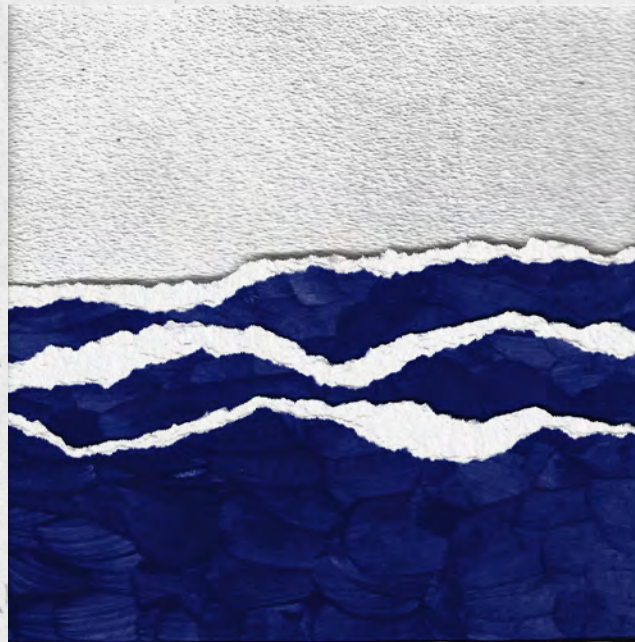


PERSECUTED FOR DEFENDING AND RESISTING

Chapter on Honduras

Criminalization of Women Human Rights Defenders
in **HONDURAS**, Mexico and Nicaragua.



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CHAPTER ON HONDURAS

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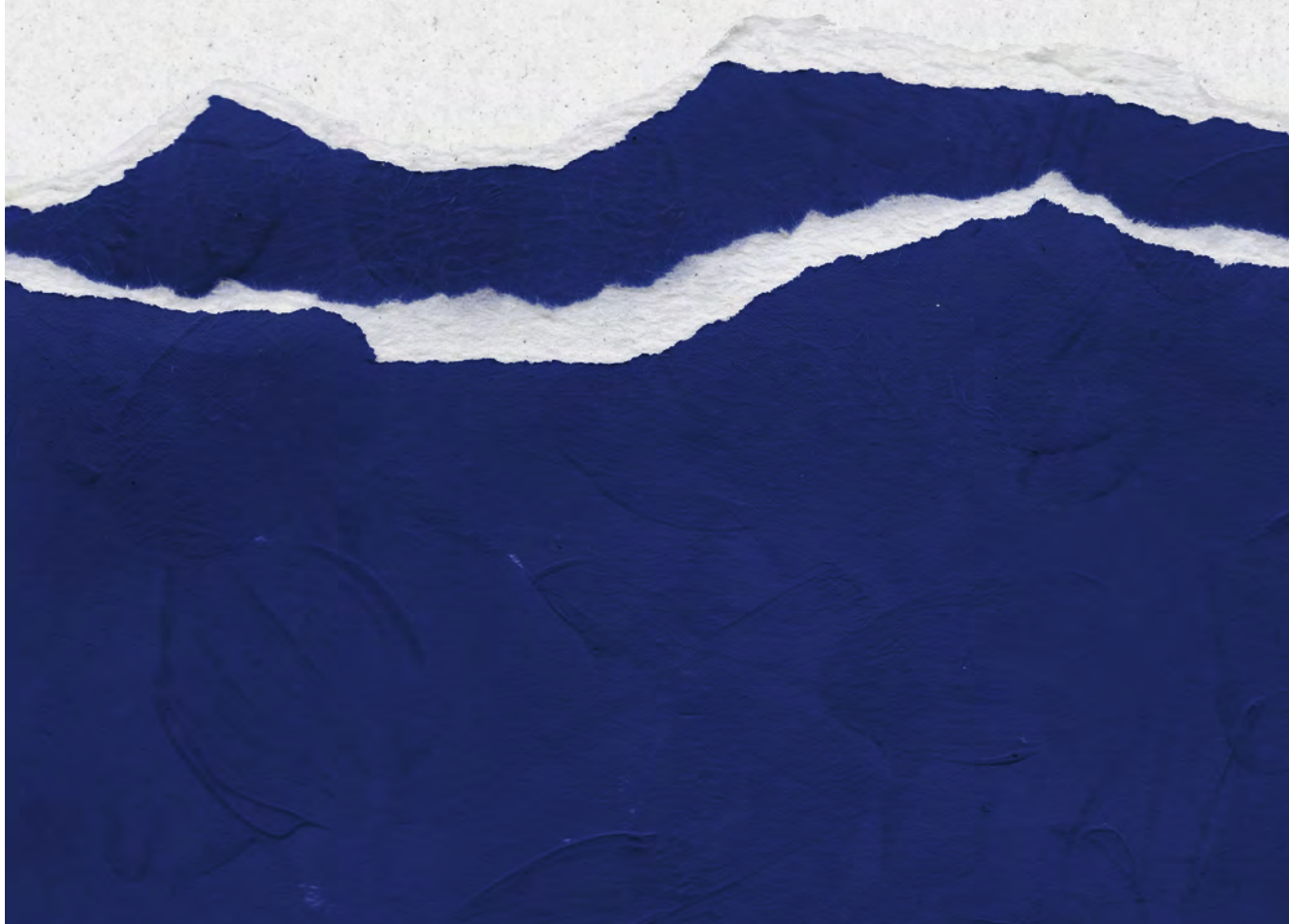
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To the Garífuna Peoples' unrelenting struggle for justice in the Honduran territory.

To the women defenders of every territory in Honduras who have turned dignity into a habit.

To the women who struggle for every cause every day.

To those who have left their legacy of thought and experience roaming the territories of Honduras.





“

*It takes violence to
serially domesticate
our will to live.*

ANA G. AUPÍ

“

*I entered
the House of Justice
of my country
and I confirmed
that it is a temple
of snake charmers.*

ROBERTO SOSA

INTRODUCTION

The defense of human rights has been historically marred by persecution, violence and criminalization against those who carry it out. However, the numerous stories of struggle for justice in the Mesoamerican region have revealed that women face specific forms of criminalization and violence, with differentiated impacts determined by the different forms of oppression they experience daily on their bodies and on the territories where they conduct their defense activities. Social and economic injustices, racialization, belonging to sexual dissidences and other forms of discrimination based on age and ability, among others, intersect and make women defenders' concrete actions more complex, in a negative way.

Growing authoritarianism and the lack of independence of the judicial system have rendered Mesoamerican countries fertile for criminalization. Moreover, crises like the COVID-19 syndemic have further exacerbated the situation, as governments use the pretext of protecting lives, health and public order as excuses to enact or expand militarization and the restriction of rights, as well as to perpetrate or enable increasingly violent human rights violations.

These are not minor factors for this research, since, having been undertaken during the syndemic, it was clear that social distancing and other measures did not result in less criminalization of women human rights defenders; on the contrary, this phenomenon increased.¹

Thus, aiming to document and analyze the various human rights violations involved in criminalization, this study compiles and shares the knowledge and experiences of women human rights defenders in three Mesoamerican countries: Honduras, Mexico and Nicaragua. This document delves into the situation in Honduras.

¹ | Information from the Mesoamerican Registry of Attacks against Women Defenders..

The research was conducted from an intersectional feminist perspective that seeks to understand how the inequalities that women face condition their experience of criminalization, as well as how their living conditions determine the impacts of these situations – and how they confront them. To this end, the starting point for the research is a gender analysis that enables us to reveal how power relations between genders operate, thus overcoming the androcentrism that universalizes and standardizes the concept of the individual as male. This approach requires us to specify the gender differences between human beings in order to gain a more sophisticated understanding of how women defenders' rights are violated and to develop a comprehensive approach to addressing these violations.²

While all women defenders potentially face criminalization, an intersectional perspective also allows us to see the different ways criminalization is carried out and the different impacts it has on their lives. In this sense, the study found that Indigenous and Garífuna women, LGBTTTIQ+ rights defenders and people grouped under these sex-gender identities face multiple forms of violence that further distances them from the possibility of realizing their rights. This requires us to understand the experience of women leaders from a situational, relational and contextual perspective.³

The women who participated in this study state that current-day criminalization is a consequence of the advance of neoliberalism, of voracious capitalist development expressed in the extractivism that crosses all communities and territories, and of the corrupt and conservative governments that form part of the context in their countries. **To understand the complex scenario in which women defenders conduct their work, we must understand that these inequalities are connected to other forms of structural violence** – such as racist, heterosexist, capitalist, extractivist and ecocidal violence – that affects not only individual women, but also

² | Martín, M. [El enfoque de género en la protección a defensoras de derechos humanos la experiencia de México y Honduras](#). Just Associates (JASS), Center for Justice and International Law (CEJIL), Protection International (PI). 2017. P. 15.

³ | Tapias, N. "Mujeres indígenas liderando la defensa de los derechos humanos frente los abusos cometidos en el contexto de megaproyectos en América Latina: Una aproximación desde la acción, que trasciende la victimización". In: [Dossier Violencias contra líderes y lideresas defensores del territorio y el ambiente en América Latina](#). FORUM/ Latin American Studies Association. América Latina: Vinculando Mundos y Saberes, Tejiendo Esperanzas. Mexico. 2019. P. 8.

entire communities, including disenfranchised men and sex-gender dissidences.⁴

This study also seeks to analyze and give visibility to the spirituality of peoples, communities and women defenders, as well as to their expressions of resistance to criminalization, understanding that, for example, women also struggle to protect this wealth of knowledge and experiences through their cosmovisions and sentipensares [thinking-feeling]. With this starting point, their struggles take us to different levels of discussion and analysis, as well as to the creation of actions and mechanisms for holistic protection that address their specific contexts.

Therefore, one of the objectives of this research is to understand the patterns of criminalization that women human rights defenders experience, and the impacts on their bodies, lives and struggles, while at the same time revealing the power relations involved in the processes they face in the Mesoamerican region – specifically in Honduras, Mexico and Nicaragua.

The study analyzes the regional and national context of the phenomenon of criminalization as a starting point for analyzing women defenders' experience of criminalization and its impacts on their family and personal circles, as well as on their organizational and community surroundings. We then analyze how women defenders resist the multiple forms of violence perpetrated against them by the colonial, patriarchal, capitalist and heteronormative system through criminalization.

⁴ | Ochy, C. "Berta Cáceres y el feminismo decolonial". In: [Dossier Violencias contra líderes y lideresas defensores del territorio y el ambiente en América Latina](#). FORUM / Latin American Studies Association. América Latina: Vinculando Mundos y Saberes, Tejiendo Esperanzas. Mexico. 2019. P. 66

METHODOLOGY

The methodology for this study was designed collaboratively with women defenders and the networks of women defenders in Honduras, Mexico and Nicaragua that are part IM-Defensoras. The women defenders and networks also participated in the development, planning, implementation and review of the research process.

We were forced to make significant changes to the methodology given the worldwide health emergency created by COVID-19, particularly due to border closures and movement restrictions throughout the world.

We changed the way we approached the diversity of experiences faced by women defenders without losing sight of the need to co-create a horizontally-planned space with women defenders in which they could all participate. Thus, instead of face-to-face gatherings, we convened online spaces for dialogue and reflection with the participation of 53 women, among whom were women defenders who were criminalized as well as their lawyers – some of whom are themselves women human rights defenders affected by criminalization. Participants included Indigenous, Afro-descendent and Garífuna women as well as LGBITTTIQ+ people. They all participated in online focus groups or in-depth online interviews.

Gathering information was no easy task, as many participating women defenders were located in areas without internet connection or they did not have the economic means to acquire a device that would allow them to participate in a video-call. Nevertheless, with their long experience in the field, the national networks were able to bridge the communications gaps, take on the costs of cell phone data, and find accessible places for women defenders to be able to provide their testimonies and participate in the dialogues.

Without doubt, there were significant challenges to fostering dialogue, but the women defenders always showed a great willingness to participate. The following ethnographic documentation of the online fieldwork describes more fully these methodological difficulties:

[It was 5:00pm and I was waiting for the women defenders to be able to connect for the interview we had planned. We had no choice but to adapt to the circumstances created by the current global syndemic. The National Network of Women Defenders in Honduras had already noted that the online fieldwork would be a challenge in this research process, since many women defenders live in faraway territories without WIFI. Additionally, many of them did not have computers at home, and many only had a telephone that could receive calls but could not download apps for video-calls.

When I reached the woman defender, I noticed that she was heading to higher ground so as not to lose the cell phone signal and thus be able to have the conversation. I could hear her agitated breath and that there was someone else with her. She mentioned that she had invited another sister defender to the interview. With much effort, we succeeded in connecting and we talked for around two hours. We experienced this type of situation on several occasions, primarily in Honduras, where power cuts due to intense storms in early spring and the isolation of communities make it difficult for women defenders to connect [to the Internet]. Despite this, and the syndemic, they were willing to participate and offer their testimonies about their experiences of criminalization.

→ Fieldwork journal, 2020]

We must also highlight the specific difficulties faced by the participants who are caregivers for children. In this context, with increased care work, they engaged in 2-hour-long interviews or in 3-hour-long focus group meetings. They needed to find an appropriate space so that their participation did not affect their daily tasks nor create major problems in their lives.

This is a qualitative study that captures the subjectivity of women defenders' own lives and that reconstructs – through their stories – the criminalization that they faced or are facing as well as their experiences on this matter. **As this is a feminist study, we agreed on the need for dialogue that would lead to self-reflection** in order to create, as much as possible, horizontal relationships among all of us. It was therefore

important to mobilize consciousness, memory and agency in praxis to denaturalize and reconstruct new ways of learning, constructing and being in the world.⁵

To this end, the interview questionnaires and the focus groups sought to make space for women defenders to tell their own stories and thus *share their knowledge and experience of criminalization, addressing different aspects of their lives*. Engaging in this process alongside women defenders from other local territories allowed participants to learn about other experiences of criminalization and contributed to creating new support networks and advancing new organizational initiatives. Many reported feeling very happy to confirm that women defenders remained organized, active and seeking new ways of contributing despite the health emergency that prevented us from leaving our homes. This shows that we were able to meet the objective of joint construction based on our own experiences, despite the distance and limitations that each of us faced.

RESEARCH TOOLS

We had originally planned a series of exchanges in each country in order to learn about the women defenders' experiences. The aim was not only to gather information, but also to create a back-and-forth exercise that would strengthen collaboration and contribute to the exchange of experiences among the women defenders and with the other participants.

However, as mentioned above, face-to-face meetings were not possible, so we opted for online focus groups and interviews with criminalized women defenders and sometimes with their lawyers. **Even for online sessions, we endeavored to ensure that the women defenders were always with at least two other sister defenders, since sharing their experiences facilitated building support networks among them.** The focus groups encouraged the collective construction of the women defenders' narratives, and the individual interviews with some of the lawyers who also participated in the focus groups made it possible to go into greater depth.

The research tool, or questionnaire, was concise, as the focus groups could not last more than three hours due to above-mentioned restrictions of

⁵ | Mora, Mariana (2008). [Descolonizing Politics zapatista indigenous autonomy in an era of neoliberal governance and low intensity warfare](#). Doctoral Dissertation, the University of Texas at Austin.

time and resources. These tools focused on the main themes of the study with questions that encouraged women defenders to openly express their feelings, thoughts and experiences. We held 14 semi-structured online interviews with women defenders and lawyers, and 11 focus groups.

Although we had planned to analyze the case files of the criminalization processes in order to expand on the gender stereotypes at work, this was ultimately not possible due to the health-related restrictions that made it impossible to access the files. Despite this difficulty, the experiences documented here allow us to distill relevant insights regarding the States' strategies for criminalization and the nuances adopted when these target women defenders.

