/II, Doc. 146, August 27, 2019, para. 167; Amnesty International, [Honduras: Autoridades deben respaldar a personas defensoras de derechos humanos frente a campañas de estigmatización](#), MR 37/5606/2017, 2017.

²⁵¹ IACHR, [Human Rights Situation in Guatemala](#), OEA/Ser.L/V/II, December 31, 2017, para. 160; Amnesty International, [“We Are Defending the Land with Our Blood”: Defenders of the land, territory, and environment in Honduras and Guatemala](#), September 2016, pgs. 48-49.

"radical," "extorters," and "human rights violators."²⁵² In Honduras, in the context of the criminalization of water defenders in the community of Guapinol, information from civil society points to the existence of stigmatization campaigns organized by investors to delegitimize the struggle.²⁵³ Likewise, according to the information received, the company Desarrollos Energéticos, Sociedad Anónima (DESA) ordered and financed a series of smear campaigns against human rights defender Berta Cáceres and members of COPINH over her opposition to building the Agua Zarca hydroelectric dam.²⁵⁴

121. Additionally, the Commission observes that at times, criminal complaints filed against indigenous authorities or leaders include language intended to discredit the person and the work they do, thereby impacting the credibility and integrity of human rights activities before society and violating their right to honor and dignity.²⁵⁵ This has repercussions in terms of respect for the principle of presumption of innocence, as well as for the proper investigation of complaints filed of crimes committed against them.²⁵⁶
122. In El Salvador, the Commission received information on the closure of an investigation into the murder of an environmental defender when it determined that "he had a friendship and romantic relationship with a Mara Salvatrucha gang member, leading to his death," or that it was "because of his sexual orientation."²⁵⁷

D. Criminalization

123. The Inter-American Commission understands the criminalization of human rights defenders to entail the use of the State's punitive power by State and non-State actors to obstruct their defense work, thereby preventing the legitimate exercise of their right to defend human rights.²⁵⁸

²⁵² IACHR, Annual Report 2018, Chapter V, [Report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2018, para. 160 and 161.

²⁵³ CESPAD, [ALERTA | Campaña de desprestigio atenta contra la integridad de los y las defensoras del Río Guapinol y Sector San Pedro](#), May 23, 2020; Defensores en línea, [Falta de voluntad política y militarización persiste en Guapinol](#), November 14, 2018.

²⁵⁴ GAIPE, [Represa de Violencia: El plan que asesinó a Berta Cáceres](#), November 2017, pgs. 5 and 18; CEJIL, Response to the IACHR questionnaire, received on March 4, 2022, on file with the IACHR.

²⁵⁵ IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.LV/II. Doc. 43/15, December 31, 2015, para. 220.

²⁵⁶ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 24.

²⁵⁷ Revista Factum, [El Salvador persigue a los guardianes del agua y la tierra](#), October 4, 2021.

²⁵⁸ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 49/15, December 31, 2015, para. 3.

124. In the subregion, the Commission has observed an increase in the use of criminal justice against persons to defend lands or territories from interests seeking to develop megaprojects and exploit natural resources, such as the mining industry, hydroelectric industry, logging, and tourism and urban development.²⁵⁹ Often the mere fact of being part of a social movement or member of a human rights organization that works on rights related to land, territory, and the environment has been taken as an indicator of criminal responsibility.²⁶⁰
125. According to the OHCHR, in 2021, Guatemala saw a 36% increase in cases of criminalization of persons involved in defending the rights to land, territory, and natural resources compared to 2020.²⁶¹ Civil society organizations in Guatemala expressed to the IACHR their disapproval of the absence of laws and practices adequate for protecting human rights defenders from the improper use of criminal law, particularly with respect to the criminalization of defenders of land, territory, and environment.²⁶² In its comments on the draft of this report, Guatemala indicated that it had held meetings via the Ministry of Governance and the National Civilian Police with campesino sectors in which their petitions were heard and working groups were set up to assist in the investigation of cases in which members of these sectors are victims.²⁶³
126. In Honduras, the OHCHR has registered 12 cases in which 68 persons (25 women, 34 persons of African descent, and 21 indigenous persons) were criminally charged, allegedly in connection with their work to defend human rights and the environment during 2021.²⁶⁴
127. Criminal law has also been used in El Salvador to restrict the work of environmental defenders. For example, during its *in loco* visit to El Salvador in 2019, the IACHR received information on the existence of rural water administration councils, which alleged they were

²⁵⁹ IACHR, Press Release 195/21, [IACHR and OHCHR Call on State to Refrain from Criminalizing Garifuna Women Human Rights Defenders in Honduras](#), Tegucigalpa/Washington, D.C., July 27, 2021; OHCHR, Situation of human rights in Guatemala 2021. Report of United Nations High Commissioner for Human Rights, *A/HRC/49/20*, February 28, 2022, para. 76; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 157; IACHR, Annual Report 2019, Chapter V, [Second report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2019, para. 184.

²⁶⁰ Amnesty International, [“We Are Defending the Land with Our Blood”: Defenders of the land, territory, and environment in Honduras and Guatemala](#), September 2016, pg. 53.

²⁶¹ OHCHR, Situation of human rights in Guatemala 2021. Report of United Nations High Commissioner for Human Rights, *A/HRC/49/20*, February 28, 2022, para. 70.

²⁶² IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 186.

²⁶³ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/fll, November 15, 2022, pg. 11, on file with the IACHR.

²⁶⁴; OHCHR, Situation of human rights in Honduras 2021. Report of United Nations High Commissioner for Human Rights, *A/HRC/49/21*, March 4, 2022, para. 44.

being subject to pressure and acts of corruption by State authorities and private actors in order to control water use. In some cases, complaints had been filed against their members for water theft with the purpose of discouraging their efforts to reclaim that right.²⁶⁵

128. The Commission has observed that in the countries of northern Central America, processes to criminalize environmental defenders generally begin with the filing of complaints that are groundless or based on criminal offenses that do not conform to the principle of legality or do not meet inter-American standards,²⁶⁶ either due to the ambiguity or vagueness of their wording or because the criminal offenses employed are unrelated to the conduct they punish.
129. In the Guatemalan system, the criminalization of persons who defend the territory and the environment is carried out through accusations of crimes like kidnapping or criminal conspiracy, coercion and threats, criminal incitement, illegal detentions, and theft,²⁶⁷ as well as usurpation and aggravated usurpation.²⁶⁸ Information from the OHCHR and the PDH Guatemala indicates that the most common and concerning criminal offense employed for these purposes is aggravated usurpation. In its 2019 report, it indicated that of the 106 cases of criminalization analyzed, 38 were for this criminal offense.²⁶⁹ The Commission has found that the use of this crime is closely related to land conflict, and it is employed systematically and constantly by Guatemalan authorities to expose community leaders to the justice system.²⁷⁰ In its comments on the draft of this report, Guatemala highlighted that everyone in Guatemala has the right to access the system of justice, and in each case, the corresponding institutions are required to employ due process and resolve it in accordance with the law.²⁷¹

²⁶⁵ IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021, para. 302.

²⁶⁶ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 49/15, December 31, 2015, para. 43.

²⁶⁷ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 43.

²⁶⁸ OHCHR, [Situation of human rights in Guatemala 2021](#). Report of United Nations High Commissioner for Human Rights, A/HRC/49/20, February 28, 2022, para. 76.

²⁶⁹ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 44.

²⁷⁰ IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 218.

²⁷¹ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFH/WEBS/ffil, November 15, 2022, pg. 11, on file with the IACHR.

130. In Honduras, criminal offenses such as "incitement to violence,"²⁷² usurpation, defamation, and slander are the ones used most commonly to criminalize human rights defenders, especially those defending the environment, land, and territory.²⁷³ The State of Honduras informed the Commission that the criminal offenses of usurpation, arson, coercion, threats, illegal demonstration, and criminal conspiracy are indeed used more frequently to criminalize these groups.²⁷⁴
131. One aspect of great concern to the IACHR were the changes to the Penal Code in Honduras made in 2019. Specifically of concern to the IACHR were the changes to the crime of usurpation,²⁷⁵ as it found it lacked precision regarding the intention for perpetrating such an act, making it more open to the discretion of judicial authorities whether this criminal offense can be used against human rights defenders.²⁷⁶ Later, in 2021, the Commission expressed concern at further reforms to the Penal Code that incorporated "seizing of public space" as a modality of the crime of usurpation.²⁷⁷ Parallel to this, changes to the criminal offense of usurpation codify continual flagrante delicto, opening the door to the use of expedited prosecutions and increased penalties, and adding aggravating circumstances. It also allows for preventive eviction, without a court order. These reforms could lead to illegitimate restrictions on freedom of expression and peaceful

²⁷² IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 42/15, December 31, 2015, para. 48.

²⁷³ IACHR, [Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle](#), OEA/Ser.LV/II. Doc. 110; June 1, 2021, para. 70; IACHR, Annual Report 2018, Chapter IV.A, [Human Rights Development in the Region](#), 2018, para. 292.

²⁷⁴ Republic of Honduras, Response to the request for information on the human rights situation of environmental defenders in Honduras, received on March 9, 2022, on file at the IACHR, pg. 8.

²⁷⁵ According to article 378 of the Penal Code, the crime of usurpation is defined as follows: "Whoever, with violence or grave intimidation of persons, occupies a property or usurps a property right that does not belong to them shall be punished with a prison term of two (2) to four (4) years, without prejudice to the imposition of the corresponding punishments for the violence used; whoever, through violence or intimidation of persons, would occupy—without authorization or intention to appropriate or incorporate into their own person wealth—a property, home, or building that does not belong to them and is not their dwelling, shall be punished with a prison term of one (1) to two (2) years.

²⁷⁶ IACHR, Press Release 174/19 – [IACHR and OHCHR Express Concern over the Provisions of the Criminal Code in Honduras and Call for a Review in Accordance with International and Inter-American Human Rights Standards](#), Washington, D.C. / Tegucigalpa, July 12, 2019.

²⁷⁷ Article 378 paragraph 4 sanctions with prison terms whoever "seizes land or space corresponding to the right to use public goods, such as a right of way, highway, street, garden, park, green area, promenade, or other places of public use or domain (...)" with the purpose of preventing a person "from doing or continuing to do their work, affecting the normal development of their activities and rights."

assembly by limiting the exercise of protest in public spaces, as well as promoting the criminalization of human rights defenders.²⁷⁸

132. In Honduras during 2021, the Commission received information on the arrest of several Garífuna women human rights defenders who were subjected to criminal proceedings under two criminal charging documents issued by the Office of the Public Prosecutor for the alleged commission of the crimes of damage, threats, theft, and usurpation of land. The charges have their origin in a civil dispute with third parties resulting from a failure to establish property lines for the ancestral lands of the Garífuna communities of Cristales and Río Negro.²⁷⁹ The IACHR learned of the detention of Jenny Boden Ruiz on July 10, 2021—now on conditional release—as well as the detention of Silvia Bonilla on June 16, 2021. Both are Garífuna women and members of the Organización Fraternal Negra Hondureña (OFRANEH). In addition, on March 3, 2021, sisters Marianela and Jennifer Mejía Solórzano, also members of OFRANEH, were arrested. During the initial hearing, a formal indictment was issued against these human rights defenders and they were granted conditional release in lieu of pretrial detention. In addition, it was learned that stemming from these two criminal charging documents, at least another 28 arrest warrants are pending.²⁸⁰
133. Regarding El Salvador, information has been received on the filing of criminal complaints for the crimes of defamation and slander as a means of criminalizing human rights defenders,²⁸¹ along with charges for the crime of "associating with gangs," codified by article 345 of the Penal Code.²⁸² In this regard, the PDDH of El Salvador reported on "the prosecution of Juan and Carlos, defenders of Cerro Juayúa, who were also prosecuted for criminal offenses typically used in the country to imprison gang members."²⁸³ According to publicly-available information, environmental defenders Juan Pablo López Beltrán and "Carlos" were arrested on October 29, 2019, by agents of the National Civilian Police on

²⁷⁸ IACHR, Press Release 304/21, [IACHR Concerned About the Implementation of Legislative Reforms with a Regressive Impact on the Exercise of the Right to Protest in Honduras](#), Washington, D.C., November 16, 2021.

²⁷⁹ IACHR, Press Release 195/21 – [IACHR and OHCHR Call on State to Refrain from Criminalizing Garífuna Women Human Rights Defenders in Honduras](#), Tegucigalpa/Washington, D.C., July 27, 2021.

²⁸⁰ IACHR, Press Release 195/2021, [IACHR and OHCHR Call on State to Refrain from Criminalizing Garífuna Women Human Rights Defenders in Honduras](#), July 27, 2021.

²⁸¹ Amnesty International, [Amnesty International Report 2016/17. The state of the world's human rights](#), 2017, pg. 173; See: Criminal Procedural Code of El Salvador, articles 177 and 178.

²⁸² PDDH El Salvador, Response to the IACHR questionnaire, received on January 22, 2022, on file with the IACHR.

²⁸³ PDDH El Salvador, Response to the IACHR questionnaire, received on January 22, 2022, on file with the IACHR.

charges of "terrorist organizing" and "restricting the right to circulation."²⁸⁴ After undergoing a judicial process lasting almost two years, Juan was convicted of the crime of terrorist organizing, with a reduced sentence of community service. According to his statements to the media, the human rights defender was forced to opt for an abbreviated process due to the inadequate legal assistance he received.²⁸⁵

134. The Commission has also received information on the criminalization of water and water resources defenders in a Salvador. One example of this is the process brought in 2016 against six water defenders from seven communities of Tacuba, Ahuachapán,²⁸⁶ charging them with the crime of aggravated theft, water theft, and property usurpation.²⁸⁷ According to publicly-available information, the criminal process for the offense of aggravated theft remains ongoing.²⁸⁸
135. For women human rights defenders, criminalization inhibits the human rights defense work they do while increasing and exacerbating existing social inequalities.²⁸⁹ The criminalization of women human rights defenders has a differentiated impact, since they also play the role of caregivers for their families. Women defenders in Guatemala pointed out that they have had to deal with impacts to their finances, health, organizations, families, and communities as a consequence of criminalization.²⁹⁰ They also indicated that criminalization has a serious impact on their lives, both directly and through their husbands, fathers, or children.²⁹¹ They stated that criminalization of women is not the same as the criminalization experienced by men, since they also have to worry about

²⁸⁴ *Revista Factum*, [El Salvador persigue a los guardianes del agua y la tierra](#), October 4, 2021.

²⁸⁵ *Revista Factum*, [El Salvador persigue a los guardianes del agua y la tierra](#), October 4, 2021.

²⁸⁶ Red Salvadoreña de defensores de derechos humanos y otras, *Attacks on human rights defenders and journalists in the context of COVID-19 in El Salvador*, 2020, p. 14; WOLA, [Gaps in Human Rights Protections in El Salvador: Evaluating State Capacity to Protect and Promote Human Rights](#), September 2019, pg. 42. FESPAD, [El rol de la persona defensora de DDHH en el marco de los procesos sociales vinculados al Derecho Humano al Agua](#), April 28, 2022, pg. 37.

²⁸⁷ *Revista Factum*, [El Salvador persigue a los guardianes del agua y la tierra](#), October 4, 2021; FESPAD, [El rol de la persona defensora de DDHH en el marco de los procesos sociales vinculados al Derecho Humano al Agua](#), April 28, 2022, pg. 37-39.

²⁸⁸ *La luciérnaga de Ocote*, [Defender el agua para terminar criminalizado por el Estado](#), June 30, 2022.

²⁸⁹ IACHR, Press Release 195/21 – [IACHR and OHCHR Call on State to Refrain from Criminalizing Garifuna Women Human Rights Defenders in Honduras](#), Tegucigalpa/Washington, D.C., July 27, 2021.

²⁹⁰ [Joint Shadow Report Submitted to the Committee against Torture, 2014-2018](#), October 19, 2018, para. 182.

²⁹¹ IACHR, Public Hearing, [Situation of the human rights of environmental defenders in Guatemala](#), 182 regular session, Washington, D.C., December 15, 2021.

taking care of the children and doing housework. They indicated that intimidation by companies affects their way of life.²⁹²

136. At the same time, the Commission has been informed of alleged delays in criminal processes, deadline extensions, and hearing suspensions in these cases, often leading to unnecessary transfers, which has increased the anxiety and uncertainty of the human rights defender deprived of liberty.²⁹³ Such was the case of María Cuch Choc, a Q'eqchi' environmental defender in El Estor, municipality of Izabal, Guatemala, who spent three years waiting for a legal situation to be resolved after she was accused by a private company of illegal detention, threats, and usurpation in January 2018 and her hearings were repeatedly postponed.²⁹⁴ The Commission learned through publicly-available information that after four years of her criminal process, on May 21, 2022, the judge of the Puerto Barrios de Izabal Sentencing Court convicted María Choc and sentenced her to two years in prison, commuted, for the crime of aggravated usurpation.²⁹⁵ In its comments on the draft of this report, the State of Guatemala said it had found no information on María Choc. At the same time, it indicated that Directive Number 04-2021, issued by the Office of the Attorney General and Head of the Office of the Public Prosecutor on March 4, 2021, implements the "Protocol for investigating crimes of usurpation, aggravated usurpation, and usurpation of protected areas." The objective is to establish a procedure for handling, criminal investigating, and take action on these crimes while respecting basic human rights principles.²⁹⁶

137. A pattern of extended use of pretrial detention in cases involving environmental defenders has also been used in its criminalization. In Guatemala, the Commission received information on the unjustified use of criminal offenses such as "kidnapping" or "criminal conspiracy," which are not eligible for measures in lieu of pretrial detention.²⁹⁷ An example of this is the case of Abelino Chub Caal, a Q'eqchi' Mayan indigenous person and member

²⁹² IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 173.

²⁹³ IACHR, Annual Report 2018, Chapter V, [Report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2018, para. 164; Amnesty International, [Guatemala: Liberación de 7 defensores demuestra el mal uso del sistema de justicia](#), July 26, 2016; Front Line Defenders, [Environmental and Indigenous Rights Defenders of Huehuetenango Released](#), July 29, 2016.

²⁹⁴ OMCT and FIDH, [Guatemala: una deuda sin saldar. Ciudadanía en resistencia ante el desmantelamiento del estado de derecho](#), June 26, 2022; Front Line Defenders, [Judicial harassment of María Magdalena Cuc Choc](#), January 24, 2018.

²⁹⁵ IM Defensoras - GUATEMALA / [Condenan a 2 años de cárcel conmutables a la defensora maya Q'eqchi María Choc](#), June 30, 2022; [El Gafete, Condenan a María Cuc, defensora de derechos humanos](#), June 27, 2022.

²⁹⁶ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/fll, November 15, 2022, pg. 14, on file with the IACHR.

²⁹⁷ IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 175.

of the Fundación Guillermo Toriello, charged with the crimes of aggravated usurpation, arson, and criminal conspiracy.²⁹⁸ After spending more than two years in pretrial detention, Abelino was finally acquitted on April 26, 2019.²⁹⁹ The Commission also received information on the criminal process brought against seven indigenous authorities and/or community leaders in the Department of Huehuetenango. They were imprisoned without justification for 14 months before five of them were acquitted. These defenders had played an important role in the community resistance to the Hidro Santa Cruz hydroelectric project.³⁰⁰ In its comments on the draft of this report, Guatemala indicated that for Abelino Chub, there were five cases before different prosecutors, of which four had been dismissed and one had been closed.³⁰¹

138. In Honduras, the IACHR learned of the case of the water defenders of the Guapinol community. The eight persons criminalized are members of the Comité Municipal en Defensa de los Bienes Comunes y Públicos (CMDBCP), an organization that reports on the environmental, human, economic, and social impacts of the mining megaproject concessions in the Carlos Escaleras Mejía Montaña de Botaderos National Park granted to the company Los Pinares. José Daniel Márquez, Kelvin Alejandro Romero, José Abelino Cedillo, Porfirio Sorto Cedillo, Ewer Alexander Cedillo, Orbin Nahún Hernández, and Arnol Javier Alemán have been in pretrial detention since August 2019, accused of the crimes of illegal deprivation of liberty and aggravated arson. For his part, Jeremías Martínez has been in pretrial detention since December 2018.³⁰²
139. The United Nations Working Group on Arbitrary Detention concluded that their detention was arbitrary and urged the State of Honduras "to release the eight human rights defenders immediately and grant them the effective right to obtain both compensation and the necessary reparation for the violation of their rights."³⁰³ Despite this, on October 28, 2021,

²⁹⁸ FIDH, Guatemala: [Absolución y liberación de Abelino Chub Caal](#), March 29, 2019; [Prensa Libre, Tribunal absuelve a Abelino Chub Caal y ordena su libertad inmediata](#), October 22, 2019; [La Hora, Abelino Chub Caal es declarado inocente](#), April 26, 2019.

