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العنصرية والتمييز العنصري وكره الأجانب وجميع أشكال التمييز

تقرير المقرر الخاص المعني بالأشكال المعاصرة للعنصرية والتمييز العنصري

وكره الأجانب وما يتصل بذلك من تعصب، السيد دودو دين

إضافة \*\*

البعثة التي أوفدت إلى هندوراس

\* يُعمم موجز هذا التقرير بجميع اللغات الرسمية. ويُستنسخ التقرير ذاته، الوارد في مرفق هذه الوثيقة، باللغة التي قدم بها (الفرنسية)، ويُترجم إلى الإسبانية والإنكليزية.  
\*\* تأخر تقديم هذا التقرير لكي يعكس أحدث المعلومات.

## موجز

في الفترة من ٢ إلى ٨ تموز/يوليه ٢٠٠٤، قام المقرر الخاص المعني بالأشكال المعاصرة للعنصرية والتمييز العنصري وكره الأجانب وما يتصل بذلك من تعصب بزيارة إلى هندوراس بناء على دعوة من حكومة هذا البلد ووفقاً للولاية المنوطة به، وذلك في إطار بعثة إقليمية في أمريكا الوسطى، زار خلالها أيضاً غواتيمالا ونيكاراغوا (انظر E/CN.4/2005/18/Add.2 و E/CN.4/2005/18/Add.6 على التوالي). ومما يبرر هذه البعثة الإقليمية هو ضرورة أن يساهم المقرر الخاص في توضيح عاملين رئيسيين في إشكالية العنصرية، لهما أهمية خاصة في أمريكا الوسطى، ويتمثلان في عمق الموروث التاريخي للعنصرية والتمييز العنصري الذي كان يشكل الدعامة الإيديولوجية لنظامي الرق والاستعمار، والذي أثر تأثيراً عميقاً في تركيبة المجتمعات في هذا النصف من الكرة الأرضية، فضلاً عن أثر العنف السياسي الذي دمغ التاريخ الحديث لأمريكا الوسطى على المجتمعات المحلية التي عانت من التمييز على مدى تاريخ طويل، أي السكان الأصليين والسكان المنحدرين من أصل أفريقي. ولهذه البلدان المعنية الثلاثة سمات متماثلة من الناحية العرقية الديمغرافية وإرث تاريخي وسياسي مشترك. ولما كانت هذه البلدان تمر بمرحلة انتقال نحو بناء السلام والترابط الاجتماعي وتوطيد الديمقراطية، فإنها تكتسب أهمية خاصة من حيث هيكلة وإدارة التعددية الإثنية والعنصرية الثقافية.

ولاحظ المقرر الخاص ثلاثة مظاهر في البلدان الثلاثة تعبر عن واقع ينم عن تمييز متأصل هي: (أ) توافق محير بين خريطة الفقر وخريطة مجتمعات السكان الأصليين والسكان المنحدرين من أصل أفريقي؛ (ب) ومشاركة هامشية من ممثلي هؤلاء السكان في هياكل السلطة - الحكومة والبرلمان والسلطة القضائية - فضلاً عن وجودهم الضئيل في هياكل وسائط الإعلام؛ (ج) وصورة فولكلورية هؤلاء السكان في المحتوى الإعلامي. كما لاحظ المقرر الخاص وجود ضعف، بدرجات متفاوتة في هذه البلدان الثلاثة، في الوعي بعمق وتأصل التمييز سواء على مستوى السلطات السياسية أو بين السكان بشكل عام.

غير أن المقرر الخاص يستنتج من أقوال من تحدث معهم من أفراد المجتمع المدني، وكذلك من شهادات أعضاء وممثلي كافة المجتمعات المحلية المعنية، أن المجتمع في غواتيمالا ونيكاراغوا وهندوراس لا يزال شديد التأثير بالتحيز العنصري والممارسات التمييزية تجاه السكان الأصليين، وهو تحيز موروث عن الغزو الاستعماري ونظام الرق اللذين تسببا، باسترقاق هؤلاء السكان وبالتقليل من شأن هويتهم وثقافتهم استناداً إلى إيديولوجية بيئية العنصرية، في تنظيم حقيقي لتهميشهم بصورة دائمة على كل من الصعيد السياسي والاجتماعي والاقتصادي والثقافي. وعلى الرغم من الادعاء المبدئي لطابع التعددية الثقافية، فإن الموروث والهوية الإسبانيين في هذه البلدان يقدّمان على مورثاتها من الشعوب الأصلية، أي سكانها المنحدرين من أصل أفريقي وسكانها الأصليين، التي حُصرت في الأبعاد الفلكلورية. ويتجلى الرفض السياسي والثقافي والاجتماعي لواقع التعددية الإثنية على نحو

