

Honduras. Community groups constitute a key support in the identification of abandoned property in high risk areas. Tens of thousands of people have been forced to flee their lands and houses to find safety from gang violence and persecution.

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Honduras

Preparing for Solutions through Abandoned Property Registration

1. Context

In Honduras, internal displacement occurs clandestinely and often with little warning, as people flee individually or in small groups, generally after receiving direct threats from gangs or “maras.” Between 2004-2018, at least 247,000 people were internally displaced by violence in Honduras, representing 2.7% of the population and affecting 58,500 households.¹ Generalized violence and organized crime have created a climate of fear in both urban and rural areas

that is compounded by high levels of impunity for murder, extortion, sexual violence, kidnapping and forced recruitment of children and adolescents and this compels people to flee.² Although most IDPs stay within their own municipality, their situation in terms of housing, health and livelihoods is comparably worse than that of their neighbours who have not fled.³ An unknown number of IDPs, often unaccompanied minors, have subsequently fled abroad, joining the asylum-seekers and socio-economic migrants more commonly associated with Honduras.

The Government of Honduras first officially recognized the phenomenon of internal displacement in 2013 through Decree PCM-053-2013.⁴ The decree established the Inter-Institutional Commission for the Protection of Persons Displaced by Violence (CIPPDV), comprised of several government agencies and civil society organizations and housed within the Secretariat for Human Rights.

Since 2014, UNHCR, the Joint IDP Profiling Service (JIPS), and an advisory group comprised of representatives and experts from civil society organizations, academia, and international organizations have supported CIPPDV's efforts to establish an evidence base for internal displacement that occurred between 2004 to date.⁵ An expanded nationwide internal displacement profiling exercise (2017-2019) included an extensive set of workshops and consultations with 30 national and international entities, as well as 70 IDPs, to understand the situation and needs of displaced people in order to inform the planning of specific government responses.⁶

In 2016, the CIPPDV began developing the draft Law on Protection of Persons Displaced by Violence, a collaborative process that also included two consultations with IDPs on elements of the legislation.⁷ CIPPDV officially handed over the draft law to two congressmen on 27 March 2019, and is currently awaiting official submission to the Honduran National Congress for review and approval.

2. Description of the practice

The dispossession of housing, land and property is a particularly critical protection concern within the Government's wider efforts to address internal displacement.⁸ As of 2019, 34 per cent of displaced households who had been homeowners prior to displacement reported losing their houses to abandonment, occupation or destruction, with an additional 33 per cent deciding to sell their homes.⁹

A staggering 97 per cent of all displaced households indicated they did not intend to return to their original homes.¹⁰ IDPs generally lack sufficient trust in government institutions to report abandoned property, fearing reprisals from gangs if they were known to have cooperated with authorities. Displaced people also face difficulties proving ownership, particularly since in many cases, ownership was not officially recorded in the national land register (cadaster) in the first place, thus further complicating efforts to guard against occupation, destruction, or illegal sales during displacement.¹¹

In 2015, the Special Rapporteur on the human rights of IDPs recommended the creation of a confidential system for the registration of abandoned homes and property so that the Government could establish a legal process to ensure restitution or compensation, which he identified as a key element to finding durable solutions.¹² In support of the Government's commitment to establish such a register by 2020,¹³ UNHCR commissioned a study in 2017 reviewing relevant legal and institutional framework. This concluded that the existing laws and policies in Honduras were not adapted to the specific needs of displaced people.¹⁴

The Property Institute is the government entity responsible for registering property at national level in the national registration system (SURE). It also leads the Cadastral Committee, comprising key property-related institutions in Honduras with the support of UNHCR.¹⁵ In September 2017, UNHCR facilitated an exchange between the Cadastral Committee and the Government of Colombia's Land Restitution Unit to inform the development of Honduras' own legal and institutional frameworks to register IDPs' abandoned property. Central and local-level officials from Honduras met with 12 Colombian agency representatives and participated in field visits, focusing particularly on Colombia's laws and policies with respect to local authorities' role in protecting IDPs' abandoned land and cultural heritage. In particular, the exchange highlighted the need for Honduras to adopt

a property restitution law, develop common standards for the registration of abandoned property, and address the social protection needs of displaced people who have lost their homes.¹⁶

Building on the lessons learned from the Colombian exchange and additional research, in 2018, the Cadastral Committee identified the following actions required to enable the registration of lost or abandoned property related to displacement:

- I. Develop a special registration form for IDPs to report abandoned property;
- II. Establish a protocol for verifying and registering claims at national level;
- III. Develop a specific module within the National Registration System (SURE) for the registration of abandoned property due to forced displacement;
- IV. Conduct capacity building workshops on displacement-related concerns for government officials working in property administration; and
- V. Design protection measures in conjunction with the Supreme Court of Justice and all relevant entities.¹⁷

In addition, the Property Institute reviewed its existing records to identify nearly 5,000 abandoned properties potentially linked to

violence. Because it is difficult for the Property Institute to physically verify the properties alone without drawing significant attention, it is currently working with community leaders, UNHCR, and Caritas International. These partners are also gathering data on abandoned properties in 292 urban areas facing high levels of displacement risk, and this data is then cross-checked against the Property Institute's own information.¹⁸

Given the potential risks to displaced people if they were known to be asserting their property rights, this verification procedure takes place discretely, without directly contacting the property owners. This process is currently focused on ownership, but over time, the Property Institute plans to expand into other categories of housing, land tenure and property rights (e.g. rental agreements, vehicles, livestock, etc.). Verifying abandoned property as soon as possible avoids the loss of local knowledge that will inevitably fade over time, saving time and resources in the future when IDPs begin making claims.