THE WOMEN DEFENDERS WHO PARTICIPATED IN THE STUDY

This research has sought to gather the voices of women who have experienced different types of criminalization due to their work defending human rights. All those interviewed or who participated in online focus groups share the experience of being – or having been – criminalized, as women defenders accused, as lawyers who provide legal assistance in court proceedings, and even as women defenders who are lawyers and have been themselves criminalized.

The sample was determined by the national networks of women defenders based on the cases of sister defenders who matched the characteristics that frame the study. Making the selection was no easy task, given the high number of cases. However, we were able to include women of different ages who defend very different types of rights and who have a diversity of backgrounds, nationalities, etc. – thus showing how criminalization takes on particular forms and specificities based on the intersection of different forms of oppression that the most vulnerable women defenders face. It also led to a reflection on issues that need further discussion within the networks, making this study a useful contribution to the day-to-day work of the national networks of women defenders.

Gathering this diversity of voices in such an adverse context surpassed our expectations, and enabled us to make a deeper analysis of criminalization in Mesoamerica. Additionally, as the women defenders themselves state, coming together – even if in an online space – encouraged them to continue their struggles. Realizing that it was possible to do so online opened new perspectives on the meaning of resistance during the syndemic.

In Honduras, 13 women defenders participated in the study. Five in-depth interviews were conducted and three focus groups convened to explore the cases of criminalization experienced by several women defenders – the contexts, particularities and impacts. In addition to the participating criminalized women defenders, their lawyers provided valuable inputs.

The methodology for the gatherings was designed and facilitated with the aim of enabling women defenders to share their stories in a safe space so that they could get to know each other better; share knowledge, experiences and strategies; weave and strengthen support networks; and express mutual acknowledgement and admiration. This turned the exchanges into a space that was relevant beyond the contribution to the research process.

Among the women defenders criminalized in Honduras, we find women from different regions, the majority are rural and peasant women, some are Indigenous and Garífuna. In addition to women who are criminalized for their activities in defense of land, territory and natural resources, a few participating sister defenders were criminalized after participating in university protests and the protests that took place after the 2017 elections, many of them are young.

The majority have children and belong to social movements and organizations. They have all been victims of different forms of violence with serious impacts on their lives and activism, but this has not made them stop the important task that they have undertaken.

THE CRIMINALIZATION OF HUMAN RIGHTS DEFENSE AS A COMPLEX PROCESS

A review of efforts to conceptualize the criminalization of human rights defense in Mesoamerica highlights three approaches that intersect and are in dialogue with each other. First, there is the legal approach, which defines criminalization as the misuse of criminal law and, in some cases, civil or administrative law against defenders. Second, the approach that understands criminalization as a type of violence perpetrated by the State and powerful groups that deploy the law as a more sophisticated tool to exercise violence against people who defend human rights.

Lastly, we find the insights and reflections of those who directly experience criminalization, who believe **criminalization goes beyond its legal components and encompasses an entire process that begins with incidents of stigmatization, harassment and violence**, passing through judicialization and preventative detention, all the way to the serving of sentences.

Although there is no consensus between these perspectives, an intense dialogue nurtures each of the points concerning the different approaches to criminalization. The perspectives all agree that **criminalization is intrinsically linked to the State's exercise of punitive power**, whether the State initiates it or serves as a channel to facilitate it on behalf of private interests that seek to hinder the legitimate defense of human rights.

We will now proceed to describe some of the most characteristic approaches that help us understand criminalization based on the experience of

women human rights defenders, in order to offer elements of analysis and thereby contribute to identifying solutions to this problem.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) mentioned the phenomenon of criminalization starting in 2004, noting that rights defenders frequently face arbitrary arrests and detention, often carried out without arrest warrants and in the absence of any official charge.⁶ It also stated that defenders are the object of criminal or other charges leading to prosecution and conviction, including long terms of imprisonment, among others.⁷

In 2015, the Inter-American Commission on Human Rights (IACHR) offered a definition of criminalization that “... involves the manipulation of the State’s punitive power by State and non-State actors in order to hinder their advocacy work, thereby preventing the legitimate exercise of their right to defend human rights.”⁸

Non-governmental organizations like OXFAM have defined criminalization as “**a growing tendency in the region to hinder and obstruct the work of human rights defenders** by means of unfounded accusations, unfair detention, fabricated evidence and irregular and drawn-out trials; proving that both state and non-state actors make undue use of the justice system.”⁹

Similarly, Protection International defines it as “the use of ‘legal frameworks, strategies and political and legal actions with the intention of treating the defence, promotion and protection of human rights as illegitimate and illegal.’ Its ultimate aim is to attack [human rights defenders] and/or impede their work.”¹⁰

Protection International goes further to distinguish between a primary level of criminalization linked to the legal framework, and secondary criminalization. The latter involves the actions of the State’s security forces and the justice system in selecting which violations of criminal laws should be subject to criminal prosecution and which individuals should be criminalized.¹¹

⁶ | OHCHR. “Human Rights Defenders: Protecting the Right to Defend Human Rights.” Fact Sheet No. 29, P. 11.

⁷ | Ibid. P. 12

⁸ | IACHR. Criminalization of Human Rights Defenders, OAS/Ser.L/V/II. Doc. 49/15, 31 December 2015. Par. 3.

⁹ | OXFAM. The Risks of Defending Human Rights: The rising tide of attacks against human rights activists in Latin America. 2016. P. 9

¹⁰ | Protection International. Criminalisation of Human Rights Defenders: Categorisation of the problem and measures in response. 2015. P. 4

¹¹ | Ibid. P. 3-4

This phenomenon has also been explored in the academic realm. Referring to primary and secondary criminalization, Cordero describes criminalization as “the act by which a society determines which acts will be penalized and how this criminal norm will be enforced.”¹² He adds that, historically, this has been the social control mechanism of choice to maintain the status quo, noting that the State uses a narrative that justifies criminalization as a way of protecting society from “the risks” that human rights defenders may pose. Furthermore, Cordero notes that the State employs stereotypes that stigmatize social struggles and amplify the repressive capacity of the law, thus orienting the criminal justice apparatus “towards neutralizing the enemies of the system.”¹³

Meanwhile, Knox defines criminalization as **the use of national laws to persecute defenders and restrict their work**,¹⁴ referring to primary criminalization in relation to the enactment of laws that place undue restrictions on the establishment of associations, or make it difficult for organizations to access funding. He also points to the use of criminal and administrative law to criminalize defenders, and the role of companies and individuals acting with State backing in the criminalization of defenders through the use of private security agencies.¹⁵

This perspective has also described criminalization as an institutional **form of protecting certain interests and stopping social struggles in patriarchal, racist, classist and oligarchic contexts**.¹⁶ These characteristics of the contexts in which human rights defenders work facilitate an understanding of the specific ways criminalization affects its main victims, with ethnic identity, skin color, sex and social class playing no small part.

While a conceptual approach to criminalization centers on the illegitimate use of criminal law, the direct experiences of women defenders concur in defining this phenomenon as a broader and more complex process. Women defenders talk about a process that encompasses various types of actions, the most prominent among them are legal actions and those that seek to harm women defenders’ public image and discredit their struggles.

¹² | Cordero, D. [El derecho a la resistencia y la criminalización de la defensa de los derechos humanos y la naturaleza](#). Masters Thesis. Universidad Andina Simón Bolívar. Ecuador. 2013. P. 105 [Own translation.]

¹³ | Ibid. P. 63-64 [Own translation.]

¹⁴ | Knox, J.H., Environmental Human Rights Defenders: A global crisis. Policy Brief. 2017. P. 13

¹⁵ | Ibid. P. 13

¹⁶ | López, N. [Estado y criminalización de la lucha social](#). En: [Conflictividad y Movimientos Sociales](#). Revista de la Escuela de Trabajo Social de la Universidad de San Carlos de Guatemala. No. 35. 2016. P. 56

Analyzing criminalization against women defenders of land and territory, the Urgent Action Fund Latin America and the Caribbean (UAF-LAC) underscores that “**criminalization is a process involving a multitude of initiatives** designed to neutralize [defenders’] capacity for action, whether through apparently legal means (use of force, judicial or administrative bodies), or through illegal attacks (such as harassments, threats, interceptions, delegitimizing the organizations’ work, stigmatization of their struggles or their persona, etc.).”¹⁷

UAF-LAC also notes that, same as with other forms of violence that women defenders face, **there is a gender dimension to criminalization**¹⁸ that manifests itself in several phases: from establishing or amending criminal offences directed at containing social protest and inhibiting defense actions, to the enforcement of these criminal definitions through the initiation of legal proceedings against those who carry out these actions, to the imposition of sentences as an exercise of social disciplining.¹⁹

The way UAF-LAC characterizes this phenomenon resonates strongly with the voices and experiences of the women defenders interviewed for this study, who conceptualize criminalization as a process of repression that involves tactics such as stigmatization, discrediting and harassment.

Likewise, women defenders’ analysis of this reality clearly identifies that through this process, the defense action becomes a crime that must be doubly punished since it was “committed” by a woman. They also point out that the complexity of criminalization processes is evident in how the various forms of violence that comprise these processes are interrelated, since some are both cause and consequence of the others. The defense of human rights and those who exercise it are identified with criminality, thus justifying arrests and judicial processes that, in turn, feed stigmatization and give rise to other measures that further the criminalization of women defenders, such as stricter criminal and administrative regulations or the militarization of certain territories.

¹⁷ | Urgent Action Fund of Latin America. 2015. Patterns of Criminalization and Limitations on the Effective Participation of Women who Defend Environmental Rights, Territory, and Nature in the Americas. P. 9

¹⁸ | Ibid. P. 9

¹⁹ | Ibid. Pp. 10-11.

We therefore find limitations in a definition of criminalization based exclusively on a legal perspective and conceptualized as a legal process that involves the State's misuse of criminal law.²⁰ While we understand the logic behind these definitions, our experience and the words of the women defenders who participated in this study reveal that this conceptualization can only capture a small portion of women defenders' realities.

In fact, this approach only allows for a partial and insufficient understanding of the ways in which these attacks are carried out against women defenders. Furthermore, it hinders an in-depth exploration of how criminalization affects their daily, personal, organizational, community and family lives,²¹ and how the strategy is both implemented and experienced according to women defenders' identities, profiles, struggles and their diverse socio-economic conditions.

From a Feminist Holistic Protection perspective, research on the criminalization of women defenders must center its analysis on their lived experiences and their ways of understanding these, paying attention to the complex nature of this phenomenon and its specific expressions when the victims are women.²²

In this sense, it is particularly relevant to consider how criminalization processes – as well as other forms of violence faced by women defenders – may represent a form of punishment for occupying a social space that traditionally belongs to men, or for challenging the established gender order and the roles traditionally assigned to women in society.

²⁰ | IACHR. Criminalization of Human Rights Defenders, OAS/ Ser.L/V/II. Doc. 49/15, 31 December 2015, par. 11.

²¹ | Meza, J. [Aproximaciones conceptuales para el análisis del fenómeno de la violencia contra defensoras y defensores de derechos humanos](#). In: "Hacia la construcción de una defensa integral de derechos humanos. Aproximaciones conceptuales para el análisis del fenómeno de la violencia contra defensores y defensoras de derechos humanos". Comisión de Derechos Humanos del Distrito Federal. Mexico. 2016. Pp. 33-34.

²² | Feminist Holistic Protection (FHP) refers to a set of alternative strategies geared at security and self-care for women human rights defenders. FHP places caring for women defenders' lives and struggles at the center of political action. It makes protection a collective act that strengthens the wisdom and resources that women defenders already have and gives authority, legitimacy and justice to their needs and dreams. The main tool harnessed by FHP are the networks woven by women defenders in their territories and close circles to protect one another collectively. See, Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras) [Feminist Holistic Protection to Transform the Crisis in Times of COVID-19](#), p. 2. See also, [Feminist Holistic Protection](#).

This is why it is important to refer to the criminalization of women human rights defenders as a complex process that includes specific expressions determined by various forms of oppression such as gender, ethnicity and class, among others.²³ Equally important is to understand the links between criminalization and other forms of violence that place women defenders at particular risk, such as harassment and stigmatization campaigns with a clear gender bias.²⁴

Finally, it is important to note that the severity and broad diversity of the impacts of criminalization also reveal the complex and sophisticated nature of this phenomenon;²⁵ we will address this later in the report.

²³ | IACHR. Criminalization of Human Rights Defenders. OAS/ Ser.L/V/II. Doc. 49/15, 31 December 2015, par. 52.

²⁴ | Women Human Rights Defenders International Coalition, Global Report on the Situation of Women Human Rights defenders. 2012.

²⁵ | Meza, J. [Aproximaciones conceptuales para el análisis del fenómeno de la violencia contra defensoras y defensores de derechos humanos](#). In: "Hacia la construcción de una defensa integral de derechos humanos. Aproximaciones conceptuales para el análisis del fenómeno de la violencia contra defensores y defensoras de derechos humanos". Comisión de Derechos Humanos del Distrito Federal. Mexico. 2016. Pp. 33-34

CRIMINALIZATION, A CONSTANT AND GROWING PHENOMENON IN MESOAMERICA

Despite advances in recent years regarding the specific obligations of States to protect rights defenders,²⁶ en América Latina en general y en Mesoamérica en particular, **people who defend rights in Latin America in general – and particularly in Mesoamerica – continue to face extremely high levels of repression and violence.**²⁷ According to Front Line Defenders, Latin America and the Caribbean continues to be the deadliest region for human rights defenders. Of the 401 defenders killed in 2022 around the world, nearly 300 were in Latin America. Honduras and Mexico topped the list, joined by Colombia and Brazil.²⁸

²⁶ | See, among others, the 1998 UN Declaration on Human Rights Defenders, and the 2017 UN Resolution 72/247 on its twentieth anniversary. .

²⁷ | Amnesty International. Facts and figures: Human rights in the Americas in 2020-21. The Mesoamerican Initiative of Women Human Rights Defenders (IM-Defensoras) documented at least 21 women defenders of land and territory killed in Mesoamerica between 2016 and 2021; 45 women defenders suffered attempted killings between 2015 and 2019. IM-Defensoras: [Tendencia en Defensoras de tierra, territorio y justicia](#). 18 August 2021. See also, Front Line Defenders. Global Analysis 2020. 9 February 2021.

²⁸ | In 2022, Front Line Defenders documented the killing of 186 rights defenders in Colombia, 45 in Mexico, 26 in Brazil, and 17 in Honduras. Front Line Defenders. [Global Analysis](#), 2022.

Meanwhile, the Business & Human Rights Resource Center 2023 Report found 164 cases of judicial harassment against human rights defenders focused on activities related to corporations in Latin America.²⁹ In its 2020 Report, the organization had already identified judicial harassment (arbitrary detentions, lawsuits) as the main form of attack in the region, also noting that countries like Mexico, Honduras and Guatemala were among the most dangerous countries in the world for human rights defenders confronting corporate activities.³⁰

Even as these figures are truly alarming, they do not reflect the true scale of the problem, since the absence of national independent registries in some countries, together with restrictions on freedom of information, leads to an underreporting of attacks and acts of repression.³¹ **The source of this violence is both private and State actors, who often act in coordination to protect their political and economic interests, and to strengthen hegemonic power-holders.** As a result, those who hold public office have a significant responsibility for the violence that human rights defenders face,³² particularly when it comes to criminalization.