خاص في الحياة اليومية، من خلال أفعال تمييزية مثل الخطر المتكرر للوصول إلى الأماكن المفتوحة أمام الجماهير. ويشكل رفض التعبير عن الهوية واحداً من أبلغ أشكال التمييز. كما أن عدم كفاية الخدمات العامة. (التعليم والصحة والعدل بصفة خاصة) في مناطق سكنى هذه المجتمعات المحلية وانعدام ثنائية اللغة الفعلية يشكلان مظهرين موضوعيين لانعدام الاندماج الاجتماعي والثقافي لهؤلاء السكان. ومن ثم، لا تزال مؤشرات الصحة والتعليم والإسكان المتعلقة بهؤلاء السكان منخفضة عن بقية السكان.

وفي هندوراس لاحظ المقرر الخاص، بصفة خاصة حالة الإهمال التي تعاني منها محافظة Gracias a Dios - التي تسكنها غالبية من الميسكيتو (أو الغارنياغو) التي تفتقر للهياكل الأساسية الرئيسية للصحة والتعليم، وتعد مثالا على حالة تهيمش هؤلاء السكان. ويتضح هذا التهيمش في جملة أمور منها الحالة المزرية لصيادي الكركند وهم من ضحايا الخلل العقلي والجسدي الناجم عن المعدل الزائد عن الحد لبقاء الغواصات تحت الماء والذي يفرضه عليهم ملاك السفن دون مساعدة اجتماعية أو طبية وبخاصة في مدينة بويرتو لا ميرا. وعلى ساحل الكاريبي يرى السكان من الغارنياغو الذين يحتفظون بهوية ثقافية قوية، إنهم مهمشون في مجتمع هندوراس ويخشون في المدى الطويل من فقدان لغتهم والسيطرة على أرض أجدادهم نتيجة عدم كفاية البرامج الثنائية اللغة وتنمية سياحية لا تحترم حقوقهم وهويتهم الثقافية. ويعاني السكان الأصليون أيضا من نقص الجهود الحكومية في مجال التعليم الثنائي اللغة.

وبدأت حكومة هندوراس تتبين مدى خطورة حالة السكان الأصليين والغاريغونا مع عدم الاعتراف بواقع العنصرية والتمييز العنصري والعنصرية وعمقها الثقافي. ويجب النظر إلى العدد المحدود للشكاوى من العنصرية الذي يحتج به على عدم وجود التمييز بوصفه دليلا على أن العنصرية قد أصبحت أمرا عاديا وعلى جهل الضحايا نتيجة صمت الحكومة إزاء حقوقهم وبخاصة عدم معاقبة التصرفات العنصرية. وجرى صياغة لحة مقتضبة اقتصادية واجتماعية وسياسية عن هؤلاء السكان بدعم من البنك الدولي، يرى المقرر الخاص وجوب استخدامها لتلبية احتياجاتهم. وأوصى المقرر الخاص بأن تعمل الحكومة بمزيد من الجدية على مكافحة التمييز العنصري عن طريق وضع خطة عمل تبرز بصورة أوضح أهمية التنوع العرقي في البلد من أجل بناء مجتمع متعدد الثقافات قائم على المساواة الفعلية. واقترح المقرر الخاص أيضا اتخاذ تدابير فعالة للتصدي لأكثر الآثار وضوحا في مجال التمييز العنصري في مجالات التعليم والصحة والسكن. ويجب أن يدرس مستخدمو صيادي الكركند كيفية تعويضهم كما يجب توفير مزيد من الحماية للعاملين في هذا المجال. ويتعين على منظمة العمل الدولية إيلاء مزيد من الاهتمام بالحقوق النقابية لصيادي الكركند في هندوراس. وسيكون من الضروري أيضا القيام بحملة واسعة النطاق لمكافحة التمييز العنصري وزيادة سبل التقاضي المتاحة للضحايا.

