



DEFENDING THE LAND HAS A WOMAN'S NAME

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PBI Honduras

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Introduction

On May 8, 2020, during the 36th session of the Human Rights Council, Honduras will undergo its third Universal Periodic Review (UPR). In its 2015 UPR, Honduras received 152 recommendations, of which it accepted 140 and noted 12. In November 2017, Honduras submitted its Mid-Term Report, where it detailed its advances in its compliance with the recommendations the state had received. According to this report, which refers to just 107 of the recommendations, the state had complied with 23. The other recommendations were in a process of compliance. Over five years since the opening of the Peace Brigades International (PBI) project in the country, and with a consolidated presence in rural areas, PBI has observed a concerning situation for defenders of Economic, Social and Cultural Rights (ESCR). One of PBI's priority strategic areas, as described in its Strategic Plan 2019-2021, is the support of processes to defend the environment from the negative effects of the exploitation of natural resources and the unequal distribution of land. Within the context of the defence of ESCR, and in keeping with the transversal focus on gender as described in this Strategic Plan, PBI has found that women defenders of land, territory and the environment in Honduras are in a particularly vulnerable situation.

Through this report, PBI aims to bring increased visibility to the specific violence and risks that women defenders of land, territory and the environment face, in order to demonstrate the importance of a differentiated response on the part of the Honduran State. Although no recommendation from the 2015 UPR referred explicitly to the situation of women defenders of ESCR, various recommendations make reference to the need for a specific gender focus in their implementation.

During the 2015 UPR, Honduras accepted important recommendations referring to impunity and access to legal justice¹, militarisation and the excessive use of force², the protection of human rights defenders³ and the active participation of civil society⁴. This report revises the level of compliance on the part of the Honduran Government to these recommendations. PBI has observed with concern that these recommendations are not being implemented with due attention to the particular situation of women ESCR defenders.

1 Report of the Working Group on the Universal Periodic Review, Honduras, A/HRC/30/11, 15 July 2015, recommendations: 124.11 (Brazil), 124.19 (Chile), 124.26 (Ireland), 124.30 (Belgium), 124.40 (United States of America), 124.41 (Switzerland), 124.51 (Chile), 124.55 (Czech Republic), 125.25 (United Kingdom and Northern Ireland), 125.29 (Germany), 125.30 (Italy, Namibia, Norway and Romania), 125.31 (Canada), 125.32 (Czech Republic), 125.34 (Estonia), 125.36 (Republic of Korea).

2 Report of the Working Group on the Universal Periodic Review, Honduras, A/HRC/30/11, 15 July 2015, recommendations: 124.31 (Panama), 124.32 (Portugal), 124.33 (Sweden), 124.48 (Switzerland), 125.29 (Germany), 125.36 (Republic of Korea), 125.44 (Canada), 125.45 (Costa Rica), 126.12 (United States of America).

3 Report of the Working Group on the Universal Periodic Review, Honduras, A/HRC/30/11, 15 July 2015, recommendations: 124.51 (Chile), 124.52 (Switzerland), 124.53 (Switzerland), 124.54 (Belgium), 124.55 (Czech Republic), 124.56 (Czech Republic), 125.47 (Timor-Leste), 125.49 (Colombia), 125.51 (Ireland), 125.52 (Italy), 125.53 (Netherlands), 125.54 (Sierra Leone), 125.58 (Uruguay), 125.59 (Brazil), 125.60 (France, Paraguay and Peru).

4 Report of the Working Group on the Universal Periodic Review, Honduras, A/HRC/30/11, 15 July 2015, recommendations: 124.4 (France), 124.8 (Equatorial Guinea), 124.11 (Brazil), 124.19 (Chile), 124.53 (Switzerland), 124.57 (Sierra Leone and Angola), 125.10 (Germany), 125.53 (Netherlands), 125.63 (Venezuela), 125.76 (Peru).

Honduras now

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 km². 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. 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 women⁵. This is why the exploitation of land leads to even greater vulnerability for women defenders of ESC rights.

