

Shadow Report on Land and Territory in Honduras

Introduction

This report is prepared by organizations working directly with issues of women, land and territory, to be submitted as Shadow Report during the 65th Cedaw Session which will take place in October and November of 2016.

The report is based on the review of documents, focal groups and in depth interviews with national organizations. The organizations involved in this report's elaboration are part of the chapter on land and territory of CEDAW's Platform that is formed by 37 women's organizations on a national level.

Context

Honduras has occupied one of the first places in the homicide global ranking during the last years ¹²³⁴.

According to diverse statistics, the homicide rate during the last years for every 100,000 inhabitants fluctuates between 85.6 and 90.4 in 2012, while in 2014 it was of 688. Being a human rights defender makes the risk of being victim of violence rise. In Honduras there are 2,2 million rural women, 1,3 million of which live in condition of poverty and extreme poverty, according to official estimates.

The majority of people live in poverty while the business sector keeps a steady growth with the financial support of banks like BCIE, World Bank and IDB; in comparison to men, women work two or three jobs^{5 6} in order to be able to support their children. Disintegration and

¹ http://www.unodc.org/documents/data-and-analysis/statistics/Homicide/Globa_study_on_homicide_2011_web.pdf

² <http://www.iudpas.org/pdf/Boletines/Nacional/NEd36EneDic2014.pdf>

³ <http://datos.bancomundial.org/indicador/VC.IHR.PSRC.P5>

⁴ <http://www.latercera.com/noticia/mundo/2015/05/678-629163-9-mapa-interactivo-de-los-homicidios-en-el-mundo.shtml>

⁵ <http://www.elheraldo.hn/pais/571856-214/honduras-es-el-tercer-pais-de-america-latina-con-mas-inequidad-economica>

⁶ According to the Human Development Report Honduras 2011, Honduras stands on the third place among countries in the continent, with the largest margin of social and economic inequity, only below Haiti (first place) and Colombia.

violence are characteristic of a majority of homes in the country.⁷

Indigenous and rural homes are the most affected. 72% of indigenous homes, compared to 41,6% of homes at a national level, cannot afford the basic food basket; the tolupán (93.9%), chorti (87.4%) and pech (84.4%) peoples register the worst percentages. 88.7% of indigenous child population live in poverty; and more than 88% of the tolupán, lenca and pech children suffer extreme poverty. The indigenous unemployment rate of people older than 18 is 44,7%. 83.6% of the unemployed are women. A large part of the young migrates due to the lack of stable and well payed jobs⁸ and because of violence⁹. This situation allows that powerful religious institutions, with extreme fundamentalist positions, make the advances reached by women in defense of their rights, move back, fostering a traditional vision that seeks to silence them; indigenous peoples are kicked out of their land to leave way for new forms of capitalist patriarchal expansion.

Since the 2009 coup Honduras has witnessed an intensification of the presence of foreign extractive corporations, mainly from Europe, China and Canada, which are generally in association with national enterprises and local authorities, that execute mega projects linked to the so called “green energy”. It is estimated that more than 30% of the national territory has been destined to mining concessions, privatizing rivers, territories and displacing communities.^{10 111213}

⁷ Between January and December 2015, violence against women left a balance of 379 victims, of which the most affected age range was from 15 to 39 years making up 57,8% of the total, followed by an age group defined as indeterminte of 18,5%.

<http://www.iudpas.org/pdf/Boletines/Nacional/NEd40EneDic2015.pdf>.

⁸The last report on forced displacement done by the United Nations Agency for Refugees (ACNUR in Spanish) warns that , during the last three years, 109.800 people from Honduras, El Salvador and Guatemala have left their countries as victims of violence

<https://honduprensa.wordpress.com/tag/migracion/>

⁹<http://www.elheraldo.hn/alfrente/566346-209/exclusion-y-riesgo-golpean-a-juventud-hondurena>

¹⁰ http://www.centralamericadata.com/es/article/home/Honduras_Reservan_zonas_mineras_para_explotación_estatal

¹¹ http://www.centralamericadata.com/es/article/home/Fiebre_minera_en_Honduras

¹² http://www.defensoresenlinea.com/cms/index.php?option=com_content&view=article&id=3135%3A35-del-territorio-hondureno-esta-concesionado-para-explotacion-de-recursos-naturales-&Itemid=181

¹³http://www.inhgeomin.gob.hn/index.php?option=com_content&view=article&id=291:inversion-minera-honduras&catid=82&Itemid=562

During the last years the United States government has increased the budget destined to the Honduran government. 50% of the current help is for military and police training.

