

GENDER-RESPONSIVE APPROACH AND WOMEN'S PARTICIPATION

Summary

This document is an annex to the English summary of the Research on Strategic Litigation in Guatemala and Honduras 2019-2020 commissioned by Trócaire. It details the findings of the research in relation to a gender-responsive approach and women's participation in the four cases studied.

The Sepur Zarco case was designed to ensure the indigenous women victims/survivors who became the plaintiffs remained at the centre of the case. Therefore, they received gender-sensitive and culturally appropriate accompaniment, including human rights training, before, during and after the trial, which we highlight as a good practice.

In the other three cases, a gender-responsive approach was not taken from the outset, which was a gap. However women have actively participated in the struggle for resource rights at the heart of the three other cases and have made huge contributions to each strategic litigation process, albeit not always in a recognized leadership or frontline role and sadly these contributions were not made visible or valued from the beginning. In practice, however, women have replaced male leaders, when detained, taken important political decisions, resisted security forces (at the Guapinol protest camp), and increased their presence over time in public events such as town hall meetings, legal hearings, rallies, marches, etc.

Honduras: Chabelo case – Aguan Peasant Movement

As a background to the participation of Honduran peasant women in the land rights struggle at the heart of the Chabelo case, we find that the Aguan Peasant Movement (MCA) was born 20 years ago from the concurrence of five peasant organisations, one of which was the Honduran Association of Peasant Women (AHMUC). The first governing body, the Board of Directors, was made up of three men and two women; in addition, the first structure had territorial representation with the Peasant Association Companies (EACs), and twelve work teams, including



one for women's participation¹. This shows that, in the beginning, the MCA was interested in the participation of women farmers, although it did not follow any elaborate theoretical approach, nor a "gender-responsive approach" as it is currently known. The peasant women who organised themselves in the MCA for the recovery of lands are currently part of the EACs and participate in their management and in the defence of human rights, but they are a minority in the management bodies.

Paula Laínez, a leader within the Guadalupe Carney Community (CGC)², who has participated from the beginning in the struggle for the recovery of land in the Lower Aguán Valley, says that they haven't received outside support to organise women, but recently they formed a group of women and elected a board of directors, a support committee and a monitoring committee. She believes that in the EACs and the CGC, the work and contribution of women colleagues and community members is respected and valued, even though she recognises that there has not been specific work or training on the subject. Regarding

¹. Falla, Ricardo, Jesuit Priest and ex parish priest of Tocoa. *Al Atardecer de la Vida. Cuadros sueltos que prefiguran el Siglo XXI. Honduras, 1993-2001*. AVANCSO-URL. Guatemala, 2014.

². Guadalupe Carney is the name of the community to which Chabelo belongs. When land was recovered in the Lower Aguán Valley in 2000, the main settlement of the nascent MCA was named after the priest Guadalupe Carney, who disappeared in El Aguacate, Olancho, on September 16, 1983, by members of Battalion 3-16, the Honduran Army's intelligence unit. Today it is an emblematic community, which has fought many battles in defence of land and territory.

women's participation, she believes that during the process of the struggle they have grown, because now they are more active and participate more in the defence of human rights and natural resources and the community.

In contrast, Pedro Ulloa, the main leader of the CGC, and the Human Rights Observatory, states that it has not yet been possible to overcome sexism; there is domestic violence, and women face a number of disadvantages. He adds that groups like Paula's are beautiful and they give women the space they deserve. He commented that it has been very difficult for them to build a gender policy. They have had the help of a psychologist in this endeavour from the Permanent Observatory of Human Rights and hope in 2020 to finalise this policy. They have a civic-political education project planned for the year 2020. They plan on having women-only sessions, men-only sessions, and mixed sessions.

It is clear that the Chabelo case was born as a criminal lawsuit, and there is no evidence that a gender focus existed in the initial actions. It was not until ERIC promoted the convergence and coordination of different organisations and personalities where the role of women was highlighted, that the gender focus began to be established as a nascent cross-cutting strategy. However, the contribution of women to the case is irrefutable, exemplified by the following: participation of women in the legal defence (lawyer Sara Aguilar), in promotion of coordination among involved organisations and collectives (by Dunia Pérez, ERIC), in hearings, marches, ecumenical events, etc.; in international advocacy denouncing the anomalies in the case (Berta Cáceres took it to the Vatican) and, above all, in the personal accompaniment of Chabelo while in prison.