**Annex**

**REPORT OF THE SPECIAL RAPPORTEUR ON CONTEMPORARY  
FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA  
AND RELATED INTOLERANCE, MR. DOUDOU DIÈNE, ON HIS  
MISSION TO HONDURAS (2 TO 8 JULY 2004)**

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## **Introduction**

1. The Special Rapporteur visited Honduras from 2 to 8 July 2004. In the capital, Tegucigalpa, he met with senior government officials, including Mr. Leonidas Rosa Bautista, the Minister for Foreign Affairs, Mr. German Leitzelar Vidaurreta, the Minister of Labour and Social Security, and Mr. Luis Suazo, the Deputy Minister of the Interior and Justice. He also met with the National Commissioner for Human Rights, Mr. Custodio Lopez, the Procurator General, Mr. Ovidio Navarro, the Human Rights Procurator, Ms. Aida Romero, and the President of the Supreme Court, Ms. Vilma Cecilia Morales Montalván. In addition, the Special Rapporteur sought out members of civil society and the communities concerned during a visit to the town of Puerto Lempira, in the far west of Honduras, a region inhabited mainly by the Miskito, hence the name Mosquitia (the Mosquito Coast); he also visited the town of La Ceiba, in the department of Atlántida, where the majority of the population is of African descent, including a sizeable Garifuna community.

2. The Special Rapporteur would like to thank the Honduran Government for its cooperation and for the diligence of its representatives, which helped make the visit a success. He would also like to express his gratitude to Ms. Kim Bolduc, the United Nations resident coordinator, for logistical support, and to the representatives of civil society who agreed to meet him and provided him with information.

## **I. GENERAL OVERVIEW**

### **A. Ethnic and demographic situation**

3. Honduran territory covers 112,492 km<sup>2</sup> and is inhabited by an estimated population of 6,535,344.<sup>1</sup> The population is made up of three main groups: an overwhelming majority of persons of mixed race (mestizos or Ladinos), who make up 90 per cent of the population; indigenous people, who are divided into seven communities (the Tawahka, Pech, Tolupan, Lenca, Miskito, Maya Chorti and Nahoá); and people of African descent, who form two communities, the Creoles, or “English-speaking islanders”, and the Garifuna. In all, there are 1,529,400 non-Ladino Hondurans, who account for 9 per cent of the population.

### **B. Political and social context**

4. The 1982 Constitution defines Honduras as a democratic and republican State governed by the rule of law, whose aim is to ensure that its inhabitants enjoy justice, freedom and economic and social well-being (art. 1). The Constitution reflects the desire of democratic forces to gradually distance themselves from the former regime, which was dominated by the armed forces and characterized by a series of military coups and police repression. Thanks to progressive and sometimes painful political reforms, democracy and the rule of law are gradually becoming established in Honduran politics. However, the present Government needs to continue with its efforts to consolidate democracy and provide more effective protection for human rights. In particular, it needs to ensure that all ethnic and social groups are involved in running the country and to change people’s attitude towards politics by using the political process to bring about justice and social equity,<sup>2</sup> rather than to achieve personal or partisan goals.

5. The State must also look for a social and political alternative to a purely security-based approach to tackling crime, by seeking to resolve social problems such as the violence committed by gangs of youths (*pandillas*) in the cities. The National Commissioner for Human Rights believes that any solution to these problems needs to take into account their relationship with high poverty levels, the culture of violence and the authoritarianism that permeates Honduran society. Violent crackdowns on gangs of youths and prisoners, as in the case of the so-called “El Porvenir prison farm massacre” carried out by the police and army in April 2003 (which left 68 dead), are seen as a serious violation of human rights and thus in conflict with Honduras’ commitments regarding human rights. The National Commissioner for Human Rights makes the general point that the police use disproportionate force and he condemns the activities of the vigilante groups, including death squads, involved in the frequent summary executions of street children and youngsters. The adoption of legislation to outlaw the activities of gangs of youths (the “Gang laws”) is considered by the National Commissioner as a serious violation of human rights because parts of it flout the presumption of innocence.