Figures show that between 2015 and 2018 at least 31 ESC rights defenders were killed⁶. In 2016, Honduras was considered to be the most dangerous country in the world for these defenders⁷. 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)⁸. 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.

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. 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.

5 WRM, La defensa del territorio cuerpo-tierra: una alternativa para los movimientos sociales en resistencia, 17 October 2016.

6 Global Witness, *Enemies of the State?*, 2019; Global Witness, *At What Cost?*, 2018; Global Witness, *Defenders of the Earth*, 2017; Global Witness, *On Dangerous Ground*, 2016.

7 Global Witness, *Honduras: the deadliest place to defend the planet*, January 2017.

8 Red Nacional de Defensoras Honduras, *Informe sobre la Situación de Defensoras 2016-2017: Defender para Vivir*, May 2018.



WOMEN DEFENDERS SPEAK

In the defence of land, territory and the environment

The inequality between men and women within our current system generates discrimination and violence towards women.

Various women human rights defenders were interviewed in the writing of this report⁹: smallholder farmers, indigenous women, youth, mothers, grandmothers, and other interwoven marginalised identities. In spite of all these differences, each one identified the inequality generated by the patriarchal system as their greatest obstacle. This inequality can be seen as much in the discrimination and oppression of women as in the exploitation of natural resources that seriously impacts their lives.

In this sense, “territory” can be defined not only as the physical location that communities inhabit, but also as the space in which human relations take place and personal, collective, historic and cultural identities are created. Feminist movements have further identified the female body as the first territory to defend, from which one can defend life itself and communal ways of being, which includes the defence of land and territory¹⁰.

The inequality between men and women within our current system generates discrimination and violence towards women. As the Mesoamerican Initiative for Women Human Rights

Defenders has stated, a gender component can be clearly identified in a significant percentage of these aggressions. This also affects the work of women ESCR defenders. The attacks that they suffer are based in the deeply-rooted sexism in the country, and are often directed towards their sexuality or traditional gender roles: *“They defame us. They tell us that we are whores, that we go around looking for a husband, that we are irresponsible, that we abandon our children. We are stigmatised”*.

Due to established traditional roles, many partners or spouses of women defenders disagree with their work. There are many stories of women who have ended relationships for this reason, which can have serious impacts: *“My work gave me a lot of trouble with my husband as well. He told me that I had to decide between the struggle and my family. He ended up leaving, and I was left alone with my three small children”*.

⁹ Out of respect for the privacy of women defenders interviewed, the quotes in this section are anonymous.

¹⁰ WRM, La defensa del territorio cuerpo-tierra: una alternativa para los movimientos sociales en resistencia, 17 October 2016.

Similarly, this inequality and its consequences are reflected even within women defenders' communities and organisations. On the one hand, the normalisation of violence towards women is reflected in the acceptance and invisibility within society of domestic violence and sexual abuse. On the other hand, the space for participation of women defenders is frequently limited. In the words of one woman defender: *"The role that women play in society or in the family is not easy, because they always try to belittle it. The man is the one who talks, who decides, and the woman is the one who has to listen"*. In this sense, women ESCR defenders also fight to create greater equality: *"They have to take us into account as women. Because men are quite sexist, they say that we are less than them and that isn't so. We are equals. We have the same mind and the same bodies"*. *"They do not always believe in us because we are women, yet as women we have better intuition and we fail less"*.

In spite of it all, women defenders consider the increasing space they are given within their organisations and communities as one of the achievements of their struggle. They have identified that they are the ones at the front of their struggles. They are the most loyal and the most difficult to corrupt. With their work in human rights, step by step, they are improving not only the protection of land, territory and the environment, but also gender equality.

The paralyzing and stigmatizing effect of criminalization for women defenders

Universal Periodic Review 2015

Although the Honduran government did not receive recommendations referring to the criminalisation of human rights defenders during the 2015 UPR, it is a topic that has gained importance over the last five years. This can be attributed to a notable increase in cases of criminalisation on the one hand, and on the other, to a growing concern over the new Penal Code I, published in May 2019, and reports relating to several articles that would allow the criminalisation of human rights defenders and social protests.

