

**IMMIGRATION AND REFUGEE
BOARD
(REFUGEE DIVISION)**

**COMMISSION DE L'IMMIGRATION
ET DU STATUT DE RÉFUGIÉ
(SECTION DU STATUT DE RÉFUGIÉ)**

MA0-06253

**IN CAMERA
HUIS CLOS**

CLAIMANT (S)

DEMANDEUR (S)

XXXXXXXXXXXXXXXXXX

DATE(S) AND PLACE OF HEARING

DATE(S) ET LIEU DE L'AUDIENCE

January 16, 2001
Montréal

DATE OF DECISION

DATE DE LA DÉCISION

January 18, 2001

CORAM

CORAM

M^c Gilles Éthier
Richard Quirion

FOR THE CLAIMANT(S)

POUR LE(S) DEMANDEUR(S)

M^c Manuel Antonio Centurion

REFUGEE CLAIM OFFICER

AGENT CHARGÉ DE LA REVENDICATION

Filing of documents

DESIGNATED REPRESENTATIVE

REPRÉSENTANT DÉSIGNÉ

N/A

MINISTER'S REPRESENTATIVE

REPRÉSENTANT DU MINISTRE

N/A

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XXXXXXXXXX, aged 30, claims Convention refugee status¹ on the basis of her membership in a particular social group, that of the members of an agricultural cooperative.

The claimant is a member of a small cooperative which has owned an approximately 200-acre farm in the region of XXXXXX, Honduras, for more than 12 years. Her husband was the XXXXXXXX of the organization, which comprised nearly 50 members.

Varied agricultural production enabled the family of the claimant, who has four young children, and all the members to live decently from the fruit of their labour.

However, the cooperative was established and maintained with considerable difficulty, mainly as a result of their neighbours, hostile large landholders wishing to seize control of their lands.

The claimant states that her neighbours, the families of XXXXXXXXXXXXX and XXXXXXXX, hired police officers and soldiers to form their own squadron to harass and even attack the peasants of the cooperative. She contends that the large landlords wanted to discourage the cooperative's members by means of terror and thus force them to leave their land so that they could seize it with impunity.

A number of people died over the years, including the claimant's brother, XXXXXXXXXXXX, who was killed in XXXXXXXXXXXX 1996.

In April 1999, the claimant received a death threat because she had refused to give the cooperative's documents and titles of ownership to two armed men sent by the family of XXXXXXXXXXXXXXXXXXXX.

She went to XXXXXXXX with her husband to file a complaint with police, who refused to take action, alleging they lacked the resources.

On May XX, 1999, the claimant was attacked at her home by three thugs who had demanded that she hand over the keys to the cooperative's office. She was beaten and injured as a result of a machete blow to the leg. When members of the cooperative approached to intervene, two were killed at point blank range. The claimant's husband was absent that day. She has never seen him since and does not know whether he is dead or alive.

After being treated at a clinic, the claimant hid at her mother's home, which was approximately two hours by road from her own. There she received

new death threats on June XX, 1999. She then decided to flee the country after entrusting her children to one of her sisters.

On June XX, 1999, the claimant left Honduras and travelled to the United States via Guatemala and Mexico. She lived as an illegal immigrant in the United States for one year, surviving by being exploited as a domestic worker.

On July XX, 2000, she arrived at the Canadian border, where she sought protection, citing essentially the same facts as subsequently related in her PIF.

Having heard the claimant and analyzed all the documentary evidence, the panel finds in the claimant's favour for the following reasons:

The claimant testified in a frank, direct and spontaneous manner, giving full and satisfactory answers to the at times difficult questions put to her. She was deemed to be credible.

The facts related by the claimant are plausible in light of documentary evidence on the record. That evidence indicates that private squadrons in the pay of businesses or major landholders are sowing death among peasants not protected by the country's authorities.

The only real question to resolve was whether it could be concluded from the fact that the claimant is a member of an agricultural cooperative that she was a member of a social group within the definition of Convention refugee.

The agricultural cooperative in question was the means the claimant and her co-workers had to support their families. In a country where major landholders, with impunity and the use of violence, still oppose agrarian reforms designed to provide poor and disadvantaged peasants with a minimum of dignity and chance for survival, membership in such an agricultural cooperative is a sacred and essential right which no one should be compelled to waive.

In this respect, by the tests established in Canadian law, in particular in *Ward*,² the group to which the claimant belonged is a social group.

The claimant thus demonstrated that she had a reasonable risk of being persecuted in Honduras.

DECISION

For these reasons, the panel finds that XXXXXXXX is a "Convention refugee" as defined by subsection 2(1) of the *Immigration Act*.

Gilles Éthier

M^e Gilles Éthier

Concurred in by:

Richard Quirion

Richard Quirion

Dated at Montréal, this 18th day of January 2001

d/np

KEYWORDS – REFUGEE DIVISION – SOCIAL GROUP – DOCUMENTARY EVIDENCE – FEMALE – HONDURAS – POSITIVE

¹ "Convention refugee" is defined in subsection 2(1) of the *Immigration Act*, which reads as follows:

"Convention refugee" means any person who

- (a) by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,

(i) is outside the country of the person's nationality and is unable or, by reason of that fear, is unwilling to avail himself of the protection of that country, ...

² *Attorney General of Canada v. Ward*, [1993] 2 S.C.R. 689, pp. 725-726.