²⁹⁹ Front Line Defenders, [Guatemala: Case of Abelino Chub Caal](#), April 30, 2019.

³⁰⁰ IACHR, Annual Report 2016, Chapter V, [Follow-up of Recommendations Formulated by the IACHR in its Report on the Situation of Human Rights in Guatemala: Diversity, Inequality, and Exclusion](#), 2016, para. 60.

³⁰¹ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFH/WEBS/fll, November 15, 2022, pg. 14, on file with the IACHR.

³⁰² IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 92-94; Amnesty International, [Honduras: Amnesty International urges authorities to immediately release eight prisoners of conscience](#), December 9, 2021.

³⁰³ UN, Working Group on Arbitrary Detention, Opinion no. [85/2020](#), regarding José Daniel Márquez, Kelvin Alejandro Romero Martínez, José Abelino Cedillo, Porfirio Sorto Cedillo, Orbin Nahún Hernández, Arnold Javier Alemán, Ewer Alexander Cedillo Cruz and Jeremías Martínez Díaz regarding Honduras, [A/HRC/WGAD/2020/85](#), February 24, 2021, para. 96

the Trujillo Sentencing Court ordered the eight Guapinol defenders be kept in pretrial detention.³⁰⁴ It was not until December 1, 2021 that the trial of the eight human rights defenders began.³⁰⁵ On February 9, 2022, the Trujillo Trial Court handed down a conviction of six of the eight defenders and acquitted Jeremías Martínez and Arnol Javier Alemán. However, on February 10, the Constitutional Chamber of the Supreme Court of Justice (CSJ) ruled to release the remaining six environmental defenders, finding violations of due process. The human rights defenders had been held in pretrial detention for two and a half years.³⁰⁶

140. In El Salvador, the Commission learned of the arrest of three community leaders on November 25, 2021 at Hacienda La Labor, Ahuachapán, allegedly for their opposition to the drilling of a well by a housing development company.³⁰⁷ According to the information available, the three detainees were held in pretrial detention for two months until the judicial authority decided to issue measures in lieu of detention, leaving them to undergo the process while free.³⁰⁸
141. The IACHR has additionally found that the private enterprises or actors whose projects are opposed by human rights defenders have played an important role in criminalizing them. Information has been received on the use of criminal complaints by companies or their representatives as a means of exerting pressure. They offer to withdraw the complaints or drop the processes in exchange for the leaders accepting or encouraging acceptance of a certain project.³⁰⁹ They also participate as joint plaintiffs or victims in criminal cases.³¹⁰ The

³⁰⁴ UN, [OACNUDH lamenta resolución del Tribunal de Sentencia de Trujillo que ordena mantener en detención preventiva a los defensores de Guapinol](#), October 29 ,2021; OMCT, [Honduras: Intimidación contra las familias de los defensores de Guapinol](#), December 3, 2021.

³⁰⁵ OMCT, [Honduras: Intimidación contra las familias de los defensores de Guapinol](#), December 3, 2021.

³⁰⁶ OHCHR, [OHCHR: Condena de seis defensores del Río Guapinol contraviene obligaciones de derechos humanos](#), February 9, 2022; [Radio Progreso, Sala Constitucional falla recursos a favor de defensores de Guapinol y ordena libertad](#), February 10, 2022; [El Heraldó, Sala de lo Constitucional resuelve dejar en libertad a imputados del caso Guapinol](#), February 11, 2022.

³⁰⁷ FESPAD, [El rol de la persona defensora de DDHH en el marco de los procesos sociales vinculados al Derecho Humano al Agua](#), April 28, 2022, pgs. 41-42; PDDH El Salvador, Response to the IACHR questionnaire, received on January 22, 2022, on file with the IACHR.

³⁰⁸ FESPAD, [El rol de la persona defensora de DDHH en el marco de los procesos sociales vinculados al Derecho Humano al Agua](#), April 28, 2022, pgs. 41-42; PDDH El Salvador, Response to the IACHR questionnaire, received on January 22, 2022, on file with the IACHR.

³⁰⁹ IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.LV/II, December 31, 2015, para. 216.

³¹⁰ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 32.

Commission was also informed that even when the Office of the Public Prosecutor has moved to dismiss a case, the companies appeal and are able to keep it going.³¹¹

142. For example, in Guatemala, indigenous defender Bernardo Caal Xol was charged with the crimes of aggravated illegal detention and aggravated theft and convicted and sentenced to seven years in prison after Netzone S.A. filed a criminal complaint and then participated as a joint plaintiff in the criminal process.³¹² No measures in lieu of pretrial detention are allowed for the crimes with which Bernardo Caal was charged. United Nations experts concluded that the Q'eqchí leader was convicted in an apparent attempt to silence and discredit the legitimate exercise of the rights of the indigenous community.³¹³ The Commission learned that on March 24, 2022, Bernardo Caal was released after having been deprived of his liberty since 2018.³¹⁴ In its comments on the draft of this report, Guatemala indicated that pretrial detention is a juridical and legal tool, provided for by law, with duly established procedural conditions and whose application is mandatory.³¹⁵
143. In Honduras, the Commission also received information on the use of criminal law by private and/or State actors by leveraging criminal offenses like “incitement to violence” to intimidate with the threat of the possibility of criminal prosecution.³¹⁶
144. In El Salvador, the Commission learned of the case of environmental defender Sonia Sánchez, who faced a criminal prosecution in 2015 for defamation and slander after she alleged environmental damage caused by an urban development in the municipality of Santo

³¹¹ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 32.

³¹² *Prensa Libre*, [Defender el agua no es delito](#), February 22, 2022; OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 32.

³¹³ OHCHR, [Alto Comisionado para los Derechos Humanos, Expertos de ONU preocupados por condena a líder indígena en represalia por oposición al proyecto hidroeléctrico OXEC](#), December 19, 2018.

³¹⁴ Amnesty International, [Guatemala: Bernardo Caal Xol should never have spent a day in prison](#), March 25, 2022; *Plaza Pública*, [Bernardo Caal Xol, el defensor del río, está libre y dice que la lucha continúa](#), March 25, 2022.

³¹⁵ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/II, November 15, 2022, pg. 15, on file with the IACHR.

³¹⁶ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 42/15, December 31, 2015, para. 48.

Tomás.³¹⁷ In the end, in August 2016, a judgment was issued acquitting Sonia Sánchez upon finding that there had been no intent to damage the honor of the accusing company.³¹⁸

145. Additionally, information was received on the implementation of measures in lieu of pretrial detention for cases of environmental defenders. Although this is a positive development in principle, the Commission has received information on the disproportionate impacts or implications of these types of measures for human rights defenders and their defense activities. In some cases, they have to appear before a court in the city on a weekly basis, and if they fail to do so, they are deprived of their liberty.³¹⁹ Considering that the persons involved in these criminal processes often belong to campesino, indigenous, or Afro-descendant communities, such measures are very costly for them. In other cases, the human rights defenders are warned not to associate with human rights organizations and avoid attending the meetings of social movements, cutting them off from the causes they defend.³²⁰

E. Access to justice in cases of crimes committed against defenders of the environment, land, and territory

146. The Commission notes that most of the crimes committed against these groups remain in impunity. The Commission has indicated that impunity for these crimes is a factor that contributes to causing, contributing to, or worsening conflict and, in general, the violence that affects human rights defenders.³²¹

147. The situation of impunity in the countries of northern Central America has been of great concern to the IACHR.³²² In cases of territory defenders, the widespread impunity is

³¹⁷ *Resumen latinoamericano*, [El Salvador. Sonia Sánchez, profetisa en su tierra](#), March 9, 2021; IM Defensoras, [#AlertaDefensoras EL SALVADOR / Criminalización y amenazas de muerte a Sonia Sánchez, defensora del territorio y el medio ambiente](#), November 3, 2015;

³¹⁸ Amnesty International, [Amnesty International Report 2016/17: The state of the world's human rights](#), 2017, pg. 173; IM Defensoras, [IM-Defensoras celebra sentencia absolutoria en el caso de criminalización a la defensora salvadoreña Sonia Sánchez](#), August 29, 2016.

³¹⁹ International Land Coalition, [Situación de defensoras y defensores de la tierra y el medio ambiente. Honduras](#), November 11, 2020, pg. 14; UN, Report of the Special Rapporteur on the situation of human rights defenders: Visit to Honduras, [A/HRC/40/60/Add.2](#), January 11, 2019, para. 28.

³²⁰ Amnesty International, [“We Are Defending the Land with Our Blood”: Defenders of the land, territory, and environment in Honduras and Guatemala](#), September 2016, pg. 42.

³²¹ IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.LV/II. Doc. 43/15, December 31, 2015, para. 209.

³²² IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 54; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 77; IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021, para. 285, para. 337.

reflected in the lack of progress in investigating the threats, assaults, and murders that have been documented.³²³

148. In Guatemala, the State informed the Commission that between 2017 and 2019, 11 cases of crimes against the lives of human rights defenders were investigated, and only one complaint of murder was filed between 2019 and 2020.³²⁴ However, according to UDEFEGUA, of the 52 murders that took place between 2017 2019, the trial court issued a judgment in only five cases.³²⁵ In its comments on the draft of this report, Guatemala highlighted the importance of complaints for State institutions to be able to take quick and complete action.³²⁶

149. In Honduras, despite the years that have passed, progress in terms of access to justice has generally been nonexistent, with the country having the highest rate of impunity in the Americas,³²⁷ at 97% of impunity for these crimes.³²⁸ The United Nations Special Rapporteur also noted this, observing that the vast majority of murders of and attacks on human rights defenders remain in impunity, with either no investigation being open or the investigation producing no results.³²⁹ According to OHCHR Honduras, during 2021 and 2020 there was no progress made on the murder of 19 human rights defenders,³³⁰ while between 2019 and 2018, the Special Prosecutor for the Protection of Human Rights

³²³ Amnesty International, [“We Are Defending the Land with Our Blood”: Defenders of the land, territory, and environment in Honduras and Guatemala](#), September 2016, pg. 20.

³²⁴ State of Guatemala, Expanded State Report within the framework of the 177th Period of Sessions on the Situation of Human Rights in Guatemala, Diplomatic Note NV-OEA-M4-No.896-2020 of November 27, 2020.

³²⁵ UDEFEGUA, Impunity in cases of deprivation of life of human rights defenders 2017-2019, September 2020, pg. 49; IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020.

³²⁶ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/ffll, November 15, 2022, pg. 16, on file with the IACHR.

³²⁷ IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 92; IACHR, Annual Report 2020, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2020, para. 92; Amnesty International, [“We Are Defending the Land with Our Blood”: Defenders of the land, territory, and environment in Honduras and Guatemala](#), September 2016, pg. 7; IACHR, Public Hearing, [Follow-up on the mechanism for the protection of human rights defenders in Honduras](#), 159th regular period of sessions, Panama City, Panama, December 1, 2016.

³²⁸ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 77.

³²⁹ UN, Report of the Special Rapporteur on the situation of human rights defenders: Visit to Honduras, [A/HRC/40/60/Add.2](#), January 11, 2019, para. 25.

³³⁰; OHCHR, Situation of human rights in Honduras 2021. Report of United Nations High Commissioner for Human Rights, [A/HRC/49/21](#), March 4, 2022, para. 46.

Defenders, Journalists and Justice Officials (FEPRODDHH), did not file any charges regarding them, despite having received 199 complaints.³³¹

150. During its visit to Honduras in 2018, civil society organizations described the existence of what they consider to be “selective justice,” which, on the one hand, acts late without offering an effective response to human rights violations, and, on the other hand, in some cases acts in favor of the interests of various actors linked to public, political, and business power, even as processes against opposition or human rights defenders move forward swiftly.³³²
151. According to the OHCHR, two years after the disappearance of the Garifuna leaders in Honduras, no progress has been made toward investigating the facts or on actions aimed at establishing their whereabouts and guaranteeing access to justice, truth, and adequate reparations.³³³ In the case of Bajo Aguan, the United Nations Special Rapporteur found that despite having registered the murders of 90 campesinos between 2013 and 2018, as of 2019, only 12 convictions had been handed down.³³⁴
152. For its part, the State of Honduras told the Commission that the Office of the Public Prosecutor had prosecuted cases of crimes against the lives of environmental defenders, including the cases of Carlos Antonio Luna López, Feliz Vásquez, Berta Cáceres, and Salomón and Juan Samael Matute, among others. The State also indicates having secured conviction of a person in the case of Luna López, as well as having convicted eight persons in the case of Berta Cáceres.³³⁵
153. The Commission has received information on structural failures that block the progress of investigations into crimes against human rights defenders.³³⁶ These factors foster a context

³³¹ OHCHR, Situation of human rights in Honduras. Report of the United Nations High Commissioner on Human Rights, *A/HRC/46/75*, March 10, 2021, para. 31.

³³² IACHR, Meeting with relatives of victims of persons killed and injured in the post-electoral context, Tegucigalpa, July 31, 2018; IACHR, Public Hearing, [Persons Criminalized and Deprived of Liberty in the Post-Election Context in Honduras](#), 169th Regular Period of Sessions, Boulder, United States, October 3, 2018.

³³³; OHCHR, Situation of human rights in Honduras 2021. Report of United Nations High Commissioner for Human Rights, *A/HRC/49/21*, March 4, 2022, para. 21.

³³⁴ UN, Report of the Special Rapporteur on the situation of human rights defenders: Visit to Honduras, *A/HRC/40/60/Add.2*, January 11, 2019, para. 43.

³³⁵ Republic of Honduras, Response to the request for information on the human rights situation of environmental defenders in Honduras, received on March 9, 2022, on file at the IACHR, pg. 9.

³³⁶ WOLA, [Human Rights Protections in Guatemala: Evaluating State Capacity to Protect and Promote Human Rights](#), December 2019, pg. 19. WOLA, [Human Rights Protections in Honduras: Evaluating State Capacity to Protect and Promote Human Rights](#), December 2019, pg. 31.

of impunity, with a high number of attacks and assaults on these groups on one hand, and on the other, few judgments legally establishing the facts that took place and holding the material perpetrators and masterminds criminally responsible. In Honduras, for example, civil society organizations indicate that the ongoing impunity is a result of the complexity of the institutional structures intended to direct and conduct criminal investigations, among other factors, as well as a lack of capacity of the Office of the Public Prosecutor to carry out investigations with due diligence and a general policy that includes investigation protocols.³³⁷

154. In El Salvador, civil society organizations indicate that the main limiting factors on conducting diligent investigations include a lack of institutions specializing on crimes against human rights defenders, a lack of protocols and other prescriptive instruments for investigating such crimes, and a lack of registries to document when crimes affect human rights defenders. Additionally, they note that crimes brought before the Office of the Attorney General of the Republic do not move forward in a preliminary investigation stage due to weaknesses in the prosecutors' argumentation and evidence gathering, attributable to a lack of technical capacity, in addition to excessive workloads and insufficient material resources.³³⁸
155. The Commission has also received information on the lack of trust in investigating authorities,³³⁹ which has frequently meant that human rights defenders do not report the crimes of which they are the victims.³⁴⁰ In Guatemala, for example, figures from the Guatemala PDH and the OHCHR indicate that only 43% of human rights defenders file complaints over incidents of violence committed against them, meaning that 6 out of 10 attacks are not reported.³⁴¹ In the context of defense of land and territory Guatemala, the IACHR has noted the lack of attention given to reports of threats against social and community actors to prevent them from being carried out, as well as a lack of the presence of authorities when needed by communities to guarantee protection and security for their

³³⁷ WOLA, [Human Rights Protections in Honduras: Evaluating State Capacity to Protect and Promote Human Rights](#), December 2019, pg. 31.

³³⁸ WOLA, [Gaps in Human Rights Protections in El Salvador: Evaluating State Capacity to Protect and Promote Human Rights](#), September 2019, pg. 25.

³³⁹ IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 51.

³⁴⁰ IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020. OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 101; Amnesty International, ["We Are Defending the Land with Our Blood": Defenders of the land, territory, and environment in Honduras and Guatemala](#), September 2016, pg. 32.

³⁴¹ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 101.

members.³⁴² In its comments on the draft of this report, Guatemala recognized that one of the obstacles when it comes to murders of human rights defenders is a failure of victims to report them.³⁴³ It also indicated that security and justice institutions take action to encourage the population to file complaints.³⁴⁴

156. The Commission additionally observes that in some cases, the complaints filed regarding crimes committed against human rights defenders are classified as normal criminal activity in the context of widespread insecurity in all three countries, rather than attributed to the victims' work defending human rights. In Guatemala, civil society organizations indicate that justice officials dismissed from the start the defense work of the victim, attributing the facts to "land conflicts" without further investigation.³⁴⁵ At the same time, there have been reports of cases in which land defenders have been described as linked to criminal activities like the invasion and illegal appropriation of private farms, with their deaths related to such facts.³⁴⁶ In its comments on the draft of this report, Guatemala indicated that, pursuant to General Directive 5-2018, the Office of the Public Prosecutor complies with the norms established by legislation. Rationale is given based on the investigative hypothesis derived from the preliminary investigations carried out, pursuant to the analysis and criteria of the prosecutor, and it is determined whether the prosecutor has competency.³⁴⁷

157. In El Salvador, civil society organizations informed the IACHR that the State leaves attacks on human rights defenders invisible, attributing them to the country's overall lack of security, not the hypothesis that the crimes could have been committed in retaliation for

³⁴² IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.LV/II. Doc. 43/15, December 31, 2015, para. 209.

³⁴³ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/fll, November 15, 2022, pg. 4, on file with the IACHR.

³⁴⁴ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/fll, November 15, 2022, pg. 17, on file with the IACHR.

³⁴⁵ UDEFEGUA, Impunity in cases of deprivation of life of human rights defenders 2017-2019, September 2020, pg. 59.

³⁴⁶ UDEFEGUA, Impunity in cases of deprivation of life of human rights defenders 2017-2019, September 2020, pg. 59.

³⁴⁷ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/fll, November 15, 2022, pg. 17, on file with the IACHR.

their defense activities.³⁴⁸ There is consequently no registry of the number of attacks or cases related to these groups.³⁴⁹

158. Additionally, civil society organizations informed the Commission of the failure to incorporate gender and multicultural approaches into investigations into crimes committed against human rights defenders in Guatemala.³⁵⁰ The IACHR has found that a series of factors persist in Guatemala that impact the real possibility of access to the State justice system in rural areas, including significant geographical, economic, linguistic, and cultural barriers.³⁵¹
159. The IACHR also observes that one of the main challenges to pursuing investigations with due diligence lies in the insufficient production of statistical information on attacks against human rights defenders in Guatemala, Honduras, and El Salvador. Civil society organizations in Guatemala point to the lack of a unified database documenting the number of reports of crimes against these groups, the status of their processing and prosecution, and other disaggregated information on the cases.³⁵² For its part, the State of Guatemala reported that the Computerized Investigation Control System of the Office of the Public prosecutor (SICOMP) does not specify how many human rights defenders were victimized in connection with the work they do on national territory.³⁵³ It added that

³⁴⁸ IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021, para. 285; IACHR, [Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle](#), OEA/Ser.LV/II. Doc. 110; June 1, 2021, para. 60.

³⁴⁹ WOLA, [Gaps in Human Rights Protections in El Salvador: Evaluating State Capacity to Protect and Promote Human Rights](#), September 2019, pg. 7. For example, the Commission is aware that after the murder of the priest Cecilio Pérez Cruz in May 2019 in Juayúa, initial speculation was that it was common crime committed by gangs. However, according to the information available, a variety of testimony indicates that Father Cecilio Pérez Cruz used religious ceremonies to publicly denounce illegal logging five private companies on El Águila Mount, which could be related to the motive behind his murder. Likewise, in the case of the murder of environmental defender Dina Yaseni Puente in August 2018 in Jujutla, Ahuachapán, authorities from the National Civilian Police alleged publicly that the human rights defender and the facts of her death were linked to criminal activities and gangs, including in response to allegations that her murder was possibly in retaliation for her human rights defense work. The PDDH of El Salvador indicated that "despite the fact that there were activities linking her to environmental defense work, her femicide was prosecuted for 'ties to gangs.'"

³⁵⁰ CEJIL, Response to the IACHR questionnaire, received on March 4, 2022, on file with the IACHR; IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020.

³⁵¹ IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.LV/II. Doc. 43/15, December 31, 2015, para. 406.

³⁵² IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020; WOLA, [Human Rights Protections in Guatemala: Evaluating State Capacity to Protect and Promote Human Rights](#), December 2019, pg. 30.

³⁵³ State of Guatemala, Expanded State Report within the framework of the 177th Period of Sessions on the Situation of Human Rights in Guatemala, Diplomatic Note NV-OEA-M4-No.896-2020 of November 27, 2020.