Progress and setbacks

The misuse of criminal law to criminalise, paralyse and delegitimise the work of human rights defenders¹¹ 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 rights¹². Moreover, according to a study by JASS (2018), 68.6% of women belonging to ESC rights organisations are affected by criminalisation.

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 indicted¹³.

¹¹ IACHR, Criminalization of the Work of Human Rights Defenders, OEA/Ser.L/V/II. Doc. 49/15, 31 December 2015.

¹² Information from the Red Nacional de Defensoras Honduras (figures based on all departments in the country except for Gracias a Dios, El Paraíso and Ocotepeque).

¹³ EU-LAT, Open letter to the European Union (EU) regarding the arrest of defenders of the Guapinol River in Honduras, 28 February 2019 (<https://eulatnetwork.org/news-en/open-letter-to-the-european-union-eu-regarding-the-arrest-of-defenders-of-the-guapinol-river-in-honduras/>).

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 wording¹⁴.

Normally, preventive measures in expectation of trial include the obligation to appear periodically before a court, sometimes even for years¹⁵. These measures imply a significant economic burden, even more so for those defenders who live in remote areas¹⁶. 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”*¹⁷. Criminalisation usually goes accompanied by smear campaigns in the media and statements by public servants, which is even more stigmatising for women defenders¹⁸. 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”*¹⁹.

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 old²⁰. 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 land²¹.

14 UN Special Rapporteur on the situation of human rights defenders. Report on visit to Honduras, 11 January 2019, A/HRC/40/60/Add.2, para. 20; OHCHR, Análisis y observaciones al Nuevo Código Penal desde una perspectiva de derechos humanos, July 2019.

15 UN Special Rapporteur on the situation of human rights defenders. Report on visit to Honduras, 11 January 2019, A/HRC/40/60/Add.2, para. 20.

16 JASS, Informe Mapeo: Las mujeres y las luchas por la tierra y el territorio en Honduras, 2018.

17 Interview with woman defender from the CNTC, 5 July 2019.

18 UN Special Rapporteur on the situation of human rights defenders. Report on visit to Honduras, 11 January 2019, A/HRC/40/60/Add.2, para. 52.

19 Interview with woman defender from the CNTC, 5 July 2019.

20 PROAH, AZUNOSA: Conciliation Process stalls while Criminalization continues, 29 January 2014.

21 IM-Defensoras, Hostigamiento judicial contra Juana Carranza, defensora del territorio integrante del CNTC, 19 November 2018.

WOMEN DEFENDERS SPEAK

Lilian Borjas, over six years with alternative measures

The woman human rights defender Lilian Borjas, currently the clerk of the Regional Board of the National Centre for Fieldworkers (CNTC) in the Yoro department, is one of thousands of criminalised human rights defenders in the country. In March 2013, her smallholder group, Triunfo de la Bolsa, initiated a process of land recuperation, taking possession of 62 hectares of land in El Negrito, Yoro. The National Agrarian Institute (INA) has confirmed that the lands are municipal property. Nevertheless, alleged owners have come forward claiming to possess a title to the land from the Institute of Property (IP)²².

During the months prior to the land recuperation, the smallholder group suffered various attacks, and was violently evicted by twelve armed individuals. The armed group arrived in the area, forced the families who were present into a line, threatened them with weapons and burned their belongings²³. On June 17, 2013, Lilian was arrested along with two associates and accused of land usurpation. In Civil Court, she was given alternative measures pending her trial date²⁴.