The absence of judicial independence together with the institutional incapacity to investigate crime has resulted in structural impunity. According to official data, the impunity rate rises to 80% of the cases, while according to civil society organizations, that number could reach 98%.

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 - A. Application of articles 1 and 2

Women, climate change, discrimination and macro economical policy

Climate change

Honduras expects a rise of 2° to almost 5° in temperature towards 2100, while rainfall could be diminished from 15% to 50%. Livestock and agriculture would be seriously affected by these changes. In terms of vulnerability, the World Meteorological Organization placed Honduras among the 10 countries that have suffered more harm through extreme natural phenomena during the period between 1990–2008 and is at this moment considered the country most vulnerable to climate change according to the global climatic risk index. Women face the changes generated by the Niña and the Niña phenomena each year in their bodies and their lives; each year they face the uncertainty of not knowing whether they will be able to harvest what they have planted. SAG reports losses up to 75% of the harvests in some regions of the country. Women also suffer a lack of fire wood, water and food.

The Garífuna people have been largely affected by climate change. For example, in Santa Rosa de Aguan water has become salty due to a shift in the course of the river, which has affected cattle farming. Also, in other regions, the crop of yucca or cassava has diminished considerably, affecting negatively our gastronomy and the legacy of their ancestral culture which depends strongly on its crop. Fishing has also been affected, specially in the southern region and the garífuna regions. On the other hand, according to the Movimiento Amplio por la Dignidad y la Justicia (Broad Movement for Dignity and Justice) in matter of impoverishment of zoological and vegetable biodiversity, the tribe of San Francisco de Locomapa results emblematic. It is also a cause of worry the plague of the pine larvae, *Dendroctonus frontal*, that in the last years has caused the destruction of approximately a 100 thousand hectares at a national level. Toulon has been one of the most affected by this crisis, the management of which largely rests on women's shoulders since they are the ones responsible with this reality which affects on a daily basis the lives of the different tribes.

Women have always done productive work for self consumption, taken care of seeds and bred animals among other chores, but their role has not been properly recognized. Their contributions have been overlooked and have historically been excluded from the taking of decisions that affect their lives, due to cultural factors, like the predominance of patriarchal and sexist conceptions, both in state officers as in the leaders of the social movements. Nonetheless, it is actually women who hold the struggles that take in account the

consequences of climate change in Honduras and the policies of exploitation and plunder developed during the last years.

RECOMMENDATION:The State of Honduras must establish particular mechanisms for the participation of women who are involved in the protection of life, in the design, planning and execution of whichever plan or policy meant for the protection of diverse genetical resources, including seeds and all natural resources, in a responsible way to avoid the most severe consequences of climate change.

RECOMMENDATION: The estate of Honduras is recommended to elaborate a strategy that vindicates and recognizes the role of women in the preservation and bettering of biodiversity and the opposition of corporate theft and patents of genetic resources.

Macroeconomic policies and their effects on the lives of women

Public policies fostered by governments during the last twenty years have harmed the development of a more equitable and democratic peasant economy. Instead, they have favored the development of agri-exportation run by a small number of national and transnational businesses , as well as a greater concentration of the agricultural and livestock for inner consumption. According to CEPAL, in 2010¹⁴ the richest 20% monopolized 61% of rural income and the poorest 20% barely benefited from a mere 3%. These numbers reflect not only the high levels of concentration of natural and productive resources in the hands of a minority of the population, but also its consequences on the rural population: low levels of education, scarce sources of employment and a low quality employment that does not even guarantee a minimum wage and all of the rest of labor rights conquered by Honduran workers, male and female.

Another frame of public policy that has harmed peasant agriculture are the trade agreements, specially those signed with the United States and the European Union. The central problem is the asymmetry of the economies involved in those agreements and, as a result, the disadvantageous conditions of competence, with the aggravating circumstances that farmers in the US and the UE receive high subsidies from their governments. Studies on the impact of the implementation of these trade agreements on small scale agriculture in Honduras and particularly on the lives of women are almost non existent. The countries open their doors to investors and make

¹⁴ INE. Boletín Estadístico. Mujeres y Hombres en Cifras. 2001-2010, Honduras. Pág. 16 modelo neoliBerAI Y IA AgriculTurA en Honduras

legislation more flexible to their favor. A big number of documents are not subjected to arbitration organizations, to find out if the land was acquired legally or if the transnational corporations affect human rights. The agreements are often linked to tax condonations for periods as long as a hundred years. The states are converted into actives but it is the companies that lead the projects without surveillance and accountability. Multilateral agencies like the World Bank, development banks, international cooperation organizations and international bodies also promote these agreements.