Honduras: Guapinol-San Pedro case

In the Guapinol-San Pedro case, the gender focus has been built up gradually, as the general strategy has evolved, but not from the beginning. They identified that there were many women who played a role as leaders, but initially they were not seen and their contributions were not valued. This was recognised over time, due to their active participation as defenders of natural resources and human rights. The construction of a strategy for women's participation is an ongoing, unfinished process, which is taking place in practice, in a patriarchal and sexist context, but which is advancing empirically because women are pushing for it (and they need advice on the subject).

Several community activists at the forefront of the Guapinol-San Pedro case relayed that after the arrest of the male leaders, the women activists began to substitute them in the decision-making in community assemblies, taking an active part in actions and marches, and having a greater presence in the hearings. In these circumstances, the leadership of several women became visible. They had always been active participants, but up till then maintained a low profile, because male leaders stood out. In the crisis and in the face of the imprisonment of the 8 community activists, who in some cases were their husbands, children or relatives, they had to face the situation, and they recognise that they have done well, with courage and empowerment. They have had to assume leadership in the community and at home, resolving economic deficiencies, and shortcomings in the upbringing of their children.

Yolanda Gonzalez (ERIC) opines a good practice has been the accompaniment of the National Network of Women Human Rights Defenders (NNWHRD)³, who joined the struggle as allies. However, she feels this accompaniment has been underutilized. The NNWHD did notice the low profile female leadership, because they support women human rights defenders and work very well with mixed organisations. They also support the land struggle.

Esly Banegas of the Union of Workers of the National Agrarian Institute of Honduras, who works with the social work branch of the Parish of San Isidro Labrador, in Tocoa, and participates as an ally of the Tocoa Municipal Committee of Common and Public Goods, also believes that women themselves have taken up their space in a strong way and that there have been moments in the struggle when there were more women than men. She feels that the struggle for water is a women's struggle.

She notes that the impact on women in the struggle is very heavy: they are stigmatised, defamed, and devalued. However, she considers that in the pastoral work they are given more space, although she recognises that there has not been specific gender work done. Esly was also imprisoned because of her involvement in the struggle.

The women defenders of the Guapinol-San Pedro rivers report that there has been no specific work

³ The National Network of Women Human Rights Defenders in Honduras is a network of women human rights defenders who work in defence of life, water, women's sexual and reproductive rights, community radio stations and the common good. Currently, 398 women from different feminist organisations and social movement organisations participate in the network, plus women organized in territorial networks, one that reaches 202 communities and another that brings together nine municipal networks.



Mayan altar at the doors of the Supreme court of Justice in Guatemala. Credit: Elena Hermosa/Trócaire.

with women or on gender, but that they have been in the struggle from the beginning. They are women and mothers who believe in the defence of life; they know that this struggle would not be the same if women were not in charge of it. They believe that this has made a difference in their lived experience; women have taken on this struggle to defend water and territory, “because by nature women are givers of life, therefore we are defenders of life,” argued several of the interviewees.

In the Guapinol-San Pedro case, women have been very active against the extractive project, because they consider that mining affects them because it contaminates the rivers. In addition to participating in political decision-making in the Communal Assemblies, they were the ones who led the resistance against the security forces in the Guapinol Protest Camp, suffering insults, sexual harassment, tear gas, etc. It was their example that reactivated men’s participation. During the Women’s Focus Group, they showed that they have a more unitary vision than the men, and that they have no problem coordinating between the women of Guapinol and those of San Pedro.

The male community leaders of the San Pedro and Guapinol Sector corroborated that there has been no specific work with women, and that the reason is “because they don’t like to go out and prefer to be in the house, which is not because men don’t let them participate or limit them”. The male community leaders recognise that many women have joined the struggle, and one focus group participant commented that when the Guapinol protest camp was organised, the men were going to support it but they were afraid. However, when he saw the women participating, he said: “These women are going to win us!” Although he was still afraid, the women’s example gave him strength to participate, and motivated him.

They expressed it is important to generate spaces and opportunities to address women’s rights issues, to incorporate women partners at all levels and to recognise their contribution. They recognise the gap in systematic work on gender as a pending task. Though they did not explain how they would do this, they did reiterate the political will to do so.



