



Report for the Universal Periodic Review of Honduras 2020

Women defenders of land, territory and the environment

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Report presented by:
Peace Brigades International Honduras

Peace Brigades International (PBI) is an international non-governmental organisation with consultative status before the United Nations, which promotes the protection of human rights and conflict transformation through non-violent means. PBI uses international accompaniment to offer protection to individuals, organisations and communities that carry out actions to defend human rights, always at the request of these organisations and in response to their needs. In this way, PBI contributes to protecting space for human rights, justice and peace initiatives. PBI currently has projects in Colombia, Guatemala, Mexico, Kenya, Honduras, Nepal and Indonesia, as well as 13 national groups in Europe, North America and Australia.

PBI Honduras has a field team in Tegucigalpa, which accompanies and strengthens the work of at-risk human rights defenders, as well as social processes and initiatives, with the aim of contributing to guarantees and respect for fundamental rights in the country. PBI Honduras currently accompanies organisations and human rights defenders working to defend Freedom of Expression, Sexual Diversity and Economic, Social and Cultural (ESC) Rights.

Contact:

Coordination Office:
C/ Romero, 9. 28720
Bustarviejo, Spain
Tel.: (34) 619374324
coordinacion@pbi-honduras.org

Team in Honduras:
C/ Arturo López Rodezno, 2321
Colonia Rubén Darío.
Tegucigalpa, Honduras
equipo@pbi-honduras.org

Advocacy Coordination in Switzerland:
Kim-Mai Stéphanie Vu
kim-mai.vu@peacebrigades.ch

I. Introduction

1. Women defenders of land, territory and the environment in Honduras face a situation of particular vulnerability. During the 2015 UPR, Honduras accepted important recommendations related to impunityⁱ, militarisation and the use of forceⁱⁱ, the protection of human rights defendersⁱⁱⁱ and civil society participation^{iv}. PBI has observed with concern that these recommendations are not being implemented in a way that responds to the special situation of women defenders of ESC rights.

II. Context

2. Despite being one of the richest countries in terms of natural resources, there is significant inequality in land ownership in Honduras, as well as a considerable increase in extractive projects. The process of granting concessions in Honduran territories to national and international companies that began at the start of this decade, has led to 302 mining concessions covering 2.173 km^{2v}. The last two decades have been marked by an expansion of monocultures, which promotes even greater land concentration. According to the Inter-American Commission on Human Rights (IACHR), inequality and lack of development are rooted in a system that benefits an elite minority linked to high levels of political and private power^{vi}. The exploitation of natural resources leaves communities without the means of production and forces them to defend their territories and life itself. Traditionally, the responsibility for the sustainability of life and the satisfaction of human needs (food security, healthcare, education, care) lies with women^{vii}. This is why the exploitation of land leads to even greater vulnerability for women defenders of ESC rights.

3. Figures show that between 2015 and 2018 at least 31 ESC rights defenders were killed^{viii}. In 2016, Honduras was considered to be the most dangerous country in the world for these defenders^{ix}. In this context, the situation of women defenders is of particular concern. In the last two years, six women defenders were killed. Moreover, 1,232 attacks against women defenders, their families and their organisations were registered between 2016 and 2017 (52% perpetrated by state actors and 36% against women defenders of ESC Rights)^x. Eighty-six out of every hundred women lack access to land, which led to a high percentage of women being involved in land recovery processes^{xi}.

4. Women defenders face specific forms of violence which include a strong gender component, such as: sexual harassment, rape and stigmatisation. Attacks against women defenders frequently include references to sexual stereotypes and traditional gender roles and often undermine the women's role in the struggle for rights. Besides, women defenders also face continuous discrimination, sexist violence, and the social acceptance of this violence^{xii}. Due to the patriarchal and traditional norms in society, being a woman defender means fulfilling multiple roles, because in addition to the workload of being a defender, women are also responsible for the household. The specific risks and attacks faced by women defenders of ESC rights demonstrate the need for state policies with a differential focus.

