

Submission to the Special Rapporteur on the Right to Adequate Housing

CGRS Input on Land and the Right to Adequate Housing

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The Center for Gender & Refugee Studies (CGRS) is grateful for the opportunity to contribute this input to inform your report on land governance, land management, and the right to adequate housing, to be presented in October 2025 to the General Assembly of the United Nations.¹

This submission draws upon the following resources, which provide analyses and information relevant to the call for input.

- CGRS, [*Root Causes of Migration: Climate Disasters and Environmental Degradation in Honduran Asylum Claims: Expert Declaration by Donald Hernández Palma*](#) (October 24, 2024) [hereinafter, Factsheet]. A copy of this resource is included in the Annex.
- Declaration of Donald Hernández Palma, Expert on Climate Disasters and Environmental Degradation in Honduras (Sep. 18, 2024) [hereinafter, Hernández Declaration].² The document is not attached. However, it is available via this [link](#) for general research purposes and is also available upon request to advocates working on fear-of-return claims for Honduran nationals through [CGRS's Technical Assistance Library](#).
- CGRS, [*Honduras: Climate Change, Human Rights Violations, and Forced Displacement*](#) (December 20, 2023) [hereinafter, Report]. A copy of this resource is included in the Annex.

This submission focuses on the state of collective land ownership rights in Honduras and the corresponding threats faced by those defending such rights. Part I outlines the context of

¹ The Office of the High Commissioner for Human Rights, [Call for input: Land and the right to adequate housing](#) (accessed on May 6, 2025). Question # 4: "To what extent are communal/collective land ownership, use or access rights recognized in law and practice in your country?"

the right of collective land ownership by *campesinos*² and Indigenous Peoples, emphasizing how these rights have been systemically eroded through State action and collusion with powerful economic actors. Part II examines the widespread violence, persecution, and criminalization faced by Indigenous Peoples, *campesinos*, and other land defenders as they seek to protect their territories and environment. Finally, the submission concludes with recommendations to address these challenges.

I. COLLECTIVE LAND OWNERSHIP RIGHTS IN HONDURAS

In Honduras, land holds deep cultural, economic and spiritual significance for Indigenous Peoples and *campesinos*. These groups live on, cultivate, and care for the lands their ancestors stewarded. As our Factsheet highlights, Honduras formally acknowledges this special relationship by, for example, designating some Indigenous lands as protected national reserves.

The State has also granted land to *campesino* cooperatives, recognizing their collective role in managing and cultivating the land. As detailed in the Hernández Declaration, in 1974 the Honduran Congress enacted the Agrarian Reform Law (*Ley de Reforma Agraria*), allowing collective land ownership. *Campesinos* were encouraged to take possession of public lands in the North Atlantic region, particularly in the Bajo Aguán area of the Departments of Colón and Olancho.

Despite the law's intent, in practice, collective land rights are subject to systematic violations. Over the years, the Honduran government, influenced by economic interests, has worked to gradually chip away collective land ownership rights. As explained in the Hernández Declaration, in 1992 Honduras enacted the Law on the Modernization and Development of the Agricultural Sector (*Ley de Modernización y Desarrollo del Sector Agrícola*). This law enabled powerful interest groups to aggressively acquire land, including areas designated for collective land ownership, thereby limiting *campesino* groups' access to land held in common.

The changes in the law were accompanied by systematic practices that further undermined collective land rights. Honduran government agencies, such as the National Agrarian Institute (INA), played a central role. According to the Hernández Declaration, the INA often

² "*Campesinos* are farm laborers who rent, own, or work the land and individuals who originate from or live in rural regions and whose lifestyle and identity are deeply rooted in the rural environment where their families come from.", See Hernández Declaration, para. 5.

works at the service of powerful economic interests, despite their stated mission to support *campesino* access to land and promote equitable agricultural development. After the 1992 law, *campesino* leaders were deceived and pressured into selling collectively owned lands, which individual *campesinos* were prohibited from selling, effectively allowing entire communities to be dispossessed through the decisions of a few. Powerful business leaders drowned *campesino* cooperatives in debt, allowing them to acquire more and more land. Meanwhile, the INA secured both national and international funding to support the expansion of the businesses representing these powerful interests, such as the conglomerates behind African Palm monocultures.

The Hernández Declaration also documents that very few Indigenous Peoples and *campesinos* had formal title to their lands. Historically, these groups did not register their land formally, relying instead on customary methods to determine boundaries and transfer ownership. Efforts by *campesinos* and Indigenous Peoples to obtain formal title to their land were largely unsuccessful due to the inefficacy of the INA and the Property Institute (*Instituto de la Propiedad*), institutions marred by corruption, limited resources, and a persistent lack of political will to meaningfully address these issues. This made *campesinos* and Indigenous Peoples even more vulnerable to deceit and pressure, further enabling the dispossession of their lands.