As of 2019, Lilian has spent more than six years with alternative measures, under which she must periodically sign-in at a courthouse or risk imprisonment. She originally signed every two weeks, although this has since been modified to once a month, which has been a small relief to Lilian. As a woman defender, Lilian has suffered persecution, threats and stigmatisation at a greater degree than the men around her, which has impacted her at a familial, psychosocial and economic level: *“It is clear that I face greater criminalisation as a woman, than he does as a man. I was surprised. If I didn’t have someone willing to go with me and sign in, I would be in prison”*²⁵. Normally, alternative measures cannot last longer than the minimum prison term corresponding to the alleged crime. In Lilian’s case, this should be one year²⁶. However, there have been no advances in the process. Her hearings have been postponed at least 14 times, and on one occasion Lilian was not permitted to enter the court room. The legal process against her is exhausting: *“Sometimes I feel discouraged. Sometimes I would like to leave it all behind, but I am tied to this process. They really have destroyed my life”*²⁷. Although it is not easy to maintain hope, as part of the Regional Board of the CNTC Yoro, Lilian continues to fight for justice, as much in her own case as in the cases of other members of the CNTC.

22 La Red de Defensoras de Honduras, CNTC, CDM, Más de 2 años con medidas cautelares, septiembre de 2015 (https://2.bp.blogspot.com/-d5bjyK4dMA0/VgLUcvHL_7I/AAAAAAAAACRY/ljvjnn-q48s8/s1600/Caso%2BLilian-1.png).

23 CDM, Solidaridad con Defensora Lilian Borjas, 22 September 2015 (<https://derechosdelamujer.org/solidaridad-con-defensora-lilian-borjas/>)

24 CDM, Solidaridad con Defensora Lilian Borjas, 22 September 2015 (<https://derechosdelamujer.org/solidaridad-con-defensora-lilian-borjas/>)

25 Interview with the woman defender Lilian Borjas de la CNTC, 5 July 2019.

26 La Red de Defensoras de Honduras, CNTC, CDM, Más de 2 años con medidas cautelares, septiembre de 2015 (https://2.bp.blogspot.com/-d5bjyK4dMA0/VgLUcvHL_7I/AAAAAAAAACRY/ljvjnn-q48s8/s1600/Caso%2BLilian-1.png).

27 Interview with the woman defender Lilian Borjas de la CNTC, 5 July 2019.

La minería



Contamina Enferma Mata

LAS
SEMILLAS
TRANSGENICAS
MATAN



Towards a public security that complies with international standards: Militarisation and excessive use of force

Universal Periodic Review 2015

As part of the 2015 UPR, the governments of Canada, the United States, Norway and Switzerland published recommendations in which they requested that the military police be redefined as a temporary measure, and lobbied for the intensifying the professionalization of the National Police and the inclusion of human rights training as part of this process. Likewise, the government of Sweden recommended that the Honduran state provide security forces with training in gender issues.

Progress and setbacks

In the last 6 years there has been a 112% increase in the state budget for security and defence²⁸. 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)²⁹.

The PMOP, created as a temporary measure, has become a normalised practice and the number of officers continues to increase³⁰. Civil society reports that this increase is accompanied by a rise in human rights violations, and more specifically an increase in sexual abuse³¹.

28 FOSDEH, ¿Cuál es el Costo de la Seguridad y la Defensa en Honduras 2002 - 2019?: Documento final del volumen I y volumen II del Seguimiento y Evaluación del Gasto Público en Seguridad y Defensa, October 2018.

29 IACHR, Preliminary Observations on the Visit of the IACHR to Honduras, August 2018; UN Special Rapporteur on the situation of human rights defenders. Report on visit to Honduras, 11 January 2019, A/HRC/40/60/Add.2; OHCHR, Annual Report 2018, February 2019.

30 <https://www.elheraldo.hn/pais/1265352-466/el-ejecutivo-busca-duplicar-los-efectivos-de-la-polic%C3%ADa-militar-de-orden>

31 Concern expressed by a number of women defenders interviewed in July 2019.

OHCHR expressed its concern about the lack of compliance with international standards during evictions³². 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”³³. *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”³⁴.*

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”³⁵. Several miscarriages have been reported, due to the physical and emotional trauma caused by the use of force.