6. However, it should be recalled that President Maduro, when he was elected in 2002, said that his term of office would be dedicated to transforming the country in order to revitalize democracy and encourage citizen participation.<sup>3</sup>

7. The recent reform of the judiciary, which grants greater independence to Supreme Court and lower-court judges, should strengthen the rule of law and ensure better protection for human rights. Congress, not the executive, is responsible for appointing, for seven-year terms, 15 judges selected from a list of 45 candidates put forward by an appointments committee made up of representatives of civil society and the National Commissioner for Human Rights, a representative of private enterprise, a representative of workers or the Ministry of Labour, and a representative of the legal faculty. The establishment of the Council of the Judicature and Judicial Staff and the adoption of a new criminal code are further moves designed to strengthen the independence of the judiciary. The Special Rapporteur was very impressed by the detailed explanation of the reforms given by the President of the Supreme Court, Ms. Morales Montalván, whose standing and skill should help ensure they are implemented in full.

8. Nevertheless, the Honduran Government is still faced with the need to ensure enjoyment of economic and social rights by the majority of the population. Honduras is a poor country, ranked 115th in the human development index, and 23.4 per cent of its population (1.6 million people) is classed as extremely poor. The level of malnutrition is quite high: in 2003, 37 per cent of the population was considered malnourished. Honduran society is also characterized by an unfair distribution of national wealth: the wealthiest 20 per cent of the population receive 54 per cent of national income, while the poorest 20 per cent receive only 3 per cent. These social inequalities coincide with the differences between urban and rural areas,<sup>4</sup> as will be seen below in the case of the department of Gracias a Dios, which the Special Rapporteur visited. In the economic and social sphere, it should also be pointed out that President Maduro has focused his programme on human development and has promised that his Government will work towards the well-being of every Honduran, particularly the most disadvantaged.<sup>3</sup>

9. In 1998, the Honduran people were hard hit by Hurricane Mitch, which left 6,500 people dead and 13,000 unaccounted for and destroyed a good deal of the country's infrastructure and agricultural resources, and they expect their Government to alleviate their economic and social problems through a development policy centred on the needs of the poorest.

## **II. POLITICAL AND LEGAL STRATEGY AND INSTITUTIONAL FRAMEWORK**

### **A. Legislative provisions and institutional framework**

10. Progress in democracy and the rule of law in Honduras is reflected in the adoption of laws and the establishment of institutions to protect human rights. Article 60 of the Constitution recognizes that all men are born free and equal in rights. It also guarantees the specific rights of indigenous peoples (arts. 173 and 346).

11. In 1992, under title III of the Constitution, which sets forth the rights and freedoms of the individual, Congress established the post of human rights commissioner. The National Commissioner for Human Rights is elected by Congress for a six-year term, which gives the office-holder a great deal of independence. The Commissioner ensures that legislation is in conformity with the international commitments entered into by Honduras in the field of human rights, and, in particular, that official acts are in conformity with the international human rights instruments. He or she also prepares programmes for the promotion of human rights and is responsible for dealing with complaints from individuals about human rights violations by State officials. A telephone line has been set up to deal with such complaints. The Commissioner has 15 departmental and regional offices covering the 18 regions of the country.

### **B. Measures to combat racial discrimination**

12. In Decree-Law 330-2002, Congress proclaimed the month of April "African Heritage Month". The celebration of this month gives rise every year to cultural events that pay tribute to the Garifuna living in Honduras, and gives this community an opportunity to put forward its economic, cultural, political and social demands.

13. Action by the Government to combat racism and racial discrimination is of more recent date. With the support of the World Bank, and in cooperation with the population groups concerned, the Government produced a report in 2002 entitled "Perfil de los pueblos indígenas y negros de Honduras" ("Profile of the indigenous and black population groups in Honduras")<sup>5</sup> in order to better respond to their economic, political and cultural needs and to implement development programmes to improve their living conditions. The Government has thus recognized that these groups have been marginalized and that special attention needs to be paid to them. The report stresses that indigenous and black people in Honduras have for a long time been kept in a situation where they are politically and socially "invisible". This situation is accounted for by the stereotypes and prejudices that, over time, have been built up in their regard. One of the most common stereotypes portrays them as inferior because of considerable cultural differences with the dominant Ladino group. The report also shows how the Honduran State was built by excluding indigenous and black people from political and economic power and from decision-making processes. The aim of the report is thus to gradually change this situation, particularly by making others more aware of the cultures of indigenous and black