In Honduras, contrasting with the reality of the majority of the population, the business sector is in continuous growth with the financial aid of banks like BCIE (Central American Bank for Economic Integration), the World Bank, BID (Bank for Inter American Development). In 2010 a legislative decree approved 40 contracts for hydroelectric projects, 21 of which would affect lena, garifuna, pech, tawahkas, miskito and tolupan communities which were not previously consulted. In the same way, there is a contract signed in 2013 between the government and British Gas for exploration and exploitation of hydrocarbon in an area superior to 35.000 square kilometers in the Mosquito coasts. Around 97 projects for metal extraction have been conceded and 193 of non metallic products and more than 500 mining projects are in process or application for approval.

The realization of these models of development that exploit natural resources and do not take into consideration phenomena like climate change has a direct impact on women's lives in general and those of indigenous and rural women in particular, since they are the ones that have to face the blows of the installation of the projects approved under these premises.

RECOMMENDATION: It is recommended that the Honduras government question itself the belief that development, access to electrical energy, metals, hydrocarbons and other precious minerals justify serious violations to the right to life and personal integrity of inhabitants. Likely, it must be taken in consideration that as the promotion of renewable sources of energy is an important objective, due to climate change, particularly in countries like Honduras, people affected, in particular women, should be included in every process of planning the development and national energetic policies, since many of those projects will affect their land, their means of life and in some cases, ancestral indigenous territories.

Criminalization

684 women were processed in 23 courts in 15 of the 18 departments

of the country between 2010 and 2012, for struggling for their land. By 2013 the number was above 700. “My main problem is to have an apprehension order because I have to hide, I have been struggling for ten years for a little piece of land and now I can’t go out of the community to buy food, nor to work the land because of fear of being detained like the rest of my companions”, testifies one of the six women with an apprehension order of La Comunidad 15 de Septiembre in La Paz.

There is a systematic criminalization of actions that claim land, as well as the right of protest realized by peasants. Because of that, it is not limited to judicial processes; women have to face violent actions, as in the case of the members of the lenca town in Santa Elena (La Paz) who are opposed to the hydroelectric project Los Encinos. For their struggle they deal with violence, persecution, threats and killing by members of the public forces and people related to the project, in 2015 attacks against women and children were registered. In the same way, authorities realize violent evictions, like in the community of Las Brisas del Pueblo Viejo in Intibucá, mainly inhabited by mothers with no partner, and they have had to rebuild together with their children their houses more than once after the evictions.

Criminalization is also stigmatized through media: the hate campaign initiated against the inhabitants of Azacualpa, in Copán, opposed to the intervention in the town’s cemetery by the Empresa Minerales de Occident (MINOSA), a subsidiary of the transnational Yamana Gold, caused that during the afternoon of Wednesday 4th of May, 2016, a group of shock beat physically a young woman that was giving support around the Cementerio Comunitario.

The militarization of the farms that are in process of recovery and the persistent harassment towards the activists is another fact to take in account. Such is the case of women of the Achiotal community. “ On the 10th of August, 2016, two men, Walter and Tiburcio, arrived with trimmers and they cleared our land to set it on fire; and the land that is not cleared is then sprayed to dry it, even more, these guys run after us with guns and they shoot. Sometimes they come with the military, the police who bring cars to take us away detained. Once they took away the women and the children”.

The murders of leaders who defend their land, among them several tolupanes, garífunas, lencas, chortis and pech leaders are a daily event. The recent murder of the lenca leader Berta Cáceres, who lead manifestations against hydroelectric projects in the lenca region brought world attention to this problem. None the less, from 2012 to

2016 there have been at least seven defenders of land that have been murdered. It is pertinent to highlight that many of the indigenous leaders, like Ms. Cáceres, had been given precautionary measures by IACHR. Honduras also has a protection law for human rights defenders, including measures of early warning to attend risky situations.

RECOMMENDATION: It is recommended that the State of Honduras review the improper and wrongful use of the justice apparatus by individuals and state agents which result in the criminalization of women who defend their land, the commons and natural resources.

RECOMMENDATION: Special investigation processes and criminal sanction are recommended in particularly grave cases, focused not only in the authors of the murders but also on the problem with land that is the root of violence against defenders of land. In particular, in the murder of Berta Cáceres, it is recommended that the government seek and accept technical assistance from international organisms and independent experts, as the family of Berta Cáceres and members of indigenous organizations and of civil society have requested.