The women defenders who participated in the study affirm that they have experienced repression, violence, criminalization and impunity at the hands of State actors as well as other actors who are regularly backed by national authorities. These perpetrators are emboldened by contexts in which misogynist, sexist and homophobic discourses that disparage defenders' work proliferate; these discourses claim to justify the multiple forms of violence that women defenders face.

This reality has intensified with the growing authoritarianism in the region and the imposition of repressive measures. In this regard, it is important to highlight the implications of the syndemic, as its context

²⁹ | Business & Human Rights Resource Center. Vexatious lawsuits: Corporate use of SLAPPs to silence critics June 2023.

³⁰ | Business & Human Rights Resource Center. In the line of fire: Increased legal protection needed as attacks against business & human rights defenders mount in 2020. March 2021.

³¹ | Global Witness: Last Line of Defence. September 2021.

³² | According to the Mesoamerican Registry of Attacks against Women Human Rights Defenders, State actors (police, military personnel, public officials and authorities at different levels of government) were responsible for 54% of attacks against women defenders in the region. See, IM-Defensoras. Bodies, Territories and Movements in Resistance in Mesoamerica. 2018. Furthermore, more than half of attacks against women defenders of land and territory taking place between 2019 and 2020 were perpetrated by State actors. See, IM-Defensoras. [Tendencia en defensoras de tierra, territorio y justicia](#). 18 August 2021.

enabled the imposition of many measures restricting rights and guarantees with the pretext of addressing the health crisis.³³

Against a backdrop of impunity that enables the widespread continuation of violence against women defenders, it is striking that in recent years the justice systems have made it possible for criminalization to become an increasingly prominent phenomenon in the reality of defenders in Latin America and Mesoamerica. Human rights organizations and international bodies have also noted this trend, gradually giving greater space to denouncing and analyzing this problem, and identifying it as one of the main methods for repressing and inhibiting human rights defense³⁴ and social protest.³⁵

At the regional level, between 2020 and 2022, the Mesoamerican Registry of Attacks against Women Defenders documented 441 attacks related to arbitrary detentions, as well as 486 linked to the launch of cases or criminal proceedings against women defenders marked by arbitrariness and irregularities. Additionally, 1,481 attacks were documented involving smear campaigns and challenging or questioning women defenders' credibility.³⁶

Since 2016, the year that our sister Berta Cáceres was killed (who prior to her death had faced many different criminalization processes due to her rights defense work), we noted an increase in the number of cases involving the criminalization of women defenders of land and territory. **Just between 2016 and 2019, we registered 110 attacks related to judicialization processes against these defenders,** as well as another 62 attacks through illegal detentions and arbitrary arrests.³⁷


³³ | From 8 March 2020 – when the region began to adopt measures to curb the spread of COVID-19 – to June 2020, IM-Defensoras issued 25 alerts directly related to attacks that took place during the enforcement of these measures. IM-Defensoras. The Crisis Was Already Here: Mesoamerican WHRDs and COVID-19. June 2020. See, among other alerts relating to Honduras, the alerts about Aleyda Huete from 3 March 2020 and the one about Evelyn Castillo on 30 March 2020.

³⁴ | IACHR. Criminalization of Human Rights Defenders, OAS/Ser.L/V/II. Doc. 49/15, 31 December 2015. IACHR and UN Human Rights Presences Once Again Call for the Creation of a Safe, Favorable Environment for Human Rights Defenders in the Americas. Press Release No. 288/19. 2019. See also, Protection International. Criminalisation of Human Rights Defenders. Categorisation of the problem and measures in response. 2015.

³⁵ | IACHR. Protest and Human Rights: Standards on the rights involved in social protest and the obligations to guide the response of the State. OAS/SER.L/V/II CIDH/RELE/INF.22/19. September 2019.

³⁶ | Information provided by the Mesoamerican Registry of Attacks against Women Defenders.

³⁷ | IM- Defensoras. [Tendencia en defensoras de tierra, territorio y justicia](#).

It is also important to highlight that **between 2015 and 2022, 75% of all judicialization processes against women defenders of land and territory registered in the region took place in Honduras**, as well as 46% of illegal detentions and arbitrary arrests against this type of women defenders.³⁸ 

³⁸ | Information provided by the Mesoamerican Registry of Attacks against Women Defenders.

HUMAN RIGHTS DEFENSE IN HONDURAS: A SCENARIO RIPE FOR CRIMINALIZATION

The context in which women defenders in Honduras have waged their struggles during the period covered in this research is deeply marked by the history of poverty that affects 70% of the population. This situation is exacerbated by the extractivist model that feeds the voracious international market and devastates common and public goods, by the extremely high levels of corruption among public authorities,³⁹ and by the lack of attention to people affected by the numerous humanitarian emergencies that have occurred in the country.⁴⁰

That Honduras is among the countries most vulnerable to the impacts of the global climate crisis is a determining factor in the life and political action of women and their struggles. This situation has created especially difficult and adverse contexts for women defenders, making the conditions in which they live and conduct their defense work precarious.⁴¹

³⁹ | UNAH. [Boletín Económico N°15](#). 2021.

⁴⁰ | Standing out among all these humanitarian emergencies are the COVID-19 syndemic, with 8,373 fatalities (and only 5.5% of the population vaccinated), and the hurricanes that have ravaged the country in recent years. National Network of Women Defenders in Honduras. Context analysis. September 2021.

⁴¹ | IM-Defensoras. [La crisis ya estaba aquí](#).

Actions to ensure lives with dignity, especially in relation to land tenure and respect for territorial rights, are increasingly repressed through constant violent evictions in Indigenous, Garífuna and peasant communities.

Between 2017 and 2022, we documented 284 personal, collective and organizational attacks in Honduras that criminalize the actions of women human rights defenders through the State's exercise of punitive power. Of these attacks, 102 were arbitrary detentions and 182 were linked to the launch of cases or criminal and administrative proceedings.⁴²

This a serious widespread phenomenon that – as the women defenders participating in the research point out – has intensified in recent years.

While the number of launches of proceedings between 2017 and 2018 were extraordinarily high (65 in 2017, 43 in 2018), the Mesoamerican Registry of Attacks against Women Defenders shows that they began to increase again after 2020, with 21 launches of cases against women defenders in 2021 and 34 in 2022. A similar trend can be observed in relation to arbitrary detentions: 36 were registered in 2017, and they gradually increased from 2019 until they reached 29 cases registered in 2021.⁴³

Several events shaped this situation. First of all, the **2009 coup d'état**,⁴⁴ which overturned the weak democratic process taking place in the country and marked the beginning of a violent and lethal period for human rights defenders,⁴⁵ particularly for those defending land, territory and natural resources.⁴⁶

⁴² | Information provided by the Mesoamerican Registry of Attacks against Women Defenders based on data and documentation registered by the team in Honduras.

⁴³ | Ibid.

⁴⁴ | Middeldorp, N. "Violencia y represión contra defensores de tierra y territorio en Honduras, desde el golpe de Estado hasta la actualidad". In: Villacorta, C.; De Gori, E. (eds.) Golpe electoral y crisis política en América. CLACSO. 2018. February 2020. P. 90.

⁴⁵ | The IACHR reported a "pattern of disproportionate use of public force" by Army and Police personnel, and documented at least six deaths that are presumably the consequence of an excessive use of force during the time that the de facto government was in power. See IACHR. Honduras: Human Rights and the Coup D'Etat. OAS/Ser.L/V/II. Doc. 55 December 2009, par. 239-248; and IACHR. CIDH presenta sus observaciones preliminares sobre su visita a Honduras, 21 August 2009.

⁴⁶ | Middeldorp, N. Op.cit. Pág. 90.

"All of the institutions created in the early nineties, for example, the Public Prosecutor's Office, the prosecutor's office for women, and all the prosecutor's offices have collapsed. As have the Domestic Violence Tribunals. All the specialized tribunals created in the nineties to address access to justice, with the coup d'état or... a bit before, collapsed. The Public Prosecutor's Office was no longer an institution that represented society; it instead represented the interests of businesspeople and the country's political class. With the coup, these institutions all aligned with partisan political interests."⁴⁷

The coup and its aftermath also led to the breakdown of dialogue between authorities and Indigenous', peasants', women's and environmental movements. This was accompanied by severe measures such as the elimination of the agrarian reform benefiting peasant cooperatives, the privatization of the electricity market and the issuing of new mining and hydroelectric concessions and licenses. These measures also provided funds for the State's repression apparatus.⁴⁸

The accelerated granting of licenses for extractive exploitation to national and transnational companies infringes on human rights and threatens people's survival. In the six months following the coup d'état, the coup government approved 48 projects related to hydroelectric concessions for power generation, involving the privatization of rivers.⁴⁹

"...they do a lot, a lot of tricks to get the licenses, to be able to build... the hydroelectric [dams]. There is collusion between the State and these businessmen... after the coup d'état is when we see the increase in concessions of territories to businessmen to build these hydroelectric and mining companies."⁵⁰

⁴⁷ | Interview with woman lawyer and defender 1. [Own translation]

⁴⁸ | Ibid.

⁴⁹ | Alboan. [Extractivismo salvaje en Honduras](#).

⁵⁰ | Statement by woman human rights defender and lawyer 9. [Own translation]

In 2009, the new General Water Law⁵¹ opened the door for corporate competition to exploit the country's water resources. Together with the subsequent approval of the General Mining Law⁵² and the 2007 Law on Electricity Generation with Renewable Resources,⁵³ this facilitated territorial dispossession and the large-scale exploitation of common goods. As a result, **more than 837 potential mining projects were granted permits, covering “almost 35% of the national territory”**. In addition, 76 hydroelectric projects had a feasibility study and/or an operation contract approved.⁵⁴

The “sale of Honduras” has not stopped since. In 2019, the Inter-American Commission on Human Rights (IACHR) was aware of more than 800 mining concessions within the country and the granting of 128 hydroelectric concessions between 2002 and 2015, none of which followed the required consultations before being granted.⁵⁵

Territorial plundering had its maximum expression in extreme “necro-capitalist”⁵⁶ projects such as those embodied by the Employment and Economic Development Zones (ZEDEs) in Honduras.⁵⁷

51 | [Decreto N° 181-2009. Ley General de Aguas](#). Gaceta N° 32088 del Lunes 14 de Diciembre, 2009.

52 | [Decreto No. 238-2012. Ley General de Minería](#).

53 | [Decreto 70-2007. Ley de Generación de Energía Eléctrica con Recursos Renovables](#). No 31,422 del 2 de octubre de 2007.

54 | Vázquez, A. Women defending life and natural resources: Cases in Central America El Salvador. Friends of the Earth International 2018. P.17

55 | IACHR. Human Rights Situation in Honduras, OAS/Ser.L/V/II. Doc. 146 27 August 2019, par. 200, citing the Environmental Law Institute of Honduras, Official Global Listing of Mining Concessions in Honduras, Accessed September 20, 2018.

56 | Luis Arizmendi defines “necropolitical capitalism” as “an extreme form of capitalism based on accumulation by dispossession of life, of existence itself. It is a type of capitalism that reproduces itself through death. From physical death, but also social, symbolic and economic death.” [Own translation.] See, Girardi, Enzo (2019). Capitalismo necropolítico y razón tecnoliberal: Encrucijada y distopía en América Latina. 1er Congreso Internacional de Ciencias Humanas - Humanidades entre pasado y futuro. Escuela de Humanidades, Universidad Nacional de San Martín, Gral. San Martín.

57 | Although developed without transparency, three of these projects are known to exist. One is in the Municipality of Roatán, near Garífuna communities located on the North Coast, called “Próspera”. Another, called “Orquídea”, is in San Marcos de Colón, in the Southern Zone. And a third is in the city of Morazán in Choluteca, Cortés Department, in the North of the country near the area where the maquila industries are located. See PBI-Honduras. [Honduras no se Zede](#). Honduras will not be ZEDE-d. 28 July 2021.

These projects were driven by national political and economic elites, with foreign investment. They enabled the creation of territories managed by capital, with a high degree of judicial, economic, fiscal, administrative and security autonomy. This included broad authority in the use of security forces to repress and criminalize those who opposed the occupation of their territories to create the ZEDEs.⁵⁸

The ZEDEs sparked a strong national movement to reject them, with broad mobilizations⁵⁹ that led to the May 2022 Decree repealing the ZEDEs.⁶⁰ However, the fact that this decree has yet to be ratified, and that many key features of their dismantling are still unknown, has revealed a lack of safeguards and causes fear that a repressive and criminalizing response will emerge against those seeking an absolute disbanding of the ZEDEs.⁶¹

Women defenders highlight the important connection between criminalization processes and the coopting of judicial authorities – particularly the Public Prosecutor’s Office – by various de facto powers, among them political and economic power groups and drug trafficking structures.

The coup d’état was also decisive in this sense, since an intense process of institutional “cleansing” ensued, which led to the dismissal, suspension or sanctioning of many justice operators who had opposed the coup.⁶²

⁵⁸ | PBI-Honduras. [Honduras no se Ze de](#); Criterio.hn. [Honduras: indígenas y negros enfrentan el peor panorama de despojo y criminalización](#), 9 August 2021.

⁵⁹ | Statement of Coalición contra la Impunidad: [Apoyamos la resistencia comunitaria contra las ZEDEs](#), 30 September 2020; PBI-Honduras. [Honduras no se Ze de](#); CESPAD. [Coyuntura desde los territorios | El papel de los gobiernos locales en la lucha contra las ZEDEs](#), 14 July 2021; and Contra Corriente. [Movilización nacional exige derogación de las ZEDE](#), 31 August 2021.

⁶⁰ | On 21 April 2022, the 128 members of the Legislative Branch of Honduras approved the complete repeal of all ZEDE regimes; on 25 April, President Xiomara Castro approved the repeal of its constitutional law and all related regulations. More information is available at Biblioteca Virtual del TSC [Honduras tribunal’s official online library]. [Derogar en su totalidad el Decreto que contiene la Ley Orgánica de las Zonas de Empleo y Desarrollo Económico \(ZEDE\)](#).

⁶¹ | Although the three norms that form the legal basis for the ZEDEs have been repealed – the constitutional law, the law from the best practices commission, and the law to change the Constitution of the Republic – the latter involves constitutional changes and therefore requires greater discussion and must be ratified by a second legislature. However, those who defend the continuation of the ZEDEs claim that the last article (45) of the Constitution on which they were based states that even if the constitutional law is repealed, existing ZEDEs (those that already have a charter, which is the same as a constitutional text) will remain in place for another 10 years. However, this is not feasible because the constitutional basis for them has been repealed. Information provided by Cristopher Castillo, coordinator of Alternative for Community and Environmentalist Vindication of Honduras (ARCAH).

⁶² | IACHR. Human Rights Situation in Honduras, OAS/Ser.L/V/II. Doc. 42/15, 31 December 2015, par. 289 and 291.

Among them was Justice Tirza Flores.⁶³ The justice system was also subject of a deep reform, enabling the rotation of prosecutor positions and thus creating the possibility that people in those positions could be punished for publicly denouncing human rights violations.⁶⁴

One of the cases that best showcases how the co-opting of the justice system leads to criminalization is the 2015 prison sentence handed down to Gladys Lanza, director of the women's peace movement Visitación Padilla. The organization was following up on a harassment complaint filed by the former head of Human Resources at the Foundation for Rural and Urban Social Housing against the foundation's former director, Juan Carlos Reyes. In retaliation for being sued and publicly exposed, Juan Carlos Reyes sued Gladys Lanza for defamation. Although the woman who had suffered harassment testified in the trial against Gladys Lanza, explaining she had indeed reported to the organization that she had been a victim of sexual harassment, the Court convicted Gladys Lanza of defamation.⁶⁵

Another **important factor when analyzing criminalization are the electoral processes**, as criminalization formed an essential part of the severe repression taking place in this context.