III. Criminalisation

5. The misuse of criminal law to criminalise, paralyse and delegitimise the work of human rights defenders^{xiii} continues to be a systematic practice in Honduras. Between 2013 and June 2018, 642 women defenders faced criminal prosecution, and a high percentage of these women were defenders of ESC rights^{xiv}. Moreover, according to a study by JASS (2018), 68.6% of women belonging to ESC rights organisations are affected by criminalisation.

6. The rising number of criminalisation cases during the last five years is cause for concern. The types of crimes used to criminalise ESC rights defenders have been amplified. Whereas traditionally these defenders were indicted for land usurpation, coercion and damages, in recent year, for example, the crime of illicit association has also been used in various cases, for instance in the Guapinol case in which 12 ESC rights defenders were indicted^{xv}. Moreover, the definition of the crime of terrorist association (as well as other articles) in the New Criminal Code is of serious concern, since it might enable more criminalisation due to its ambiguous wording^{xvi}.

7. Normally, preventive measures in expectation of trial include the obligation to appear periodically before a court, sometimes even for years^{xvii}. These measures imply a significant economic burden, even more so for those defenders who live in remote areas^{xviii}. For women defenders preventive measures suppose an added burden as they also have to take care of the household: “men often don’t have other responsibilities in the background, women on the other hand have to face the problem of their children, it affects them more at the family and the personal level”^{xix}. Criminalisation usually goes accompanied by smear campaigns in the media and statements by public servants, which is even more stigmatising for women defenders^{xx}. One of the interviewed women said: “I was stigmatised but my husband wasn’t. He came out of this clean, he goes to court to sign, but he wasn’t stigmatised. The women from my community, including my family, make fun of my struggle”^{xxi}.

8. The National Union of Rural Workers (*Central Nacional de Trabajadores del Campo* - CNTC) in the Yoro department reports that 90% of the small-scale farming companies that are members of the organisation face criminal prosecutions. For example, 28 women have been charged in the AZUNOSA case. During police raids a number of women were arrested along with their children less than four years old^{xxii}. These women and their children still have preventive measures which means they regularly have to go to court to sign. In November 2018, woman defender Juana Carranza from the small-scale farming company *Reyes Rodríguez Arévalo*, who has had preventive measures since 2012, was arrested for the second time for the same land usurpation complaint, despite having the ownership titles to the land^{xxiii}.

IV. Militarisation and excessive use of force

9. In the last 6 years there has been a 112% increase in the state budget for security and defence^{xxiv}. A number of international institutions have expressed their concern about the militarisation of public security through the employment of the Military Police for Public Order (*Policía Militar del Orden Público* - PMOP)^{xxv}. The PMOP, created as a temporary measure, has become a normalised practice and the number of officers continues to increase^{xxvi}. Civil society reports that this increase is accompanied by a rise in human rights violations, and more specifically an increase in sexual abuse^{xxvii}.

10. OHCHR expressed its concern about the lack of compliance with international standards during evictions^{xxviii}. In relation to this, one woman defender commented: “there are more human rights violations. Before the coup they didn’t shoot at people and it still really shocks me^{xxix}.” Traditionally, women were the ones that stayed behind in the communities to face evictions, because “there was some kind of respect in the sense that soldiers didn’t hit women^{xxx}.” Nowadays, women suffer attacks and sexual harassment at the hands of the state security forces: “a lot of women were beaten, one woman answered back and they swore at her and touched her, they grabbed her and that’s harassment^{xxxi}.” Several miscarriages have been reported, due to the physical and emotional trauma caused by the use of force. One woman defender suffered a miscarriage after seeing soldiers

shooting at her son: “it affected me badly, [...] I could not sleep and when I heard someone coming, I thought it was one of the policemen and then I fell and lost my baby^{xxxii}.”

11. According to information received by PBI, the Ministry of Security drafted a bill aiming to regulate the use of force^{xxxiii}. Moreover, the Honduran government also mentioned the training of state security forces on human rights issues in their mid-term report^{xxxiv}. Nevertheless, to date no positive results have been observed in relation to these efforts.