B. Article 14, paragraph 1

Economic justice and social and economic programs, including them in the design and elaboration of all pertinent plans and strategies, like those related to health, education, employment and social security. 2,2 million rural women inhabit Honduras, 1,3 millions of whom live in conditions of poverty and extreme poverty, according to official estimates. According to the Food and Agricultural Organization, FAO, and the World Bank, women represent 43% of agricultural labor force in developing countries, however they face a gender gap that impedes them access to basic resources, like credit to increase their productivity. Because of this, organized peasant women fostered a bill called LAW FOR THE NATIONAL PROGRAM OF SUPPORTIVE CREDIT FOR RURAL WOMEN (CREDIMUJER) which was approved. However, the budget assigned for this purpose was a hoax for its implementation. "In Honduras there are no formal dispositions that explicitly discriminate or limit access of women to financial services and there is a policy of gender equality in agro, where several strategic objectives are established, determined to support women; however, since the emission of the Law Decree #8 in December 1974 to July 2002, only 4% of rural women have had access to agricultural credit". (<http://www.eclac.cl/mujer/noticias/paginas/8/36338/Honduras.pdf>)

Social programs, like "Vida Mejor" (Better Life) don't reach rural or indigenous women, nor the poorest. The manipulation for political

uses by government actors of this and similar projects has been denounced in diverse communities nationwide. “The voucher and the ‘bolsa solidaria’ reaches this community, but it is not for all persons. Those benefits are given out to small groups related to the political activists, that’s not for us the poor”. Indigenous woman from Brisas del Pueblo, Intibucá. The Especial Rapporteur on Indigenous peoples has highlighted these denounces in the subsection 64 in her report of her visit to Honduras in 2015. “There is discrimination in those government programs for not belonging to the same political party, women who do not belong to the party do not receive it and they can’t do anything, those who make decisions are the party’s coordinators and period” inhabitant of the Ramón Amaya Amador. In the garífuna communities it is experienced in the same way.

It is impressive to learn that life expectancy of indigenous women in Honduras is 36 years, well below the national average which is 72,47 for women, which shows a very clear discrimination of them at a national level. In the same way they face discrimination that makes them vulnerable to unjust and precarious working conditions.

In spite of violence against women being so widespread there are scarce ways of denouncing and almost no effective program of prevention. In fact, the government continues to reinforce feminine stereotypes in its campaign, which reinforce discrimination and thus, the normalization of violence. Even though it is a widely identified problem in the communities, women affected by it have not been able to reach the authorities because of difficulties of transportation and lack of access to denounce it.

The State does not have capacitation programs and women affirm they have not been trained on it by any institution. In the garífuna communities there is more psychological than physical violence but it is not possible to denounce these cases and the State doesn’t have any program of attention nor prevention of it. Only OFRANEH offers processes to prevent violence.

RECOMMENDATION: The government must establish and support decentralized systems of rural credit for women, like CREDIMUJER, with enough funding to operate and be effective; that make production of food for home consumption and insurance of food sovereignty a priority. These systems must use the capacity of production of women, not the land, as guarantee for credit. Peasant and rural families, specially women, must have access to productive

land, credit, technology, markets and extension services.

RECOMMENDATION: It is recommended that accessible mechanisms of denounce of violence against women in rural areas be established in order to advance the elimination of impunity of violence: physical and sexual abuses suffered by women and female children in the country and over all, in their homes.

II. Obligations of State Parties in relation to specific dimensions of rights of rural women

A. The right to participate in rural development and its benefits (art. 14, paragraph 2 a))

In spite that there is some participation of women in specific posts like the Municipal Offices for Women, and the Municipal Commissions for Transparency, these are manipulated politically so that the profiles of those women fit the needs of the Major of the moment. The proposals for participation and advancement in discrimination against women generally come from the organized women's networks in different municipalities at a national level. Authorities generally hinder the labor of these organizations and deny them the budget destined to women in the municipalities. Such is the case of Santa Ana in Francisco Morazán. The Major Jorge Alberto Sánchez has denied the use of the 5% that corresponds by Law to the Red de Mujeres de Santa Ana (Santa Ana Women's Network) because they refused to hold their assembly under the conditions he wanted it. This case is repeated in different municipalities where the budgets assigned to work with women are manipulated according to political orientation and not to the participation of women in the design of development.

RECOMMENDATION: The State of Honduras must take into account the needs of indigenous and rural women in a particular way and involve them in an active way in the design of public policies that relate to them. The rural women must have direct intervention in the formulation of agrarian policies at all levels. In the same way the State must establish mechanisms of sanction to any public officer who tries to manipulate their participation for political reasons..