"During the elections where fraud was committed, there was a post-electoral crisis. Many movements of people from different neighborhoods stood up to raise their voices of protest against the fraud. Well, many identified the neighborhood leaders, some were killed in the protests, they started shooting... For other leaders, they would identify them. Then they would plant evidence to later justify their capture and then present the indictment."⁶⁶

⁶³ | See Inter-American Court: Case of López Lone et al. v. Honduras. In the case mentioned, the Inter-American Court of Human Rights condemned the State of Honduras for subjecting three judges and Justice Tirza del Carmen Flores Lanza to disciplinary procedures. These disciplinary procedures were launched in response to the victims' actions in defense of democracy and the rule of law in the context of the coup d'état. The victims were members of Association of Judges for Democracy, which also expressed its rejection of the coup and its support for a return to the rule of law.

⁶⁴ | Ibid. par. 305.

⁶⁵ | Front Line Defenders: Case History: Gladys Lanza Ochoa. 6 September 2015.

⁶⁶ | Statement by woman human rights defender and lawyer 9. [Own translation].

The student movement at the National Autonomous University of Honduras (UNAH) and the protests they led were heavily repressed. Some of the participants were also criminalized by university authorities who prohibited their demonstrations, promoted the violent intervention by police forces in UNAH's autonomous space and took up criminal proceedings against them, thus aiming to disarticulate and delegitimize student organizations and protests.

The IACHR has reported some of these events, noting in its 2015 report that 3,064 cases of criminalization aimed at intimidating human rights defenders occurred in the country since 2010 as a result of the improper use of criminal law.⁶⁷

The 2017 electoral fraud consolidated a de facto dictatorship disguised as democracy. The authorities, winners of this fraud and heirs to the coup, had international backing, even though both President Porfirio Lobo and his successor, Juan Orlando Hernández, had already been widely and publicly accused of electoral fraud, serious acts of corruption and drug trafficking.⁶⁸

These governments subjected women defenders to actions perpetrated by the most conservative and authoritarian authorities, dismantling or reforming State bodies relevant to the defense of human rights,⁶⁹ thereby exacerbating violence and criminalization processes against defenders.

This violent context is also associated with the 2021 criminal justice reform that exposed the arbitrary enforcement of criminal law in the country. The reform was strongly challenged by the national and international community,⁷⁰ since it reduced sentencing for violent crimes against women while at the same time toughening some of the criminal offenses (usurpation and forced displacement) frequently used to criminalize social protest and the defense of human rights.

⁶⁷ | IACHR. Human Rights Situation in Honduras, OAS/Ser.L/V/II. Doc. 42/15, 31 December 2015, par. 45

⁶⁸ | Porfirio Lobo is currently prohibited from entering the United States because of his alleged participation in corruption, while Juan Orlando Hernández was arrested and extradited to the United States. See Reuters. U.S. bars Honduran ex-president Lobo over alleged corruption, 20 July 2021, and New York Times. Ex-Honduran President Extradited to United States to Face Drug Charges. 21 April 2022.

⁶⁹ | OHCHR. OACNUDH insta a que se asegure la independencia y autonomía del CONADEH a través de un proceso de nombramiento de su titular transparente y participativo, 22 December 2020.

⁷⁰ | Pasos de Animal Grande: Congreso Nacional agrava penas por los delitos de usurpación y desplazamiento forzado con reformas al nuevo Código Penal, 7 October 2021.

"...femicides increase each year and, at the same time, a criminal justice law is approved that reduces prison sentences for intra-family violence, it makes it smaller. So, what it does, for example, is to send a message to the assailant that here you can do these things and nothing will happen. That is, you can kill a woman, hit her, mistreat her, abuse her, and it doesn't matter. It's even worse if you have power."⁷¹

These types of crimes, introduced or aggravated by the reform, have been primarily used against defenders of land and territory who are part of Indigenous, Garífuna and peasant communities. **Clear example of this are the detentions and judicialization of women defenders who are members of the Black Fraternal Organization of Honduras (OFRANEH),** such as Marianela Solórzano and Jennifer Solórzano,⁷² Silvia Bonilla⁷³ and more recently Melisa Martínez, Dorotea Arzu and Keyden Tishany Gonzáles.⁷⁴

The severity of the risk that women defenders face in relation to criminalization is evident when taking into account the justice system's lack of response to protect them when they are attacked. Global Witness reveals this in relation to one of the groups of defenders who face the most intense criminalization, those who defend land, territory and the environment, where impunity reigns in 90% of the attacks they suffer. The organization emphasizes that this impunity operates in a highly lethal context, noting that **from the coup d'état until 2017, 123 land, territory and environmental activists were killed in the country.**⁷⁵

⁷¹ | Statement by woman human rights defender and lawyer 9. [Own translation].

⁷² | IM-Defensoras. [WHRD Alert] HONDURAS / [Garífuna women defenders criminalized and sentenced to alternative imprisonment with racist arguments](#), 9 March 2021.

⁷³ | M-Defensoras. [WHRD Alert] HONDURAS / [Garífuna defender belonging to OFRANEH detained, criminalized and sentenced to house arrest](#), 18 June 2021.

⁷⁴ | IM-Defensoras. [Alerta Defensoras] HONDURAS / [Criminalizan a defensoras garífunas tras detenerlas en violento e ilegal desalojo de la comunidad de Punta Gorda](#), 9 November 2022.

⁷⁵ | Global Witness. Honduras: the deadliest country in the world for environmental activism, January 2017, p.8

In this context, the specific situation of women defenders is no less alarming. Particularly those who defend rights related to land and territory, who – between 2015 and 2022 – were the targets of at least 3,256 attacks regionally, including 54 attempted killings and 25 killings.⁷⁶

IM-Defensoras' documentation efforts show that nine of these killings and 42 of the attempted killings took place in Honduras. This means that **77% of attempted killings of women defenders of land and territory in Mesoamerica took place in Honduras**, more than half of these in 2016, the year they killed Berta Cáceres.⁷⁷

"The biggest conflict here is the conflict of territories, land, it is a ticking time bomb. In Honduras, we have a lot of natural resources. With all the pollution, destruction, or sale. There is still a lot of natural resource, many forests, many rivers, many green areas. So, this has been a point of conflict, all these hydroelectric and mining companies come to these communities, where this river is their river, it is used for bathing, for household use, for cleaning, for cooking. Now their rivers are totally destroyed, polluted or empty, there is no more water. This awakened peoples' struggles and the criminalization and persecution of defenders of lands, of natural resources has become terrible. This has caused deaths, dispossession, internal displacements and migration."⁷⁸

⁷⁶ | Information provided by the Mesoamerican Registry of Attacks against Women Defenders.

⁷⁷ | Ibid.

⁷⁸ | Statement by woman human rights defender and lawyer 9. [Own translation].

CRIMINALIZATION OF WOMEN HUMAN RIGHTS DEFENDERS IN HONDURAS

The women defenders who participated in this research report that the leadership of certain women in social struggles has made them the target of multiple attacks, with criminalization standing out as a common form of attack. For some women defenders, criminalization involves the use of a criminal justice system marked by the “enemy’s criminal law”,⁷⁹ which allows for the labeling of women defenders as criminals and the instrumentalization of laws in order to “disarticulate movements, ... generating fear and divides, weakening processes of struggle.”⁸⁰ It also serves to reinforce the fears that women’s struggles provoke in a sexist society.⁸¹

"We know that we are the ones at the forefront of the struggle, the ones who stick our necks out when they take our family away from us, when the sexist society wants to touch our family. We are the ones who confront the criminal events taking place in this country, we are the ones at the front, we are not a weak sex, we are the strong sex and the sexist society fears this."⁸²

⁷⁹ | Statements by woman human rights defenders and lawyers 9 and 1. [Own translation].

⁸⁰ | Statement by woman human rights defender and lawyer 3. [Own translation].

⁸¹ | Statement by woman human rights defender and lawyer 7. [Own translation].

⁸² | Statement by woman peasant defender 13. [Own translation].

However, when addressing the phenomenon of criminalization in Honduras, women defenders do not limit their analysis to criminal law; they also identify the use of administrative law in the processes of criminalization that they face. An example of this is the experience of the women students expelled from the university after participating in protests, victims of the punishment imposed on them that was counter to against the institution's internal rules and procedures.⁸³

As already noted, women defenders agree that criminalization encompasses much more than the use of laws against them. They see the process as also including stigmatization, which takes on different forms depending on the profile of the woman defender who faces it, most frequently taking place through communications media and social media. In their stories, several women defenders identify stigmatization not only as part of the process of criminalization, but as an element that often precedes legal actions.

"The processes... often begin... with stigmatization. They stigmatize women defenders to weaken them, their name, their reputation, their honor. First, they start there, to make it look like they are street women, lazy, jobless, kept women and all the rest. They start discrediting her honor as a woman."⁸⁴

The women defenders also point out the impacts that this creates on their close circles, discouraging woman defenders' participation in defense actions in order to avoid new attacks and prevent community or family conflicts. They understand that while the community and family may be their support networks, sometimes they can end up being the reason for abandoning their work.⁸⁵

"...first they do this (stigmatization) because the family usually tells her to stop when all this finger-pointing begins. It is the family or friends who tell her to step away, that this is harmful to her, that it would be better for her to focus on her home, her children, that something could happen to her, that she is in danger. But when they (the assailants) see that this didn't harm her, then they go on to plan B, which is criminalization."⁸⁶

⁸³ | Statement by woman human rights defender and lawyer 1. [Own translation].

⁸⁴ | Statement by woman human rights defender and lawyer 6. [Own translation].

⁸⁵ | Ibid.

⁸⁶ | Ibid.

The women defenders note that, after an arrest or the start of a proceeding against them, stigmatization comes up again to aggravate the impacts. In fact, judicialization becomes one more element for stigmatization. They also note that criminalization can have an impact on the initiation of other legal proceedings, as in cases in which the lawyers who represent them are criminalized to stop them from providing legal assistance to the women defenders.⁸⁷

"The role of the communications media in this persecution is key... the way in which they stigmatize and smear, this is also a tool that goes hand in hand with criminalization... It's more than just the inappropriate use of criminal law. It even starts the moment in which the image, for example, of a defender is published in the front page of newspapers, in the news headlines... about their detention. It comes off as 'a killer has been detained' and they mention that the person is a well-known human rights defender."⁸⁸

Another point that the women defenders make is that, in some cases, the criminalization processes are part of repressive processes that escalate in severity to include physical attacks and even the killing of the woman defender.⁸⁹

"The issue with the inappropriate use of criminal law is that this is like the biggest extreme, after that, it is persecution until death for the defenders."⁹⁰

⁸⁷ | Ibid.

⁸⁸ | Statement by woman human rights defender and lawyer 1. [Own translation].

⁸⁹ | Statement by woman defender 2. [Own translation].

⁹⁰ | Statement by woman defender and lawyer 1. [Own translation.].

Women defenders most exposed to criminalization in processes in Honduras

Although no grouping of women defenders has been identified as immune to the violence and repression that most of them face, certain groups have been more exposed to this type of situation. Among them, the following stand out:

Women defenders of land and territory

Agrarian Law in Honduras grants land ownership to men.⁹¹ Despite the lack of legal recognition of their rights, women not only defend land, but in most cases also lead struggles for land, territory and natural resources. They are powerful women who, like the land, have the “power to give and create life and to feed their children.”⁹² Women who play a key role in their communities’ survival, who work, cultivate and know the land to feed their families with its fruits.

“The struggle in defense of that land that they cultivated, that generated income for their households. They were the ones who worked the land and so they had to be there defending it, right? When they would come to repress, some of their male comrades were there, but the majority were women. The women would do it because they had to defend how they fed their children, and in that same logic, they were there facing off the police, the military police, and they were the first to receive [violence].”⁹³

⁹¹ | Statement by woman defender and lawyer 8. [Own translation].

⁹² | Statement by woman defender 10. [Own translation].

⁹³ | Statement by woman defender and lawyer 1. [Own translation].

This is why women are the first to oppose projects that threaten life. For them, defending territory can be “a family issue”⁹⁴ and a matter of life or death for their loved ones. These women defenders are the most exposed to violence from extremely dangerous actors, like gangs and organized crime groups linked to investments in mega-projects,⁹⁵ which seek to displace entire peoples and communities to occupy and exploit their territories.

There is no recognition of women’s rights to land, nor of the strength they show defending it on the frontlines.⁹⁶ Their role is minimized, denied or rejected when they are stigmatized and criminalized. However, when they are “judicialized, there is no difference”, and they face “the same sentencing as men do.”⁹⁷

Additionally, **a significant number of these women defenders are Indigenous or Garífuna,⁹⁸ belonging to communities whose destiny is strongly marked by racism and exclusion.** This aspect is also decisive when they are subjected to criminalization processes and other forms of violence, because they face greater vulnerability due to the lack of access to public institutions and to the various resources that these and other entities can offer.⁹⁹

⁹⁴ | Statement by woman defender and lawyer 2. [Own translation].

⁹⁵ | Statement by woman human rights defender and lawyer 3. [Own translation].

⁹⁶ | Statement by woman defender 13. [Own translation].

⁹⁷ | Statement by woman defender and lawyer 8. [Own translation].

⁹⁸ | Based on numbers provided by the Mesoamerican Registry of Attacks against Women Defenders, between 2020 and 2022, criminalized women defenders in Honduras were Indigenous (40%), Garífuna (19%) and mestiza [of mixed heritage] (21%) women living in rural areas.

⁹⁹ | Woman defender and lawyer 9 notes that “indigenous groups, women, Afro-descendent people... are more vulnerable to criminalization in terms of how justice is applied or enforced at the time of their criminalization and judicialization... They have many, many more vulnerabilities because they are in very isolated areas, far from larger cities, and they don’t have access, for example, to file a complaint. They don’t have access, for example, to the National Human Rights Commission, to the Human Rights Secretariat, there’s even people in areas without services, for example, phone signal... all this is used to enable criminalization, persecution, for these persons to remain defenseless, so here we see how this is taken advantage of, against these people.” [Own translation].

Students and women who defend the right to education

The student protests connected to the 2013 electoral fraud led to a heightened persecution of the student movement in 2014. This began with the expulsion of six students from the National Autonomous University of Honduras (UNAH), and the Public Prosecutor's Office accusing one student and human rights defender of sedition and illicit demonstration. The following year, ten more students were expelled from the university center, and another 26 had prosecution orders issued against them.

The persecution continued in 2016 and the Public Prosecutor's Office issued another six arrest warrants, among them, warrants for persons who were not even in the country when the events for which they were accused took place.¹⁰⁰

"... of the student cases that I represented between 2015 and 2017, at least eighty students... had arrest warrants... twenty-four, plus twelve that they caught in the van... another fifteen, were students who had remained... hidden in some buildings. Since the police occupied the entire university – although the order was only to vacate [the premises] and leave; the executing judges drew up proceedings at eight o'clock in the morning and shut down, but the police took over the university."¹⁰¹

Additionally, the university authorities carried out a strong stigmatization and smear campaign against the student movement and the organizations that accompanied them, accusing them of “protecting vandalism”, which then led to the Public Prosecutor's Office requesting the permanent militarization of the university.¹⁰²

¹⁰⁰ | World Organization Against Torture (OMCT) and International Federation for Human Rights (FIDH). Observatory for the Protection of Human Rights Defenders. Honduras: Human Rights Defenders Between a Rock and a Hard Place. Fact-Finding Mission Report, December 2016, p. 22-23

¹⁰¹ | Statement by woman defender and lawyer 1. [Own translation].