peoples and by helping Hondurans to come to terms with the multicultural nature of their country. The report lays the foundations for strengthening community institutions and opens up the possibility of involving them in decisions that affect them, legalizing their land rights and building basic infrastructure, including sanitation services, in the places where they live. From 1998 to 2001, the National Agrarian Institute granted 325 land titles covering 186,916 hectares to groups of Lenca, Garifuna, Tolupan, Chorti and Pech.

14. On 26 April 2004, on the occasion of the celebrations of the two hundred and seventh anniversary of the arrival of the Garifuna in Honduras, President Maduro established by decree the Anti-Discrimination Commission, whose task is to eliminate racial discrimination and create harmony among all ethnic groups in the country. Although the Commission is not yet operational, the Special Rapporteur welcomes its establishment and hopes that it will be given the financial and human resources it needs to function effectively. However, he thinks that the Commission would have been guaranteed greater independence if it had been established by a law linking it to Congress.

### **III. PRESENTATION OF THEIR SITUATION BY THE POPULATION GROUPS CONCERNED**

#### **A. Land rights of indigenous and Garifuna population groups**

15. Indigenous and black people have pointed out that the changes to the way the questions concerning them are dealt with were not proposed spontaneously by the Government, but were the result of a sustained campaign by different communities that began in 1994 with marches on the capital to demand the legalization of their lands, environmental protection, a fair justice system, recognition of their traditional cultures and values and the introduction of intercultural bilingual education.

16. Driven back to the mountains during the colonial conquest, indigenous populations live a highly precarious existence. Almost all of them, with the exception of the Miskito, have lost their identity, no longer speak their own language and have not kept up their cultural traditions. Generally speaking, most indigenous communities have limited access to education and health services and to decent housing.

17. Representatives of the Tolupan drew the Special Rapporteur's attention to the fact that, despite the granting of 28 land titles by the State, Ladino landowners encroach on their territory and have taken over some of it. About 58 people are reported to have been killed by landowners for resisting the invasion of their lands. In 2002, 30 families were reportedly evicted and their houses destroyed by the Santa Bárbara town council at the request of a private company, even though they had been granted the deeds of ownership by the National Agrarian Institute in 1974 and 1990.

18. Honduras (the island of Roatán) is the land to which the Garifuna were initially deported in 1796 when they were expelled from Saint Vincent by the English, who were holding them as prisoners of war, before they spread out to Belize, Guatemala and Nicaragua. Their expulsion explains the large number of them in Honduras, where there are believed to be 300,000 of them. Their vibrant and lively cultural displays and traditions have left a deep mark on Honduran

culture, especially through the vitality of their spiritual heritage, music and dances and their rich cuisine. They also contributed to the development of Honduras, as farm workers on the big banana and coffee plantations and as railroad workers. However, they do not feel fully integrated in Honduran society owing to the marginalization and economic and social exclusion to which they have been subjected for so long.

19. The Garifuna population is spread across 46 communities along the Caribbean coast, and lacks education facilities at the secondary and university levels. It has been forced to adapt to a new culture because of the lack of a bilingual or trilingual (Spanish/Garifuna/English) multicultural education system. The possibility of owning their ancestral lands is a central and pressing preoccupation of the Garifuna. Some progress has been made thanks to recognition of the rights of some communities, but several other communities, such as those in Cayos Cochinos (Islas de la Bahía), Tornabé and Miami (Bahía de Tela), Triunfo de la Cruz and San Juan (municipality of Tela) and Punta Piedra (municipality of Colón), live in fear of being dispossessed of their lands, which are coveted by powerful farm and hotel owners. Garifuna communities have taken 25 complaints about the occupation of land belonging to them to the Honduran courts and to the Inter-American Commission on Human Rights. It is alleged that Garifuna leaders have been persecuted or even murdered by politicians or soldiers, or else by farm or hotel owners who covet the communities' lands, for making their demands. The Special Rapporteur was particularly alarmed by the case of the village of Zambo Creek, whose inhabitants complain of the failure to respect their land rights and environmental degradation caused by tourist projects that have a negative impact on the ground and water, as well as on traditional fishing areas.