According to information received by PBI, the Ministry of Security drafted a bill aiming to regulate the use of force³⁶. Moreover, the Honduran government also mentioned the training of state security forces on human rights issues in their mid-term report³⁷. Nevertheless, to date no positive results have been observed in relation to these efforts.

32 MUNDUBAT, Campesinas y campesinos en Honduras: Por el derecho a defender la tierra y el territorio, July 2017

33 Interview with woman defender from COPINH, 16 July 2019.

34 Interview with woman defender from CNTC, 3 July 2019.

35 Interview with woman defender from CNTC, 3 July 2019.

36 OHCHR, Annual Report 2018, February 2019, para. 30.

37 Gobierno de la República de Honduras, Informe de Medio Término: Examen Periódico Universal, November 2017



WOMEN DEFENDERS SPEAK

Violent search of homes in Volcán San Isidro (La Paz)

In 2015, María Felicita López, Women's Coordinator of the Lenca Indigenous Independent Movement of La Paz - Honduras (MILPAH) was the victim of a violent search of her home. Members of MILPAH, including María Felicita, have suffered various attacks and aggressions due to their opposition to the construction of two hydroelectric projects: Aurora Inc. in the municipality of San José, and Los Encinos Inc. in the municipality of Santa Elena³⁸.

In the early morning of October 22 2015, a group of 20 police officers, 10 soldiers from the Infantry Battalion, and nine civilians from the community of El Potrero searched three homes in the community of Volcán San Isidro. During the search, they attacked three women and threatened to kill them, and struck and intimidated three of the 16 children who were present in the houses. The assailants stole the minutes book of Volcán San Isidro's Indigenous Council, as well as the money they found inside it. Based on these acts, the Inter-American Court of Human Rights (IACHR) granted protective measures to 14 members of MILPAH³⁹.

That night, María Felicita saw how the soldiers broke into her home without showing a search warrant. *"They entered all at once, and shot at my eleven-year old son three times. Thank God they did not hit him. They called me a bitch and a drug-dealer"*⁴⁰. The violence of the attack left the family in trauma: *"I thought that they would come back whenever they wanted and knock on my door. For three months my children would wake up at midnight, screaming 'Let's go mama, the police are coming!'"* As a result of the stress, María Felicita suffered a miscarriage: *"It hit me so hard at the time that I lost one of my babies, because I could not sleep and when I saw someone approach me I felt that it was one of the police officers. On one of those nights, I fell and lost my baby"*. The impact of these kinds of attacks is particularly difficult for women and children, due to the responsibility the woman feels as a mother, and the trauma it creates in young children.

After that night, the women of MILPAH who had been attacked put forward a complaint to the Prosecutor's Office for Ethnic Affairs. A short while ago, María Felicita discovered that the assailants had been released: *"One of the things that has affected me the most about the case is that they were accused of militarism and went unpunished"*.

38 PBI Honduras, Honduras Derechos Económicos, Sociales y Culturales: Briefing sobre la situación de las personas defensoras, junio de 2016.

39 <https://www.oas.org/es/cidh/decisiones/pdf/2015/MC589-15-Es.pdf>

40 Interview with woman defender María Felicita López from MILPAH, 23 July 2019.

Comprehensive protection with a preventive and differential focus

Universal Periodic Review 2015

During the 2015 UPR, the states of Chile, Switzerland, Belgium, the Czech Republic, Timor-Leste, Colombia, Ireland, Italy, the Netherlands, Sierra Leone, Uruguay, Brazil, France, Paraguay and Peru recommended that the Honduran government establish effective protection mechanisms for human rights defenders, through the approval of the Law to Protect Human Rights Defenders, Journalists, Social Communicators and Judicial Officials. Several states particularly emphasised the importance of ensuring that crimes against human rights defenders do not remain in impunity, assigning sufficient resources and applying the law through an open consultation process and participation with civil society.