¹⁰² | OAS: Statement by the OAS General Secretariat on the Elections in Honduras, 17 December 2017..

In total, between 2015 and the first half of 2016, 89 criminal charges were brought against UNAH students, four arrests were carried out, and seventeen administrative proceedings were launched.¹⁰³

The strong and well-founded suspicions of electoral fraud¹⁰⁴ in 2017 spawned a new wave of protests that were harshly repressed by the authorities and included the criminalization of those who participated in them. The UN Office of the High Commissioner for Human Rights (OHCHR) documented the use of “excessive force, including lethal force” by State security forces in the context of the elections, reporting the death of 23 people and injuries to some sixty people. The OHCHR also documented the mass detention of at least 1,351 people between 1 and 5 December, noting that some of them were subjected to ill-treatment; it also found cases in which detainees were judicialized.¹⁰⁵

Connected to the 2017 arrests and judicialization processes, a new round of criminalization against women defenders who were members of the student movement took place in 2021 – with additional criminal proceedings launched against Emmy Jiménez, Rebeca Elvir, Nancy Cruz and Natali Sánchez – with the objective of disarticulating and delegitimizing the student organizations.¹⁰⁶

Between 2017 and 2022, 16 arbitrary detentions and 23 judicial proceedings linked to the defense of the right to education were documented. Women students make up a large group of those attacked in this context.¹⁰⁷

¹⁰³ | OMCT and FIDH. P.23.

¹⁰⁴ | The European Union and Organization of American States (OAS) electoral observation missions noted that the 2017 election vote-counting process was “characterized by irregularities and deficiencies, with very low technical quality and lacking integrity.” OAS: Statement by the OAS General Secretariat on the Elections in Honduras, 17 December 2017.

¹⁰⁵ | OHCHR. Human Rights Violations in the Context of the 2017 Elections in Honduras, and OHCHR. Accountability for Human Rights Violations committed in the context of the 2017 elections in Honduras: Progress and Challenges.

¹⁰⁶ | IM-Defensoras: [Alerta Defensoras] HONDURAS / Continua persecución contra el Movimiento Estudiantil Universitario, 2 March 2021.

¹⁰⁷ | Data provided by the Mesoamerican Registry of Attacks against Women Defenders based on data and documentation registered by the team in Honduras.

Lawyers of criminalized women defenders

An important element in supporting protection of criminalized women defenders is ensuring that they have adequate legal representation. When it comes to dealing with these cases, the women lawyers who take on the proceedings face a wide range of obstacles, among them the enormous number of criminalization cases to attend to and the lack of resources to carry out the defense, which often results in them performing this work without pay and in a precarious manner.

This precarious situation often subjects lawyers to extremely high levels of stress, affecting the quality of defense that they can provide and greatly limiting their ability to conduct a close accompaniment of the victims so that the latter are fully informed about the status of the proceedings against them. It also has concrete impacts on the women lawyers themselves.

The women lawyers work in a traditionally male and sexist space,¹⁰⁸ which hugely impedes their legal defense work¹⁰⁹ and means they conduct it in a highly adverse environment. They face disdain from justice system operators, who belittle them and do not take them seriously when they carry out their work, especially when they do it independently without organizational affiliation.¹¹⁰ They are labeled as “advocates for troublemakers” and often have their sources of funding questioned.¹¹¹

Additionally, with the aim of taking away support from criminalized women defenders or their causes, the women lawyers are also criminalized. Similar to other countries in the region, because they are conducting legal defense for women defenders, these lawyers risk having administrative and criminal proceedings launched against them that may involve sanctions.¹¹²

¹⁰⁸ | Statement by woman defender and lawyer 4. [Own translation].

¹⁰⁹ | Statement by woman human rights defender and lawyer 9. [Own translation].

¹¹⁰ | Statement by woman human rights defender 1. [Own translation].

¹¹¹ | Ibid.

¹¹² | The case of Claudia González, a lawyer in Guatemala, and that of Yonarqui Martínez in Nicaragua are recent examples identified in Mesoamerica.

Characteristics of judicialization

The interviews with women defenders point to several important elements of judicialization processes against women defenders in Honduras.

One of the characteristics that women defenders highlight is the selective way in which the authorities act against them in seeking to judicialize them. The women interviewed note the efficiency with which prosecution orders are issued against them, and how this contrasts markedly with the lack of attention given to the complaints they present to denounce corporations that operate illegally in their territories and in relation to the harassment they suffer.¹¹³

They point out that the police “file away complaints” that they present due to threats, and yet act swiftly on complaints presented by corporations and their employees.¹¹⁴ They also highlight that judges decontextualize the events they rule on, failing to take into account that they occurred as part of actions to defend human rights, without an understanding of the context in which the cases of criminalization occur; in this way, “they simply consider whether a crime was committed and must be condemned.”¹¹⁵

Another characteristic of the criminal proceedings to which women defenders are subjected is their delay. The proceedings remain in their initial stages for long periods and hearings are constantly postponed. This situation results in proceedings remaining open for years, creating serious uncertainty among women defenders regarding their future and forcing them to face a latent threat. This also has particularly serious impacts on women defenders, especially in cases where they are subjected to preliminary rulings, which is often the case.

¹¹³ | Statements by women human rights defenders and lawyers 14 and 3. [Own translation].

¹¹⁴ | Statement by woman human rights defender and lawyer 3. [Own translation].

¹¹⁵ | Statement by woman human rights defender 9. [Own translation].

Although in cases where criminalized women defenders are deprived of their liberty, it is common for the lawyers representing them to request less onerous alternative measures (which should be the general rule), these are rarely granted and the appeals through which they are requested are continually rejected or not considered. This, coupled with their hearings being routinely postponed, **results in many of the criminalized women defenders being held in pretrial detention for months or even years**, thus removing them from their struggles.¹¹⁶

"So, this process has been pretty long. I took it on around October, then the evidentiary hearing was postponed about two or three times. Then we were heading to trial. It turns out that at trial, they said the Public Prosecutor's Office was not notified. So, they left it to August and then, then we practically stayed one more year in this situation, meaning, like tormenting the victims of this situation... For example, like what is happening with the Guapinol defenders. The request is for the prison measure to be substituted so that they may be heard in freedom. This request is never considered, or is denied. So, the process takes a long time and they don't, they don't address it. They keep postponing hearings in order to keep the defenders locked up."¹¹⁷

When alternatives to pretrial detention are granted, **it is common for judicial authorities to decide that women defenders must appear to sign in at courthouses far from their homes**,¹¹⁸ every week or every fifteen or thirty days,¹¹⁹ which – far from being harmless (as we will see below) – has serious impacts on women defenders.

¹¹⁶ | Statement by woman human rights defender 7. [Own translation].

¹¹⁷ | Statement by woman human rights defender 9. [Own translation].

¹¹⁸ | Ibid.

¹¹⁹ | Statement by woman defender 14. [Own translation].

Crimes with which criminalized women defenders are charged, and abusive practices that contravene due process

The criminal offenses most frequently used to criminalize women defenders in Honduras include assault, coercion, threats, damage to private property and injury.¹²⁰ Additionally, there are cases related to complaints of slander and defamation,¹²¹ death threats and assault.¹²²

Particularly when women defenders are arrested during protests, the criminal charges of robbery, arson – of a police post – and bodily harm are used. Women defenders began to observe this phenomenon with greater intensity after the 2017 electoral fraud, with cases even occurring in which State forces had them hold police uniforms in order to falsely accuse them of theft.¹²³

*"In the testimonies we managed to document, they said, 'these men came and then they said – here, take this. We leave this with you, you have to keep it, and if not, we know your girl, your daughter, your son and you will pay us with her.' They say that at first, they thought it was drugs. Then, when the men leave, the police arrives immediately and conducts a search. What they find are police uniforms... So then they are accused of theft, and of arson of a police post, which is where the uniforms were lost, they say."*¹²⁴

The lawyers representing them note the frequent use of “petty crimes” that provide for the use of substitute measures, as well as the increasing use of the crime of coercion brought by companies.¹²⁵ They also note the use of serious crimes to criminalize, among them those linked to drug trafficking, even the case of a woman defender accused of being a pimp.¹²⁶

¹²⁰ | Statement by woman human rights defender and lawyer 3.

¹²¹ | Statement by woman defender 10.

¹²² | Statement by woman human rights defender and lawyer 6.

¹²³ | Statement by woman human rights defender and lawyer 9..

¹²⁴ | Statement by woman human rights defender and lawyer 9. [Own translation].

¹²⁵ | Statement by woman human rights defender and lawyer 6.

¹²⁶ | Statements by women human rights defenders and lawyers 6 and 3.

The “crime of land usurpation”¹²⁷ is especially used against those who defend land and territory.¹²⁸ Alerts issued by IM-Defensoras between 2015 and 2022 show that at least 36 women defenders of land and territory in Honduras were detained and persecuted for this crime: three in 2022, seven in 2021, nine in 2019, and another nine in 2017. The other eight cases were registered in 2018, 2016, and 2015 (two in 2018, three in 2016, and another three in 2015).¹²⁹

Criminalization based on this type of crime also include arrest warrants and evictions involving the deployment of large contingents of public security forces, that detain peasants as if they were “mafia criminals”.¹³⁰

¹²⁷ | The crime of usurpation was recently amended through Decree 93-2021, increasing penalties for the crime and establishing that usurpation shall be punished with a prison term of between 4 and 6 years. This reform is part of the trend of aggravating penalties for the commission of this crime; the grounds under which the law defines the crime are ambiguous, since it establishes in very general terms that the crime occurs when occupying, seizing, interrupting the possession or altering the boundaries of a property. Additionally, the regulation can be interpreted in such a way that it enables authorities to carry out evictions and even to set a penalty even if the plaintiff is not formally listed in the property deed. These reforms, as defined in its purpose, focus on the protection of private property, and not on the obligation to protect and defend peoples’ self-determination and right to territory.

¹²⁸ | Statements by women defenders and lawyers 2 and 3.

¹²⁹ | Among those most affected by this type of crime as a way of launching criminalization processes is the Black Fraternal Organization of Honduras (OFRANEH). Members of the organization who have been criminalized through this crime include sister defenders Melisa Martínez, Dorotea Arzu and Keyden Tishany Gonzales. Women defenders who have faced or are facing proceedings for this crime include Jennifer Solozarno and Marianela Solorzano, Silvia Bonilla Flores, Carolina Castillo and Madeline Martina David Fernández. Also the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH). Doris Pérez, María Lidia Díaz, Juana Fúnes, María del Rosario Ruiz Ulloa, Silvia Cristina Canales, Reina Alicia Silva Hernández, Analí del Cid Guzmán, Isolina Guzmán Ramos, Rebeca Suazo Guzmán and Lorena García, María Virginia Domínguez Vásquez, María Catalina Domínguez Vásquez, María del Rosario Domínguez Vásquez, María Plácida Domínguez Hernández and María Marcelina Domínguez Vásquez have been involved in criminal proceedings for their alleged participation in this crime. The grave situation that the Municipal Committee in Defense of Public and Natural Resources and the Committee in Defense of the Guapinol River has confronted is also evidenced in the criminalization of woman defender Lourdes Gómez. The case of the National Farm Workers Union (CNTC) and its affiliates, with Juana Carranza, Sonia Isabel Gáelas, Gerardina Santos Hernández and Norma Suyapa Herrera, who have been victims of these processes. In the Aguan Valley, Irma Lemus, Orbelina Flores, Ceyda Xiomara Alemán, Yenis Sulay Rodríguez and Nolvía Liseth Berrios have been criminalized based on accusations of their involvement in these crimes. Chorti Maya woman defender María Santos González, María Concepción Hernández and Yenis Zulay Rodríguez Velásquez have also found themselves in this situation.

¹³⁰ | Statement by woman human rights defender 7. [Own translation].

"The company continues its operations. It moved in when we were evicted, it was an illegal eviction because they did it wrong, that is, they did it illegally, they did not follow due process. The company moved in after we left, the company set up and we conduct our defense from our community, gaining capacity so that they will hear our voices... We no longer have the camp."¹³¹

The lawyers of criminalized women defenders identify irregular practices in the processes. They note that authorities request and issue warrants for arrests or raids automatically and surprisingly fast, displaying an excessive use of their powers and “criminal justice instruments”, when the normal procedure is to “summon and call the persons who allegedly commit these crimes.”¹³²

There are also cases in which some women were summoned as witnesses and were arrested when they appeared to testify;¹³³ as well as cases in which they were arrested and presented to the press as criminals when they voluntarily went to court after arrest warrants were issued against them.¹³⁴

In the concrete case of a student leader, an arrest warrant was issued against her for events that took place when she was not even in Honduras. This warrant not only led to her arrest, but she also faced a severe process of stigmatization.¹³⁵

Women lawyers who legally defend criminalized women defenders have also faced difficulties accessing relevant court files. The courts deny them access to the files, and some judges have even called them into their offices to ask why they want to access this information and for them to explain their connection with the case.¹³⁶

¹³¹ | Statement by woman human rights defender 14. [Own translation].

¹³² | Statement by woman defender and lawyer 2. [Own translation].

¹³³ | Statement by woman human rights defender 12.

¹³⁴ | Statement by woman human rights defender and lawyer 9.

¹³⁵ | Statement by woman human rights defender 1.

¹³⁶ | Ibid.

Stigmatization and smear campaigns as an essential component of criminalization

Women defenders note that stigmatization processes through social media and communications media usually precede the most intense stages of judicial persecution that are activated mainly when the defender does not abandon her activism. In addition, the media widely cover arrests of women defenders in a sensationalist manner, publicly portraying them as the worst kind of criminals, labeling them as “trouble-makers”,¹³⁷ “unruly”,¹³⁸ “streetwalkers, lazy, jobless, freeloaders”,¹³⁹ and ridiculing them.¹⁴⁰ Then they invite readers to give their opinions and leave their comments, encouraging the replication of hate speech fabricated against women defenders.

"I got tired of watching videos of arrests in Honduras. The communications media are so sensationalist, they create a circus and mock any news item related to human rights defense and students in general... There is a famous show, several shows... There is a case, for example, of a woman who is detained for the crime of abortion or the case of a defender detained for his struggle and defense of the commons, there we saw how they broadcast a show the entire day, it's the topic of discussion, they conduct polls, people can give their opinion freely in the media. They also encourage people to stigmatize them, so, it's a media that generates hatred."¹⁴¹

¹³⁷ | Statement by woman human rights defender 1. [Own translation].

¹³⁸ | Statement by woman defender 13. [Own translation].

¹³⁹ | Statement by woman human rights defender and lawyer 6. [Own translation].

¹⁴⁰ | Statement by woman defender and lawyer 2.

¹⁴¹ | Statement by woman defender and lawyer 1. [Own translation].

One of the clearest cases is that of a group of university students who were targeted with hate and smear campaigns prior to their criminalization.¹⁴² The university paid for advertisement in the media publicly accusing those who protested as “lazy”, to then proceed with their expulsion.

Specifically, **women defenders of land, territory and natural resources are often accused of being “against development”**, contrasting their positions to those of businesspeople who will supposedly “help the development of communities”.¹⁴³

*"At this moment, the biggest conflict is taking place on this issue, in the territories, in the struggle for these territories, to protect and defend them, and natural resources. Organizations of women defenders, of human rights defenders, we are highly criticized. I think the same thing happens in other countries because they claim we are opposed to development. They claim businesspeople want to bring development to their communities but oftentimes local people don't even find out what they are doing, what they are going to build, what benefits will come from the construction of a hydroelectric dam or a mine, how will it contribute."*¹⁴⁴

Although women defenders affirm that they struggle for a development that respects nature, that is inclusive and respectful of their cosmovisions as Indigenous and Garífuna Peoples, the communications media rarely amplify or give visibility to their positions:

*"We want a form of development where we can all participate, we are not against development. We are against the way they implement this so-called development because we all want to win, we all have needs, we all want to be repaid in some way. [We want] this type of investment made in our community to be made according to our cosmovision, as a peoples, respecting our nature because that is what we defend, the very life of our rivers, of our beaches."*¹⁴⁵

¹⁴² | Statement by woman human rights defender and lawyer 1.