“pursuant to instructions from the Office on Criminal Policy of the Public Ministry, the national complaint registration system is being adapted to determine the cases related to human rights defenders.”³⁵⁴ In its comments on the draft of this report, the Guatemalan State indicated that all complaints are registered in the SICOMP, but a new system (called ASTREA) is being implemented that will have more case registry information. Also, on September 29, 2022, the Office on Indigenous Peoples asked that fields be included in the SICOMP to identify crimes committed against environmental defenders, indigenous peoples, indigenous authorities, and community leaders.³⁵⁵

160. In Honduras, civil society organizations indicated that in terms of prosecutors, the data provided by the Office of the Public Prosecutor and the FEDDDH do not allow for clear follow-up on the cases registered and the cases that reach a judgment, mainly because they do not allow for monitoring when the victim is a human rights defender.³⁵⁶
161. The Commission is aware of some measures intended to move the investigations forward regarding crimes committed against human rights defenders in Guatemala and Honduras. In Guatemala, the IACHR learned of the establishment of a unit under the Office of the Public Prosecutor for Human Rights specializing in crimes committed against human rights defenders, as well as the adoption of General Directive 05-2018 establishing an investigation protocol for crimes committed against human rights defenders. Additionally, the State of Guatemala highlighted the work of the Office on Criminal Analysis of the Office of the Public Prosecutor, which deploys methodologies and techniques to identify patterns of criminality, including in matters related to human rights defenders.³⁵⁷ However, civil society organizations indicate that the special investigation protocol was only applied in three out of ten cases in which a human rights defender’s life was taken, in connection with their human rights work.³⁵⁸ Likewise, in no case between 2017 and 2019 of the killing of human rights defenders were existing investigations into acts against the same person or

³⁵⁴ State of Guatemala, Expanded State Report within the framework of the 177th Period of Sessions on the Situation of Human Rights in Guatemala, Diplomatic Note NV-OEA-M4-No.896-2020 of November 27, 2020.

³⁵⁵ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/fll, November 15, 2022, pg. 18, on file with the IACHR.

³⁵⁶ WOLA, [Human Rights Protections in Honduras: Evaluating State Capacity to Protect and Promote Human Rights](#), December 2019, pg. 29.

³⁵⁷ State of Guatemala, Expanded State Report within the framework of the 177th Period of Sessions on the Situation of Human Rights in Guatemala, Diplomatic Note NV-OEA-M4-No.896-2020 of November 27, 2020; IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020.

³⁵⁸ IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020.

organization joined or connected.³⁵⁹ In its comments on the draft of this report, the State of Guatemala indicated that the National Civilian Police has an Office on Threats and Attacks against Human Rights Defenders, which is in charge of conducting a criminal investigation and documenting, advising, and reporting on criminal offenses against the lives and integrity of human rights defenders. However, in matters of criminal investigation, the police are auxiliary to the Office of the Public Prosecutor. It underscored that the Prosecutor on Crimes against Activists and Human Rights Defenders of the Office of the Public prosecutor is in charge of investigating acts committed against these groups.³⁶⁰

162. In Honduras, the Commission is aware of the establishment of the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials (FEPRODDHH).³⁶¹ However, the Commission is also aware that civil society has raised serious questions over FEPRODDHH's failure to prosecute the cases reported to it.³⁶² The IACHR has also received information indicating that its operations face a series of challenges, as detailed in chapter VI of this report.

163. The Commission has also identified obstacles to effective interagency coordination that block investigations for moving forward. In this regard, civil society in Guatemala indicated that the Office of the Public Prosecutor for Human Rights is the body with competence to handle crimes against human rights defenders. Municipal and district prosecutors therefore must take action to coordinate once they learn of a case related to these groups. However, that coordination is not being encouraged, especially with the lack of awareness of General Directive 05-2018³⁶³ and the failure to disseminate it. In cases where the coordination was fostered, it was the organizations to which the victims belonged or their legal representatives who pushed for it.³⁶⁴ In its comments on the draft of this report, Guatemala indicated that the Office of the Public Prosecutor has a Prosecutor for Crimes against Activists and Human Rights Defenders. It indicated that the Office of the Public Prosecutor has a Human Rights Policy on criminal prosecution, the objective of which is to guarantee the rights of victims and enhance the investigation and criminal prosecution of grave

³⁵⁹ UDEFEGUA, Impunity in cases of deprivation of life of human rights defenders 2017-2019, September 2020, pg. 38; IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020.

³⁶⁰ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/ffil, November 15, 2022, pg. 19, on file with the IACHR.

³⁶¹ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 95.

³⁶² PBI-Honduras, [Deconstruir para construir. La situación de derechos humanos en Honduras](#). May 2022, pg. 55.

³⁶³ UDEFEGUA, Impunity in cases of deprivation of life of human rights defenders 2017-2019, September 2020, pg. 59.

³⁶⁴ UDEFEGUA, Impunity in cases of deprivation of life of human rights defenders 2017-2019, September 2020, pg. 29.

human rights violations and violations of international humanitarian law.³⁶⁵ In Honduras, the Commission received information on the failure of the FEDDHH and the Special Prosecutor on Crimes against Life to coordinate. This overlapping of agencies and—in some cases—functions generates confusion with respect to each entity's obligations that can impact the ability to mount an effective and timely response.³⁶⁶

164. The IACHR regrets that it does not have sufficient information on the progress of investigations into the crime of threats against human rights defenders. For example, according to civil society organizations, there was a failure to investigate the threats received by Bernardo Caal shortly after his initial actions to defend the Cahabón River and the rights of the Q'eqchis' communities of Santa María Cahabón.³⁶⁷ The Commission also observes a lack of technical capacity to investigate the threats, the result being that many human rights defenders, including the beneficiaries of precautionary measures of the IACHR, have been murdered.

165. Based on information analyzed, there is a clear lack of progress toward investigating the crimes committed against those who defend the environment, land, and territory in the countries of northern Central America. In particular, structural challenges have been identified that prevent these investigations from moving forward. For El Salvador, the Commission regrets not having enough information to evaluate the current situation of those who dedicate themselves to this type of human rights defense in the country. Specifically, it reiterates its concern that the incidents of violence registered in El Salvador are being attributed to common crime and not analyzed based on the possibility that they represent some type of retaliation for human rights defense activities. The Commission highlights that it is important for the States of northern Central America to publicly recognize that the most effective means for protecting environmental and human rights defenders is to effectively investigate acts of violence against them in order to identify and solve the cases, punish those responsible, and thereby prevent repetition.

Regarding investigation of the case of Berta Cáceres in Honduras

166. Since her murder on March 3, 2016, the Commission has closely followed the progress of the investigations into the truth of the facts and the prosecution and punishment of all those

³⁶⁵ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFH/WEBS/ffil, November 15, 2022, pg. 19, on file with the IACHR.

³⁶⁶ IACHR, [Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle](#), OEA/Ser.LV/II. Doc. 110; June 1, 2021, para. 57.

³⁶⁷ Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR.

responsible for the murder of Berta Cáceres, including masterminds.³⁶⁸ Throughout this monitoring, the IACHR has received concerning information about the various shortcomings and challenges in the framework of this criminal investigation. In this regard, the COPINH and relatives of Berta Cáceres have pointed to a lack of access to relevant information regarding the progress of the investigation, the suspension or cancellation of proceedings, and other irregularities that have prevented the process from moving forward.³⁶⁹

167. Despite the repeated delays in the judicial process, which have given the Commission cause for concern,³⁷⁰ some positive progress has been made in the framework of this investigation. In this regard, the IACHR recognized the oral judgment issued on November 28, 2018, as an important step forward. The judgment convicted seven of the material perpetrators responsible for the murder of the human rights defender, hired by DESA executives.³⁷¹ However, it was not until December 2, 2019, one year after the trial concluded, that the First Chamber of the Tegucigalpa Sentencing Court with National Territorial Jurisdiction confirmed their material responsibility for these facts.³⁷² On July 5, the Commission learned of the guilty verdict against David Castillo, the former manager of DESA, upon finding that he was one of the co-masterminds behind her murder.³⁷³ The IACHR notes that the sentence against David Castillo was confirmed on July 5, 2022, and it hailed this ruling as a step toward access to justice and comprehensive reparations for

³⁶⁸ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 170-174; IACHR, Press Release 24/16 – [IACHR Condemns the Killing of Berta Cáceres in Honduras](#), Washington, D.C., March 4, 2016.

³⁶⁹ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 170 – 174.

³⁷⁰ Twitter, IACHR [@CIDH] (April 7, 2021), [#Honduras La @CIDH expresa preocupación ante los reiterados retrasos en el proceso judicial por el asesinato de la defensora Berta Cáceres. Según información pública, el juicio oral contra de uno de los presuntos co-autores intelectuales fue nuevamente suspendido el #7abril. 1 A 5 años del asesinato de #BertaCáceres, la #CIDH nota con preocupación que el crimen permanece en impunidad y recuerda al Estado que la justicia para las víctimas será efectiva e integral cuando se judicialice y responsabilice a todos los autores materiales e intelectuales. 2 El Estado de #Honduras debe garantizar acceso a la justicia expedito y efectivo conforme a los estándares interamericanos de #DDHH, incluyendo la transparencia y participación efectiva de las familias. 3 \[Tweet\].](#) Twitter <https://twitter.com/CIDH/status/1380531414152663040>; IACHR, Press Release 256/18 – [In Light of the Forthcoming Ruling on the Berta Cáceres Case, the OHCHR and the IACHR Express Concern over the Exclusion of Victims' Legal Representatives and Unjustified Delays in the Trial](#), Tegucigalpa / Washington, D.C., November 28, 2018.

³⁷¹ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 174.

³⁷² COPINH, press release: [La Impunidad no termina con una Sentencia](#), December 7, 2019.

³⁷³ IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 92; IACHR[@CIDH] (July 7, 2021). [CIDH saluda primera condena contra un autor intelectual del asesinato de la defensora Berta Cáceres](#), [Tweet]. Twitter.

the relatives of Berta Cáceres.³⁷⁴ The Commission urges the State of Honduras to move forward in the fight against impunity for crimes against human rights defenders and continue to diligently investigate the murder of human rights defender Berta Cáceres in order to punish all material and intellectual authors.

³⁷⁴ Twitter, IACHR [@CIDH], *#Honduras Ante la primera condena contra un autor intelectual del asesinato de la defensora Berta Cáceres el #5julio, la #CIDH saluda este fallo como un avance en el acceso a la justicia y a la reparación integral adecuada de sus familiares. #CIDH alienta al Estado de #Honduras a avanzar en la lucha contra la impunidad sobre delitos contra personas defensoras, y a seguir investigando diligentemente el asesinato de #BertaCáceres a fin de sancionar a todos los autores materiales e intelectuales*, July 7, 2021, <https://twitter.com/CIDH/status/1412816784340787203>.

Chapter 5

Obligations of the States of Northern Central America regarding environmental defenders

Obligations of the States of Northern Central America regarding environmental defenders

168. In view of the general obligations to respect and guarantee human rights enshrined in Article 1(1) of the Convention, special duties are derived depending on the particular needs for protection of the person having rights, whether due to their personal condition or the specific situation facing them.³⁷⁵ The obligation to respect means that States must refrain from committing acts that infringe upon the fundamental rights and liberties recognized by the Convention.³⁷⁶ For its part, the obligation to guarantee entails a duty—of means or behavior, not of ends—to prevent human rights violations.³⁷⁷ This duty effectively extends beyond the relationship between State agents and the individuals subject to their jurisdiction to also encompass the duty to prevent, within the private sphere, third parties from violating protected legal rights.³⁷⁸ In this regard, the State's duty entails not only establishing the legal and formal conditions but also guaranteeing the actual conditions in which human rights defenders are able to freely do their work.³⁷⁹
169. Along these lines, the Commission and the Inter-American Court have emphasized the State's obligations regarding the rights of human rights defenders, including the obligation to guarantee the conditions necessary to do their work,³⁸⁰ the obligations to prevent and

³⁷⁵ Inter-American Court. [Case of Yarce et al. v. Colombia. Preliminary Objections, Merits, Reparations and Costs](#). Judgment of November 22, 2016. Series C No. 325, para. 181.

³⁷⁶ Inter-American Court. [Case of the Xucuru Indigenous People and its members v. Brazil. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of February 5, 2018. Series C No. 346, para. 122.

³⁷⁷ Inter-American Court. [Case of Yarce et al. v. Colombia. Preliminary Objections, Merits, Reparations and Costs](#). Judgment of November 22, 2016. Series C No. 325, para. 181.

³⁷⁸ Inter-American Court. [Case of Luna López v. Honduras, Merits, Reparations and Costs](#). Judgment of October 10, 2013. Series C No. 269, para. 120.

³⁷⁹ Inter-American Court. [Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of August 28, 2014. Series C No. 283, para. 142.

³⁸⁰ Inter-American Court. [Case of García and family members v. Guatemala. Merits, Reparations, and Costs](#). Judgment of November 29, 2012. Series C No. 258, para. 182.

provide specific protection,³⁸¹ and the obligation to investigate crimes committed against human rights defenders.³⁸²

170. At the same time, the Commission has noted that the State has an obligation regarding human rights defenders to prevent violations against them and protect those defenders who are at risk, which entails: (1) guaranteeing the conditions so they can do their work freely; (2) the duty to not obstruct their work and remove existing obstacles to their work; (3) avoid and address actions intended to improperly criminalize their work; (4) protect them if they are at risk, which could involve complying with the cautionary measures issued by the IACHR; and (5) the crosscutting obligation to investigate, solve, prosecute, and punish crimes committed against them.³⁸³
171. Additionally, the IACHR and the REDESCA have found that companies play a fundamental role in protecting and respecting the rights of environmental defenders, recognizing the right to defend rights, along with the right to development and the right to the environment, as fundamental inter-American standards for businesses and human rights.³⁸⁴ In this regard, it has indicated that States are the ones primarily responsible for guaranteeing that violations committed against human rights defenders are anticipated, identified, and punished. It is therefore urgent for States and the businesses themselves—including investment and finance institutions—to take effective actions to halt the increasingly-common forms of aggression, criminalization, surveillance, and impunity committed against these persons in the context of business activities.³⁸⁵ In its comments on the drafts of this report, Guatemala highlighted that the National Civilian Police is in charge of preventing the commission of criminal offenses and preventing them from having further impacts, and/or of preventing, investigating, and pursuing the criminal offenses codified by law in Guatemala.³⁸⁶

³⁸¹ Inter-American Court. *Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of August 28, 2014. Series C No. 283, para. 142; Inter-American Court. *Case of Luna López v. Honduras, Merits, Reparations and Costs*. Judgment of October 10, 2013. Series C No. 269, para. 123.

³⁸² Inter-American Court. *Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of August 28, 2014. Series C No. 283, para. 242.

³⁸³ IACHR, *Second Report on Situation of Human Rights Defenders in the Americas*, OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 479.

³⁸⁴ REDESCA-IACHR, *Business and Human Rights: Inter-American Standards*, OEA/Ser.LV/II CIDH/REDESCA/INF.1/19, November 1, 2019.

³⁸⁵ REDESCA-IACHR, *Business and Human Rights: Inter-American Standards*, OEA/Ser.LV/II CIDH/REDESCA/INF.1/19, November 1, 2019, para. 327.

³⁸⁶ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFH/WEBS/ffil, November 15, 2022, pg. 20, on file with the IACHR.

A. Obligation to respect the rights of environmental defenders

172. The obligation to respect human rights necessarily entails restrictions on the exercise of State power.³⁸⁷ States must therefore refrain from committing actions that arbitrarily impact or interfere with the fundamental rights and freedoms recognized by inter-American instruments.³⁸⁸ In the case of the right to defend human rights, the duty to respect means that State actions cannot obstruct the work of human rights defenders or foster climates that are hostile to the defense of human rights instead of recognizing their importance and legitimacy.³⁸⁹

173. When a State's actions may pose obstacles to the right to defend human rights, the protection of this right is impacted in three dimensions: (i) individually, the right of the human rights defender to defend rights is violated; (ii) collectively, the public interest in defending rights is impacted; and (iii) socially, the right to seek positive change to rights for the good of society is impacted.³⁹⁰

1. Refraining from employing stigmatizing speech against environmental defenders

174. The work of human rights defenders may be limited by statements from public officials that discredit their work or produce or exacerbate an unfavorable context for human rights defense.³⁹¹ The denigration of their work—either through statements by officials or criminal complaints that could be unjustified—stigmatizes it and can produce a climate of hostility and intolerance among the different sectors of the population, making a legitimate exercise of their freedom of association difficult.³⁹²

³⁸⁷ Inter-American Court. *Case of Vélez Restrepo and Family v. Colombia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 3, 2012. Series C No. 248, para. 126.

³⁸⁸ IACHR, *Towards Effective Integral Protection Policies for Human Rights Defenders*, OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 149.

³⁸⁹ IACHR, *Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders*, April 26, 2021, pg. 6.

³⁹⁰ IACHR, *Report on the Situation of Human Rights Defenders and Social Leaders in Colombia*, OEA/Ser.LV/II. Doc. 262, December 6, 2019, para. 195; IACHR, *Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.LV/II.124, Doc. 5 rev.1, March 7, 2006, para. 32-34.

³⁹¹ IACHR, *Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.LV/II.124, Doc. 5 rev.1, March 7, 2006, para. 174.

³⁹² IACHR, *Second Report on Situation of Human Rights Defenders in the Americas*, OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 125.

175. Consequently, State authorities must refrain from making statements that stigmatize human rights defenders or suggest that organizations are acting improperly or illegally simply by doing their work to promote and defend human rights.³⁹³ Specifically, the IACHR has recommended giving clear instructions to public officials to refrain from making statements of this nature and disciplining those who fail to follow these instructions.³⁹⁴

176. In northern Central America, State officials and even private companies persistently issue stigmatizing statements against human rights and environmental defenders by State officials.³⁹⁵

2. Avoid and address the criminalization of the work of environmental defenders

177. States should avoid using the power to punish and their organs of justice to harass human rights defenders and jeopardize their work. The IACHR has indicated that criminalization is a complex obstacle that impacts the free exercise of the defense of human rights in a variety of ways.³⁹⁶ Launching groundless criminal investigations or lawsuits against human rights defenders not only has a chilling effect on their work but can completely paralyze it, as they must spend their time, resources, and energy on defending themselves.³⁹⁷ At the same time, it encourages collective stigma and sends a message of intimidation to those who want to report or have reported human rights violations.³⁹⁸

178. Criminal law has frequently been improperly used in the countries of northern Central America to attack and harass environmental defenders. The Commission has observed patterns of criminalization of indigenous, Afro-descendant, and campesino leaders to defend their lands and territories in the context of implementation of development and extractive industry projects. Sometimes, the criminal cases are launched by State

³⁹³ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 49/15, December 31, 2015, para. 83; IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 124.

³⁹⁴ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 49/15, December 31, 2015, para. 285, recommendation 7.

³⁹⁵ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 166.

³⁹⁶ IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.LV/II. Doc. 262, December 6, 2019, para. 195.

³⁹⁷ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 76.

³⁹⁸ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 79.

authorities, while in other cases, private enterprises or private parties play an important role in their criminalization.³⁹⁹

179. When persons who play an important role in a society, people, or community are criminalized, such as social and community leaders or indigenous authorities, it has a collective negative impacts in that it affects not only the individual being criminally prosecuted but also the society in which they work by preventing them from exercising their representation, leadership, or authority. It can also cause divisions within a community, given that prosecuting a human rights defender criminally without justification is a common way of generating collective mistrust and insecurity, along with a climate of fear, threats, accusations, and social ostracization.⁴⁰⁰
180. The Commission has found that processes to criminalize human rights defenders usually begin with the filing of baseless allegations or complaints based on criminal offenses that do not conform to the principle of legality or criminal offenses that do not meet inter-American standards. In the case of the subregion, criminalizing environmental defenders is often done using criminal offenses that do not comply with the principle of legality or that directly criminalize legitimate human rights defense activities—for example, through criminal offenses that restrict the exercise of social protest or freedom of expression.⁴⁰¹
181. States must take administrative, legislative, and judicial measures to review the criminal offenses codified in their legislation to ensure they comply with the principle of legality in both their content and their application. This means guaranteeing that the legislative branch adheres to the strict requirements inherent to codifying criminal law in order to satisfy the principle of legality and, consequently, ensure criminal offenses are defined explicitly, precisely, narrowly, and ahead of time, thereby providing citizens with legal certainty.⁴⁰²
182. Without prejudice to the competence of State bodies to define criminal policy and the punishments for crimes in exercise of the principle of subsidiarity and democratic values, in view of the fundamental role they play in preventing the undue criminalization of human rights defenders, justice officials must refrain from bringing criminal charges against human rights defenders for criminal offenses that violate international human rights standards.⁴⁰³

³⁹⁹ See chapter IV section D of this report.

⁴⁰⁰ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 49/15, December 31, 2015, para. 220-221.

⁴⁰¹ See chapter IV section D of this report.