Progress and setbacks

Despite the creation of the National Protection Mechanism⁴¹ (hereafter, the Mechanism), in July 2015 (which had considered 325 requests and granted 250 by July 2018⁴²), 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 Mechanism⁴³. Furthermore, the lack of a preventive and differential focus has a serious impact on women defenders.

In response to demands from civil society, the Mechanism widened its focus to include preventive, economic and psychosocial measures⁴⁴. Nevertheless, measures which involve the police continue to prevail⁴⁵ impacting women defenders differentially.

41 La Gaceta, Ley de Protección para los y las defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia, Decreto No. 34-2015, 15 May 2015.

42 IACHR, Preliminary Observations on the Visit of the IACHR to Honduras, August 2018.

43 C-Libre, Evaluación del Sistema Nacional de Protección 2015-2018, May 2019; FOSDEH, Análisis de la Efectividad del Gasto Público en Protección de Defensores de Derechos Humanos, June 2019; UN Special Rapporteur on the situation of human rights defenders. Report on visit to Honduras, 11 January 2019, A/HRC/40/60/Add.2.; IACHR, Preliminary Observations on the Visit of the IACHR to Honduras, August 2018.

44 UN Special Rapporteur on the situation of human rights defenders. Report on visit to Honduras, 11 January 2019, A/HRC/40/60/Add.2, para. 46.

45 C-Libre, Evaluación del Sistema Nacional de Protección 2015-2018, May 2019; UN Special Rapporteur on the situation of human rights defenders. Report on visit to Honduras, 11 January 2019, A/HRC/40/60/Add.2; IACHR, Preliminary Observations on the Visit of the IACHR to Honduras, August 2018.

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 obstacles⁴⁶.

The IACHR (2017) recommended States to adopt comprehensive protection policies, which go beyond just physical protection and include a preventive and differential focus⁴⁷, with a gender perspective which takes into account specific kinds of violence⁴⁸. A differential focus is necessary both during the analysis and the implementation of protection measures.

The Mechanism had planned to revise its risk evaluation⁴⁹. 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 focus⁵⁰, 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.

Finally, and in line with the IACHR findings, there is a persistent lack of knowledge about the Mechanism on the part of the authorities⁵¹. 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.

46 Several interviews with women defenders in July 2019.

47 IACHR, *Toward a Comprehensive Policy to Protect Human Rights Defenders*, 29 December 2017, OEA/Ser.L/V/III.Doc. 2017/17.

48 JASS, CEJIL and Protection International, *The gender perspective in the protection of women human rights defenders - the experiences of Mexico and Honduras*, August 2016.

49 IACHR, *Preliminary Observations on the Visit of the IACHR to Honduras*, August 2018.

50 JASS, CEJIL and Protection International, *The gender perspective in the protection of women human rights defenders - the experiences of Mexico and Honduras*, August 2016.

51 IACHR, *Preliminary Observations on the Visit of the IACHR to Honduras*, August 2018.

WOMEN DEFENDERS SPEAK

The lack of a differential approach to protection

Among the women defenders interviewed, some of them have protective measures from the IACHR or the National Protection Mechanism, while others do not want to lodge the request⁵². However, the predominant interpretation is one of mistrust towards state institutions. There is a generalised concern that the information that human rights defenders share with the Mechanism could be used against them. As one woman defender said, *“Why would I give them all my information so that they can follow my every move, if they are the ones who are attacking me?”*.

The majority of the measures granted by the Mechanism involve the police. However, the patriarchal structure of society means that these kinds of measures make women feel uncomfortable, as they are generally implemented by male police officers. *“Here they assign you two police officers, but sexism is so entrenched in the country, and with the mentality of the police, they are not going to be so considerate as to respect your privacy in certain moments, and they may insinuate other things”*. Furthermore, it is common for police to belittle women beneficiaries of protective measures: *“When they arrive, they never ask me anything; they always ask a man what he plans to do”*. Because of this, women defenders with protective measures feel that the Mechanism does not take their gender or the context of the rural communities in which they live into account when granting protective measures. Furthermore, women defenders generally have less access to the mechanism than their male counterparts. Economic concerns and responsibilities in the home, together with the centralisation of the Mechanism, makes it more difficult for women defenders to attend an appointment. Moreover, in high-risk cases it is common for the Mechanism to offer temporary relocation to the country’s capital: *“It is more complicated for women because they have other roots that connect them to the community, like their family and their care labour. They cannot pack their bags and leave”*.