¹⁴³ | Statement by woman human rights defender 9. [Own translation].

¹⁴⁴ | Ibid.

¹⁴⁵ | Statement by woman defender 10. [Own translation].

These attacks produce a stigma that contributes to the prejudice of those who operate the justice system, who speak of women defenders with disdain, especially women who defend rights related to land, territory and the environment,¹⁴⁶ who are labeled and “viewed just like big criminals, drug traffickers or murderers”.¹⁴⁷ They are scolded because, being women, they are in the streets when they should be at home, taking care of their children and husbands.¹⁴⁸ In one case, during a hearing, a judge even stated that what the criminalized woman defender should do “is go pray, go beg to God for these mistakes.”¹⁴⁹

In the case of the women students detained and criminalized for participating in university protests, justice operators engaged in making prejudicial and sexist comments against the students. One of the women judges shouted at them: “Ah, look at them, these pretty girls, who told them to be doing this, who is looking at them so pretty and what they are involved in”; she also questioned them asking if their parents knew where they were.¹⁵⁰

These stigmatization processes seek to weaken women defenders by damaging their public image, attacking their reputation and their dignity¹⁵¹ and generating hatred against them and against their activities.¹⁵² This isolates them from their close circles and leads to them being tainted in their communities as “the ones who were jailed.”¹⁵³

The State security forces also conduct actions towards this end. For example, after conducting an eviction, police authorities referred to Las Galileas peasant women’s network as a criminal group that “perpetrates both criminal and terrorist activities against civilians and national strategic infrastructure” and as “a subversive group that attacks Honduran people’s peace and calm.” Similarly, they have described woman defender Nolvía Obando as a leader of this criminal structure, stating, “she is known in the underworld with the alias ‘la Cheki’.”¹⁵⁴

¹⁴⁶ | Statement by woman defender and lawyer 1.

¹⁴⁷ | Statement by woman defender 13. [Own translation].

¹⁴⁸ | Statement by woman defender and lawyer 2.

¹⁴⁹ | Statement by woman defender and lawyer 4. [Own translation].

¹⁵⁰ | Statement by woman defender and lawyer 1. [Own translation].

¹⁵¹ | Statement by woman defender and lawyer 6.

¹⁵² | Statement by woman defender and lawyer 2.

¹⁵³ | Woman defender 14 notes, “people in their communities point to them saying, ‘oh, they released you, you are already out, you were the one who was in jail,’ and then people start asking questions.” [Own translation].

¹⁵⁴ | See, among many news items with similar headlines, Once Noticias, Capturan a pastora que era líder de la banda criminal “Las Galileas”, 13 March 2023.

After being accused in this way, women defenders face serious difficulties finding work and participating in community decision-making processes. Their candidacies to be part of local representation entities are rejected by “members of the same community who state that they are troublemakers” and that “they should be home taking care of their children instead of meddling in these issues.”¹⁵⁵

The label of “troublemakers” used to mark women defenders also ends up extending to the lawyers who defend them. After the coup d’état, they started being accused of being lawyers for “troublemakers”, which damages their professional image and complicates their work, thus harming the women who are criminalized.

Harassment and threats with gender components

Attacks against women defenders seek to silence visible leadership¹⁵⁶ and send a message of example to the rest of the collective or community. The strategy is to generate fear among their colleagues and stop the transformative power of social movements. But for women defenders, **the attacks also seek to discipline and control other women**, preserving the gender order by imposing new barriers to their political participation in relation to the collective of male defenders, who enjoy an honorable reputation for conducting this work.

¹⁵⁵ | Woman defender and lawyer 8 states, “this even shuts down work opportunities, and to be able to participate in certain citizen participation activities. There is a case here, in Francisco Mora, where women who have participated in the defense of the environment and natural resources have been so stigmatized that when they present themselves as candidates for a Commission on Transparency, they are rejected. Municipal corporations and other members of the same community say they are troublemakers. That is their favorite word that they use to stigmatize women. All this stigma that women should be at home taking care of their children instead of meddling in these things.” [Own translation].

¹⁵⁶ | IM-Defensoras. [WHRD Alert] HONDURAS / [Persecution, harassment and criminalization of Miriam Miranda, OFRANEH member and human rights defender, after protest at Public Prosecutor's Office](#) on August 9, 2022.

This is clear to women defenders who participated in this research, who describe suffering different types of threats and harassment for conducting human rights defense before, during and after the launching of judicialization processes against them.

Those who involved in peaceful occupations to protest the imposition of projects in their territories note constant intimidation and persecution by corporate agents seeking to create fear among those who participate in these actions. They describe the presence of unknown men who surveil them at night right outside the camp; being followed by unknown persons; and repeated photographing, surveillance and following when they travel to hearings. They also speak of the involvement of up to “67 private security guards in evictions of the camps after prosecution orders were issued against them.”¹⁵⁷

*"When we were just setting up the camp, the corporation would send men at midnight to watch us. They would drive by with motorcycles all the time, when we were going to court, they would send people in cars to take picture and more pictures. This was really not nice, you couldn't show your face directly because there they were with the cell phones, with the photographs. Well, I was followed not that long ago, I don't know what their intention was, but they started pursuing me here in Choluteca, in the city of Choluteca and I was afraid and so what I did was to come home quickly."*¹⁵⁸

Many women defenders are clear that sexual violence is one of the ways in which they can be attacked;¹⁵⁹ this is evidenced by the threats to which they are subjected. While for male defenders, threats tend to refer to physical violence, women defenders frequently receive messages like, “if I see you alone, I will rape you”;¹⁶⁰ and they are conscious that when they denounce threats of sexual violence, the police does not take them seriously.¹⁶¹ Specifically among women who defend territory, this type of

¹⁵⁷ | Statement by woman human rights defender 14. [Own translation].

¹⁵⁸ | Ibid.

¹⁵⁹ | According to woman defender 9, “...in addition to hitting us and intimidating us... they can rape us.” [Own translation].

¹⁶⁰ | Statement by woman human rights defender and lawyer 3. [Own translation].

¹⁶¹ | Ibid.

threat is very common, both against them and against their daughters.¹⁶²

*"Not to mention the women, when women are threatened with rape, with touching their daughters, threatened that their daughters will be raped... Once, when we were upstairs, some men were saying, and another of our sisters who stayed downstairs heard, 'oh, they should stay there, those women, so we can go rape them...'"*¹⁶³

In relation to criminalization, the Mesoamerican Registry of Attacks against Women Human Rights Defenders found that one in three arrests and prosecutions documented between 2020 and 2022 in Honduras involved situations of gender discrimination, including verbal attacks with misogynist expressions referring to her body or status as a woman, as well as questioning her work, leadership and/or achievements.¹⁶⁴

For example, on 29 March 2021, a group of activists from the organization Alternative Community and Environmentalist Vindication (ARCAH) protesting against the corporation El Cortijo to denounce pollution in the river were subjected to verbal attacks aimed at preserving power inequalities based on gender and age. The attacks included statements like "you should stay home", "as women you should not be meddling in these things", and "you should be ashamed, being so old and being involved in this".¹⁶⁵

¹⁶² | Statement by woman defender and lawyer 9.

¹⁶³ | Ibid. [Own translation].

¹⁶⁴ | Data provided by the Mesoamerican Registry of Attacks against Women Defenders based on data and documentation registered by the team in Honduras.

¹⁶⁵ | Ibid.

The actors who persecute and criminalize women defenders

Women defenders highlight the relevance of the Public Prosecutor's Office as a key actor in the criminalization and persecution that they face, emphasizing the contrast between the judiciary staff's special interest and efficiency in issuing arbitrary prosecution orders against them and the delays and reluctance to investigate and pursue the crimes that the women defenders denounce.¹⁶⁶

"...the Public Prosecutor's law, in Article 3, states that its purpose is to protect the interests of society. But we find a Public Prosecutor's Office that is completely biased, with powerful classes, a Public Prosecutor's office that applies a selective justice, where poor people are criminalized, judged, locked up, while, suddenly, in other cases with serious crimes committed by public officials, crimes of corruption for example, they are free."¹⁶⁷

They also point out that **other justice operators and members of the police forces pursue them in a selective manner**, also in contrast to the absence of actions by entities within the justice system mandated to protect them when required.

"In the case of survivors of sexual violence, 99 percent of these cases remain in total impunity. For cases of femicide, 90 percent. So, these huge rates tell me that the judicial branch is not working. The women I defend, survivors of sexual violence, they [the Public Prosecutor's Office] take a year in issuing the requirements for a prosecution order against a rapist, and when it involves a peasant, then in two days they issue the prosecution order."¹⁶⁸


¹⁶⁶ | Statement by woman human rights defender 14.

¹⁶⁷ | Statement by woman human rights defender 9. [Own translation].

¹⁶⁸ | Statement by woman defender and lawyer 4. [Own translation].

In addition to these actors, **private security companies, businesspeople and landowners also play a key role in the persecution of women defenders**. However, these actors should not be seen in isolation, since – **together with organized crime structures – they have permeated State institutions**, which in turn act to facilitate their protection and respond to their spurious interests, failing to comply with their obligation to safeguard the security and work of women defenders and their communities.

*"They can see that people are in total danger and still they don't do anything... Seeing how these same officials are involved in drug trafficking and all, they have displaced entire communities, and they have killed all those people there. And, when we go to file a complaint, and we tell them who we are complaining against, they lose... interest, it's like saying, 'I'm not going to go up against this person who is very close to the president.'"*¹⁶⁹

Women defenders have also expressed their concern about the **links between organized crime and some of the mega-projects that they are confronting**. On this matter, they have noted that there are investors directly linked with drug trafficking and organized crime who are behind various corporate mining and energy projects that are imposed on their communities without consultation. This situation places women defenders of land and territory, and those who defend and represent them, in a particular situation of risk and vulnerability. 

¹⁶⁹ | Statement by woman defender 12.



The case of María Concepción Hernández: Systematic persecution of a woman defender.

María is a woman from the south of Honduras, she has the color of that area and her skirt and towels she uses to dry her sweat give her away. She is used to extremes in weather and in life. She talks tough, she is indignant and then soft and funny. She talks a lot, fast, and sometimes her words are broken with tears and sighs. She has experienced, like few, situations of constant harassment, and criminalization has made her life impossible – both hers and her family, her weariness is apparent.

The notes we added to this text describe the daily battle against her waged by those who have power and weapons. It is much more difficult to talk about her exhaustion, but just like her, there are many women defenders who live through years of harassment, radically transforming their lives, bodies, and relationships to the detriment of their wellbeing.

What is most cruel is what is obvious: Men – whether institutional agents, landowners, employers, neighbors, or whoever – claim the right and possibility to be part of a huge network of assailants against a woman who is strong and, at the same time, vulnerable. In these cases, the patriarchal pacts and powers are easily bound together.

The criminalization and judicialization of the struggle of Zacate Grande and those who are part of the Association for the Development of the Zacate Grande Peninsula (ADEPZA) is not new. For years, its members have faced several cases of judicialization and have been deprived of their liberty, in addition to facing serious death threats. Since Easter in 2015, the community of Playa Blanca, where María lives, has been accused by Jorge Luis Cassis Leiva of invading his land and setting up a car park within his property.

The landowner filed a complaint with local courts for crimes of usurpation, threats and damages at his expense. **Since June 2015, the residents of Playa Blanca have been facing trial and, since August, alternative measures that include the prohibition to go to the disputed land, to approach the plaintiff or communicate with him, to change their address, and the obligation to periodically appear before the court in Amapala and sign a log.** For María, these actions cost time and money, as if she had plenty of both.

On the afternoon of Sunday, 22 September 2019, agents of the Police Investigation Division (DPI) arrested María at her home and transferred her to the Amapala police post, where she remained deprived of her liberty for almost 16 hours, accused of the crime of usurpation of land in detriment of Jorge Cassis, the landowner.

On October of the same year, four plainclothes police agents detained María again, while she was at her neighbor's house. They stated they had an arrest warrant and that they would take her to Nacaome, even though María stated that her case was at Amapala. Furthermore, they did not give her the opportunity to change clothes even though she needed to do so. She was detained from 4pm until 8am the next day. A police officer, showing animosity towards her, called her pretentious and told her that he remembered her from another arrest operation. María did not remain quiet, answering that the rich paid the police to trample over them.

In April 2023, she was once again detained by DPI agents when she was visiting her partner, who has also been criminalized and at that time was detained in the Nacaome prison. His arrest was based on an August 2019 arrest warrant that was no longer valid. When she was arrested, the woman defender was with her under-age son, who was left totally defenseless. The ADEPZA comrades and members of the Network of Women Lawyers who Defend Human Rights went to the DPI offices but were denied information and contact with her, and were told that she had been transferred to Amapala. Although she released, two weeks later, the police pulled her off a bus and held her for two hours for the same case.

These criminalization actions were accompanied by years of constant harassment and threats against María, and against her family and neighbors. In 2018, María Concepción and other women were cleaning the communal grounds when three workers of landowner Jorge Cassis arrived, threatened

them with a machete and put it against the neck of another woman. Later, these same men called the police to denounce their presence there and the women were treated as liars when they said they had been threatened. The police are almost always in agreement with these disparaging remarks; more patriarchal than any other institution, the armed forces denigrate women and treat those who defend human rights with more rage and animosity, because they have broken the mandates that oblige them to stay at home and abstain from fighting for the land.

Similar situations have taken place at different times, María Concepción and the women of Playa Blanca are harassed by men who work for the landowner and who regularly use their machetes to intimidate and harass them. This takes place when they go out to sow the fields or to take care of other tasks, and even when they are in their homes. The landowner himself has appeared at María's house and threatened her son Cristian, aiming a gun at him. She has also faced intimidation from local authorities, which shows a clear alliance between the authorities and large landowners in the area.

The events described here do not capture the intensity of these attacks and their impacts; we know that the woman defender was detained more than once with her young son, who has even been deprived of his liberty in police cars and jail cells. Her case simply reflects a broader reality that affects women who defend human rights in Honduras, a country where it is common to find images of these women behind bars with their sons and daughters.

The abuse against criminalized women defenders has become a daily occurrence in their lives. **If not for their sister defenders – those who listen to them, who defend them at hearings and who carry their voices beyond the spaces where they are attacked, this situation would be unbearable for them.**

THE IMPACT OF CRIMINALIZATION ON THE LIVES OF WOMEN DEFENDERS IN HONDURA

The accounts of Honduran women defenders speak to the many, varied and serious effects of criminalization; it is a legal and “social” process that clearly has grave and differentiated impacts on women defenders because of their gender. They describe how this affects them personally – their physical and psychological health, their economic situation – as well as their close family circles, their communities and their struggles.

These impacts reveal specific characteristics determined by the fact that they are women, and that come from the multiple manifestations of the discrimination they face. These harmful effects are apparent in the different moments of criminalization; they may be isolated or cumulative; and they often mutually reinforce each other.

Impacts on women defenders' physical and psychological health

Physical violence is very present in criminalization processes. The use of force during detentions and evictions, in addition to a lack of medical treatment after the fact and the conditions in which women are deprived of their liberty, frequently reveal impacts on women defenders' physical health during criminalization processes.