⁴⁰² IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 49/15, December 31, 2015, para. 247.

⁴⁰³ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 49/15, December 31, 2015, para. 259.

In particular, the Commission has indicated that in response to criminal accusations and allegations that are manifestly groundless, justice officials are required to investigate the sources of such arbitrary or reckless allegations and impose the appropriate sanctions.⁴⁰⁴

183. Additionally, States must avoid using pretrial detention as a tool to hinder the right to defend human rights. They should ensure that the use of criminal proceedings is truly exceptional and in keeping with the principles of legality, presumption of innocence, necessity, and proportionality.⁴⁰⁵ States must launch whatever disciplinary, administrative, or criminal investigations or processes may be necessary into the officials who may have violated the law by investigating, ordering pretrial measures against, or baselessly convicting human rights defenders.⁴⁰⁶

3. Refrain from hindering and criminalizing the right to assembly and peaceful social protest.

184. Peaceful social protest as an expression of the right of assembly is a fundamental tool for the work of defending human rights and is essential for critical political and social expression regarding the activities of the authorities, as well as for staking out stances and action plans on human rights.⁴⁰⁷ Although the right of assembly is not absolute, States must ensure that any limitation of this right with the aim of ensuring that demonstrations are peaceful must be informed by the principles of legality, necessity and proportionality.⁴⁰⁸

185. In northern Central America, the Commission has observed that peaceful protests or the establishment of permanent encampments have been among the tools commonly used by environmental defense organizations and individuals in doing their work. However, the State response to these demonstrations has sometimes included the undue and excessive use of force,⁴⁰⁹ as well as the imposition of states of exception.⁴¹⁰ Regarding states of emergency, the IACHR has indicated that when States impose states of emergency or

⁴⁰⁴ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 49/15, December 31, 2015, para. 73.

⁴⁰⁵ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 49/15, December 31, 2015, para. 199.

⁴⁰⁶ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 49/15, December 31, 2015, para. 273.

⁴⁰⁷ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 129.

⁴⁰⁸ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 107.

⁴⁰⁹ IACHR, Press Release 293/21 – [IACHR Condemns Excessive Use of Force and Repression Against Indigenous Mayan Q'eqchi' People, Journalists, and Media Outlets in El Estor, Guatemala](#), Washington, D.C, November 4, 2021.

⁴¹⁰ IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 170 and 316.

exception, they must ensure that restrictions on human rights, including the right to defend human rights, are necessary, strictly proportional, and seek a legitimate aim.⁴¹¹ In other cases, the Commission has received information on the issuance of arrest warrants as a way of criminalizing social protest.⁴¹² The Commission has also received information on legislative reforms in Honduras that could lead to illegitimate restrictions on freedom of expression and peaceful assembly by limiting the exercise of protest in public spaces and promoting the criminalization of human rights defenders.⁴¹³ In its comments on the draft of this report, Guatemala said it had a “Protocol on Police Actions to guarantee the right of assembly and public demonstration,” resolution 192-2021 of the General Directorate, as well as General Order 11-2019, “Guidelines on the use of force during policing.”⁴¹⁴

4. Refrain from creating obstacles or maintaining any impediment or disproportionate restriction on the right to defend human rights and on procedures to register, establish, fund, and operate human rights organizations

186. Freedom of association is a tool that is fundamental for the full and complete exercise of the work to defend and promote human rights.⁴¹⁵ The full exercise of freedom of association must not be limited to allowing the formation of organizations but must also be extended to making it possible for them to do what they were established to do.⁴¹⁶ When a State obstructs this right in any way that is incompatible with international standards, it not only restricts freedom of association, but also obstructs the work of promoting and defending human rights.⁴¹⁷

187. Although States have the authority to oversee the registration, oversight, and control of organizations within their jurisdiction, including human rights organizations, the right to free

⁴¹¹ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 9.

⁴¹² IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.L/V/II. Doc. 208/17, December 31, 2017, para. 198; UN, Working Group on the issue of human rights and transnational corporations and other business enterprises, [Declaración de las Naciones Unidas al final de la visita a Honduras](#), August 28, 2019, pg. 12.

⁴¹³ See paragraph 131 of chapter IV and paragraph 253 of chapter VI of this report.

⁴¹⁴ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/fll, November 15, 2022, pg. 21, on file with the IACHR.

⁴¹⁵ IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II.124, Doc. 5 rev.1, March 7, 2006, para. 69.

⁴¹⁶ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 155.

⁴¹⁷ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 156.

association without interference means that States must ensure that the legal requirements do not obstruct, delay, or limit the establishment or functioning of such organizations.⁴¹⁸ Restrictions to this right are only admissible when they are established by law, pursue a legitimate aim, and—fundamentally—are necessary and proportional in a democratic society.⁴¹⁹ In its comments on the draft of this report, the State of Guatemala indicated that it respects all forms of free and independent organization, including organizations of persons who declare themselves to be independent human rights defenders.⁴²⁰

188. The Commission has taken note of legal initiatives or the passage of bills arbitrarily or disproportionately restricting the right to association by imposing potentially arbitrary or disproportionate restrictions on the establishment, registration, regulation, operation, and oversight of human rights organizations in El Salvador and Guatemala. Specifically, these measures would criminalize fundraising from abroad.⁴²¹ Regarding this, it has been the Commission's understanding that as part of freedom of association, States must promote and facilitate the access of human rights organizations to financial cooperation, both national and international, and therefore must refrain from placing undue or arbitrary restrictions on their financing.⁴²²

189. At the same time, States should refrain from establishing or maintaining obstacles in the form of procedures for registering human rights organizations that may become an impediment to their work. Additionally, States must ensure that the procedures for registering human rights organizations are clear, precise, simple, and do not require information that would breach the requirements of confidentiality. The registration processes must resolve within a reasonable period of time, and, in the event of a denial of registration, must provide an adequate remedy for appealing the decision before an independent court. States must also refrain from establishing undue or arbitrary

⁴¹⁸ IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II.124, Doc. 5 rev.1, March 7, 2006, para. 77.

⁴¹⁹ Inter-American Court. [Case of Escher et al. v. Brazil. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of July 6, 2009. Series C No. 200, para. 173.

⁴²⁰ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFH/WEBS/ffil, November 15, 2022, pg. 21, on file with the IACHR.

⁴²¹ See paragraphs 251 and 255 of chapter VI of this report.

⁴²² IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 179; IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II.124, Doc. 5 rev.1, March 7, 2006, para. 343, recommendation 19.

restrictions, such that organizations are able to receive financing, from either national or international sources, in compliance with applicable laws.⁴²³

B. Obligation to prevent acts of violence against human rights defenders

190. States' specific duty to reasonably prevent human rights violations derives from the general obligation to guarantee set forth in Article 1(1) of the American Convention. This duty to prevent covers all legal, political, and administrative measures that promote the protection of human rights and ensure that any violations of them are effectively considered and addressed as a violation of the law that, as such, can lead to punishment of the perpetrators, as well as an obligation to compensate victims for the harm caused.⁴²⁴
191. In the case of the right to defend human rights, the Commission has underscored States' obligation to establish the conditions to prevent and respond to violations by State agents or private parties of the rights of human rights defenders so they will be able to freely carry out their work. Consequently, States are required to take positive actions to produce environments conducive to the defense of human rights and that, in turn, address environments that are hostile or dangerous to the protection of human rights.⁴²⁵
192. The defense of human rights can only be exercised freely when human rights defenders are not subjected to threats or physical, mental, or moral aggression or other acts of harassment.⁴²⁶ In this framework, the duty to prevent violations of the rights of human rights and environmental defenders in the course of their work is especially relevant in countries with a demonstrated context of violence and intimidation against these groups,⁴²⁷ like the countries of northern Central America.
193. For this reason, States must adopt comprehensive measures aimed at addressing this phenomenon in order to prevent the risk factors and strengthen institutions in order to

⁴²³ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 4.

⁴²⁴ Inter-American Court. [Case of Velásquez Rodríguez v. Honduras](#). Merits. Judgment of July 29, 1988. Series C No. 4, para. 174-175.

⁴²⁵ IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.L/V/II. Doc. 262, December 6, 2019, para. 175.

⁴²⁶ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 46.

⁴²⁷ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 133.

effectively meet the needs of these populations.⁴²⁸ Each State must become aware of the specific contexts and particular situations affecting the human rights defenders under their jurisdiction.⁴²⁹ Therefore, the duty to prevent is not limited solely to providing material measures to protect their integrity person or ensuring that State agents do not interfere with human rights defenders' full exercise of their human rights. Rather, it also requires that States take action to address the structural causes impacting their security.⁴³⁰

194. Some of the minimum elements identified by the Commission for preventing violations to the rights of human rights defenders include the following: (i) have an appropriate legal framework for preventing rights violations; (ii) combat structural issues; (iii) foster a culture of human rights that recognizes the work of human rights defenders; and (iv) training for public officials.

1. Have an appropriate legal framework to prevent violations of the rights of environmental defenders

195. Legislation recognizing the right to defend human rights shows the importance and validity of the work of human rights defenders and their organizations. In particular, the adoption of laws explicitly guaranteeing the rights of human rights defenders contributes to establishing a favorable environment and giving legitimacy to their rights.⁴³¹ It is therefore necessary to guarantee an appropriate legal framework to prevent violations of the rights of human rights defenders, thereby guaranteeing their effective application and the implementation of adequate and effective prevention policies to address the complaints brought by human rights defenders.⁴³² Honduras is the only country in this subregion that expressly recognizes the right to defend human rights in its legislation.⁴³³

196. At the same time, the Commission deems it crucial for States to foster the establishment of spaces for open dialogue and active participation between State authorities—including the

⁴²⁸ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 134.

⁴²⁹ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 13.

⁴³⁰ IACHR [Report 35/17, Case 12.713, Merits, José Rusbell Lara et al., Colombia](#), OEA/Ser.LV/II.161 Doc. 42. March 21, 2017, para. 152.

⁴³¹ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 13.

⁴³² IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 134.

⁴³³ See paragraph 251 of chapter VI of this report.

most senior authorities—and organizations dedicated to human rights defense in order to receive their opinions on the public policy proposals or legislative measures that may impact their work.⁴³⁴ The spaces are crucial for learning firsthand the needs of these groups and having a better understanding of the risks they face.

197. For countries with a national mechanism of protection, having an appropriate legal framework guarantees their stability and robustness and makes known the authorities in charge of compliance, detailing the responsibilities of the public officials and entities involved.⁴³⁵

2. Combating the structural causes of violence against environmental defenders

198. The Commission has indicated that a global and comprehensive focus on prevention must address the deeply-rooted structural problems that lead to violence against human rights defenders. States should start by implementing a serious policy enabling the analysis of any potential patterns of attacks, aggressions, and obstacles facing human rights defenders.⁴³⁶ This would require the evaluation of, among other factors, the possible existing situation of violence in the country, documented attacks against human rights defenders, and a potential situation of accentuated or differentiated risk due to human rights defenders' gender or unique condition of vulnerability or historic discrimination.⁴³⁷

199. Mapping the violence suffered by human rights defenders makes it possible to better gauge the scope of the problem and its regional particularities, as well as design more effective public policies on prevention. The Commission has indicated that failure to register information on attacks and acts of violence against human rights and environmental defenders in Guatemala, Honduras, and El Salvador poses an obstacle to moving investigations forward with due diligence, in addition to effectively obscuring the violence facing them.⁴³⁸

⁴³⁴ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 142.

⁴³⁵ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 244.

⁴³⁶ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 142.

⁴³⁷ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 66.

⁴³⁸ See paragraph 159 of chapter IV of this report.

200. The Commission recalls the importance of compiling accurate and up-to-date statistics and information on attacks or acts of violence against these groups and of having databases that are disaggregated and track the contexts of the murders, threats, and risks.⁴³⁹ The IACHR has also deemed it important to register the personal information of human rights defenders; the type of defense they perform; the crime in question; the circumstances of the criminal acts, including method, time, and place; the individuals or groups presumably responsible; and the authorities in charge of the investigation, among other elements.⁴⁴⁰ It particularly highlights the importance of this information including data on other factors of intersectional discrimination or discrimination based on being identified with groups that have historically been discriminated against.
201. The Commission observes that for northern Central America, having a comprehensive, evidence-based prevention policy would make it possible to identify these factors and contribute to providing a broader overview of the main risks facing environmental defenders and State capacity to prevent them.⁴⁴¹
202. The Commission has stated emphatically that, in complying with their obligation to combat the causes of the violence, States cannot ignore the involvement of companies in the creation or exacerbation of the risks faced by human rights defenders. In this regard, it has pointed to the importance of informing companies of the content of the right to defend human rights; their positive and negative responsibilities with respect to these rights; and the specific measures they must take in order to ensure that companies establish a safe and conducive environment for human rights defenders.⁴⁴²
203. Additionally, in view of the reports that members of private security companies have participated in acts of violence against environmental defenders, the Commission deems it important for the States of northern Central America to take measures to prevent this type of risk. Decisive measures must be adopted to guarantee effective oversight and control of private security companies and their agents. This includes ensuring that the domestic legal system regulates the roles that private security companies can play and the type of weapons and material means they are authorized to use; establishes adequate

⁴³⁹ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 144 – 145.

⁴⁴⁰ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 145.

⁴⁴¹ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 15.

⁴⁴² IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 143.

mechanisms for controlling their activities; and implements a registry of these companies that is public, accessible, and includes sufficient information.⁴⁴³

204. In addition to the above, the IACHR has indicated that stereotypes also contribute to increasing the vulnerability of some specific groups of human rights defenders, such as defenders and members of indigenous peoples and Afro-descendant groups who defend human rights and the environment. Consequently, States must take all the short, medium, and long-term measures necessary to eradicate discrimination, which is a cause and a consequence of the violence they face.⁴⁴⁴ In particular, the States of northern Central America must adopt the measures necessary to guarantee that those who defend the environment, land, and territory—especially those belonging to indigenous, Afro-descendant, and/or campesino communities—have access to effective justice without discrimination. Additionally, measures must be taken to close existing inequality and power gaps between public and private sector elites and these groups of the population.

3. Fostering a human rights culture and recognizing the work of human rights defenders

205. Creating an environment in which human rights defenders can do their work safely begins with recognizing the right to promote and defend human rights. The Commission has recommended that States foster a human rights culture that unequivocally recognizes the fundamental role human rights defenders play in democracy and the rule of law.⁴⁴⁵ This culture should be promoted at all institutional levels—including from the most senior authorities—as a State policy of respecting and supporting human rights defenders and their work in a joint effort to build robust and lasting democracies.⁴⁴⁶

206. To this end, the States of northern Central America must carry out educational, promotional, and dissemination activities aimed at State agents, society in general, and the media on the legitimacy of human rights defense and promotion work as part of a strategy to raise awareness on the importance of the work done by human rights defenders and

⁴⁴³ IACHR, [Indigenous Peoples, Afro-Descendent Communities and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities](#), OEA/Ser.LV/II. Doc. 47/15, December 31, 2015, Recommendation 9.

⁴⁴⁴ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 147.

⁴⁴⁵ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 138.

⁴⁴⁶ IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.LV/II. Doc. 262, December 6, 2019, para. 177.

their organizations.⁴⁴⁷ Additionally, the Commission deems it highly important for the States of northern Central America to conduct information campaigns aimed at raising awareness on the responsibility businesses have to respect human rights,⁴⁴⁸ focusing particularly on the rights of those who defend human rights and the environment.

4. Guarantee training and education for public officials

207. In the current context of the subregion, it is crucial for States to provide training to their public officials on the importance of the role played by environmental defenders. These training and awareness-raising campaigns must be aimed at providing information on the rights of human rights defenders, pursuant to applicable international instruments—including the United Nations Declaration on Human Rights Defenders and the Escazú Agreement—as well as the tools of internal law, including laws, protocols, and directives on the subject, among other things. The training must cover the transversality of an approach that is sensitive to gender issues, as well as the differentiated impacts of violence against human rights defenders belonging to groups that have historically been discriminated against, including indigenous and Afro-descendant peoples and communities.⁴⁴⁹

C. The obligation to protect environmental defenders

208. Attacks on the lives of human rights defenders have a multiplier effect that goes beyond the person of the defender: When an assault is committed in retaliation for a defender's actions, it produces a chilling effect on those defending similar causes.⁴⁵⁰ This chilling effect can impact the freedom of association of a certain group to associate freely, without fear, in cases in which attacks on life are carried out systematically against a group defending the same cause.⁴⁵¹ Acts of violence and other attacks on these groups not only impact their own rights as guaranteed to all humans, but also threaten the fundamental role

⁴⁴⁷ IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.L/V/II. Doc. 262, December 6, 2019, para. 176.

⁴⁴⁸ IACHR, [Business and Human Rights: Inter-American Standards](#), OEA/Ser.L/V/II CIDH/REDESCAMNF.1/19, November 1, 2019, para. 414, recommendation 20.

⁴⁴⁹ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 140 – 141.

⁴⁵⁰ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 25.

⁴⁵¹ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 27.

these defenders play in society. Such acts are also detrimental to all the people these defenders work for, leaving them even more vulnerable and defenseless.⁴⁵²

209. The Inter-American Commission reiterates that the defense of human rights and the environment can only be exercised freely when human rights defenders are not subjected to threats or physical, mental or moral attacks or other acts of harassment, retaliation, or inappropriate pressure.⁴⁵³ When it comes to human rights defenders, the duty to protect is enhanced.⁴⁵⁴
210. In order to guarantee that environmental defense in northern Central America is exercised freely, States must adopt the measures necessary to protect the lives and integrity of person of those who defend these causes when they are at risk. This obligation falls to States even when the acts are committed by private parties⁴⁵⁵ whenever there is a situation of real and immediate risk and the State was aware of or should have been aware of it. This does not exclude the relevance of State awareness in a general situation of risk.⁴⁵⁶
211. The Commission has noted that the context of violence against those defending the environment, land, and territory in northern Central America is well known. For a specific case, it is especially important to take into account the duty to protect from the acts of private third parties, as the acts of violence and situations of risk are intimately related with private and/or business activities whose interests could run contrary to the causes being defended.

⁴⁵² IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.L/V/II. Doc. 262, December 6, 2019, para. 118.

⁴⁵³ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 21; IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser. L/V/II.124 Doc. 5 rev.1, March 7, 2006, para. 46. See: Inter-American Court. [Case of Fleury et al. v. Haiti. Merits and Reparations](#). Judgment of November 23, 2011. Series C No. 236, para. 81.

⁴⁵⁴ Inter-American Court. [Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of August 28, 2014. Series C No. 283, para. 142.

⁴⁵⁵ Inter-American Court. [Case of the Miskito Divers \(Lemoth Morris et al\) v. Honduras](#). Judgment of August 31, 2021. Series C No. 432, para. 44; IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 149

⁴⁵⁶ Inter-American Court. [Case of Yarce et al. v. Colombia. Preliminary Objections, Merits, Reparations and Costs](#). Judgment of November 22, 2016. Series C No. 325, para. 182.

212. Given this, the Commission has established that in order to provide effective protection to human rights defenders, States must implement a comprehensive protection policy.⁴⁵⁷ In the case of Guatemala and Honduras, the Court has ordered such a policy to be established as part of measures of reparation.⁴⁵⁸ For its part, the Inter-American Commission issued this recommendation to El Salvador in its most recent country report in 2021.⁴⁵⁹ In its comments on the draft of this report, Guatemala said it had participated in technical roundtables on establishing the National Policy on Protecting Human Rights Defenders.⁴⁶⁰
213. Regarding this, the Inter-American Court has found that this policy should at least do the following: a) include the participation of human rights defenders, civil society organizations and experts in the formulation of the standards that could regulate the protection program for the group in question; b) address the problem in a comprehensive and inter-agency manner, according to the risk of each situation; and adopt measures to immediately address the complaints made by defenders; c) create a risk analysis model that allows for the effective assessment of the risk and protection needs of each defender or group; d) create an information management system on the situation of prevention and protection of human rights defenders; e) design protection plans that respond to the specific risk faced by each defender and the characteristics of their work; f) promote a culture that legitimates and protects the work of human rights defenders, and g) allocate sufficient human and financial resources to respond to the real needs for protection of human rights defenders.⁴⁶¹
214. Additionally, the Inter-American Court has found that State authorities are responsible for identifying or assessing whether the person being threatened or harassed needs measures of protection or if the matter should be forwarded to the competent authority for such purposes. The State must also offer the at-risk person prompt information on the measures available. It cannot be restricted to what the victim requests of the "competent authorities," and the victim cannot be required to know precisely which authority is the most appropriate

⁴⁵⁷ IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser. L/V/II.124 Doc. 5 rev.1, March 7, 2006, recommendation 5; IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 5.

⁴⁵⁸ Inter-American Court. [Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of August 28, 2014. Series C No. 283, para. 263; Inter-American Court. [Case of Luna López v. Honduras, Merits, Reparations and Costs](#). Judgment of October 10, 2013. Series C No. 269, para. 244.