V. Protection

12. Despite the creation of the National Protection Mechanism^{xxxv} (hereafter, the Mechanism), in July 2015 (which had considered 325 requests and granted 250 by July 2018^{xxxvi}), the Mechanism is yet to be fully implemented. Civil society has identified worrisome problems, such as the lack of budget, lack of monitoring and public information, the need for trained personnel, the absence of a functioning National Protection Council and significant mistrust towards the Mechanism^{xxxvii}. Furthermore, the lack of a preventive and differential focus has a serious impact on women defenders.

13. In response to demands from civil society, the Mechanism widened its focus to include preventive, economic and psychosocial measures^{xxxviii}. Nevertheless, measures which involve the police continue to prevail^{xxxix}, impacting women defenders differentially. Police escorts, who are mainly men, can make women uncomfortable due to the deeply-rooted sexism in the Honduran society. The women interviewed mentioned the lack of trust in state actors and possible sexist insinuations and attitudes of male bodyguards as main obstacles^{xl}.

14. The IACHR (2017) recommended States to adopt comprehensive protection policies, which go beyond just physical protection and include a preventive and differential focus^{xli}, with a gender perspective which takes into account specific kinds of violence^{xlii}. A differential focus is necessary both during the analysis and the implementation of protection measures. The Mechanism had planned to revise its risk evaluation^{xliii}. However, according to information received by PBI, the risk analysis still lacks a differential focus. Key issues such as gender and socio-political context are not taken into account. Moreover, none of the women defenders interviewed could identify a differential focus in their protection measures. In light of the importance of a preventive focus^{xliv}, the Prevention and Context Analysis Unit was established in May 2018. The unit works on a pilot program for differentiated measures with a gender perspective, however, it lacks sufficient resources.

15. Finally, and in line with the IACHR findings, there is a persistent lack of knowledge about the Mechanism on the part of the authorities.^{xlv} As observed by PBI, this lack of knowledge prevails above all in rural areas. Due to the centralisation of the Mechanism, local authorities and even the beneficiaries’ police focal points are often not informed about the Mechanism and lack training on issues related to human rights, gender and protection mechanisms.

VI. Impunity and access to justice

16. The Global Impunity Index situates Honduras among the 12 countries with the highest levels of impunity^{xlvi}. More than 90% of the murders and other human rights violations go unpunished^{xlvii}. Civil society perceives a selective use of justice, with delays in acting on human rights violations and acting in favour of the interests of actors linked to political powers^{xlviii}. This all contributes to the lack of trust in government institutions^{xlix}.

17. This distrust is reflected in the limited number of defenders who report attacks and violations. According to the *Red de Defensoras* (2016-2017) only 18.5% of the women defenders who had been attacked, filed a complaint with the authorities^l. The state security forces are the main perpetrators which causes distrust among women defenders: “we never wanted to go to the police, because it was the police who were persecuting us”^{li}. On the other hand, when women ESC rights defenders file a complaint, they usually face several levels of discrimination, because they are women, small-scale farmers, indigenous, or have other marginalised identities: “no one pays attention to the poor or indigenous women until one of us is dead”^{lii} “it is difficult to file a complaint, because women are revictimised and blamed”^{liii}.

18. There is no public information about Public Ministry investigations^{liv}. Even when women defenders have filed complaints, in the majority of cases there is no progress in the investigations. If the cases are investigated, the facts are often minimised, as occurred in the case of María Santos Domínguez, a woman defender from COPINH and member of the *Río Blanco* community. In 2014, five people threatened to kill her for opposing to the *Agua Zarca* hydroelectric dam and attacked her and her family with machetes, leaving them seriously injured^{lv}. In 2018, the tribunal declared two of the four people who had been accused guilty, however not for attempted murder but for injuries, and without mentioning María’s role as a woman defender as motive for the crime^{lvi}.