II. VIOLENCE AGAINST *CAMPESINOS* AND INDIGENOUS PEOPLES WHO DEFEND THEIR LANDS

The erosion of collective land rights has been accompanied by escalating violence against affected communities. As legal protections weakened and coercive land grabs intensified, Indigenous and *campesino* land defenders resisting extractive industries have become targets of threats, criminalization, and physical attacks.

A. Forms of Violence Against *Campesino* and Indigenous Land Defenders

To date, Honduras remains one of the most dangerous places for land defenders,³ who continue to be tortured, disappeared, forcefully displaced, or assassinated. In 2022, it had

³ Graciela Martínez González, '*Están Esperando que nos Rindamos': Activistas que Defienden los Ríos de Honduras Sufren Acoso y Asesinatos*' [*They Are Waiting for us to Give Up': Activists Face Harassment and Killings In Campaign to Protect Rivers In Honduras*], Amnesty International, (Jan. 27, 2024), <https://www.amnesty.org/es/latest/news/2024/01/activists-harassment-killings-protect-rivers-honduras/>.

the highest per capita rate of land defender murders globally.⁴ This violence is not only tolerated but often socially justified, as media outlets owned or funded by extractive industries and their political allies often portray land defenders as “criminals,” “vandals,” “squatters,” or “land invaders,” reinforcing public stigma and helping legitimize their repression.

The Hernández Declaration documents the example of an Indigenous Lenca land defender who was tortured and killed for opposing mining and hydroelectric projects that threatened the *Gualcarque* river, which holds sacred significance to their community. However, the crime was not investigated nor prosecuted.

Similarly, in 2020, five Indigenous Garifuna land defenders were kidnapped from their homes. Despite widespread media coverage, they remain missing, and the investigation into their disappearance has stalled. In another instance, a Tolupán land defender was killed in the Comayagua department for defending the land and environment, and several Tolupán community leaders in Las Vegas de Tepemechín, Yoro, received death threats from mining entrepreneurs.⁵

Additionally, in many instances, land defenders are tortured before being assassinated. Some land defenders have been beaten to death or had their tongues cut out as punishment for their dissent. Moreover, extractive industries use sexual and gender-based violence as a tool to seize collective territory, often acting through corrupt State authorities, private police forces, and even criminal organizations.

As the Hernández Declaration highlights, the violence extends beyond land defenders themselves to their families. Even the children of defenders are often targeted. In one instance, after a land defender was killed, 17 of his family members received death threats and since then remain hiding out of fear.

B. Criminalization of *Campesino* and Indigenous Land Defenders

Finally, despite the violence they face, State authorities use the justice system to squash their resistance by wrongfully prosecuting them for defending their lands.⁶ In turn, individuals

⁴ Global Witness, *Siempre en Pie [Standing Firm]*, (Sep. 15, 2023), <https://www.globalwitness.org/es/standing-firm-es/>.

⁵ See Hernández Declaration, paras. 62 and 50.

⁶ See e.g., a statement from the Inter-American Commission for Human Rights, *Press Release, IACHR Condemns Murders of Rights Defenders in Honduras*, IACHR, (Feb. 14, 2023),

linked with extractive industries often exert influence over corrupt judges and magistrates, leading to lengthy pre-hearing detentions, solitary confinement, and extended prison sentences. *Campesinos* and Indigenous Peoples are regularly beaten while in custody.

Even in clearly frivolous cases, prosecutors often artificially extend the process for up to four years before dismissing the case, therefore allowing ample time for extractive industries to continue their operations. In other cases, prosecutors have falsified or destroyed evidence or charged land defenders with crimes completely unrelated to individuals' actions, such as illicit association, usurpation, or forced displacement. When the accused are granted bond, often the conditions are so burdensome that they drive their families into extreme poverty.

The close collaboration between Honduran authorities and extractive industries has exacerbated the safety risks for *campesinos* and Indigenous Peoples, enabling a culture of violence and impunity. This has left them a particularly vulnerable community, with limited avenues for justice and protection.

III. RECOMMENDATIONS

The alarming situation of *campesinos* and Indigenous Peoples in Honduras, as detailed in this submission and the related resources, illustrates a broader trend of undermining both the legal frameworks and the cultural foundations that protect collective land ownership. Despite formal recognition of collective land ownership, entrenched economic interests, lawfare, and State inaction have left these communities vulnerable to dispossession, criminalization, and violence. Drawing on the Honduran context, this submission urges the Special Rapporteur on the right to adequate housing to consider including in his report the following recommendations to address these challenges:

- Develop or enforce existing legal frameworks rigorously to protect collective land ownership rights, for example in accordance with International Labor Organization Convention 169 on Indigenous and Tribal Peoples.
- Create and fund independent mechanisms to provide legal support and land titling assistance to communities seeking formal recognition of their collective territories.
- Strengthen or establish specialized units within justice systems dedicated to investigating State officials and institutions complicit in the illegal transfer, sale, or dispossession of collectively held lands.

- Prioritize international cooperation to support and strengthen domestic efforts to protect land defenders.