⁴⁵⁹ IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.L/V/II. Doc. 278, October 14, 2021, Recommendation 37.

⁴⁶⁰ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/ffil, November 15, 2022, pg. 22, on file with the IACHR.

⁴⁶¹ Inter-American Court. [Case of Luna López v. Honduras, Merits, Reparations and Costs](#). Judgment of October 10, 2013. Series C No. 269, para. 243.

one to address their situation, as it is the State's responsibility to establish measures for coordinating its entities and officials for such purposes.⁴⁶²

215. Guatemala and Honduras have opted to implement physical measures of protection as a way of preventing the materialization of the risks facing human rights defenders. It is the Commission's view that these mechanisms and/or programs of protection are of vital importance in contexts of risk. However, they should not be the only means of protection. The implementation of arrangements for protection should be understood as temporary and necessary for addressing urgent situations while the structural causes of the violence and harassment against human rights defenders are addressed.⁴⁶³ In order to effectively protect their rights, it is crucial to address the causes and origins of these risks. In its comments on the draft of this report, the State of Guatemala noted that the National Civilian Police has a "Protocol for Police Action for performing a risk analysis, security studies, and implementing specific security measures for individuals or facilities." This protocol is applied upon request for security measures for one or multiple people, upon which a risk analysis is conducted to determine the level of risk. The type of measure to be implemented is then established.⁴⁶⁴

216. The Commission underscores that fostering adequate coordination between the different entities supporting the implementation of measures not only of protection but also investigation and victim support makes the protection system more effective. Cooperation among the various entities involved in analyzing the risk, implementing measures of protection, and pursuing investigation, prosecution, and punishment of the acts of violence against human rights defenders in the framework of information confidentiality facilitates the implementation of an effective protection system.

1. Implementation of suitable material protection measures

217. The Commission highlights that in order for measures of protection to be adequate, they must be suitable for addressing the situation of risk facing the human rights defender and enable them to continue performing their work, and in order to be effective, they must be

⁴⁶² Inter-American Court. *Case of Human Rights Defender et al. v. Guatemala*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 28, 2014. Series C No. 283, para. 155.

⁴⁶³ IACHR, *Second Report on Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 521. Also see: Inter-American Court, *Matter of Liliana Ortega et al., provisional measures regarding Venezuela*, Resolution of July 9, 2009, considering paragraph 40.

⁴⁶⁴ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/ffil, November 15, 2022, pg. 22, on file with the IACHR.

capable of producing their intended outcomes.⁴⁶⁵ Additionally, with respect to human rights defenders, the Inter-American Court has determined that in order to comply with the requirement of suitability, the special measures of protection must be as follows:

- a) appropriate to the work the human rights defenders perform;
- b) the level of risk should be assessed to adapt and monitor the measures in place; and
- c) they must be adjustable to the intensity of the risk and the contextual and individual conditions of the human rights defender.⁴⁶⁶

2. Agreement on measures of protection with the beneficiaries

218. In order for measures of protection to be adequate and effective, it is essential for the measures of protection to be established in consultation with the human rights defenders, taking into account the contexts, specific situations, and type of risk faced by the individuals to be protected, while guaranteeing a differentiated approach.⁴⁶⁷

219. In this regard, in selecting the protection team to participate in the security arrangements, its members must be selected with the active participation and approval of the beneficiaries of the arrangement, so as to foster trust.⁴⁶⁸ The measures of protection must not be provided by security officials or agents who, according to the beneficiaries, may be involved in the acts alleged. The recommendation is to designate trusted bodyguards. In Honduras, the Commission has received information indicating that the beneficiaries of protection do not trust the police protection measures.⁴⁶⁹

⁴⁶⁵ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 521.

⁴⁶⁶ Inter-American Court. [Case of Human Rights Defender et al. v. Guatemala](#). Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 28, 2014. Series C No. 283, para. 157.

⁴⁶⁷ IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.L/V/II. Doc. 262, December 6, 2019, para. 210.

⁴⁶⁸ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 523

⁴⁶⁹ IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 107; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.L/V/II. Doc. 146, August 27, 2019, para. 188.

3. Urgency and flexibility of protection measures

220. The implementation of protection arrangements also depends on how quickly they are implemented. For this, the State institutions called upon to provide protection must simplify their administrative processes and procedures in view of the urgent nature of the public service provided, and deadlines must be given for providing information to enable the State to respond swiftly.⁴⁷⁰

221. The main principle governing the measures of protection should be flexibility. Beneficiaries may prefer measures other than the ones determined by the State and that better meet the needs of their lifestyles or human rights defense work. The main principle that the measures of protection should follow is that the human rights defender be able to exercise their right to defend human rights under the best conditions possible.⁴⁷¹ In view of the difficulties facing human rights defenders trying to do their work in outlying areas, there is a need to strengthen protection arrangements that provide the flexibility necessary for human rights defenders to travel about.⁴⁷²

4. Use of differentiated and intersectional approaches.

222. Differentiated and intersectional approaches must be used throughout the process of applying mechanisms of protection. Doing so is extremely important during incorporation and risk analysis, and when establishing measures of protection, as well as during the implementation, monitoring, review, and evaluation of those measures.⁴⁷³

223. The measures of protection must guarantee the application of differentiated and intersectional approaches and take into account the specific contexts and situations of the beneficiary persons, including whether they are displaced; the context of collective risk that may involve their families, communities, and organizations; the cultural components of their context; and matters of gender.⁴⁷⁴ With respect to indigenous or Afro-descendant human

⁴⁷⁰ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 279.

⁴⁷¹ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 30.

⁴⁷² IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 265.

⁴⁷³ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 30.

⁴⁷⁴ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 30.

rights defenders, the use of an ethno-racial approach will contribute to establishing adequate and effective measures for addressing risk that are respectful of cosmovisions on security and collective ethnic territories.⁴⁷⁵ States must take into account the geographical location, specific needs, and special situation of risk they have faced historically.⁴⁷⁶

224. With respect to LGBTI rights defenders and persons, an intersectional approach on gender issues and diversity is essential, with the aim of fostering understanding of the special protection needs of the groups most affected by criminalization, threats, and physical violence.⁴⁷⁷ The inclusion of a specific gender approach in protection arrangements for women human rights defenders requires authorities to take the steps necessary to understand and evaluate how they experience gender-based human rights violations. Regarding LGBTI human rights defenders, States must take into account the gender expression, gender identity, and sexual orientation, providing for it in protocols, guides, risk evaluation procedures, and implementation for monitoring measures of protection.⁴⁷⁸

225. With respect to women human rights defenders, all measures aimed at mitigating the risks they face must be adopted with a gender perspective and an intersectional approach to ensure they are provided with comprehensive protection that considers, understands, and centers the complexities of the differentiated forms of violence they face due to their profession and gender. Under this approach, it must be the women human rights defenders themselves who define their protection priorities and needs and are supported in a way that respects their wishes.⁴⁷⁹

D. **Obligation to investigate, prosecute, and punish crimes committed against environmental defenders**

226. The approach of the bodies of the inter-American system is that the most effective way of protecting human rights defenders is by properly investigating acts of violence committed

⁴⁷⁵ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 31; IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 345.

⁴⁷⁶ IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.LV/II. Doc. 262, December 6, 2019, para. 222.

⁴⁷⁷ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, Recommendation 15.

⁴⁷⁸ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 31.

⁴⁷⁹ Inter-American Court. [Case of Digna Ochoa and family v. Mexico. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of November 25, 2021. Series C No. 447, para. 101.

against them and then punishing those found responsible in order to combat impunity.⁴⁸⁰ The IACHR and the Court have indicated that impunity—understood as an overall failure to investigate, pursue, capture, try, and convict—fosters the chronic repetition of human rights violations and the defenselessness of victims and their relatives.⁴⁸¹ At the same time, the Commission has indicated that impunity enables the continuation of acts of violence against human rights defenders; worsens their defenselessness and lack of protection; and causes a chilling and intimidating effect against them, against other human rights defenders, against the people who seek help from them, and against those who are associated with their work.⁴⁸²

227. The Commission has observed that rates of impunity for crimes against human rights defenders in the Northern Triangle countries remain alarmingly high.⁴⁸³ In Honduras and Guatemala, the Commission has observed that impunity for crimes committed against human rights defenders stands at more than 90%.⁴⁸⁴ In El Salvador, the information is sparse on crimes registered against human rights defenders and investigation of them, so it is not possible to come up with an approximate figure. In its comments on the draft of this report, Guatemala indicated that the Office of the Public Prosecutor does all the procedures and analysis necessary and pertinent to establish from the incidents that are reported whether or not a crime has been committed.⁴⁸⁵

228. When carried out with diligence, compliance with the obligation to investigate is an important measure of prevention and non-repetition.⁴⁸⁶ The Commission has therefore indicated that investigating the factors that produce a context of insecurity for human

⁴⁸⁰ IACHR, [Basic guidelines for investigating the violations of the rights of human rights defenders in the Americas](#), OEA/Ser.LV/II. Doc. 211, December 31, 2017, para. 28; IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 233 – 234.

⁴⁸¹ IACHR, [Report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II.124, Doc. 5 rev.1, March 7, 2006, para. 108.

⁴⁸² IACHR, [Basic guidelines for investigating the violations of the rights of human rights defenders in the Americas](#), OEA/Ser.LV/II. Doc. 211, December 31, 2017, para. 29.

⁴⁸³ IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 54; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 77.

⁴⁸⁴ IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 77.

⁴⁸⁵ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/fll, November 15, 2022, pg. 24, on file with the IACHR.

⁴⁸⁶ IACHR, [Basic guidelines for investigating the violations of the rights of human rights defenders in the Americas](#), OEA/Ser.LV/II. Doc. 211, December 31, 2017, para. 30.

rights defenders is an essential part of a comprehensive public policy for protecting human rights defenders.⁴⁸⁷ The obligation to investigate is enhanced when it comes to human rights defenders.⁴⁸⁸

229. Although the obligation to investigate is one of means, not ends, it must be carried out by the State as a juridical duty and not as a simple formality doomed from the start to failure or as a mere processing of private interests that depends on the procedural initiative of victims or their relatives or the submission of evidentiary elements by private parties.⁴⁸⁹ This obligation applies even when the acts are committed by private parties, as failure to diligently investigate them would mean they were committed to some degree with the support of the government.⁴⁹⁰ This means investigations must be serious, independent, transparent, and timely to identify intellectual and material authors, prosecute them, and guarantee adequate reparation.⁴⁹¹
230. The authorities responsible for the investigation must act quickly, avoiding unjustified delays or obstructions that would lead to impunity and violate the right to judicial protection, in order to protect the interests of victims and preserve evidence.⁴⁹² In response to the death of a human rights defender, an efficient determination of the truth of the facts must be pursued with all swiftness from the very beginning of the process.⁴⁹³
231. The obligation of due diligence means that criminal investigations must exhaust all logical lines of investigation. When crimes are committed against human rights defenders, one hypothesis to investigate is a potential connection between the crime committed and the

⁴⁸⁷ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 337.

⁴⁸⁸ Inter-American Court. [Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of August 28, 2014. Series C No. 283, para. 142.

⁴⁸⁹ Inter-American Court. [Case of Acosta et al. v. Nicaragua. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of March 25, 2017. Series C No. 334, para. 132.

⁴⁹⁰ Inter-American Court. [Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of August 28, 2014. Series C No. 283, para. 200.

⁴⁹¹ IACHR, [Criminalization of the Work of Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 49/15, December 31, 2015, para. 287(25).

⁴⁹² IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 38.

⁴⁹³ Inter-American Court. [Case of Luna López v. Honduras, Merits, Reparations and Costs](#). Judgment of October 10, 2013. Series C No. 269, para. 159.

human rights defense work performed.⁴⁹⁴ This requires States to take the defense work into account in order to identify the interests weighing against it and establish lines of investigation and hypotheses of the crime.⁴⁹⁵

232. States must investigate *ex officio* if the victim of a crime could be a human rights defender or if there is some indication that investigation of the crime from this perspective is merited. When there are allegations that a crime could be in retaliation for the work of a human rights defender, the investigating authorities must consider it as a possible motive.⁴⁹⁶
233. Although another hypothesis could emerge during the investigation, the line of investigation that the crime could be as a consequence of human rights defense work must be pursued exhaustively.⁴⁹⁷ Due diligence will not be shown if the State deliberately ignores this hypothesis of the crime or fails to investigate it exhaustively.⁴⁹⁸ Investigations that do not consider contextual aspects—such as the person's professional or personal activity and the rights they defend—are less likely to get results and raise doubts as to authorities' willingness to solve the crimes under investigation.⁴⁹⁹
234. Northern Central America faces challenges with respect to properly incorporating lines of investigation that consider human rights defense activities as potential motives for a crime. For example, in Guatemala, even though it has a preliminary investigation court that specializes in investigating crimes against human rights defenders, the IACHR has received information indicating a failure to encourage steps to recognize someone as a human rights defender, even in the event of allegations that the crime could have been in retaliation for environmental defense work. In El Salvador, the Commission observed that allegations of acts of violence against environmental defenders are occasionally classified

⁴⁹⁴ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 38.

⁴⁹⁵ IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 236.

⁴⁹⁶ IACHR, [Basic guidelines for investigating the violations of the rights of human rights defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 211, December 31, 2017, para. 37.

⁴⁹⁷ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 341.

⁴⁹⁸ IACHR, [Report on the Situation of Human Rights Defenders and Social Leaders in Colombia](#), OEA/Ser.L/V/II. Doc. 262, December 6, 2019, para. 235; IACHR, [Basic guidelines for investigating the violations of the rights of human rights defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 211, December 31, 2017, para. 37.

⁴⁹⁹ IACHR, [Basic guidelines for investigating the violations of the rights of human rights defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 211, December 31, 2017, para. 34.

as common crime taking place in the context of the country's overall insecurity, not as related to the victims' defense work.⁵⁰⁰

235. States also must take account of the complexity of the facts, the context in which they occurred, and the patterns that may explain why they were committed.⁵⁰¹ With crimes against human rights defenders, acts of violence against them cannot be analyzed as isolated incidents. Rather, they must be investigated comprehensively as part of a context, so as to reveal the elements necessary for understanding the structures that acted to commit the crimes.⁵⁰² In particular, the investigation should include the circumstances that could have a bearing on the risk faced by the human rights defender; the types of threats against or attacks on them; and the degree to which they are repeated or increase in intensity.⁵⁰³ The Commission deems it important for authorities to move forward with combining the investigations and coordinating lines of investigation into crimes against environmental defenders in the countries of northern Central America in order to identify elements that may connect them. This is especially relevant given the existing and demonstrated context of violence against these groups, particularly against those who oppose the implementation of development or extractive projects.
236. Additionally, the bodies of the Inter-American system have indicated that the obligation to investigate and punish refers not only to the material perpetrators of the facts in violation but also the masterminds responsible for them. In this regard, States have an obligation to investigate and punish everyone who participates in planning and carrying out violations of the rights of persons who dedicate their lives to defending human rights.⁵⁰⁴
237. At the same time, States must pay special attention to investigating threats against human rights defenders, as in many cases, threats are the gateway to situations of even more serious risk, such as the possibility of attempted murder. States must therefore approach these types of aggressions diligently, conducting an exhaustive, serious, and impartial

⁵⁰⁰ See paragraph 159 of chapter IV of this report.

⁵⁰¹ Inter-American Court. *Case of the "La Rochela Massacre" v. Colombia*. Interpretation of the Judgment on the Merits, Reparations, and Costs. Judgment of January 28, 2008. Series C No. 175, para. 158.

⁵⁰² IACHR, *Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders*, April 26, 2021, pg. 39.

⁵⁰³ IACHR, *Basic guidelines for investigating the violations of the rights of human rights defenders in the Americas*, OEA/Ser.L/V/II. Doc. 211, December 31, 2017, para. 31.

⁵⁰⁴ IACHR, *Second Report on Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 237.

investigation in order to prevent the threats from being carried out.⁵⁰⁵ States must enhance measures for investigating threats made electronically so they can be investigated effectively and those responsible can be punished.⁵⁰⁶

238. The IACHR recommends that the countries of northern Central America strengthen their institutional capacities to take on the pattern of impunity in cases of threats and murders of human rights defenders by establishing investigative protocols that, given the risks inherent to human rights defense work, enable exhaustive investigation of this hypothesis⁵⁰⁷ and aim at unifying the investigations and coordinating lines of investigation.
239. The Commission has been pleased to note the establishment of specialized investigation protocols in Guatemala, as well as the establishment of special prosecutors in Honduras for investigating these crimes. However, it has also learned of the deficiencies and shortcomings that persist with respect to effective application or operation, to be developed in the next chapter of this report.
240. Additionally, it is important that jurisdictional authorities seek to incorporate an intersectional approach to investigating, trying, punishing, and providing reparations for crimes against human rights defenders that is differentiated by ethnicity-race and/or gender,⁵⁰⁸ with the aim of guaranteeing that prejudices and stereotypes do not lead to preliminary dismissal of cases, discrimination, and lack of access to justice.⁵⁰⁹ Taking these approaches to investigating crimes committed against these groups is crucial, given that the countries of northern Central America are extensively ethnically and racially diverse, and those who defend land, territory, and the environment are often part of indigenous, Afro-descendant, and/or campesino communities.
241. Regarding the investigation of crimes against human rights defenders, the Inter-American Court has indicated that the obligation to guarantee access to justice that is unrestricted and does not discriminate against women by ensuring that women human rights defenders

⁵⁰⁵ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 38.

⁵⁰⁶ IACHR, [Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle](#), OEA/Ser.L/V/II. Doc. 110; June 1, 2021, para. 63.

⁵⁰⁷ IACHR Report 56/12. Case 12,775, Florentín Gudiel Ramos and Makrina Gudiel Álvarez *et al.* regarding Guatemala, OEA/Ser.L/V/II.144 Doc. 60. March 21, 2012, para. 220.

⁵⁰⁸ IACHR, [Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders](#), April 26, 2021, pg. 40.

⁵⁰⁹ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 343.

received effective protection against harassment, threats, retaliation, and violence. It is crucial for application of these mechanisms to ensure that evidentiary rules, investigations, and other legal and quasi-judicial procedures are impartial and not influenced by gender stereotypes or prejudice.⁵¹⁰

242. Another important aspect worth highlighting is the obligation to investigate within a reasonable period of time. The authorities responsible for the investigation must act quickly, avoiding unjustified delays or obstructions that would lead to impunity and violate the right to judicial protection in order to protect the interests of victims, preserve evidence, and protect the rights of everyone considered a suspect in the context of the investigation.⁵¹¹

243. Justice officials play a crucial role in this regard in guaranteeing access to justice for human rights defenders who are the victims of human rights violations. Through the proper performance of their jurisdictional duties, they must ensure that both the investigation and the prosecution are carried out pursuant to international human rights standards. In this regard, it is crucial for justice officials to familiarize themselves with inter-American standards on the exercise their duties. At the same time, it is essential to adopt policies that contribute to strengthening trust in the institutions called upon to investigate and prosecute crimes committed against human rights defenders.

⁵¹⁰ Inter-American Court. *Case of Digna Ochoa and family v. Mexico. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of November 25, 2021. Series C No. 447, para. 101.

⁵¹¹ IACHR Report No. 05/03 Jesús María Valle Jaramillo vs. Colombia (Admissibility), February 20, 2003, para. 31.

Chapter 6

**Institutional response with
respect to measures of
prevention and protection for
human rights and
environmental defenders**

Institutional response with respect to measures of prevention and protection for human rights and environmental defenders

244. The bodies of the inter-American system have recommended that the countries of northern Central America develop comprehensive and effective public policies for protecting human rights defenders. The Inter-American Commission has taken note of the adoption of some legislative or administrative measures aimed at protecting these groups. However, the Commission has also observed setbacks, along with persistent challenges to adopting and implementing comprehensive public policies of prevention and protection in response to the risks facing these groups in northern Central America.

A. Legal framework on prevention and protection with respect to human rights defenders

245. At the international level, the countries of Latin America and the Caribbean have advanced towards protecting the right to defend the environment with the approval of the Escazú Agreement. The Inter-American Commission and its REDESCA have consistently called on the States of the region to ratify the Escazú Agreement, as its provisions strengthen the principles and obligations established by inter-American law and jurisprudence.⁵¹²

246. The Commission observes that Guatemala has signed the Escazú Agreement, an important step toward protecting environmental defenders in the country. However, as of the approval date of this report, there are no indications of any measures taken to complete the internal process for ratifying and depositing the instrument.⁵¹³ In this regard, the Commission is aware that more than 80 civil society organizations and 17 individuals urged the Guatemalan Congress to push forward and expedite the process of ratifying the Escazú Agreement.⁵¹⁴

247. In Honduras and El Salvador, the IACHR has no information on any steps toward joining and ratifying the Escazú Agreement. In both cases, the national human rights institutions

⁵¹² IACHR, Press Release 84/21 – [We must urgently protect environmental defenders. Joint message from the IACHR, UN Human Rights and REDESCA on the occasion of International Mother Earth Day](#), Bogotá / Guatemala City / Mexico City / Panama City / La Paz / Tegucigalpa / Santiago de Chile / Washington D.C., April 21, 2022; IACHR, Press Release No. 98/21 – [On Earth Day, IACHR and REDESCA welcome the entry into force of the Escazú Agreement and call on the States of the region to strengthen their environmental public policies in the face of the climate emergency](#), Washington, D.C., April 22, 2021.