19. A positive step is the creation of the Special Prosecutor for the Protection of Human Rights Defenders, Journalists, and Justice Operators (FEPRODDHH) in May 2018. Nevertheless, by March 2019 the Special Prosecutor had not presented any indictment yet^{lvii}. Nor has the Public Ministry created a protocol to investigate crimes against women defenders which would enable analysis of the context, gender, and other patterns^{lviii}.

VII. Conclusions

20. Despite the fact that the Honduran government accepted a number of recommendations during the 2015 UPR, as mentioned in this report, little progress has been made in their implementation. Problems such as impunity, militarisation and the criminalisation of the legitimate work of human rights defenders are deeply rooted in the country. The exploitation of natural resources has deepened these problems even further. In order to achieve structural changes, with special attention to the situation of women ESC rights defenders, inclusive and comprehensive solutions and policies are needed, along with a real commitment from the Honduran government to implement them. In that sense the generalised perception about the absence of real channels for civil society participation in the drafting of laws and public policy is worrisome^{lix}.

21. Although the lack of opportunities for participation is widespread, women defenders of ESC rights face additional structural obstacles. Even when attempts have been made to implement policies for the active participation of women^{lx}, there are cultural, social and economic barriers limiting their participation^{lxi}. In mixed spaces it is frequent that the women defenders’ intellectual capacity is questioned: “they say: that woman does everything her husband tells her to do, she has no opinion of her own”^{lxii}. As one woman defender experienced in her municipality: “they limited my participation significantly, there were several occasions that I wanted to say something and I couldn’t because they lowered the sound on the microphone. It’s really difficult”^{lxiii}. This shows the need to promote the participation of women defenders and guarantee that state policies include a differential and comprehensive focus in a way that responds to the structural problems the country faces.

VIII. Recommendations

22. Ensure, in compliance with international standards, that the New Criminal Code does not limit the right to promote, protect and defend human rights, as this would undermine the Rule of Law, the cornerstone of democratic societies^{lxiv}.

23. With the aim of eradicating smear campaigns and stigmatisation to which human rights defenders (HRDs) are subjected, make public statements and organise public campaigns that recognise the work of HRDs, with a special emphasis on women defenders.

24. Implement measures that enable prompt, diligent and impartial investigations, both in cases of criminalisation as well as in cases of attacks against HRDs, and adopt and implement a special protocol to investigate crimes against HRDs that enables a contextual, gender-based and intercultural analysis^{lxv}.

25. Guarantee that mechanisms for independent investigation are put into place, for those cases that involve public servants, to prevent and sanction violations against HRDs, with special attention to those committed against women defenders.

26. In compliance with international human rights standards, abstain from using the Armed Forces for citizen security activities and commit to the definition of a clear timeline to eliminate the PMOP as police force responsible for public security.

27. Strengthen the FEPRODDHH, by designating sufficient human and financial resources and ensuring good coordination with other Special Prosecutor Offices such as the Special Women's Prosecutor, the Special Ethnic Prosecutor and the Special Human Rights Prosecutor.

28. Improve human rights training programs for justice operators and the state security forces, dedicating sufficient resources, guaranteeing the application of international human rights standards and ensuring that the programs include a gender focus, differential attention and training on the protection of HRDs.

29. With the aim of ensuring access for all HRDs to the Mechanism, assign sufficient human and financial resources to be able to offer a decentralised response to the specific needs of women defenders in remote rural areas.

30. The Mechanism must ensure that it tackles protection from a comprehensive perspective, strengthening its risk analysis, and its preventive and differential focus, with an emphasis on the importance of a gender perspective. The Mechanism must also ensure that its personnel is trained in the analysis and implementation of measures with a preventive and differential focus.

31. Implement permanent mechanisms that guarantee the effective participation of civil society organisations, especially women defenders, in drafting national policies, laws, action plans, and the Mechanism's protection programs.

32. In recognition of key elements defined in the United Nations Declaration on the Rights of Peasants and Other Persons Working in Rural Areas^{lxvi}, such as the right to land, to natural resources and to food sovereignty, based on the principle of equality between men and women, implement consultation and complaint mechanisms that are accessible, transparent and effective for groups and communities affected by extractive projects and companies.

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