20. The Special Rapporteur wishes to stress in this context that he was particularly impressed by the work of the Organización de Desarrollo Etnico Comunitario (ODECO) and the Organización Fraternal Negra Hondureña (OFRANEH), which are lobbying strongly for the political, cultural, economic and social demands of the Garifuna in particular and African-Honduran communities in general. Their ability to organize both national campaigns (including the famous march on Tegucigalpa on 11 October 1996 to demand the return of Garifuna ancestral lands, known as the "march of the drums") and international campaigns has given an added dimension to the African-Honduran cause. In 2002, ODECO obtained a written pledge from the then candidate for the presidency, Ricardo Maduro Joest, promising to improve the situation of African-Honduran people under a 16-point plan dealing with, among other things, economic and social development and culture.

21. ODECO is also firmly committed to defending the rights of the first black Honduran beauty queen, who the African-Honduran community believes has been subjected to the type of discrimination commonly practised against Blacks living in Honduras. Ms. Erika Lizzeth Ramirez Marín, who was elected Miss Honduras on 13 October 2001, accused the national director of the Miss Universe organization of sexually harassing her, making insulting sexist and racist remarks about her, telling her that as she was a Garifuna girl she was worthless, taking away, for no good reason, jewels and a cash prize she had been given, and refusing to give her the education grant awarded to the winner - in her opinion, all because she is black. A complaint against the director of the Miss Universe organization in Honduras is now being investigated by a court in La Ceiba.

22. Representatives of indigenous peoples have expressed their fear that big economic development projects, particularly in the fields of tourism, mining and farming, will contribute to dispossessing them of their lands. There is indeed a growing pressure on these peoples to sell their lands to businesses. Despite the fact that Honduras is a party to the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169) of 1989, the representatives of indigenous peoples believe that the State does not provide effective protection for them. The Special Rapporteur's attention was also drawn to the high rates of malnutrition and mortality among indigenous children.

**B. State of neglect of the department of Gracias a Dios  
and situation of the crayfish fishermen**

23. During his visit to Puerto Lempira, in the department of Gracias a Dios, which is inhabited mostly by the Miskito and Garifuna, the Special Rapporteur saw for himself the state of neglect of this department, which lacks essential health and education infrastructure. The marginalization of the department is well illustrated by the deplorable situation of the crayfish fishermen, with whom the Special Rapporteur met. These fishermen suffer cerebral and physical injuries as a result of the frantic pace of underwater dives imposed by boat owners in violation of the health regulations and national legislation governing this type of activity, and are left to fend for themselves after accidents. They do not receive adequate social or medical assistance and, if they die, their families are rarely compensated. Of 1,100 working divers, 350 to 400 have an accident in any one year.<sup>6</sup>

24. Although the situation of crayfish fishermen is not the direct result of deliberate racial discrimination, the Special Rapporteur's attention was drawn to the fact that virtually all the victims of diving accidents are of Miskito or Garifuna origin, while the boat owners and captains, as well as the exporters, are Ladinos. There may therefore be a real link between the ethnic and racial origin of these fishermen and their neglect, not to say their exploitation, in the course of their work.

25. The Special Rapporteur was also told that the region's remoteness leaves it open to the activities of drug-traffickers, who corrupt young people by involving them in the sale of drugs or encouraging them to take drugs.

**IV. ANALYSIS AND EVALUATION OF THE POLITICAL AND LEGAL  
STRATEGY AND THE INSTITUTIONAL FRAMEWORK**

26. The Honduran Government is beginning to recognize and come to terms with the ethnic and cultural diversity of the country and to grasp the urgency of the situation of indigenous peoples and the Garifuna. However, the Special Rapporteur wonders if the Honduran authorities' reluctance to approach the situation of indigenous peoples and the Garifuna from the viewpoint of racial discrimination might not be undermining the action being taken.