⁵¹³ PDH Guatemala, Response to the IACHR questionnaire, received on January 26, 2022, on file with the IACHR; Amnesty International, Response to the IACHR questionnaire, received on February 11, 2022, on file with the IACHR; Ocote, [El laberinto burocrático de Escazú en Guatemala](#), April 22, 2021.

⁵¹⁴ IACHR, Annual Report 2021, Chapter IV.B., [Guatemala](#), 2021, para. 151-152. Cf. [La Hora](#), [Más de 80 organizaciones piden ratificar Acuerdo de Escazú](#), June 30, 2021.

informed the Commission and the REDESCA that failure to adhere to this instrument by the governments of their countries is one of the main challenges to effective recognition, prevention, and protection for environmental defenders.⁵¹⁵

248. As regards domestic legal frameworks, the Commission has observed that the States of northern Central America have adopted some legislative and administrative measures aimed at addressing the risk facing human rights defenders and environmental defenders in their countries.
249. In Guatemala, the Commission has learned of the protocol for investigating crimes committed against human rights defenders, established under General Directive 05-2018. However, it notes with concern that aside from this directive, there is no legal framework recognizing and protecting human rights defenders, including environmental defenders. On the contrary, Guatemala has passed laws that could impact the right to defend human rights.
250. In this regard, the IACHR has repudiated the entry into force of Decree 4-2020, amending the Non-Governmental Development Organizations Act.⁵¹⁶ In particular, the Commission expressed concern at these reforms in that they establish a series of requirements for establishing, registering, setting the rules, putting in operation, and auditing national and international non-governmental organizations (NGOs). It also found these new requirements excessive and disproportionate, as in practice they could be used arbitrarily or with significant discretion to the detriment of the country's civil society entities. The Commission was additionally concerned at the rigid and limited definitions of what constitutes an NGO, as well as at the possibility of limiting access to foreign financing because of an ambiguous "public order" criteria, enforced by sanctions, cancellation of the registration, or the opening of criminal processes. Similarly, Decree 4-2020 would amend the Guatemalan Civil Code to give the executive branch discretionary authority to surveil and audit NGO activities, including the authority to dissolve them for reasons of "public order."⁵¹⁷

⁵¹⁵ PDDH El Salvador, Response to the IACHR questionnaire, received on January 22, 2022, on file with the IACHR; National Human Rights Commission of Honduras, Response to the IACHR questionnaire, received on February 21, 2022, on file with the IACHR.

⁵¹⁶ IACHR, Press Release 128/21 – [IACHR and RFOE Reject Entry into Force of Reforms to the Nongovernmental Organizations Act in Guatemala](#), Washington, D.C., May 19, 2021. According to the information received, on May 12, 2021, the Constitutional Court of Guatemala revoked a provisional *amparo* that had nullified a series of appeals filed against the entry into force of the changes made by the law. These reforms had previously been approved by the Congress of the Republic via Decree 4-2020 of February 11, 2020, and sanctioned by the Executive on February 27, 2020. The Commission learned that on June 21, 2021, the amendments to the NGO Act took effect. The regulations for it were published on August 2, 2021.

⁵¹⁷ IACHR, Press Release 128/21 – [IACHR and RFOE Reject Entry into Force of Reforms to the Nongovernmental Organizations Act in Guatemala](#), Washington, D.C., May 19, 2021.

251. In Honduras, the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials was passed on April 15, 2015.⁵¹⁸ Article 1 of the law recognizes the right to defend human rights, while article 2 recognizes the right "of any person, individual, or group to defend, secure, promote, protect, and realize human rights, as well as the State obligation to respect the human rights of defenders and take reasonable action to prevent any threats, harassment, and attacks against them, regardless of whether they come from State institutions or private parties." For its part, Article 6 enshrines the special duty of the State to protect human rights defenders.⁵¹⁹
252. The law established the National System for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials (hereinafter the "National Protection System" or "SNP"), the regulations of which were approved on June 6, 2016.⁵²⁰ Honduras is the only country in northern Central America that has a specific law on the protection of human rights defenders.
253. However, legislative reforms have also been noted in Honduras that could impact the right to defend human rights, such as a variety of amendments to the Criminal Code and to the Special Law on Money Laundering in 2021, described in chapter IV of this report.⁵²¹
254. In El Salvador, the Salvadoran State reported that "when the criminal act is perpetrated against a victim for their 'humanitarian work' to promote and protect human rights, criminal legislation makes it an aggravating factor for criminal responsibility."⁵²² However, the IACHR observes that, as of the date of approval of this report, there is no specific legal framework for the protection of human rights defenders.⁵²³ The IACHR is aware that in 2018, a group of civil society organizations presented a bill to the Legislative Assembly

⁵¹⁸ National Congress of Honduras. Decree No. 34-2015. Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials. May 15, 2015.

⁵¹⁹ National Congress of Honduras. Decree No. 34-2015. Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials. May 15, 2015.

⁵²⁰ IACHR, Annual Report 2016, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2016, para. 46.

⁵²¹ See paragraph 131 of this report; IACHR, Press Release No. 304/21 – [IACHR Concerned About the Implementation of Legislative Reforms with a Regressive Impact on the Exercise of the Right to Protest in Honduras](#), November 16, 2021.

⁵²² State of El Salvador, Response to the request for information on the human rights situation of environmental defenders in El Salvador, received on April 12, 2022, on file at the IACHR; State of El Salvador, Report of the State of El Salvador to the Inter-American Commission on Human Rights on the status of compliance with the recommendations contained in the Report "Situation of Human Rights in El Salvador" approved after an *in loco* visit carried out in 2019, Diplomatic Note MPOEA-OEA-178/2022, October 11, 2022, pg. 12.

⁵²³ IACHR, Annual Report 2021, Chapter IV.A, [Human Rights Development in the Region](#), 2021, para. 527.

entitled the “Law for the recognition and comprehensive protection of human rights defenders and to guarantee the right to defend human rights.”⁵²⁴ However, according to information from the PDDH in El Salvador, the initiative was archived on May 19, 2021, by the Justice and Human Rights Committee of the Legislative Assembly of El Salvador.⁵²⁵

255. In El Salvador, the Commission takes note of the existence of a legislative proposal that, should it be adopted, could represent a setback in the protection of human rights defenders and the guarantee of the right to defend human rights. The IACHR learned of the submission of a draft bill entitled the “Foreign Agents Act” and urged the State to refrain from approving it, arguing that its eventual implementation could entail the application of fiscal requirements that are potentially arbitrary or disproportionate. Also, all natural or juridical persons who engage in activities that “directly or indirectly respond to the interests of or are controlled or funded by a foreign principal” would have the obligation to register as “foreign agents.”⁵²⁶ This bill could also lead to criminal and administrative responsibilities for noncompliance with its provisions, including shutdowns in activities and cancellations of legal status. If approved, it could restrict the legitimate operation and activities of human rights defender individuals and civil society organizations that sometimes receive international cooperation resources to do their work.⁵²⁷ As of the date of approval of this report, this bill has not made any significant progress.

B. Measures of prevention and protection implemented by the States

1. Design of a comprehensive public policy for protecting human rights defenders and environmental defenders

256. Since its first report on the “Situation of Human Rights Defenders in the Americas,” in 2006, the Commission has recommended that States make it a priority to implement a comprehensive protection program in countries seeing violence against human rights

⁵²⁴ IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021, para. 286.

⁵²⁵ PDDH El Salvador, Response to the IACHR questionnaire, received on January 22, 2022, on file with the IACHR. Cfr. IM-Defensoras, [La Comisión de Justicia y Derechos Humanos de la Asamblea Legislativa “archiva” ley para el reconocimiento y protección integral de las personas defensoras de DDHH](#), May 19, 2021.

⁵²⁶ IACHR, Annual Report 2021, Chapter IV.A, [Human Rights Development in the Region](#), 2021, para. 528; IACHR, Press Release 30821 – [The IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of El Salvador to Not Pass the Foreign Agents Bill](#), November 17, 2021.

⁵²⁷ IACHR, Annual Report 2021, Chapter IV.A, [Human Rights Development in the Region](#), 2021, para. 528; IACHR, Press Release 30821 – [The IACHR and Its Special Rapporteurship for Freedom of Expression Urge the State of El Salvador to Not Pass the Foreign Agents Bill](#), November 17, 2021.

defenders.⁵²⁸ For its part, the Inter-American Court has ordered the implementation of such public policies as part of the measures of reparation included in judgments handed down regarding Guatemala and Honduras.⁵²⁹

257. In the case of *Human Rights Defender et al. v. Guatemala*, the Inter-American Court ordered the State to implement a public policy for protecting human rights defenders within a reasonable period of time.⁵³⁰ In this regard, according to information from the State, in 2018, a proposed protection policy drafted by the now-defunct Presidential Coordinating Committee on Executive Human Rights Policy (COPREDEH) was put forward for citizen comment in 2016.⁵³¹ However, the PDH of Guatemala reported that the process for approving this public policy is currently suspended.⁵³² Effectively, in the framework of monitoring compliance with the aforementioned judgment, the IACHR and the representatives of the victims highlighted the lack of progress on adopting the public policy before the COPREDEH was ended.⁵³³

⁵²⁸ The Commission, for its part, has especially made this recommendation to the countries of northern Central America. See: IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, Recommendation No. 20; IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, Recommendation No. 36; IACHR, [Situation of human rights in El Salvador](#), OEA/Ser.LV/II. Doc. 278, October 14, 2021, Recommendation No. 37; IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 473.

⁵²⁹ Inter-American Court. [Case of Luna López v. Honduras, Merits, Reparations and Costs](#). Judgment of October 10, 2013. Series C No. 269, para. 244; Inter-American Court. [Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of August 28, 2014. Series C No. 283, para. 263.

⁵³⁰ Inter-American Court. [Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of August 28, 2014. Series C No. 283, para. 263.

⁵³¹ IACHR, Annual Report 2018, Chapter V, [Report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2018, para. 140; IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 190-191.

⁵³² PDH Guatemala, Response to the IACHR questionnaire, received on January 26, 2022, on file with the IACHR; IACHR, Annual Report 2020, Chapter V, [Third report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2020, para. 150.

⁵³³ Inter-American Court, [Case of Human Rights Defender et al. v. Guatemala](#), Comments presented by the [IACHR](#) and the [representatives of the victims](#) in the framework of monitoring compliance with judgment, January 5, 2021 and February 11, 2021, respectively. The Commission expressed regret at the closure of COPREDEH on July 30, 2020, with Government Orders 99-2020 and 100-2020, and its replacement by the Presidential Committee for Peace and Human Rights (COPADEH). It indicated that the latter would not have sufficient human and financial resources to fulfill the mandate of the institutions it was replacing. Additionally, the information available indicates that this has impacted human rights defenders, particularly due to delay in implementing measures of protection.

258. During 2021, the Commission noted that no progress had been made on drafting this policy.⁵³⁴ Civil society organizations told the Commission that continuing drafting the policy was urgently need.⁵³⁵ For its part, the State of Guatemala reported that it is moving forward with strengthening of the teams of the Presidential Committee for Peace and Human Rights (COPADEF) that will be in charge of monitoring the processes for drafting policy proposals on human rights defenders and journalists.⁵³⁶ It indicated that as part of the process of drafting and approving the public policy, a broad, open, and inclusive dialogue has been considered with the different institutions involved in the subject, to take place at the national level and with a variety of actors.⁵³⁷ According to the PDH, as of 2021 no deadlines or mechanisms had been established for carrying out that process.⁵³⁸
259. Additionally, the Commission notes that the Instance for Analyzing Attacks on Human Rights Defenders, which was in charge of analyzing patterns of violence against human rights defenders and setting technical criteria for minimizing the risks to which they are exposed, has been inactive since 2018.⁵³⁹
260. Despite the challenges identified during its operation, such as the temporary nature of its mandate and its institutional fragility in the absence of a robust legal framework, the Instance for Analysis offered a valuable space for interagency coordination that included

⁵³⁴ IACHR, Annual Report 2021, Chapter IV.B., [Guatemala, 2021](#), para. 175; PDH Guatemala, [Supervision report to the Presidential Committee for Peace and Human Rights, Secretariat of Planning and Programming of the Presidency and Ministry of the Interior on Public Policy for the Protection of Human Rights Defenders](#), June 2021.

⁵³⁵ IACHR, Public Hearing, [Human rights situation of justice officials and judicial independence Guatemala](#), 181st regular period of sessions, Washington, D.C., October 28, 2021.

⁵³⁶ According to the State, on August 17, 2021, the COPADEF participated in a virtual course on protecting human rights defenders, addressed to human rights defenders and participating officials from the States of Guatemala, El Salvador, and Honduras, hosted by the Inter-American Commission on Human Rights. The aim of the workshop was to familiarize participants with inter-American standards on prevention, protection, and investigation of acts of violence against human rights defenders. On August 30 and September 6, COPADEF staff received the course, entitled “Declaration on the right and duty of individuals, groups, and institutions to promote and protect human rights and fundamental, universally-recognized freedoms,” offered by the United Nations Office of the High Commissioner of Human Rights in Guatemala. Response of the State of Guatemala to the draft of Chapter IV.B of the Annual Report of the Inter-American Court of Human Rights on Guatemala. Note from the Permanent Mission of Guatemala to the Organization of American States (OAS). NV-OEA-M4-980-2021, December 22, 2021, pg. 133 and 134.

⁵³⁷ Response of the State of Guatemala to the draft of Chapter IV.B of the Annual Report of the Inter-American Court of Human Rights on Guatemala. Note from the Permanent Mission of Guatemala to the Organization of American States (OAS). NV-OEA-M4-980-2021, December 22, 2021, pg. 134.

⁵³⁸ PDH Guatemala, [Annual report on activities and human rights situation, 2021](#), January 2022, pg. 210.

⁵³⁹ IACHR, Annual Report 2020, Chapter V, [Third report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2020, para. 184; PDH Guatemala, [Analysis on human rights defenders and journalists in Guatemala](#), 2020, pg. 39; OHCHR, Situation of human rights in Guatemala 2020. Report of United Nations High Commissioner for Human Rights, [A/HRC/46/74](#), February 11, 2021, para. 83.

the participation of civil society actors to analyze the context and patterns of violence against human rights defenders.⁵⁴⁰ This Instance was the main institutional space for meetings between the government and human rights organizations on their protection.⁵⁴¹ At the same time, it operated as a body for coordinating and presenting requests for rapid response to situations of risk for human rights defenders.⁵⁴²

261. The Commission reiterates to the State of Guatemala the necessity and urgency of adopting a public policy on protecting human rights defenders that includes the implementation of a program for comprehensive protection and a model for risk analysis that makes it possible to determine the protection needs of each human rights defender, incorporating differentiated and intersectional approaches.⁵⁴³ The Commission urges the State to recommence and urgently move forward with the process of adopting a public policy on protection in coordination with human rights defenders, civil society organizations, and specialists in the area. Regarding Honduras, in the case of *Luna López*, the Inter-American Court ordered the State to implement an effective public policy on protecting human rights defenders, particularly those who defend the environment, and listing a significant number of requirements for that policy.⁵⁴⁴ In its latest order on monitoring the judgment, issued on September 2, 2020, the Inter-American Court ruled to keep the

⁵⁴⁰ IACHR, [Situation of human rights in Guatemala](#), OEASer.L/VII. Doc. 208/17, December 31, 2017, para. 188; IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEASer.L/VII. Doc. 43/15, December 31, 2015, para. 234.

⁵⁴¹ CEJIL, Protection International, [The time is NOW for effective public policies to protect the right to defend human rights](#), 2017, p. 32.

⁵⁴² PDH Guatemala, [Informe de monitoreo a COPADEH, DPPS de la PNC y al MP sobre las recomendaciones emitidas por la PDH sobre seguridad en casos de ataques contra personas defensoras de derechos humanos y periodistas](#), August 2021, pp. 17-18.

⁵⁴³ IACHR, [Situation of human rights in Guatemala](#), OEASer.L/VII. Doc. 208/17, December 31, 2017, Recom. No. 36.

⁵⁴⁴ Inter-American Court, *Case of Luna López v. Honduras*, judgment of October 13, 2013, operative paragraph 10, para. 243:

The Inter-American Court established that the public policy must include, at a minimum, the following requirements:

- a) The participation of human rights defenders, civil society organizations and experts in the formulation of the standards that could regulate protection for the collective in question;
- b) The protection program should address the problem in a comprehensive and inter-institutional manner, according to the risk of each situation; and adopt measures to immediately address the complaints made by defenders;
- c) The creation of a risk analysis model that allows for the effective assessment of the risk and protection needs of each defender or group;
- d) The creation of an information management system on the situation of prevention and protection of human rights defenders;
- e) The design of protection plans that respond to the specific risk faced by each defender and the characteristics of their work;
- f) The promotion of a culture that legitimates and protects the work of human rights defenders, and
- g) The allocation of sufficient human and financial resources to respond to the real needs for protection of human rights defenders.

monitoring process open with respect to this measure of reparation.⁵⁴⁵ The CONADEH identified the failure to implement an effective public policy on protection as one of the main challenges that persist with respect to the protection of environmental defenders.⁵⁴⁶ As of the date of the approval of this report, Honduras does not have a comprehensive public policy on prevention and protection for protecting human rights defenders.

262. In El Salvador, the Commission recommended in its most recent country report to adopt a legal framework for the protection and defense of human rights defenders and implement a comprehensive policy for the protection of human rights defenders, taking all necessary measures to put an end to the stigmatization and degrading accusations emanating from the State or its agents in order to prevent violence against them in accordance with inter-American standards.⁵⁴⁷ As of the approval of this report, the Commission does not have any information on any progress toward complying with this recommendation. In its observations on the draft of this report, the State of El Salvador told the Commission that, pursuant to the Constitution and the law, the Office of the Attorney General of the Republic was the institution responsible for investigating facts that amount to criminal offenses, with the assistance of the National Civilian Police during the investigation, and its competency extends to crimes committed against human rights defenders.⁵⁴⁸ At the same time, it informed the Commission that it had manuals and procedures in place to be applied by police that ensure professional and technically-sound investigative process, enabling it to secure positive results.⁵⁴⁹ It reiterated that it had enacted the Special Law on the Protection of Victims and Witnesses, which establishes measures for guaranteeing the security of persons following their involvement in the investigation of a crime or in a judicial process.⁵⁵⁰

2. National mechanisms for protecting human rights defenders and environmental defenders

263. States have an enhanced obligation to protect the lives and integrity of person of human rights defenders when they face situations of risk, including when it is the results of the

⁵⁴⁵ Inter-American Court. *Case of López Soto et al. v. Honduras. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of September 2, 2020, operating paragraph 3.

⁵⁴⁶ National Human Rights Commission of Honduras, Response to the IACHR questionnaire, received on February 21, 2022, on file with the IACHR.

⁵⁴⁷ IACHR, *Situation of human rights in El Salvador*, OEA/Ser.LV/II. Doc. 278, October 14, 2021, Recommendation No. 37

⁵⁴⁸ El Salvador, Comments on the draft report through Diplomatic Note MPOEA-OEA-188/2022, October 17, 2022.

⁵⁴⁹ State of El Salvador, Report of the State of El Salvador to the Inter-American Commission on Human Rights on the status of compliance with the recommendations contained in the Report "Situation of Human Rights in El Salvador" approved after an in loco visit carried out in 2019, Diplomatic Note MPOEA-OEA-178/2022, October 11, 2022, pg. 12.

⁵⁵⁰ El Salvador, Comments on the draft report through Diplomatic Note MPOEA-OEA-188/2022, October 17, 2022.

actions of a non-State agent.⁵⁵¹ In this regard, the Commission has noted that properly equipping a mechanism for protecting human rights defenders can help the State meet its obligation, as these mechanisms bring it closer into contact and provided with more awareness of the particular situation of the person and, consequently, enable it to intervene quickly, in a specialized way, and proportional to the risk that they may be facing.⁵⁵²

264. Honduras was the third country in the region to have a national mechanism of protection and the second to have a mechanism established by law and with specific regulations governing it.⁵⁵³ Since its creation, the Commission has closely followed the implementation process and function of the National Protection System (SNP). According to information from the State, between July 2015 and January 2022, the SNP registered 132 active cases of measures of protection, of which 37 correspond to environmental defenders, 34 to persons defending indigenous peoples, and 7 to persons defending Afro-Honduran peoples.⁵⁵⁴

265. The State informed the Commission of the ongoing strengthen of the SNP through budgeting of funds from the National Treasury, as well as 20 million lempiras per year in funds from the Population Security Tax.⁵⁵⁵ The Commission takes note of the resources earmarked by the State for the human rights defender protection mechanism, observing that a large portion of the measures of protection granted are for environmental defenders.