RECOMMENDATION: It is recommended that a policy of gender equality in agriculture be implemented with a status of public

policy (currently approved but with no level of application by the State). This would allow to demand equality for women in rural work, in agriculture or other, at payment level as well as in the treatment they receive, since often they are harassed and are victims of physical and psychological harm.

B. Medical services (art.24, paragraph 2 b), to be read with art. 12)

Limited access to health services in rural areas are evident in the attention of delivery by health professionals. While in urban zones the attention by health professionals of delivery reaches 86%, in rural areas it is barely 46% of women who receive such attention. This also shows the deficits in information and formation about their reproductive rights rural women suffer.

Women involved in struggles for land and territory lack access to health services. These are offered in a precarious and privatized way in the main cities of the country and do not reach the territories. Women express feeling abandoned lacking the support of any health institution. They must generally commute to nearby communities (between 30 to 120 minutes) to be attended by any health personnel. In many cases there is no public transportation available and they must pay express transportation to be attended. Because the government has banned giving birth at home, even though in the communities there are several midwives, women must travel to the nearest cities to deliver. Even though it is required of pregnant women to receive pre natal control, in the communities it is very difficult to have access to gynecologists or any other type of physician. In the garífuna towns they have some health centers but these are not well equipped and women must pay for equipment and exams. If garífuna women go to health centers away from their communities, they are discriminated and don't receive the same treatment that other women receive. As for HIV they have to go to nearby communities to have access to retrovirals and they must pay for their own means of transportation. Some organizations, like COPINH and OFRANEH are initiating programs of health education for women, but the State does not pay any attention to the health of women.

RECOMMENDATION: Measures that guarantee the integral health of rural women and the defense of their sexual and reproductive rights are recommended, in particular the

harmonization of reproductive services that take into account the specialization of midwives for immediate attention.

D. Education (art.14, par 2 d), read with art.10 a))

Education and discrimination

The gap in access to education between rural (5.3 years) and urban (8.8 years) women is alarming. Scholarly levels for rural women are lightly superior to that of men (5.3 to 5.1 years) and in urban areas, men are above women (9.0 to 8.8 years). However, illiteracy levels of the indigenous people are the same as the national population (14.9%) but for tolupan, pech and chortis women they are higher (29,5%, 36,3% y 39,6% respectively).

The average of school years for indigenous people is 5.7 years against a national average of 7.5 years, and is inferior to 5 years in the case of the chortis, pech, tolupanes and lencas. This is due to factors such as deficiency in the educative offer and socio economical pressure that lead girls, boys and young indigenous people to abandon their studies to help their family's economy and to take charge of care in the family.

RECOMMENDATION: It is recommended that a process of transformation and democratization of the public education system be established, so that it develops programs oriented to promote gender equality and opportunities en rural areas. Including in its curricula sexual and reproductive education, agro ecology and that it offer technical abilities and capacities for the development of activities related to the care of life.

G. Land and natural resources (art. 14, par. 2g), read with art.13)
Land and the rights of rural women

The accessible numbers on land possession are alarming and show the government's tendency to favor land grabbing: during the last years 5% of agricultural units had extended their control over 61% of the agricultural surface. On the other hand 71% of the agricultural units occupied only 9% of the agricultural area. In real terms, that means that more than 579.000 hectares if the extreme years are 1952 (year of the first agricultural census) and 2008 (year of the last agricultural survey). If to that we add that

the current Law of agrarian reform considers men and sons the beneficiaries of land, we get that only 3% of women have access to land in Honduras and that 86% of rural women do not have land. The 2003 Law of Property does not guarantee in an adequate manner the collective nature nor the character of indigenous and tribal lands which is imprescriptible, unseizable and inalienable, as recognized by International Law, a fact that could facilitate the loot of the garífuna lands. In response, OFRANEH presented a complaint to the Panel de Inspección del BM, instance that supervises the enforcement of the safeguards of the BM, achieving that the Panel ruled in their favor and recommended to call off the execution of the project in the garifuna zone.

RECOMMENDATION: To establish affirmative measures to guarantee access and use of land for women, credit ensuring full domain over the assigned properties, independently of their marital status, by their own right.

III. Facts about the situation of rural women

There are no exact numbers of women who are facing judiciary processes for defending the land and water or for opposing extractive projects. The State must guarantee access to information in the public documents about cases, laws, programs and all that enables the public and accessible management of information for citizens. However, the little existent information is not within reach of organizations or civil society.

RECOMMENDATION: It is recommended that the State of Honduras does not hinder any longer its subscription of the CEDAW Facultative Protocol.