27. Several government representatives considered that Honduras was not fertile ground for racial discrimination because of the extent of interbreeding in the population. Some State officials, including some from the judicial sector, have tried to argue that the limited number, if

not absence, of complaints of racial discrimination indicates that there is no racism. The Special Rapporteur believes that, on the contrary, the absence of complaints is a sign that discrimination is taken for granted by the victims, who are unaware of their rights and the penalties for racial discrimination, and that it also demonstrates an unwillingness on the part of the courts to deal with complaints.

28. The National Commissioner for Human Rights considers that racial discrimination is evident both in what is done and in what is not done. The latter category would include the failure to provide bilingual education for each indigenous and black community, despite the recognized need for it; the first would include the threat posed by tourist development to the ancestral lands of the Garifuna and indigenous people. Because of the inadequacy of the education facilities in their regions, the indigenous and Garifuna communities do not enjoy equal opportunities. Discrimination is also reflected in the absence of indigenous and African-Honduran people from positions in the media.

29. Despite the deep historical roots of racial discrimination, its pervasiveness in contemporary society and its daily manifestations, the Special Rapporteur considers that there is no clear recognition of this reality by the political authorities and the dominant classes. The failure to recognize the reality of racial discrimination and its pervasiveness throughout society is therefore a major initial obstacle to efforts to confront this problem directly and objectively and find a lasting solution.

30. The Special Rapporteur was particularly struck by the lack of an intellectual and ethical strategy to combat racism and discrimination. Neither the structure nor the content of the Honduran system of education has been subjected to deconstruction with a view to analysing the history of racism, its origin, its mechanisms, its process, its expressions and its manifestations. History, for example, which is the workshop for the discriminatory and racist construction of identities, does not appear to have been revisited, either in its written form or in the way in which it is taught. The mirror of identity, as provided by the media, ensures that indigenous people and people of African descent remain historically invisible - this is the legacy of discrimination and racism. The dominant system of values marginalizes the traditional cultural and spiritual values and practices of these groups. The task of building a genuine form of multiculturalism that is egalitarian, interactive and democratic therefore constitutes a major challenge for Honduran society.

## V. CONCLUSIONS AND RECOMMENDATIONS

31. **The Special Rapporteur notes that the Government has made progress in countering the impact of the legacy of discrimination against indigenous and Garifuna people, especially through the judicial and legislative measures taken with regard to the diversity of Honduran society. The reforms of the Supreme Court are particularly significant steps towards strengthening the rule of law in Honduras. The Special Rapporteur recommends that the whole judicial system should take as its example, both in the appointments process and in its operations, the principles of independence and rigour that govern the Supreme Court.**

32. However, the Special Rapporteur also notes that areas of poverty and economic and social marginalization correspond closely to the geographical distribution of the communities that suffer from discrimination. The steps already taken by Honduras could have a greater impact if they were backed up by the following additional measures:

(a) As in the case of Guatemala, the Special Rapporteur recommends that the State, at the highest level, should formally recognize the existence and depth of racism and racial discrimination and their impact on all parts of society. This would give a strong moral and political signal to the population groups involved and the country as a whole;

(b) The Honduran Government should make a firmer commitment to combating racial discrimination, particularly by developing, with the participation of the communities concerned, a comprehensive programme of action, inspired by the Durban Declaration and Programme of Action, to combat racism and racial discrimination and to build a multicultural society. Effective measures should be taken to counter the most visible effects of racial discrimination in the areas of education, health and housing;

(c) Efforts to combat racism and racial discrimination should be based on an information policy that is aimed at the population groups suffering from discrimination and that covers not only their rights and the remedies available but also the Government's policies and programmes; in this context, the population groups should be informed of the Government's international commitments in the sphere of human rights and efforts to combat racism, through the extensive dissemination of the relevant international instruments, the final document adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, and the periodic reports submitted by Honduras to the Committee on the Elimination of Racial Discrimination;

(d) The Committee on the Elimination of Racial Discrimination should be given adequate human and financial resources and should be given the task of overseeing the implementation of the comprehensive programme of action to combat racism and racial discrimination and to build a multicultural society;

(e) The Honduran Ministry of Labour and Social Security should be firmer in applying the laws on underwater crayfish fishing, so that the fishermen are better protected, and should take the necessary steps to ensure that employers compensate stricken crayfish fishermen and their families; the International Labour Organization (ILO) should pay more attention to the right of Honduran crayfish fishermen to organize unions;