⁵⁵¹ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 149; Inter-American Court. [Case of Escaleras Mejía et al. v. Honduras](#). Judgment of September 26, 2018. Series C No. 361, para. 64; Inter-American Court. [Case of Human Rights Defender et al. v. Guatemala. Preliminary Objections, Merits, Reparations, and Costs](#). Judgment of August 28, 2014. Series C No. 283, para. 142.

⁵⁵² IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 149 – 151.

⁵⁵³ CEJIL, Protection International, [The time is NOW for effective public policies to protect the right to defend human rights](#), 2017, p. 30.

⁵⁵⁴ Republic of Honduras, Response to the request for information on the human rights situation of environmental defenders in Honduras, received on March 9, 2022, on file at the IACHR, pg. 1.

⁵⁵⁵ IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 106; see information from the State of Honduras, Report referring to Chapter IV, volume 1 Section “A” of the Rules of Procedure of the Inter-American Commission on Human Rights, October 15, 2021, pg. 14, on file with the IACHR.

266. However, the lack of a sufficient budget has been one of the main obstacles reported to the Commission since its visit to the country in 2018,⁵⁵⁶ and this obstacle persists to this day.⁵⁵⁷ Civil society organizations told the IACHR of the weakening and therefore non-compliance with the measures of protection adopted for human rights defenders, largely due to a failure to allocate budget. They indicate that this led to a substantial reduction in staff within the Risk Analysis Unit.⁵⁵⁸ They also noted that because of the lack of budget, the SNP has been quick to close files.⁵⁵⁹
267. The Commission has also been informed of other challenges facing the functioning of the SNP. For example, civil society organizations reported that with respect to human rights defenders who are displaced due to their work or because of risks, the mechanism conducts its risk evaluation in their new location, not in the area from which they were displaced. This makes it difficult for them to return and continue their human rights work, and it does not succeed in reducing the real risks they face.⁵⁶⁰ They also highlighted the failure to apply a gender and ethnic approach when evaluating risk.⁵⁶¹ The State of Honduras identified a need to establish protocols or manuals with procedures on measures of collective protection that included differentiated approaches for indigenous persons, persons of African descent, women, and LGBTI persons.⁵⁶²

⁵⁵⁶ At that time, a number of beneficiaries of protection measures expressed the need to increase the SNP's funding. Among other things, they pointed to cases in which the beneficiaries of the measures themselves would have to bear the cost of transporting and feeding the assigned security personnel. In its final report on the visit, the Commission recommended that the State strengthen the mechanism. This was also noted by the United Nations Special Rapporteur for human rights defenders during his last visit to the country in 2018; IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, para. 187. UN, Report of the Special Rapporteur on the situation of human rights defenders: Visit to Honduras, [AHRC/4060/Add.2](#), January 11, 2019, para. 62.

⁵⁵⁷ IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 107; IACHR, Annual Report 2020, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2020, para. 99; meeting with civil society organizations in Honduras, December 18, 2020; IACHR, Public Hearing, [Mechanism of protection for human rights defenders in Honduras](#), 161st regular period of sessions, Washington, D.C., March 17, 2017; IACHR, Public Hearing, [Follow-up on the mechanism for the protection of human rights defenders in Honduras](#), 159th regular period of sessions, Panama City, Panama, December 1, 2016.

⁵⁵⁸ COFADEH, Inputs for follow-up on Compliance with the Recommendations of the Report Human Rights Situation in Honduras, October 28, 2021, in the IACHR archive.

⁵⁵⁹ COFADEH, Inputs for follow-up on Compliance with the Recommendations of the Report Human Rights Situation in Honduras, October 28, 2021, in the IACHR archive. Protection measures are closed when the risk level calculated by the last evaluation is lower than 40%.

⁵⁶⁰ COFADEH, Inputs for follow-up on Compliance with the Recommendations of the Report Human Rights Situation in Honduras, October 28, 2021, in the IACHR archive.

⁵⁶¹ Meeting with civil society organizations in Honduras, December 18, 2020, on file with the IACHR.

⁵⁶² Response of the State of Honduras to the questionnaire for the Practical Guide of guidelines and recommendations for drafting plans to mitigate risk of human rights violations against human rights defenders, August 2020, on file with the IACHR.

268. Additionally, they indicated that the measures were not appropriate for the geographical area in which they are located. For example, the mechanism provides cellular phones in areas without reception, or vehicles not appropriate for the terrain, among other things.⁵⁶³ They indicated that all the measures provided were for infrastructure, or for police bodyguards that the human rights defenders did not trust. The Commission has been informed that this lack of trust was due in large part to the frequency of State participation (particularly the national and military police) in attacks on human rights defenders.⁵⁶⁴
269. The Commission recently received information on further weakening of the SNP, including, among other things, the dismissal of its entire staff. This has led to mistrust in its operations and could endanger the beneficiaries of measures of protection. In response to these circumstances, the OHCHR has called on the State and civil society to enter into a dialogue on strengthening the SNP, to the benefit of the groups it protects.⁵⁶⁵
270. There is no national specialized mechanism for protecting human rights defenders in Guatemala. However, measures have been taken to protect these groups and mitigate the risks they face. The Commission notes that the lack of a national protection mechanism has meant that State action in this area is scattered among a variety of bodies,⁵⁶⁶ such as spaces for interagency coordination to exchange information and case analyses, and implementation of security measures in the framework of a general system for protecting at-risk persons, including human rights defenders.⁵⁶⁷
271. In this regard, measures of protection are implemented through a program to protect persons facing risk. It is managed by the Ministry of Governance through the Office on the Protection of Persons and Security (DPPS) of the National Civilian Police. The measures are granted when the risk has been confirmed through a specific analysis carried out by the Risk Analysis Unit of the DPPS, which determines any security measures situation may require.⁵⁶⁸

⁵⁶³ Meeting with civil society organizations in Honduras, December 18, 2020, on file with the IACHR.

⁵⁶⁴ IACHR, Annual Report 2020, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras, 2020](#), para. 99.

⁵⁶⁵ Information received in the framework of the protocol and work visit carried out by the IACHR to Honduras between August 30 and September 1, 2022, on file with the IACHR.

⁵⁶⁶ PDH Guatemala, [Analysis on human rights defenders and journalists in Guatemala, 2020](#), pg. 39.

⁵⁶⁷ WOLA, [Human Rights Protections in Guatemala: Evaluating State Capacity to Protect and Promote Human Rights](#), December 2019, pg. 16.

⁵⁶⁸ WOLA, [Human Rights Protections in Guatemala: Evaluating State Capacity to Protect and Promote Human Rights](#), December 2019, pg. 16; OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 89; IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.L/V/II. Doc. 208/17, December 31, 2017, para. 182.

272. In this regard, the State of Guatemala reported that the DPPS of the National Civilian Police have a "Protocol for Police Action for performing a risk analysis, security studies, and implementing specific security measures for individuals or facilities," which has also been implemented to mitigate the risks to which environmental defenders could be exposed.⁵⁶⁹ In its comments on the draft of this report, Guatemala repeated this information.⁵⁷⁰ Additionally, according to information from the PNC reported to the PDH, the Department of Risk Analysis of the DPPS includes in its analysis a focus on activities, scenarios, geographic location, local crime statistics, and the culture of the region, as well as the capacity of the alleged aggressor compared to the vulnerability of the person at risk.⁵⁷¹
273. The IACHR has received information on the challenges to guaranteeing effective access to measures of protection, as well as on the deficiencies in the risk analyses performed, which could compromise their effectiveness and suitability. In this regard, the Commission was informed that one of the requirements for requesting measures of protection is the formal presentation of a criminal complaint. This amounts to an obstacle to accessing measures of protection, as human rights defenders often do not file complaints over fear of suffering greater retaliation or a lack of trust in the authorities.⁵⁷² For their part, the PDH and the OHCHR have collected testimony from human rights defenders who prefer not to use the protection program even though they are at risk because they see it as a mechanism of surveillance or a possible obstacle to their work.⁵⁷³ Additionally, civil society organizations point to a lack of flexibility and failure to adjust the measures of protection to the needs of the human rights defender, as they are only offered three options: personal security, perimeter security, or fixed-site security.⁵⁷⁴ The IACHR has also learned of challenges to the implementation of measures of protection posed by geographical

⁵⁶⁹ State of Guatemala, Response to the request for information on the human rights situation of environmental defenders in Guatemala, received on February 21, 2022, on file at the IACHR.

⁵⁷⁰ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFH/WEBS/ffil, November 15, 2022, pg. 25, on file with the IACHR.

⁵⁷¹ PDH Guatemala, [Informe de monitoreo a COPADEH, DPPS de la PNC y al MP sobre las recomendaciones emitidas por la PDH sobre seguridad en casos de ataques contra personas defensoras de derechos humanos y periodistas](#), August 2021, pg. 17-18.

⁵⁷² OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 91.

⁵⁷³ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 88.

⁵⁷⁴ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 94.

conditions. For example, providing personal security in remote areas is costly to the beneficiaries because they must provide food and housing to the security personnel.⁵⁷⁵

274. Along with this, the DPPS does not have a standardized methodology or protocol for conducting specialized risk analysis for human rights defenders, which could give a broad margin for arbitrariness and open opportunities for interference and external pressure on the granting of measures of protection.⁵⁷⁶ Additionally, civil society organizations indicate that the culture and gender of the human rights defenders is often not taken into account, nor is the overall social and political context which they work.⁵⁷⁷ According to civil society organizations, the measures granted focus narrowly on police solutions and often do not include an action protocol for ethnic identity and gender perspective when granting these security measures.⁵⁷⁸

275. The IACHR is also concerned at reports of a lack of transparency with regard to resolutions to grant measures of protection. Specifically, it has learned that a copy of the risk analysis containing the rationale for the security measures proposed, modifications to them, or their cancellation is not provided,⁵⁷⁹ and no resolution is provided giving the rationale when measures are denied.⁵⁸⁰ The IACHR has also received information indicating that the DPPS does not sufficiently document or follow-up on cases to evaluate ongoing risk and determine the effectiveness of the security measures.⁵⁸¹

276. El Salvador does not have a national protection mechanism or specific measures for protecting these groups. Regarding this, the State reported that the Special Law for the Protection of Victims and Witnesses has been in place since 2006 to ensure that victims, witnesses, and other persons involved in judicial proceedings or investigating the crime are

⁵⁷⁵ PDH Guatemala, [Informe de monitoreo a COPADEH, DPPS de la PNC y al MP sobre las recomendaciones emitidas por la PDH sobre seguridad en casos de ataques contra personas defensoras de derechos humanos y periodistas](#), August 2021, pg. 17-18.

⁵⁷⁶ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 93; IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 184.

⁵⁷⁷ IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 183.

⁵⁷⁸ Amnesty International, [Americas: the Situation of State Protection Mechanisms for Human Rights Defenders](#), October 2018, pg. 7.

⁵⁷⁹ IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 184.

⁵⁸⁰ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 96.

⁵⁸¹ IACHR, [Situation of human rights in Guatemala](#), OEA/Ser.LV/II. Doc. 208/17, December 31, 2017, para. 183.

protected. This legislation constitutes the legal framework regulating the implementation of a comprehensive program for victim and witness protection, which is the responsibility of the National Civilian Police and the Office of the Attorney General of the Republic of El Salvador. The State added that "with the objective of providing a comprehensive response to persons who have received threats, including human rights defenders, manuals and procedures have been documented and disseminated to ensure they are applied by police personnel in order to protect the identities and physical integrity of victims and prevent incidents from having subsequent consequences while guaranteeing the investigative process is professional and technically sound so as to obtain positive results."⁵⁸² In its comments on the draft of this report, the State of El Salvador indicated that through the Technical Unit of the Justice Sector (UTE), at the disposition of the Coordinating Committee of the Justice Sector, it was carrying out the project of building the National Comprehensive Victim Response System, with the aim of establishing a model for providing comprehensive support to victims of crimes and human rights violations, with a differentiated approach, that would include four components, response, support, protection, and comprehensive reparations for victims.⁵⁸³

277. The Commission underscores that the mechanisms associated with programs to protect victims, witnesses, and other subjects to participate criminal cases are not the same as a national mechanism for protecting human rights defenders, as protection under these programs assumes a person is at risk due to their participation in a criminal case, whereas for human rights defenders, the threat may be the result of a number of factors, such as their work to promote human rights.⁵⁸⁴ Although the IACHR recognizes the existence of general institutional mechanisms that may be used as tools to provide protection to human rights defenders, mainly within judiciaries, it also emphasizes the need for States to implement comprehensive policies and specialized programs on protection and on the risks facing human rights defenders.⁵⁸⁵

⁵⁸² State of El Salvador, Response to the request for information on the human rights situation of environmental defenders in El Salvador, received on April 12, 2022, on file at the IACHR.

⁵⁸³ El Salvador, Comments on the draft report through Diplomatic Note MPOEA-OEA-188/2022, October 17, 2022.

⁵⁸⁴ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 242.

⁵⁸⁵ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.LV/II. Doc. 207/17, December 29, 2017, para. 242.

3. Implementation of precautionary measures issued by the IACHR

278. From 2015 to the date of publication of this report, the Inter-American Commission has granted seven precautionary measures that order the protection of life and personal integrity of environmental defenders—two with respect to Guatemala and five with respect to Honduras. Thus far, the Commission has not granted precautionary measures for environmental defenders in El Salvador.
279. In the framework of monitoring compliance with these measures, the Commission highlights that the beneficiaries have expressed a degree of dissatisfaction with the measures of protection provided by the States. Likewise, the Commission observes that those requesting precautionary measures had informed the authorities of the risks they were facing, filing the corresponding complaints for investigation prior to turning to the IACHR's mechanism.
280. In Guatemala, the Commission notes that as of August 2021, the COPADEH was following up on 22 precautionary measures before the IACHR and two provisional measures before the Inter-American Court.⁵⁸⁶ Of these, two precautionary measures were related to persons dedicated to defending the environment, land, and territory. Notwithstanding the foregoing, the IACHR has learned that COPADEH does not have a protocol for responding to human rights defenders, and the implementation of measures of protection related to the recommendations of the Inter-American system are the responsibility of the Office of the Procurator General of the Nation.⁵⁸⁷ In its comments on the draft of this report, the State of Guatemala indicated that the Office of the Public Prosecutor, through the competent office, is responsible for providing the information needed by the COPADEH. The COPADEH's specific functions, as defined in the order establishing it, include coordinating with the various State agencies. The COPADEH's work includes providing advisory support and inter-agency coordination for responding to the measures issued by the IACHR through the competent institutions.⁵⁸⁸
281. Along these lines, the Commission has received information on the implementation of security measures, including the assignation of bodyguards; transportation support to the provision of special vehicles; police patrols at the offices or residences of the protected

⁵⁸⁶ PDH Guatemala, [Informe de monitoreo a COPADEH, DPPS de la PNC y al MP sobre las recomendaciones emitidas por la PDH sobre seguridad en casos de ataques contra personas defensoras de derechos humanos y periodistas](#), August 2021, pg. 13.

⁵⁸⁷ PDH Guatemala, [Informe de monitoreo a COPADEH, DPPS de la PNC y al MP sobre las recomendaciones emitidas por la PDH sobre seguridad en casos de ataques contra personas defensoras de derechos humanos y periodistas](#), August 2021, pg. 12 – 13.

⁵⁸⁸ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEH/WEBS/ffll, November 15, 2022, pg. 25, on file with the IACHR.

persons; and the provision of police escorts, among other things.⁵⁸⁹ However, it has been informed of a lack of sufficient training personnel to provide adequate protection arrangements for the constant rotation of protection personnel; a failure to cover the housing and food for the security personnel, placing the costs on the beneficiaries; a lack of follow-up on meetings to agree on the measures of protection; and unjustified delays in the implementation of measures of protection, like the assignation of armored vehicles and strengthening protection at residences.⁵⁹⁰ The Commission has also learned of the State's failure to place guards at the homes of beneficiaries.⁵⁹¹ Of particular concern is information indicating a total or partial lifting of protection arrangements without prior consultation and in the absence of the beneficiaries of the protection program and precautionary measures.⁵⁹²

282. In Honduras, the State informed the Commission that as of September 2021, there were 56 precautionary measures ordered by the IACHR between 2002 and 2021. Of them, 52 precautionary measures are in force and four were closed during 2021. Of the 52 in force, 32 are implemented under the protection mechanism.⁵⁹³

283. The Commission appreciates the State of Honduras's relationship with the IACHR's precautionary measures mechanism. It emphasizes that the State has been responding to requests for information, and the information it has presented is substantive and detailed, referring to the actions and measures that are being implemented in favor of the beneficiaries. It also values the State's participation in the working meetings and hearings called.⁵⁹⁴ However, the Commission also is aware of challenges to implementing the precautionary measures granted by the IACHR. In particular, the Commission observes that in Honduras, between 2016 and the publication date of this report, beneficiaries of the

⁵⁸⁹ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 219.

⁵⁹⁰ IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 219; IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.L/V/II. Doc. 43/15, December 31, 2015, para. 233.

⁵⁹¹ Information received in follow-up to precautionary measure MC 487-1 Quelvin Otoniel Jiménez Villata regarding Guatemala, on file with the IACHR.

⁵⁹² IACHR, [Towards Effective Integral Protection Policies for Human Rights Defenders](#), OEA/Ser.L/V/II. Doc. 207/17, December 29, 2017, para. 219; IACHR, [Human Rights Situation in Guatemala: Diversity, Inequality, and Exclusion](#), OEA/Ser.L/V/II. Doc. 43/15, December 31, 2015, para. 233.

⁵⁹³ IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 102.

⁵⁹⁴ IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 103; Annual Report 2020, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2020, para. 95.

precautionary measures of the IACHR have been murdered in Honduras.⁵⁹⁵ This reflects a lack of State capacity to effectively comply with these measures and to prevent the risks on which the precautionary measures are based from materializing.

284. Additionally, the IACHR is frequently informed of a lack of and/or shortcomings in the protection measures granted by the State, particularly in security arrangements, with allegations of, for example, inconsistencies with police patrols, failures to update or conduct risk analyses, failures in police liaisons, technical failures of security vehicles and lack of maintenance thereof, unilateral changes made to the arrangements without consultation, assignment of guards and escorts that are not trusted by the beneficiaries, failure to include differential approaches in security measures, etc. As regards environmental defenders, the Commission has received information on the existence of greater challenges when dealing with human rights defender beneficiaries who are part of a group and/or belong to movements that fight against extractive activities and defend ancestral territory. At the same time, the beneficiaries of precautionary measures have indicated that despite filing complaints before the competent authorities over facts that put them at risk, they have seen no substantial progress in the investigations. It was even pointed out that most of the processes have been inactive for years, without any update on investigative proceedings, in many cases leading to the cases being closed and archived.⁵⁹⁶ Civil society organizations have also said that the personnel assigned to provide protection are not aware of the scope of the precautionary measures.⁵⁹⁷
285. Implementation of the IACHR's precautionary measures in Honduras has been a subject of international concern. In the framework of the Universal Periodic Review (UPR), several States recommended that the State pursue effective implementation of the IACHR's precautionary measures.⁵⁹⁸ Likewise, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions expressed deep concern at the Honduran authorities' inability to effectively apply the IACHR's precautionary measures.⁵⁹⁹

The Commission learned of the [murder of Salomón Matute and his son Juan Samael Matute](#), both Tolupán indigenous members of the San Francisco Locomapa tribe and the Movimiento Amplio por la Dignidad y la Justicia (MADJ), on February 25, 2019, in the department of Yoro. Salomón Matute was a beneficiary of precautionary measures granted by the IACHR on December 19, 2013. It also learned the murder of [José Ángel Flores and Silmer Dionisio George](#), president and member, respectively, of the Movimiento Unificado Campesino del Aguán (MUCA), which occurred on October 18, 2016, in the department of Tocoa. Both were beneficiaries of precautionary measures granted by the IACHR on May 8, 2014.⁵⁹⁵

⁵⁹⁶ IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 104.

⁵⁹⁷ Meeting with civil society organizations in Honduras, December 18, 2020, on file with the IACHR.

⁵⁹⁸ UN. Report of the Working Group on the Universal Periodic Review, [A/HRC/16/10](#), January 4, 2011.