This is clearly and starkly exemplified by a woman lawyer who represents a woman defender of land and territory criminalized while protesting in the Department of Trujillo. According to the lawyer, the woman defender had a miscarriage due to the violence exercised against her during an eviction – violence that she suffered despite being visibly pregnant – and the lack of attention after the fact. That was not all, as the tear gas fired by the security forces also led to the death of her mother – who was at the protest.¹⁷⁰

Honduran women defenders note that the persecution and attacks subject them to an overload that leads to psychological exhaustion, hopelessness and feelings of loneliness. They also report a feeling of permanent anger, anxiety and fatigue that comes from focusing all their energy on the future, and from the lack of rest and recovery and of spaces for enjoyment.¹⁷¹

¹⁷⁰ | Woman defender 1, who was the lawyer of a criminalized woman defender, noted, “it was a difficult interview because she had just lost her mother during the process, she suffered health complications. She would say, ‘my mother was breathing in a lot of tear gas’, it was also because of her age. She suffered a miscarriage during the same detention... She explained that, although it was obvious that she was pregnant, the police took her by force without any consideration to her pregnancy, which she was showing. They detained her in a cell for several hours, they had hit her and they never offered medical assistance. They will always receive the worst, they are the ones who also have the biggest burden, and they are the least visible, because almost always it is the male comrades who have status in the movements. The human rights defense work that the women conduct becomes invisible.” [Own translation..

¹⁷¹ | These impacts are included in the Summary of Reflections conducted during the Assembly of the National Network of Women Defenders in Honduras in 2022.

In addition to the undervaluing [of their work] and the effects on self-esteem that come from stigmatization and smear campaigns,¹⁷² women defenders who have been criminalized identify numerous emotional and psychological impacts of criminalization: emotional shut-down, insomnia,¹⁷³ feelings of anguish, stress, severe anxiety, among others.¹⁷⁴ Emphasizing the fear that they suffer, they note that they are afraid when they go out on the street, that they have to “be alert, look all around... we are not calm when we walk.”¹⁷⁵

Some of them note that **the psychological and emotional impacts of being subjected to these processes also end up triggering other pains and health problems that frequently become chronic and have irreversible effects.** In this sense, they identify problems in the reproductive system as common, with repeated testimonies referring to this type of ailment among criminalized women defenders.¹⁷⁶

The alternative measures imposed on criminalized women defenders, while they are less severe than deprivation of liberty, frequently mean that they have to travel long distances to appear in court to sign a log on a regular basis. This situation creates economic difficulties, like being able to attend to their families’ care needs,¹⁷⁷ with particular concern for care needs related to their daughters and sons and having to find someone who can take care of them.¹⁷⁸

¹⁷² | These effects are included in the Summary of Reflections conducted during the Assembly of the National Network of Women Defenders in Honduras in 2022.

¹⁷³ | Statement by woman defender 10.

¹⁷⁴ | Interview with woman defender and lawyer 9.

¹⁷⁵ | Statement by woman defender 14. [Own translation.]

¹⁷⁶ | In this line, woman defender 13 links the impacts of the criminalization process with health problems associated with tumors in her uterus that required excision. “I suffered a lot after they captured me, they released me on parole. As a stress, like a tension... from there I got three tumors in my uterus. They removed my uterus, even then, I would appear to sign, a bit sick, bleeding, it was really chaotic for me those times... But thank God I am still alive.” [Own translation.] Another woman defender, identified as woman defender 10, developed ovarian cysts during this process and has menstrual disorders. “I currently have ovarian cysts, I have polycystic ovaries, I suffer from an amenorrhea disorder. I don’t have a normal period, sometimes it comes, I became irregular during this whole process.” [Own translation.]

¹⁷⁷ | Woman lawyer and defender 1 notes, “...if they are released, they do so with alternative measures and for them, appearing to sign those logs at the courthouse, it is much more difficult to comply with those measures. The judges are not looking at who has to bring her children along or leave them.” [Own translation.]

¹⁷⁸ | Statement by woman human rights defender and lawyer 1.

Scenarios of this type lead to the aggravation of anxiety, stress, and tension, and several cases of depression have been linked to these situations.¹⁷⁹

*"These women must even leave their children alone, or sometimes they travel with them to the courthouses the days they have to go sign. We're talking about women who have to come down from the mountains, who may have walked two, three, five hours to appear to sign. We have to understand really what is it that the prosecutor, the judge are signing, what are they really seeking when they set certain measures against women who are defending rights. It is a way of punishing them, and for them to stop being in public spaces defending their rights, the commons, etc."*¹⁸⁰

Understandably, **detentions and deprivation of liberty also have specific impacts on women defenders' mental health.** Some of these are connected to concerns coming from the effects that this situation may have on their families. Women defenders feel severely affected when their families experience economic difficulties, suffer,¹⁸¹ or are torn apart because of criminalization.¹⁸² The concern that their children will be left helpless and "adrift" if they are deprived of their liberty is one of the elements that has the strongest impact on them,¹⁸³ to the point that some of the women have defined this situation as psychological torture.¹⁸⁴

¹⁷⁹ | Statement by woman defender 13.

¹⁸⁰ | Statement by woman defender and lawyer 2. [Own translation.].

¹⁸¹ | The summary of reflections conducted during the Assembly of the National Network of Women Defenders in Honduras in 2022 mentions how women defenders are exhausted from not being able to respond to family problems.

¹⁸² | Woman defender and lawyer 1 notes, "the stigma for women in these prisons makes it a psychological torture for them. For women, it is doubly difficult not to have access to their children, to their family. The children of many of them are left adrift... For women, it is psychologically more difficult, let's say, these processes. It has a great impact in criminalization for women because of all these factors... for the psychological impact, the vulnerabilities, the lack of accompaniment for these women and their families, and also for how difficult these processes are for them." [Own translation.].

¹⁸³ | Statement by woman human rights defender and lawyer 1.

¹⁸⁴ | Ibid.

In addition to the direct violence that their families often suffer,¹⁸⁵ women defenders also express the huge worry that their sons and daughters may witness or have witnessed the violence aimed at their mothers in these contexts. One of the women defenders states that the experience of criminalization marked her for life, because her son was just six months old when she was detained.¹⁸⁶ Another, speaking of the violence exercised against her during her detention, stated,

*"The process of arresting me was the most difficult thing I faced because my son saw everything, my son was there. My son was six years old when he saw the whole scene that the military set up"*¹⁸⁷

Women lawyers reported developing symptoms associated with anxiety, related to the violence faced by the women defenders they accompany,¹⁸⁸ and to the stress linked to the frustration they feel at the lack of effectiveness of their work, even if it is exhaustive and conscientious, and at the arbitrary way in which justice operators treat the women they represent.¹⁸⁹

¹⁸⁵ | During the criminalization, they also directly or indirectly attack the woman defender's close family circle. During the arrest and judicialization of women defenders documented between 2020 and 2022, attacks against their partners (11%) and children (11%) were also registered, including arbitrary detentions, harassment and physical and psychological violence. Information provided by the Mesoamerican Registry of Attacks against Women Defenders.

¹⁸⁶ | Woman defender 14 notes, "It is a complicated matter and very difficult to explain. When I found myself detained in one of the UD centers number six, it was difficult because I was with my seven year-old son. At that time, my other child was six months when they detained me. It's something that marks you and you never forget it." [Own translation.].

¹⁸⁷ | Statement by woman defender 10. [Own translation.].

¹⁸⁸ | Woman defender and lawyer 9 reports that after the killing of one of the criminalized persons that she represented, she felt very affected and went to the doctor for a check-up due to stomach and colon problems, and that she was taken several times to the hospital thinking she was having a heart attack. On those occasions, the health personnel diagnosed her with "anxiety problems" and prescribed her tranquilizers.

¹⁸⁹ | Statement by woman human rights defender and lawyer 1.

Impacts on women defenders' personal and family economy

The criminalization processes that women defenders face include having to cover high expenses related to legal assistance, bail and fines, among others. At the same time, the processes can lead to a loss of income for women defenders who, after being criminalized or spending several months deprived of their liberty, lose their jobs or businesses, or face severe obstacles to find employment, leaving them without resources.¹⁹⁰

It is important to emphasize one of the aspects most pointed out by the participants – that of the costs arising from the imposition of alternative measures, specifically those related to the travel involved in going to different municipalities to sign at the courthouse, which requires an investment of time and economic resources. This type of measure creates specific difficulties for women who often do not have their own income and are forced to ask men for travel money, since it is the latter who concentrate the family's economic income.¹⁹¹

*"Given how difficult these processes are for them, and all this that if they are released with alternative measures. These women go to sign those logs at the courthouse. It is much more difficult for them to comply with those measures, and the judges are not considering who has to bring her children along or leave them, but also how women cannot generate economic income for their homes, this will also depend on whether the man or men are willing to give her money for the trip simply to reach the courthouse. Many of the women, although they work the land, it is the men who receive the payment. This has an impact on women, many have told me that she had to fight with her husband for him to give her travel money to go sign in."*¹⁹²

¹⁹⁰ | Statements by women human rights defenders and lawyers 1 and 9.

¹⁹¹ | Statement by woman human rights defender and lawyer 1.

¹⁹² | Ibid. [Own translation.].

All of this means that criminalization leads to a worsening of women's impoverishment and it restricts their autonomy, causing them to lose their economic independence, which, when it exists, is usually limited. The impacts are even more severe when the woman is the main provider for her family.

Impacts on their community fabric, leadership and political participation

Women defenders who are persecuted often become isolated. This is due, in many situations, to women defenders themselves ceasing social contact to avoid passing on the risk they face to others.¹⁹³ This is due, in many situations, to women defenders themselves ceasing social contact to avoid passing on the risk they face to others.

The intense stigmatization campaigns they face and being associated with crimes means that women defenders are portrayed as criminals, leading to loss of prestige, invalidating their leadership capacity, questioning their credibility and encouraging social rejection. This has a direct impact on their family and community relationships and on the escalation of internal conflicts within the movements in which they participate, which are often marked by dynamics of violence against women.

This situation turns parts of the community, including people in her closest circles, against her.¹⁹⁴ Women defenders are thus isolated from social spaces, from their support and protection networks; their leadership and citizen participation are undermined, leaving them ostracized and feeling weak,¹⁹⁵ which in turn increases their risk.

¹⁹³ | Summary of reflections conducted during the Assembly of the National Network of Women Defenders in Honduras in 2022.

¹⁹⁴ | Statement by woman human rights defender and lawyer 1.

¹⁹⁵ | Statement by woman defender 13.

Furthermore, the continuity of their work is threatened by discourses claiming that women defenders should “be at home taking care of their children and husbands”¹⁹⁶ instead of carrying out defense activities.

There are cases where the stigmatization of women defenders who have worked to defend the environment and natural resources has led members of her own community to withdraw support for her participation in political positions, as she is labeled as a “troublemaker”.¹⁹⁷ This type of situation is particularly relevant in the defense of land and territory, since in these cases, women defenders navigate contexts in which companies – offering funds and purchase of land – have already created divisions in the communities.¹⁹⁸

“If you take a look there, we have been exposed to violence because the company came to divide families. Here we had those who would attack their own sister with a machete to defend the company, the company workers. It’s a risk because we are like enemies here within families, and for us this is not good, because you can’t walk out of your house calm, or you know that at any moment, you have been marked – your name, where you go, who you go with.”¹⁹⁹

¹⁹⁶ | Statement by woman human rights defender and lawyer 1. [Own translation.].

¹⁹⁷ | Ibid.

¹⁹⁸ | Statement by woman defender 10.

¹⁹⁹ | Statement by woman human rights defender 12. [Own translation.].

Impacts on their families, especially their children

Similar to the impacts on community dynamics, families can also find themselves divided due to opposing positions regarding the human rights that the women defenders – who are their family members – defend. Women defenders of land and territory raise this situation with particular emphasis, explaining how their opposition to the entry of companies and extractive projects in their territories creates confrontations with family members who are in favor.

"Within the community and even within our own families, there is violence. Because, really, in the family there is also inequality, discrimination because of our struggle... As women, well for myself, part of the family has criminalized me, they are on the side of the landowner and have told me that they wish I would be found in a burlap bag, dead. One's own family does this, they minimize us. It's the same in the community, people who are not part of the family but who are in favor of the landowner because maybe he gives them work. This damages one's integrity, it damages one's self-esteem... One always stayed away from all that, friends take distance and sometimes that makes one feel weak."²⁰⁰

Added to this family fragmentation are the ruptures that come from the worries produced by judicialization, threats, harassment and stigmatization, which at times trigger pressure in the family for women to abandon their struggles. The fear that something could happen to them²⁰¹ creates friction within their families,²⁰² with particular impacts on their relationships with their partners.

²⁰⁰ | Statement by woman defender 13. [Own translation.].

²⁰¹ | Statement by woman defender 14.

²⁰² | Statement by woman human rights defender and lawyer 1.

These conflicts are particularly serious and destabilizing for women defenders, since it can create a separation from their families and reinforces the violence that can occur in all spheres, meaning that the family can also end up being a scenario of violence against them.²⁰³

In addition to the harm to family relationships, criminalization causes other serious impacts on family members. Special consideration should be given to cases in which women defenders are the primary caregivers of their children or, as previously mentioned, the main providers in the family, as this may result in their children being left in the care of relatives or, in the worst case, completely helpless when the women defenders are deprived of their liberty.

Likewise, attention must be paid to the fact that **criminalization-related violence has also targeted women defenders' children**; and to the impacts that witnessing acts of violence against their mothers has had on their sons and daughters.

"...since I was beaten in front of him (my son) and I had to isolate him, I had to take him to a psychologist because he was traumatized. To this day, every time my son sees a police agent, he comes close to me, he says, 'mommy, what is going on? Are they going to take you away again? Are they going to put you in jail again?'"²⁰⁴

²⁰³ | Statements by women defenders 12 and 13.

²⁰⁴ | Statement by woman defender 10. [Own translation.].



The case of Melisa Martínez: Criminalization and institutional racism

At noon on 7 November 2022, Melisa Martínez was arbitrarily detained along with other defenders from the Black Fraternal Organization of Honduras (OFRANEH). Melisa was detained during an operation conducted by officials from the Public Prosecutor's Office along with a strong police and military presence equipped with high-caliber weapons. All this in order to evict the camp that the Garífuna community of Punta Gorda maintains through a legitimate process to reclaim what was historically their first territory in Honduras.

The prosecutors, judges and those involved in the operation had no interest in the fact that Punta Gorda on the island of Roatan has been a Garífuna territory for more than 225 years. **They gave no importance to the fact that the Garífuna Peoples were there even before the creation of the State of Honduras.** Nor did they care about the joy of the harvest, the pride of a peoples that recognizes itself and does not sell its beings and its wisdoms.

Their arrest warrants simply respond to the interests of those who think of the island of Roatan as a business, that is why they had no problem with burning people's scarce belongings and documents. They turned everything they saw into ashes, they beat people,²⁰⁵ kicked their incense pot,²⁰⁶ detained leaders. Those in power cannot accept the Garífuna Peoples' spirituality, their dignity, and their conviction of what is just – that is why they turn to humiliation.

²⁰⁵ | According to the Committee in Defense of Land in Punta Gorda, the police actions resulted in 50 people being significantly injured and another 15 people seriously injured.

²⁰⁶ | They intentionally kicked over the incense pot, a spiritual instrument of the Garífuna Peoples that is used to request protection in the territory.

Melisa is responsible for the Ancestral Healing House in Punta Gorda. This is part of the reason why she was detained while she kept narrating and recording with her cell phone the display of racism and misogyny with which she was attacked. The healing honesty in her voice contrasts with the cowardice of those who tried to hide their fear behind a veneer of contempt.