These preparedness measures, which were funded using existing resources, provide critical baseline information and procedures for the next phase of the registration system in addressing internal displacement. In particular, the pending law on internal displacement will need to clarify restitution procedures so that IDPs can begin filing property claims.



Honduras. In the hills above the capital Tegucigalpa, vacant houses indicate the scale of forced displacement from neighbourhoods controlled by street gangs. Forcing people to flee is how the gangs root out opponents.
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3. Results for internally displaced persons and others

IDPs have expressed their appreciation for the efforts being made to record their losses, explaining that it gives them hope that the process of rebuilding their lives will eventually be easier, particularly if they are able to return home.

The development of the abandoned property register has also helped to rebuild trust in public institutions, an essential component for strengthening the overall protection environment in Honduras. Displaced people participating in the pilot process for the registration form said that it was important for them to know that someone from the Government was listening to them and taking their concerns seriously.

Similarly, government employees who typically focused on legal issues and civil administration gained a deeper understanding of the critical role property registration can play in protecting the rights of their fellow displaced citizens. This personal connection with IDPs' experiences motivated government officials to review property administrative systems more comprehensively to ensure that the more human elements related to property rights were addressed alongside legal and technical issues.

4. IDP participation

To test the draft registration form, the Cadastral Committee worked closely with UNHCR and Caritas International to create a welcoming environment that helped displaced people feel secure in providing their feedback and suggestions to a government institution. Technical government experts from different property entities sat face to face with displaced people currently receiving humanitarian assistance. Together they reviewed the draft form as if filing a formal claim.

Based upon IDPs' comments following this exchange, the form was revised in three ways. First, the overall structure of the form was inverted to provide displaced people with the opportunity to share their personal experiences about losing their property before answering detailed technical questions about their background and descriptions of the property. Second, legal terminology was replaced with terms IDPs commonly used to identify different tenancy categories. Third, the form was revised to include additional government entities that IDPs trusted to submit claims but which had not previously been used by the Property Institute.

5. Challenges

While the registration system will provide an important baseline documenting abandoned property, it is only one part of the country's overall comprehensive response to preventing, addressing and finding solutions to displacement. The next stage, linking the register to restitution procedures, depends on clarification of official roles and responsibilities and the associated budgetary allocations, as set out in the draft Law on Protection of Persons Displaced by Violence yet to be submitted to the National Congress. Protocols to address technical issues, such as collective rights, how to file claims with limited documentation and how to protect abandoned properties from secondary occupation or pillage, also require clarification.

The Government will also need to continue its efforts to build trust with displaced people so that they feel confident making claims without fear of reprisals from gangs. For example, additional consultations with IDPs are required to develop confidentiality procedures and information campaigns that build confidence in the process once it becomes necessary for the Government to contact claimants directly.¹⁹

6. Lessons learned

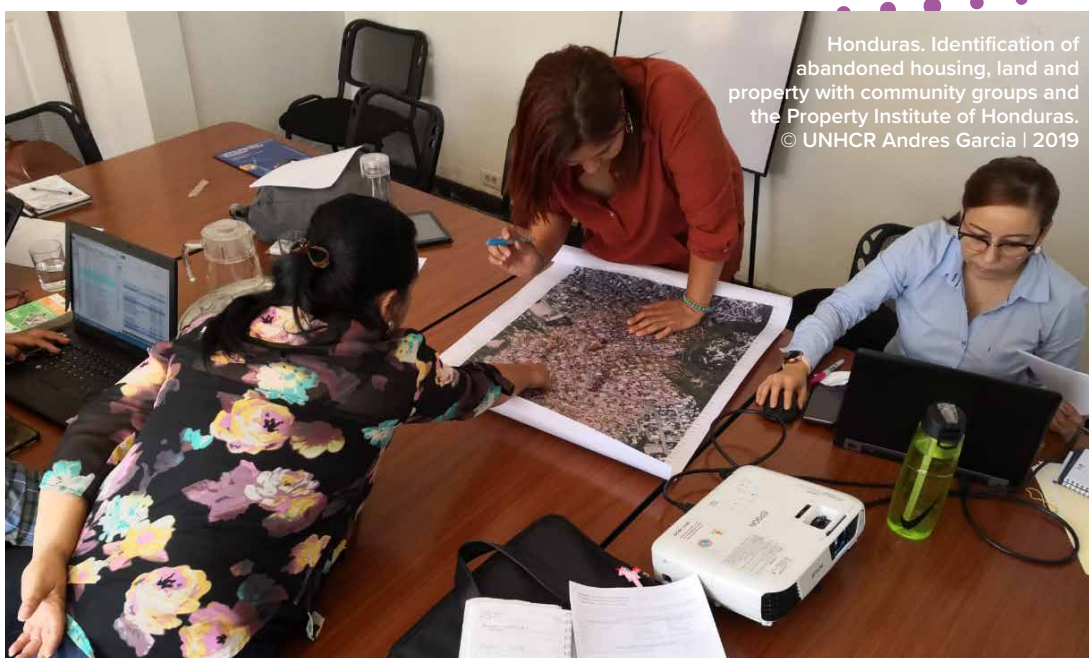
The Government of Honduras has shown how committed leadership that builds on partnerships with operational and technical actors can lead to concrete, evidence-based actions despite significant operational and legal constraints. In this example, the CIPPDV welcomed the expertise of UNHCR, JIPS, Caritas International and other actors to develop a comprehensive understanding of displacement and the potential legal hurdles for fully responding to those challenges. The Government also welcomed the opportunity to learn from Colombia's experience in addressing similar challenges. The Property Institute then built on this information to match the Government's expertise in housing, land and property administration with the institutional strengths and capacities of civil society, local communities, and international operational partners. In particular, civil society's close relationships with displaced communities allowed the Government to better understand the situation despite IDPs' fear of engaging with government institutions.