Guatemala: Sepur Zarco case

The Sepur Zarco case was “distinguished by being comprised of women: with Q’eqchi’ women as protagonists, women prosecutors, women judges, women lawyers, women psychologists, and women accompaniers. Throughout the process this also served to challenge the social mentality about women in the aggregate. Building alliances among women continues to be a challenge, as relations of power between women are also marked and intersected by patriarchy and racism. Centring the discussions among women on a common goal gives rise to reflections on the relationships between diverse women”⁴.

The hard core of the coalition leading on this case was Alliance to Break the Silence (ARSI) and the Jalok U Collective, but many women’s organisations and individual women with advocacy capacity joined the struggle, in addition to mixed organisations and men, at the national and international levels. However female leadership was maintained as well as a gender-sensitive approach in the definition of the general strategic litigation strategy, in elevating the women survivors’ voices, in the policy of alliances and in the psycho-social and psycho-legal accompaniment.

The women survivors became co-plaintiffs; the three member organisations of ARSI were led by women; the Public Prosecutor was represented by a female prosecutor; the women survivors’ lawyers were women; they were accompanied by female Nobel Prize winners, and by female UN Special Rapporteurs; the Sentencing Court was composed mainly of female judges, and one of them presided over it.

This case is considered best practice and provides us with a lot of learning in terms of the relevant points to take into account in strategic planning in an strategic litigation case.

(...) We all got involved in the trial, in the whole process, and taking this strength, this women’s strength, this struggle, allowed us to grow. (Interview with Jennifer Bravo, 2016. Lawyer of the SZ case).

⁴. *Changing the face of justice*. Alliance Breaking the Silence and Impunity. Guatemala, 2017.

Guatemala: Mam indigenous authorities vs. Hidrosala case

We found that the Mam indigenous authorities vs. Hidrosala case also lacks a gender approach to women's rights and participation. The Focus Group was attended only by men, who expressed conservative views on the role of women in the struggle. Although they say they value the contribution of their female companions, they maintain that it is from within the home, providing logistics of meetings (cooking meals for participants) and in security (they play a role in monitoring who enters the community and relay information to community leaders via telephone). They also mentioned that there are already some female indigenous mayors and heads of Community Development Councils, but they are few in number. In spite of the shortcomings found, women have taken an active part in community assemblies, accompanying defendants, visiting detainees and supporting households with imprisoned heads of families, but all from a subordinate position in decision-making, and with a low profile.

Udiel Miranda, the director of COPAE, a Catholic organisation that accompanies the Mam communities in San Pablo, acknowledges that since he took over the direction of COPAE in 2016, they have detected a vacuum or lack of attention to women's work, even though he recognises that in assemblies and meetings there has been more presence of women, but that they are not included in decision-making or elected to representative positions in the community structures, in such a way that the effective participation of women is diluted. He mentioned they have participated in

gender workshops and identify more with the theme of complementarity between men and women, and not to make a separation, because then they become like two opposing actors.

Miranda reports that they try not to separate the integrity of a community but recognising that there are multiple factors that do not allow the effective participation of women. Thus, they do need their own space but without dissociating them from their community, their group or their organisation. Consequently, since 2017 they have started a healing process, with self-awareness days with the women's groups that they accompany, with specific political training and generating spaces for reflection on issues that concern women, so that when they meet in mixed groups they already have the tools to make their decisions and participation worthwhile. This space is called the Women's Council.

This finding can also be applied to the work of other partner organisations of Trocaire, which we had the opportunity to hear from at the Regional Workshop on the Defence of Indigenous Peoples Territory, with partners from Nicaragua, Honduras and Guatemala, held in Antigua Guatemala, November 26-29, 2019. The presentations of the cases were excellent, very professional and the contributions of the participants were very enriching, but the gender issue was not specifically addressed, rather it focused more on cases of women colleagues who have been victims of violations, criminalised, devalued and defamed for being HRDs.



María Victoria, member of the Board of Trustees of the Municipal Committee in Defence of Common and Public Goods of Tocoa gives a mild lesson to the National Police in front of the Public Ministry in Tegucigalpa. Credit: Giulia Vuillermoz