(f) In consultation with the indigenous and Garifuna population groups, the Government should introduce a more coherent and consistent economic and social development policy for these groups; in this context, and in light of the deep-rooted history and impact of racism and discrimination at the economic, social and cultural levels, the Special Rapporteur recommends the implementation, as part of the democratic process and with the participation of the communities concerned, of a programme of positive

**discrimination in favour of indigenous and African-Honduran population groups, as the core element of the comprehensive programme of action against racism and racial discrimination;**

**(g) The Government is invited to improve its working relationships and consultations with organizations representing communities that suffer from discrimination, such as ODECO, OFRANEH, the Federación de Tribus Xicaques de Yoro (FETRIXY), Mosquitia Pawisa Apiska (MOPAWI) (the Mosquito Coast development agency) and the Asociación Miskitos Hondureños de Buzos Lisiados (AMBLI) (association of handicapped diver-fishermen of the Mosquito Coast);**

**(h) The Honduran Government should provide the population groups concerned with the necessary resources to enable them to take charge of the tourist activities in their regions, in order to improve their living conditions and to promote the authenticity and vitality of their heritage and cultural expressions, and thus avoid having their heritage and culture devalued and treated as folklore;**

**(i) The Honduran Government should speed up the introduction of intercultural, multilingual education programmes for the indigenous and Garifuna population groups and for the Honduran population as a whole, since these communities live side by side but know little of each other's history, value systems or spiritual and cultural traditions;**

**(j) It is in this context that the role of the media and their impact on the formation of perceptions, images and thus prejudices should be examined. The Special Rapporteur recommends that the media should adopt a code of conduct and take steps to reflect the ethnic, cultural and spiritual diversity of Honduras in both their programmes and their organizational structure; the State and the media should do everything possible to encourage the establishment of local and community-based media. To this end, the Government should set up, in collaboration with the media and with due respect for freedom of information and expression, a multi-ethnic, democratically constituted commission to submit a joint programme to it.**

#### **Recommendation at the regional level**

**33. (a) Efforts to combat racism and racial discrimination should take into account the regional dimension in Central America, where the societies share not only demographic, ethnic and cultural similarities, but above all a historical heritage of racism and discrimination, amplified by present-day political violence. The countries of this region are also characterized by movements of population groups which are victims of discriminatory practices to various degrees in the different countries. The Special Rapporteur consequently recommends that the Organization of American States (OAS), and in particular the Inter-American Commission on Human Rights, should assign a central role in peacebuilding to the thoroughgoing eradication of racism and racial discrimination with a view to building democratic, egalitarian and interactive multiculturalism in the region. OAS should support the efforts of the Central American States by means of studies on the shaping of multi-ethnic identities and the manifestations**

of related phenomena, as well as assistance in the drafting of coordinated domestic and regional legislation, the strengthening of institutions for the protection of human rights and civil society, and in the revision of educational and media programmes and systems;

(b) OAS should also promote intercultural tourism centred on the following elements: the existence of a shared physical heritage, the vitality of authentic cultural and spiritual practices and forms of expression and their profound interactions in time and space. Intercultural tourism can make it possible to combat discrimination through the rehabilitation of identities that have historically been denied or scorned, to check the tendency inherent in modern mass tourism to treat culture as folklore, and to foster the fundamental link between land and culture, and land and origins, which lies at the heart of the demands made by the indigenous communities and those of African descent.

### Notes

<sup>1</sup> Institut national de statistiques du Honduras, recensement national de 2001.

<sup>2</sup> Comisión Nacional de los Derechos Humanos, *Informe sobre el estado de los derechos humanos en Honduras*, 2003, p. 6.

<sup>3</sup> Discours d'investiture du 27 janvier 2002.

<sup>4</sup> PNUD, *Informe sobre Desarrollo Humano*, Honduras 2003, p. 15.

<sup>5</sup> Secretaría de Gobernación y Justicia/Banco Mundial, *Perfil de los Pueblos Indígenas y Negros de Honduras*, Tegucigalpa, 2002.

<sup>6</sup> Chiffres fournis par l'Association des pêcheurs plongeurs handicapés de la Mosquitia.

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