These elements will be essential during the subsequent, and perhaps more difficult, phase of the registration process when internally displaced people will be invited to submit claims and restitution processes begin.

7. Why this is a good example to share

National laws and policies for internal displacement can be extremely useful for clarifying roles and responsibilities and allocating the necessary budgets amongst departments and levels of governments to ensure a coordinated, integrated government response to internal displacement. However, even in the absence of IDP specific laws, government institutions still have legally mandated responsibilities to safeguard their citizens' rights, including those of internally displaced people.

The Property Institute took its responsibility seriously by systematically reviewing its existing policies and procedures to determine whether they responded to IDPs' specific needs and circumstances. As its experience reveals, while standard processes may require sensitivity and care to adjust them to the particular context of displacement, assuming institutional responsibilities to address internal displacement does not necessarily require the creation of a new structure or process.



Endnotes

- 1 CIPPDV, UNHCR and JIPS, *Estudio de Caracterización de Desplazamiento Interno en Honduras 2004-2018* (Government of Honduras 2019) 5. Profiling report available here: <https://www.jips.org/jips-publication/profiling-report-honduras-2019/> accessed 18 October 2020.
- 2 *ibid* 40.
- 3 Inter-Agency Commission for the Protection of Persons Displaced by Violence, *Characterization of Internal Displacement in Honduras* (Government of Honduras 2015) 14–16.
- 4 Decreto Ejecutivo PCM-052-2013 2013.
- 5 The first Internal Displacement profiling exercise in 2014 concentrated on 20 urban areas of the country's 284 municipalities between 2004 and 2014, identifying an estimated 147,000 IDPs. Inter-Agency Commission for the Protection of Persons Displaced by Violence (n 3) 11.
- 6 CIPPDV (n 1), UNHCR, JIPS.
- 7 Lorena Nieto Padilla and Jamila El Abdellaoui, 'Technology, National Systems and Civil Society: Using a Mobile Application to Protect the Housing, Land and Property Rights of Displaced Persons in Honduras' (UNHCR 2019) Presentation for 2019 World Bank Conference on Land and Poverty 10–11.
- 8 *ibid* 4–5.
- 9 CIPPDV, UNHCR, JIPS (n 1) 71.
- 10 CIPPDV, UNHCR, JIPS (n 1) 76.
- 11 Nieto Padilla and El Abdellaoui (n 7) 5.
- 12 Human Rights Council, 'Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons on His Mission to Honduras (23–25 November 2015)' (United Nations General Assembly 2016) A/HRC/32/35/Add.4* para 93.
- 13 UNHCR, 'Honduras' (*Global Compact on Refugees Platform*) <http://www.globalcrf.org/crf_country/honduras/>.
- 14 Juan Carlos Betancur, 'Protection of Land, Territory and Housing of Forced Displacement Victims in Honduras'. See also Nieto Padilla and El Abdellaoui (n 7) 6.
- 15 Property Institute, 'Intercambio Honduras Colombia: Restitucion de Tierras a Desplazados de Manera Forzada Por La Violencia' 4. The Cadastral Committee, formerly the Housing and Land Working Group, is comprised of the National Municipalities Association of Honduras (AHMON), the National Agriculture Institute, the National Agrarian Institute, the National Land Council and the Forest Conservation Institute.
- 16 *ibid* 12–14.
- 17 Nieto, Padilla and El Abdellaoui (n 7) 9.
- 18 GP20, 'Summary: 3rd Steering Group Meeting Collecting, Analysing and Using Data on Internal Displacement' (GP20 2019) 3.
- 19 Nieto Padilla and El Abdellaoui (n 7) 13.