⁵⁹⁹ UN, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to Honduras, [A/HRC/35/23/Add.1](#), April 11, 2017, para. 35.

286. For its part, the State of Honduras has informed the IACHR of the challenges to implementing the precautionary measures in the sense that beneficiaries do not participate in the domestic risk analysis process, and there is a lack of understanding on the scope of the resolutions of the measures granted by the IACHR.⁶⁰⁰

287. The Commission has no precautionary measures granted to environmental defenders in El Salvador during the time period covered by this report, and will therefore not perform the corresponding analysis.

4. Special prosecutors and protocols for investigating crimes committed against human rights defenders

288. The best way to protect human rights defenders is effective, including environmental defenders, is by investigating acts of violence against them and punishment of those responsible.⁶⁰¹ The Commission has recommended that States set up specialized units within the police and prosecutor's offices with the resources, training, and cooperation protocols necessary to investigate crimes against human rights defenders seriously, diligently, and efficiently.⁶⁰² It has likewise indicated that drafting and approving specialized investigation protocols that take into account the risks inherent to human rights defense work are important initiatives that help reduce impunity for these crimes.⁶⁰³

289. The Commission has observed that Guatemala and Honduras have established special prosecutors for investigating crimes committed against human rights defenders, as well as special protocols for investigating these crimes, while El Salvador has no such measures.

290. In Guatemala, the Commission is aware of the creation of a Human Rights Office within the Office of the Public Prosecutor that, in turn, is made up of four specialized units.⁶⁰⁴ These units include a Special Prosecutor for Crimes Committed against Human Rights Activists and Defenders, in charge of handling complaints related to criminal acts in which human rights

⁶⁰⁰ Meeting with the State of Honduras, August 27, 2021, on file with the IACHR.

⁶⁰¹ IACHR, [Basic guidelines for investigating the violations of the rights of human rights defenders in the Americas](#), OEA/Ser.LV/II. Doc. 211, of December 31, 2017, para. 28.

⁶⁰² IACHR, [Second Report on Situation of Human Rights Defenders in the Americas](#), OEA/Ser.LV/II. Doc. 66, December 31, 2011, para. 245.

⁶⁰³ IACHR, [Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle](#), OEA/Ser.LV/II. Doc. 110; June 1, 2021, para. 49.

⁶⁰⁴ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 103.

activists are the victims.⁶⁰⁵ The State of Guatemala highlighted that the FDH would be strengthened through order 68-2019, which reorganized its internal structure into four special prosecutor officers, including the special prosecutor on crimes against human rights activists and defenders.⁶⁰⁶ However, during the public hearing "Impunity for attacks on and murders of human rights defenders in Guatemala," held during the 177th period of sessions, civil society organizations expressed concern about this restructuring because it separated the special prosecutors for crimes committed against journalists, justice officials, and trade unionists from the FDH.⁶⁰⁷ In its comments on the draft of this report, the State of Guatemala indicated that the creation of the Section Prosecutors' Offices would provide good quality and approachable support, complying with the mission and vision of the Office of the Public Prosecutor. It also said that the directives and policies established are complementary and apply generally, and therefore must be respected by all personnel, regardless of which prosecutor office they fall under. The Training Unit has sorted personnel into five cohorts at the national level to train them on the aforementioned issues. It indicated that a factsheet was being disseminated by the Information and Media Unit on social media to inform the public on the work of the Human Rights Prosecutor, as well as on the existence of the Office on Crimes against Human Rights Activists and Defenders.⁶⁰⁸

291. According to the PDH of Guatemala, the OHCHR, and civil society organizations, challenges persist that prevent progress on investigations into crimes against human rights defenders. They include a lack of human and financial resources, a lack of specialized training, failure to apply specialized protocols, and a lack of cooperation by the National Civilian Police.⁶⁰⁹ At the same time, they reported a lack of coordination between the Office of the Public prosecutor for Human Rights and the district or municipal prosecutors, leading to a lack of support in cases related to human rights defenders. Thus, the Unit on Crimes against Activists handled only seven cases between 2017 and 2018, and as of October

⁶⁰⁵ IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020.

⁶⁰⁶ State of Guatemala, Expanded State Report within the framework of the 177th Period of Sessions on the Situation of Human Rights in Guatemala, Diplomatic Note NV-OEA-M4-No.896-2020 of November 27, 2020.

⁶⁰⁷ IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020.

⁶⁰⁸ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/fil, November 15, 2022, pg. 26, on file with the IACHR.

⁶⁰⁹ OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 104; OMCT and FIDH, [Guatemala: una deuda sin saldar. Ciudadanía en resistencia ante el desmantelamiento del estado de derecho](#), June 26, 2022, pg. 10.

2020, it had not brought any case from 2019.⁶¹⁰ In its comments on the draft of this report, the Guatemalan State reiterated that the role of the National Civil Police in investigative matters is auxiliary to the Public Ministry, and while it acts under its direction, it is willing to provide support when requested by the investigating entity.⁶¹¹

292. Guatemala also has General Directive 05-2018, which establishes the “Investigation protocol for crimes committed against human rights defenders.”⁶¹² This protocol provides differentiated regulatory and methodological guidelines for investigating crimes committed against human rights defenders, including the duty to determine if the motive behind the crime was to limit defense activities, as well as its connection to the cause being defended.⁶¹³ In this regard, the State reported on actions aimed at disseminating and training on this protocol through the Training Unit of the Office of the Public prosecutor.⁶¹⁴ Additionally, it reported on the establishment of the Human Rights Policy for Criminal Prosecution of the Office of the Public prosecutor in 2019, the purpose of which was to orient the efforts of prosecutors and comply with international human rights conventions and treaties.⁶¹⁵ It also highlighted the work of the Office on Criminal Analysis of the Office of the Public Prosecutor, which deploys methodologies and techniques to identify patterns of criminality, including in matters related to human rights defenders,⁶¹⁶ as well as State

⁶¹⁰ Brief submitted by civil society organizations to the IACHR in the framework of the Public Hearing “Impunity in attacks on and murders of defenders in Guatemala,” held on October 2, 2020, on file with the IACHR.

⁶¹¹ State of Guatemala, Comments on the draft report, Official Letter 1694-2022-DIDEH/COPADEFHWEBS/ffil, November 15, 2022, pg. 26, on file with the IACHR.

⁶¹² IACHR, Annual Report 2019, Chapter V, [Second report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2019, para. 182. The objective of General Directive 05-2018 is to establish specific criteria and actions for investigating and responding to cases of crimes committed against human rights defenders based on the national and international legal framework.

⁶¹³ State of Guatemala, Expanded State Report within the framework of the 177th Period of Sessions on the Situation of Human Rights in Guatemala, Diplomatic Note NV-OEA-M4-No.896-2020 of November 27, 2020; IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020.

⁶¹⁴ IACHR, Annual Report 2020, Chapter V, [Third report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2020, para. 183; State of Guatemala, Expanded State Report within the framework of the 177th Period of Sessions on the Situation of Human Rights in Guatemala, Diplomatic Note NV-OEA-M4-No.896-2020 of November 27, 2020; IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020.

⁶¹⁵ State of Guatemala, Expanded State Report within the framework of the 177th Period of Sessions on the Situation of Human Rights in Guatemala, Diplomatic Note NV-OEA-M4-No.896-2020 of November 27, 2020.

⁶¹⁶ State of Guatemala, Expanded State Report within the framework of the 177th Period of Sessions on the Situation of Human Rights in Guatemala, Diplomatic Note NV-OEA-M4-No.896-2020 of November 27, 2020; IACHR, Public Hearing, [Impunity in attacks on and murders of human rights defenders in Guatemala](#), 177th regular period of sessions, Washington, D.C., October 2, 2020.

efforts to provide training to justice bodies on the rights of human rights defenders and on the specialized investigation protocol.⁶¹⁷

293. The Commission was informed that despite this investigation protocol, excessive and unjustified delays on the part of the Office of the Public Prosecutor and the PNC persist in the investigation and punishment of persons responsible for crimes against human rights defenders.⁶¹⁸ They indicate that in many cases of murders, the authorities arrive between 4 and 12 hours after the facts, putting the custody of the evidence in jeopardy, giving an opportunity for potential tampering with the crime scene, and therefore fostering impunity for these crimes.⁶¹⁹ Additionally, they reported that there is no awareness of General Directive 5-2018 at the departmental and municipal level, with the exception of the special prosecutor, and indicated that is not applied in all cases of crimes committed against human rights defenders.⁶²⁰

294. In Honduras, the Commission is aware of instances that seek to contribute to reducing impunity for attacks on human rights defenders. Honduras has a Special Human Rights Prosecutor (FEDDHH) with a national purview to investigate and prosecute all crimes related to human rights violations committed by public agents or officials. However, it only has offices in San Pedro Sula and Tegucigalpa, meaning personnel have to travel to handle cases in the country's remote areas.⁶²¹

295. The Commission recognizes the creation of a Special Prosecutor for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Officials (FEPRODDHH) as a major step forward.⁶²² This prosecutor is in charge of handling crimes committed against victims for their work as human rights defenders and environmental

⁶¹⁷ State of Guatemala, Response to the request for information on the human rights situation of environmental defenders in Guatemala, received on February 21, 2022, on file at the IACHR.

⁶¹⁸ IACHR, Annual Report 2019, Chapter V, [Second report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2019, para. 190; OHCHR and PDH Guatemala, [Situación de las personas defensoras de derechos humanos en Guatemala: entre el compromiso y la adversidad](#), May 2019, para. 100.

⁶¹⁹ FIDH, [Guatemala: 327 agresiones a personas defensoras en 2019](#), August 2, 2019.

⁶²⁰ IACHR, Annual Report 2020, Chapter V, [Third report on follow-up on recommendations issued by the IACHR on the Situation of Human Rights in Guatemala](#), 2020, para. 184.

⁶²¹ WOLA, [Human Rights Protections in Honduras: Evaluating State Capacity to Protect and Promote Human Rights](#), December 2019, pg. 26.

⁶²² IACHR, [Situation of human rights in Honduras](#), OEA/Ser.L/V/II. Doc. 146, August 27, 2019, para. 111; Response of the State of Honduras to the questionnaire for the Practical Guide of guidelines and recommendations for drafting plans to mitigate and/or eliminate risk of human rights violations against human rights defenders, September 2020, on file with the IACHR.

defenders, journalists, and social communicators,⁶²³ with the exception of crimes against life.⁶²⁴ These crimes are handled by the Special Prosecutor for Crimes against Life, which includes an Office on Violent Deaths of Persons Belonging to Vulnerable Groups.⁶²⁵ In its 2019 country report, the Commission recommended the State take urgent action to provide a budget for FEPRODDHH.⁶²⁶

296. However, the Commission has been informed of allegations that the FEPRODDHH is ineffective.⁶²⁷ Civil society organizations say that the creation of this prosecutor has not produced an adequate institutional response to the violence facing human rights defenders in Honduras.⁶²⁸ For its part, the IACHR has not received enough information via follow-up on its recommendations to enable it to evaluate whether the budget allocated to FEPRODDHH is adequate for it to function effectively.⁶²⁹

297. Additionally, in the judgment in the 2017 case of *Carlos Escaleras v. Honduras* of the Inter-American Court, the State committed to drafting a “due diligence protocol for investigating crimes committed against human rights defenders,” for which it agreed to establish a “group comprised of members of the Special Prosecutor on Crimes against Life, Special Prosecutor for Human Rights of the Strategic Module for Criminal Prosecution (MPP) of the Office on International Agreements and Affairs of the Public Ministry, and specialists in investigation protocols,” with the OHCHR providing technical support.⁶³⁰ The IACHR is aware of the establishment of this specialized group and of training sessions held on international standards, international good practices, and thorough review of the course

⁶²³ Republic of Honduras, Response to the request for information on the human rights situation of environmental defenders in Honduras, received on March 9, 2022, on file at the IACHR; Office of the Public Prosecutor, [Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Officials](#).

⁶²⁴ WOLA, [Human Rights Protections in Honduras: Evaluating State Capacity to Protect and Promote Human Rights](#), December 2019, pg. 24.

⁶²⁵ IACHR, [Basic Guidelines for Investigating Crimes against Human Rights Defenders in the Northern Triangle](#), OEA/Ser.LV/II. Doc. 110; June 1, 2021, para. 56.

⁶²⁶ IACHR, [Situation of human rights in Honduras](#), OEA/Ser.LV/II. Doc. 146, August 27, 2019, Recommendation 7.

⁶²⁷ OHCHR, Situation of human rights in Honduras. Report of the United Nations High Commissioner for Human Rights, *AHRC/46/75*, March 10, 2021, para. 31.

⁶²⁸ Coalición contra la impunidad, [Informe Sobre la Situación de Derechos Humanos en Honduras](#), 36th Session of the UPR working group (May 4-15, 2020), para. 13.

⁶²⁹ IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 52; Annual Report 2020, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2020, para. 38.

⁶³⁰ Inter-American Court. *Case of Escaleras Mejía et al. v. Honduras*. Judgment of September 26, 2018. Series C No. 361, para. 98-99.

and process of investigation and the detailed guidelines given in the Minnesota protocol.⁶³¹ However, as of the adoption of this report, the protocol has not yet been drafted.

298. In El Salvador, criminal investigations are performed by the Office of the Attorney General of the Republic, although it does not have specialized sections for responding to and investigating crimes against human rights defenders.⁶³² The State of El Salvador informed the Commission that the Office of the Attorney General of the Republic is the guarantor of the population's right to access to justice. Its role is to gather evidence and present it before the corresponding judicial authority, which is in charge of assessing it in keeping with the law and ruling on whether or not the persons implicated in the offenses established beforehand in domestic law are guilty and imposing the corresponding sentences. It indicated that the prosecutors' functions and services are deployed throughout the country through its offices and through Specialized Investigation Units.⁶³³ Civil society organizations indicate that El Salvador's FGR and PNC do not have protocols or other legal instruments on investigating crimes committed against human rights defenders.⁶³⁴

⁶³¹ IACHR, Annual Report 2021, Chapter V, [Follow-up on the recommendations made by the IACHR in the report on the situation of human rights in Honduras](#), 2021, para. 50.

⁶³² WOLA, [Gaps in Human Rights Protections in El Salvador: Evaluating State Capacity to Protect and Promote Human Rights](#), September 2019, pg. 7 and 12.

⁶³³ State of El Salvador, Report of the State of El Salvador to the Inter-American Commission on Human Rights on the status of compliance with the recommendations contained in the Report "Situation of Human Rights in El Salvador" approved after an in loco visit carried out in 2019, Diplomatic Note MPOEA-OEA-178/2022, October 11, 2022, pg. 12.

⁶³⁴ University Human Rights Observatory of the Universidad Centroamericana José Simeón Cañas, [Informe sobre defensoras y defensores de derechos humanos en El Salvador 2019 – 2020](#), 2020, pg. 44.

Chapter 7

Conclusions and recommendations

Conclusions and recommendations

299. The Commission recognizes that violence against human rights defenders and environmental defenders in northern Central America is part of a complex reality that cannot be attributed to a single cause. It is instead the sum of structural causes and factors that have contributed to the discrimination seen historically against these groups, including high rates of poverty and inequitable land distribution. Other factors that impact the risks faced by these groups in the three countries include general insecurity, the militarization of public security, and high rates of violence. At the same time, corruption and institutional weakness have been factors that contribute to a lack of trust in State authorities and exacerbate social conflict.
300. In this context, developing a comprehensive public policy for protecting human rights defenders and environmental defenders in the three countries of northern Central America should be a priority. It must be adopted through constructive and participatory dialogue with human rights defenders and environmental defenders, as well as with civil society organizations, and must be aimed at both preventing attacks against them and guaranteeing the investigation, prosecution, and punishment of the crimes of which they are the victims.
301. The Commission has identified a need to provide adequate and effective measures of protection that are adjusted to accommodate the defense work of the beneficiaries. In particular, it is crucial to grant the measures of protection with the active participation, approval, and trust of the beneficiaries, thereby generating trust in them.
302. The Commission also observes that impunity for crimes against these groups continues to be one of the main obstacles to preventing the repetition of such acts. The lack of information and figures on these aggressions are the main obstacle to understanding the prevalence of the violence in question and thus the progress made on investigating the incidents. Although States have adopted some measures to move these investigations forward, the Commission observes that progress on access to justice has been, generally speaking, nonexistent. The State must therefore redouble its efforts to move forward in investigating the crimes committed against these groups.
303. It is also concerning that criminalization remains a common practice that specifically affects those defending land, territory, and the environment in the context of implementation of development and extractive industry projects. Sometimes, the criminal cases are launched by State authorities, while in other cases, private enterprises or private parties play an important role in the criminalization of these groups. Added to this context is the enactment or amendment of laws whose wording could contribute to criminalizing these groups.

304. The Commission reiterates that the work done by environmental defenders is essential for guaranteeing a balance between environmental protection and sustainable development. In the context of northern Central America, environmental defenders have sought to protect the lives and integrity of person of those who may be impacted by the adverse effects of pollution, environmental degradation, and the excessive and/or illegal extraction of natural resources.
305. The Commission therefore calls on the States of northern Central America to foster an acceptable environment free from hostility with full respect for the fundamental freedoms of environmental defenders in their countries. This should specifically start with a public and unequivocal recognition of the importance of their work for the full exercise of human rights, including the right to a healthy environment. In view of the foregoing comments, and in keeping with the authorities set forth in Article 41(b) of the American Convention on Human Rights, the IACHR issues the following recommendations:
1. Promote a culture that legitimizes and protects the work of environmental defenders and their organizations by publicly and unequivocally recognizing the importance of their work for building democratic societies, as well as for environmental issues and sustainable development. The commitment to this policy must be reflected at each level of the State and in each branch of government.
 2. Create a national educational and promotion campaign on the work of human rights defenders and environmental defenders. Along these lines, State authorities must, from the most senior levels, refrain from making declarations or statements that stigmatize or disparage human rights defenders and environmental defenders for their defense activities.
 3. Recognize the rights to a healthy environment and to defend human rights and the environment in internal legal frameworks, as well as ratify the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).
 4. Prioritize implementation of the recommendations of the IACHR, the REDESCA, and the Protocol of San Salvador Work Group with respect to the right to a healthy environment and other ESCER as a way of making structural improvements to the context in which environmental defenders do their work.
 5. Conduct prior, adequate, and effective consultations with peoples and communities that fully comply with applicable international standards should the intent be to pursue a natural resources extraction activity or project on their lands and territories

or a development or exploitation plan of any other kind that could potentially impact their territory.

6. Urgently adopt a comprehensive public policy of prevention and protection for human rights defenders and environmental defenders, drafting it with the active participation of human rights defenders and organizations dedicated to defending human rights and environment. For countries that have national protection mechanisms, the IACHR recommends providing them with sufficient financial resources and adequate personnel trained to respond to demands for measures of protection. Also, guarantee that risk assessments and the implementation of protection measures are done adequately, with the participation of those requesting the measures and employing approaches differentiated by gender, ethnicity, and race in an intersectional manner in order to ensure their effectiveness.
7. Immediately implement, in an appropriate and effective manner, precautionary measures granted by the Commission. In this regard, the States must ensure that the measures adopted are appropriate and effective according to the parameters described in the previous recommendation.
8. Maintain updated and reliable statistical information on acts of violence in which the victim or alleged victim is a human rights and environmental defender in order to establish patterns of violence and develop more efficient public policy on prevention. This information must include statistics on cases of murder, as well as acts of intimidation, threats, harassment, and other attacks, as such incidents are often the first manifestation of increasing danger.
9. Take the measures necessary to effectively implement the criteria, standards, and recommendations of the report “Business and Human Rights: Inter-American standards” and, in particular, prevent private enterprises and private security companies from attacking human rights defenders. In this regard, decisive measures must be taken to guarantee effective supervision and control over private security companies and their agents.
10. Take urgent measures to prevent and avoid judicial harassment of human rights and environmental defenders, such as protocols and training for justice officials, in order to prevent judicial investigations from subjecting human rights defenders to unjust or baseless trials.
11. Ensure that the authorities or third parties do not manipulate the punitive power of the State and its organs of justice to harass human rights defenders and justice officials.

12. Ensure human rights and environmental defenders are not subjected to criminal proceedings that are either unnecessarily quick or lengthy. Likewise, States must stop using arrest warrants as a mechanism of punishment or retaliation against these groups.
13. Investigate with due diligence all acts of violence against human rights defenders. For countries that have special prosecutors to investigate these crimes, the Commission urges them to provide them with sufficient financial resources, as well as adequate personnel trained on the subject matter.
14. Establish or adequately implement specific investigative protocols to ensure that the competent authorities act in coordination and respond with due diligence to the investigation of attacks on human rights and environmental defenders, establishing hypotheses of the crimes and guidelines for investigating them that take into account the interests that may have been violated in retaliation for the activities carried out by the human rights defender harmed.