Due to the existing mistrust and the lack of a comprehensive and differential protection, women defenders and their communities have had to develop their own protection strategies. *“The most important thing is protection within communities, for which it is important that we have unity, that people talk to one another and take care of one another”*. The construction of local networks, which in many cases are complemented by national and international networks, has been an important protection alternative⁵³. On the other hand these initiatives also show that the Mechanism has not managed to respond to the reality of rural communities and the differential needs of women defenders living in them.

⁵² Out of respect for the privacy of women defenders interviewed, the quotes in this section are anonymous.

⁵³ JASS, CEJIL and Protection International, The gender perspective in the protection of women human rights defenders - the experiences of Mexico and Honduras, August 2016.



DEFENDING THE LAND HAS A WOMAN'S NAME

A system that strengthens access to justice and ends impunity

Universal Periodic Review 2015

As part of the last UPR, the governments of the Great Britain and Northern Ireland, Brazil, Guatemala and Indonesia requested that the Honduran State ensure that human rights bodies such as the Public Ministry and the judiciary have sufficient human rights training and financial and human resources to guarantee their independence and impartiality. Furthermore, in reference to the Law of Protection, several states provided recommendations that called upon the Honduran government to ensure that acts of violence and other attacks against human rights defenders do not remain in impunity.

Progress and setbacks

The Global Impunity Index situates Honduras among the 12 countries with the highest levels of impunity⁵⁴. More than 90% of the murders and other human rights violations go unpunished⁵⁵. 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 powers⁵⁶. This all contributes to the lack of trust in government institutions⁵⁷.

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 authorities⁵⁸. 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”*⁵⁹.

54 Global Impunity Index 2017 (<https://www.udlap.mx/cesij/files/IGI-2017-Resultados.pdf>).

55 ACI PARTICIPA, Informe situacional DDH 2018, 2018.

56 IACHR, Preliminary Observations on the Visit of the IACHR to Honduras, August 2018.

57 IIDH, Problemática socioambiental en Honduras y Guatemala: justicia, protección y defensa en los ámbitos nacional e interamericano, 2019.

58 Red Nacional de Defensoras Honduras, Informe sobre la Situación de Defensoras 2016-2017: Defender para Vivir, May 2018.

59 Interview with woman defender from the Red de la Sociedad Civil de San José, La Paz, 22 July 2019.

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”⁶⁰. “It is difficult to file a complaint, because women are revictimized and blamed”⁶¹.

There is no public information about Public Ministry investigations⁶². 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.

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 yet⁶³. Nor has the Public Ministry created a protocol to investigate crimes against women defenders which would enable analysis of the context, gender, and other patterns⁶⁴.

60 Interview with woman defender from COPINH, 15 July 2019.

61 Interview with woman defender from the Movimiento Ambientalista Santabarbarens, 23 July 2019.

62 IACHR, Preliminary Observations on the Visit of the IACHR to Honduras, August 2018.

63 Pasos de Animal Grande, Al ras del suelo la Fiscalía de Protección para Periodistas y defensores de DDHH, 13 March 2019 (<https://www.pasosdeanimalgrande.com/index.php/en/contexto/item/2426-al-ras-del-suelo-la-fiscalia-de-proteccion-para-periodistas-y-defensores-de-ddhh>).