Together with her comrades, **Melisa had to face a process that saw no lack of security incidents or institutional racism, but in which the judge had no choice other than to rule that all charges be dismissed.**

Melisa recounts this while still showing the smiling, sweet woman that she is, but without hiding her anger and indignation. She narrates her experience with the pride of ancestral persistence, with the strength of one who knows she is a survivor of many deaths, of one who has sown life, given birth to it and cared for it.

Melisa is strong and honest, with dignity and solidarity. She explains her gratitude for the sea, for the plantain plants, for the cassava, for life. She is grateful for the solidarity of persons and peoples, and she expresses this with the wisdom of someone who is clear about what is important and shares it.

HONDURAN WOMEN DEFENDERS RESIST THE SYSTEM OF DEATH THAT CRIMINALIZES THEM

The impacts of criminalization on women defenders, their families, communities and social circles are many, they are serious, profound and have specific characteristics. Nevertheless, the strategies that women defenders and their collectives use to confront these impacts are also broad and varied.

Although their testimonies reveal important differences in the way they resist, all of them show an enormous strength that is reflected in their resilience, which allows them to continue their struggle with dignity and without giving in to pressure.²⁰⁷

This section describes some of the strategies that women defenders, their collectives and their support networks have developed.

²⁰⁷ | Statement by woman defender 14.

Leaning on their families

Women defenders highlight the role that their partners, mothers and children have played in supporting them to sustain their struggles during these processes, as well as the importance of maintaining their families' love and understanding. To this, they add that another incentive for them to continue their work is the fact that their activism often entails fighting for the rights of their families.

"Our children, our families, the life that we live make us be strong."²⁰⁸

These families often carry a long history of struggle and resistance, and for the women defenders, belonging to this lineage also becomes a strength that sustains their persistence in times when repression is most intense.

"I come from a cradle of leaders, starting with my grandfather, my mother's father, my grandfather was also a very belligerent person. When my grandfather died, my mother took over. Well, my mother has transmitted this social struggle to each of her children, and I always had the support of my family, they have always been there in the most difficult times."²⁰⁹

²⁰⁸ | Statement by woman defender 13. [Own translation.].

²⁰⁹ | Statement by woman defender 10. [Own translation.].

Legal defense that is networked and has a gender perspective

Although the Honduran justice system is heavily co-opted by political and economic elites and organized crime, legal defense continues to be an important strategy for criminalized women defenders.

Legal defense is a way of protecting women defenders, or – at least – reducing the impacts of criminalization on their lives. It is also a useful strategy for understanding and exposing how Honduran institutions function and, in this way, forcing them to make public declarations or act differently.²¹⁰

This is particularly important when the accompaniment includes a psycho-legal strategy with a gender perspective whereby – even if there are not enough financial resources for the case – care is taken to ensure that the accompaniment serves to empower criminalized women defenders and that it is based on the principle of centering the victim. In this way, despite insufficient time and resources, and the work overload, time is taken to explain to women defenders the status of the process they face and/or plan the defense strategy together.²¹¹

These actions help criminalized women strengthen their capacities and reduce the sense of insecurity and uncertainty they feel when facing a process that in many circumstances they do not understand.

Another aspect highlighted is the importance of weaving alliances with other organizations to share resources and knowledge; as well as the positive experience of working through networks of women lawyers, which has allowed the lawyers to provide support and handle cases in a structured manner.²¹² This type of organization has become increasingly important, as it fosters mutual protection and the weaving of alliances to confront institutions that are co-opted by private – “sometimes criminal” – interests that often overwhelms and frustrates them.²¹³

²¹⁰ | Interview with woman defender 9.

²¹¹ | Statement by woman defender and lawyer 4.

²¹² | Interview with woman defender and lawyer 9.

²¹³ | Statement by woman human rights defender and lawyer 3.

These networks are also useful for addressing the discrimination that women lawyers experience²¹⁴ and to raise the visibility and legitimacy of their work in a male-dominated professional environment, where negative stereotypes persist about women in this profession.²¹⁵ On this point, we must add women lawyers' tremendous capacity to get close to and fully understand the reality, vulnerabilities and needs of criminalized women defenders, as well as the specific impacts they face because of their gender.²¹⁶

Women lawyers participating in this research also highlight the value of their participation in training and capacity-building processes, and in events and workshops with other justice operators and international organizations, which has led to building trust and mutual respect with the judiciary, thus facilitating the work defending cases of criminalization.²¹⁷

Collective and individual security, prevention and protection measures

Given the lack of protection for women defenders provided by the authorities in response to the attacks they suffer at the hands of these same entities and companies, criminalized women defenders have adopted a number of security, prevention and protection measures, both individual and collective.

The women defenders interviewed, to a greater or lesser extent, **resort to a variety of measures ranging from those related to self-protection²¹⁸ to others that are more complex and require the support of allied organizations.** This is the case for measures that involve moving and taking refuge in other territories or that involve a combination of international protection measures with a political dimension, such

²¹⁴ | Woman lawyer 1 notes that this discrimination even results in women lawyers within the same organization earning less.

²¹⁵ | Woman lawyer and defender 9 notes that they are considered to be more sensitive or emotional, and therefore, with less capacity to analyze and handle a case well.

²¹⁶ | Interview with woman defender and lawyer 9.

²¹⁷ | Statement by woman human rights defender and lawyer 3.

²¹⁸ | Woman defender and lawyer 1 highlights among these: avoid traveling at night, go out with others, pay attention to potential surveillance.

as the measures granted by the IACHR or the presence of observers at proceedings and hearings – which may include OHCHR personnel,²¹⁹ members of the diplomatic corps or international observation missions.

"Although the Inter-American Commission sometimes has slow processes and sometimes lacks the mandate to make the binding demands that we would like... I say that we are so insecure in the country, so lacking of institutions that if we did not have the Inter-American System as an instrument, we would be totally unprotected. Now, at least there is also an office of the High Commissioner here. We didn't have any of this before, then we were in a much worse situation. In this case, the Inter-American Commission's precautionary measures has been a tool that has helped us to make the situation of all these people visible and to demand a solution to this land conflict."²²⁰

They also highlight collective measures that are useful for protecting communities and groups of women defenders, in addition to individual women defenders. Some of these measures include communities organizing themselves to protect their women leaders and the community as a whole by forming “security rings”, setting up points to control and restrict access by people and vehicles into the community, and conserving their ancestral streets that have only one entry to and one exit from the community. Other strategies include using nicknames to protect identities; organizing mixed working groups to support collective work and decision-making; adopting basic measures to protect privacy in social media; and traveling in groups.²²¹

²¹⁹ | Statement by woman human rights defender and lawyer 7.

²²⁰ | Statement by woman human rights defender 9. [Own translation.].

²²¹ | Statements by women defenders 10, 13, and 14.

Networks of women and allies as a means of support and a space to share resources and wisdom

Networks of women defenders are vital for sustaining criminalized women defenders and their struggles, because they help to be efficient with resources, to strengthen their capacities and to reclaim the value of their work in a patriarchal society.

In these spaces, women defenders can share the problems they face daily, recover their spirituality and give each other energy.²²² The networks are essential to strengthen their capacities and share knowledge, allowing them to augment their skills for defending rights and in relation to security and protection.²²³

Alliances among women and their work through networks have been essential in order to access psychological support in difficult times, like those that result from criminalization processes.²²⁴ These alliances and networks are also useful for organizing “collective reputation strategies” aimed at restoring someone’s image that was harmed by smear campaigns and to raise the profile of sister defenders who are criminalized. They serve to accompany women defenders and for them to feel accompanied. They also have a role in temporary relocations that may allow women defenders to take a break and recover from the tension and crisis created by these attacks.²²⁵

The networks make legal defense processes possible, managing resources for various purposes, and attending court hearings during which the political pressure exerted by the encampments, demonstrations, etc. is also a factor of impact. It is worth noting that these actions carried out in the spaces where the proceedings take place are truly significant for the fate of the women defenders.

²²² | Statement by woman defender 13

²²³ | Statements by women defenders 9, 10, 13, and 14

²²⁴ | Statement by woman defender 13.

²²⁵ | Statement by woman defender and lawyer 6.

This effort is complemented with international political and communications actions involving human rights mechanisms and solidarity actions from allied movements and organizations.

Care, healing and spirituality

The National Network of Women Defenders in Honduras and IM-Defensoras have created, developed and implemented a model of Feminist Holistic Protection (FHP) that transcends strictly physical protection measures, taking care to different levels (physical, psychological, emotional, political, personal and community).

FHP enables women defenders to access effective tools to confront and prevent situations of risk, to strengthen their empowerment, joint work and mutual embodied support, with the goal of promoting processes that allow women defenders to holistically see and manage the consequences of the contexts of violence, criminalization and gender discrimination in which they conduct their work.

Faced with the devastating impacts of criminalization on women defenders, measures and spaces for self-care, **collective care and healing have become transgressive political tools that enable the sustainability of women defenders and their movements**, and create moments of joy and satisfaction within the defense work. It is a political proposal involving an individual and collective commitment, and that demands changes in the patterns that exhaust women defenders.

Care is also an ethical proposal and a critical position, because “the way that each one of us is affected has to do with matters of structural inequality.”²²⁶ Through this type of measures, not only are women defenders healing from the impacts of criminalization, but they are also challenging the system that attacks them and makes them sick, based on the concept that justice is a collective healing process, for the country and the planet.

²²⁶ | IM-Defensoras: [Diálogo virtual de autocuidado: Una estrategia política en la defensa de los derechos humanos](#). 2017. P. 5

Women defenders in Honduras, conscious of the effects that criminalization has on their bodies and their lives, seek out and build different forms of mutual support. High among these are psychological support and emotional accompaniment, linked to the understanding that the struggle of women defenders is legitimate and that accompaniment processes must strengthen these struggles and not distance women from them.

Strength is found in the commons, in the ethics that say, “if they touch one, we all respond.” The diverse activities that this type of care entails place the body-territory at the center; they respect women defenders’ wisdoms and practices, as well as their relationships, and take on the dispute regarding the vision of activism as a violent and sacrificial power exercise.

This is why women defenders in Honduras highlight the importance of having holistic teams of therapists with a diversity of knowledge, of being able to access this type of support in times of crisis and to foster stable and lasting support.²²⁷

But care does not only happen through this approach – **women defenders also give importance to being able to have time to take breaks and “spaces of silence”**, as well as other spaces to reflect and share ideas and thoughts within the teams. Spending time with their families, playing and distracting themselves with their children are equally important elements of self-care spaces.²²⁸

Healthy exercise and eating habits are also considered relevant, as well as recovering tools and knowledge based on their ancestral wisdom, such as the use of herbs for teas.²²⁹ These are some of the aspects they highlight when they speak of what has kept them strong and stable in the struggle during times of crisis, such as those that result from criminalization.

²²⁷ | Interview with woman defender and lawyer 9.

²²⁸ | Statement by woman defender 10.

²²⁹ | Woman defender 10 notes, “Indigenous and Garífuna women defenders have also highlighted their communities’ use of medicinal plants, that they cook with the conches from their beaches, and that contact with the sea helps them recover and relax.” [Own translation.].

"I also had to focus on myself, foment my own self-care... I also try to step aside, seek a space of silence to find myself. We have tried to share this with our male comrades, share ideas, I give them ideas, they care for me, I care for them, and that is how we are, this is how we are in this struggle."²³⁰

Although women defenders note that these measures are essential in order to sustain their struggles, they are also aware of the obstacles to implementing them. In this sense, they highlight the scarcity of economic resources as one of the main difficulties to initiate or give continuity to the measures and therapies. Another factor is the organizational culture that, far from prioritizing care, is based on dynamics and discourses that value excessive sacrifice for the cause,²³¹ that reproaches rest and neglects the signs of work overload and stress.²³²

Reclaiming ancestral and community wisdoms and knowledge

One of the main strengths of Feminist Holistic Protection lies in community and organizational collectivity, which is why we cannot overlook the importance – especially for indigenous women defenders and leaders who defend their territories – of recovering, consolidating and sharing their ancestral and community practices to strengthen their spirits and continue fighting.²³³

Moreover, the recovery of their practices and knowledge of protection, care and healing succeeds in breaking with the paradigms of the modern capitalist, patriarchal and racist system that dominates peoples' experiences. Maintaining ancestral and community knowledge reverts these logics and strengthens their struggles.

²³⁰ | Statement by woman defender 10. [Own translation.]

²³¹ | Woman defender and lawyer 1 mentions an organizational culture focused on "living in the office in the middle of documents, projects, and meetings." [Own translation.]

²³² | Statement by woman human rights defender and lawyer 1.

²³³ | Statement by woman defender 10.

"My mother sends me medicine from the doctor, but I have nature, plants, and these are the ones that cure. Medicines are drugs, so what I do is cook the conch and this helps me a lot. Here there is a complete forest, and here there are many plants. I like to relax a little bit like that, and take medicine that way, because my mom also prepares medicine with just conch shells, with plants so that, that helps me a lot."²³⁴

Spiritual strength plays a central role as the realm that gives meaning to the struggles and gives value to peoples' wisdoms. Without going into a debate on the religious practices that each one has, it becomes clear that life, materially speaking, needs both nourishment and the energy of those who have made paths for us to remain strong and united.

From an ancestral perspective, it is about returning to our ancestral practices, from our trenches and our communities, no matter where we are, because this will strengthen our spirit and make us stronger.

²³⁴ | Statement by woman defender 13. [Own translation.].

| RECOMMENDATIONS

This section presents some measures that we consider necessary to put in place, continue to support or strengthen in order to enhance the protection of women human rights defenders from a feminist holistic perspective.

- Promote an understanding of criminalization as a complex process that goes beyond judicialization or the misuse of the law; one that also relates to violence, attacks, intimidation and stigmatizing narratives regarding people who defend human rights, their collectives and their struggles.
- Examining processes of criminalization must include a gender perspective to understand the specific impacts of judicialization processes on women defenders' lives, bodies and struggles. We must also take into account that these elements intersect with other factors of oppression such as ethnicity, class, sexual orientation and identity, among others, in order to understand the reality of women defenders who are criminalized in all its complexity, and thus adopt adequate and contextualized protection measures. This means understanding how being criminalized affects them, as well as the impact that criminalization has on their male comrades and family members.
- Strategies for addressing criminalization must include continuing to strengthen networks of women human rights defenders, as these provide fundamental support for women defenders and their families.

- Also important is to continue research efforts and exchanging experiences with other countries to analyze the strategies that women defenders use in their organizational spaces; to share analysis, contributions, best practices and lessons learned, as well as to evaluate their effectiveness in each context; and to continue confronting criminalization and impunity from an intersectional feminist perspective.
- Continue to invest in and deepen strategies for self-care, collective care and healing, in line with the specific situations that women defenders and leaders – and their communities and families – face, including for example, psychological support and group support, in order to make these resources more accessible.
- Regarding financing and support funds, the recommendations of women defenders for the philanthropic community, international cooperation agencies and donors include:
 - Continue supporting women defenders and their networks with flexible funds in order to address the different and specific risks that criminalized women defenders face, adopt holistic measures and protection plans that include digital security as well as administrative and organizational measures.
 - Given the increasingly widespread adoption of institutional regulations and practices aimed at limiting and inhibiting active participation in the defense of human rights, funds should be made available to strengthen women defenders' strategies of resistance – in particular self-care, collective care and healing measures, as well as measures aimed at addressing the broad range of impacts of criminalization on women defenders and on their families, communities and organizations.

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