64 OHCHR, Annual Report 2018, February 2019, para. 52.

WOMEN DEFENDERS SPEAK

Attack against María Santos Domínguez

Impunity in cases of violations of human rights is generalised in Honduras. The Council of Popular and Indigenous Organizations of Honduras (COPINH) has over thirty open legal cases. In spite of this, COPINH considers the guilty verdict and sentencing of 7 of the 8 defendants in the case of the assassination of Berta Cáceres to be a small achievement. During the case, the judge recognised that Cáceres was assassinated for being a woman defender⁶⁵. However, to date the Public Ministry has not charged the intellectual authors of the crime.

Access to justice is even more difficult in cases of women defenders from rural communities. *“They barely accept complaints from women, they barely listen to them. Someone from the organisation has to accompany them”*⁶⁶ Even when cases do progress, the crime is frequently minimised. This was the case in the attack against María Santos Domínguez, a human rights defender in COPINH from the community of Río Blanco. On March 5 2014, five individuals threatened to kill her over her opposition to the Agua Zarca dam and attacked her and her family with machetes⁶⁷.

*“Five people appeared when I was returning home. They hit me with machetes. I don’t know how I defended myself. I ran away. They took my son for dead, but left my husband paralysed”*⁶⁸. The assailants, three men and two women, attacked María with machetes and sticks, causing severe wounds to her head and chest, and amputating her index finger. While they attacked, they threatened her: *“We’re going to kill you today you whore, for not letting [commercial] projects in”*.

Four years after the attack, in August 2018, a trial court released a guilty verdict. Nevertheless, the court only found two of the four defendants guilty, and not for attempted murder, but for assault. Although the threats they made show a collective intention to murder María, her son and her husband, the two women who attacked them with sticks were found not guilty. Furthermore, María identified the motive of the crime as a rejection of her status as a woman defender, but the court did not make reference to this motive. COPINH’s prosecution filed an appeal, and the case is currently awaiting a verdict from the appeals court.

65 COPINH, Transcripción de fallo de culpabilidad del juicio oral y público por el asesinato de Berta Cáceres y asesinato en grado de ejecución de tentativa contra Gustavo Castro Soto, 29 November 2018.

66 Interview with woman defender from COPINH Bertha Zuñiga Cáceres, 16 July 2019.

67 COPINH, Denuncia urgente: intentan asesinar a la compañera María Santos Domínguez, a su esposo e hijo, familia destacada en la lucha en Río Blanco y miembro de COPINH, 7 March 2014.

68 Interview with woman defender María Santos Domínguez from COPINH, 15 July 2019.



Conclusions

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 worrisome⁶⁹.

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 women⁷⁰, there are cultural, social and economic barriers limiting their participation⁷¹. 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”*⁷². 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”*⁷³. 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.

⁶⁹ Concern expressed during a number of interviews with women defenders.

⁷⁰ Instituto Nacional de la Mujer, *El Plan de Igualdad y equidad de género de Honduras 2010-2022*, 2010.

⁷¹ Plataforma EPU, *Informe Alternativo al Segundo Informe del Estado de Honduras ante el Comité de Derechos Económicos, Sociales y Culturales*, 2016.

⁷² Interview with woman defender from COPINH, 16 July 2019.

⁷³ Interview with woman defender from the Red de la Sociedad Civil de San José, La Paz, 22 July 2019.



Recommendations

1. 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 societies⁷⁴.
2. 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.
3. 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 analysis⁷⁵.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

74 OHCHR, Análisis y observaciones al Nuevo Código Penal desde una perspectiva de derechos humanos, July 2019.

75 Inter-American Court of Human Rights, Case of Escaleras Mejía and others v. Honduras, Sentence of 26 September 2018.

9. 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.
10. 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.
11. In recognition of key elements defined in the United Nations Declaration on the Rights of Peasants and Other Persons Working in Rural Areas⁷⁶, 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.

⁷⁶ UN, United Nations Declaration on the Rights of Peasants and Other Persons who Work in Rural Areas, A/HRC/39/L.16 (adopted in New York on 17 December 2018 during the 73rd session of the United National General Assembly) with particular reference to Art. 4 on the rights of women and Art. 5 on the right to participate in the management of natural resources.

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