

Rewinding History: The Rights of Haitian Women
The Let Haiti Live Women's Rights Delegation sponsored by the Ecumenical
Program on Central America and the Caribbean (EPICA)
January 2005

Introduction

In a climate of deep insecurity and escalating violence, Haitian women, the backbone of Haitian society and economy, are facing insurmountable challenges. Although Haitian women support the majority of Haiti's economic activities and hold families together throughout the country, they have historically occupied an inferior social position. Under the regime of U.S.-backed Prime Minister Gerard Latortue, Haitian women are caught in the middle of what many Haitians are calling a "rewind" back to the time of the 1991-94 coup d'etat, a period characterized by random violence in poor neighborhoods, a terror campaign employing rape, murder and disappearance as tactics, and rapidly increasing insecurity undermining all economic activity of the informal sector.

In this setting the international community, led by the United States and the United Nations Stabilization Mission in Haiti (MINUSTAH), is pushing for elections before year's end, in apparent disregard that legitimate democratic elections cannot possibly be held in the current climate. The international aid industry is rolling into action and is ready to program more than a billion dollars, which will do little to change the standard of living for the Haitian poor. Most of this aid will benefit either the Haitian elite or return to donor countries in the form of private contracts. The Interim Haitian Government (IHG), considered illegitimate by the majority of Haitians, is made up of representatives from the private sector. Their interests are clearly served by the on-going decimation of the informal sector – Haiti's poor, while they enjoy tax breaks and anticipate the profits of Haiti's international assistance, which in the end will add to Haiti's already burdensome international debt.

From January 13-22, 2005, a delegation of eight independent women investigated women's rights in Haiti. They traveled under the auspices of the Let Haiti Live: Coalition for a Just U.S. Policy, a collaborative effort of over fifty North American organizations. The Ecumenical Program on Central America and the Caribbean, a Washington, D.C.-based peace and justice organization, sponsored the team.

The majority of the investigation was carried out in Haiti's capital, Port-au-Prince, with one day in a rural area. The following is a summary of briefings, observations and recommendations.

Summary of Observations and Briefings

I. Violation of Women's Rights Due to Violence and Insecurity

The climate in Port-au-Prince, Haiti's capital is one of deep insecurity and escalating violence.

- The delegation witnessed firsthand the climate of violence that exists in Port-au-Prince. During the delegation's stay, the team observed a body in front of the National Palace. The group was briefed on summary executions by the police and armed groups that occur daily in the capital.
- In some zones of Port-au-Prince it was unsafe to pass early in the day because of frequent arson attacks taking place while cars are stuck in traffic jams. Haitians spoke of their unwillingness to be on the road during certain hours because of these incidents. Due to the fact that two major parts of the city – Bel Air and Delmas 2 – have been completely isolated by violence and insecurity, traffic crowds other routes. During the heavy travel hours each morning, small groups of armed individuals have held drivers and passengers at gunpoint while setting their cars on fire. Sometimes drivers are forced to burn their own cars. The delegation observed the burned out remains of dozens of cars in different areas of the city notorious for these attacks.
- The most impoverished and overpopulated neighborhoods of Port-au-Prince, known as *katyè popilè*, have become war zones where feuding gangs, some of which are funded by political organizations, are victimizing tens of thousands of innocent civilians. While traveling to St. Catherine's Hospital in Cite Soleil, an area that has been gripped by gang violence, the delegation observed the remains of arson attacks in the zone. Although the popular perception of the populations in these areas is that they support one or another of the gangs, the team heard repeated testimony that these armed groups are raping women and young girls, robbing families and burning homes.

This general insecurity is affecting women on several different levels. With sections of the city closed, economic activity has been greatly impeded (see below, Violation of Economic Rights, for more). FONKOZE, a national organization dedicated to supporting and enhancing women's economic activities, noted that with economic insecurity women are forced into vulnerable and compromised situations with men. As a result, there has been a rise in incidents of forced sex. Members of the national labor movement, *Confederation des Travailleurs Haitienne* (CTH) explained that due to the lack of economic opportunities in both formal and informal sectors women are having sex for money. A number of sources confided to the team that women and girls who cannot afford to attend school are having sex with older men to finance their educations.

When looked at in tandem with the rise in forced sex, the recent spike in politically motivated rapes is a clear indication that women's bodies are being abused sexually as a result of increasing insecurity. The increase in frequency of rapes was confirmed by the director of the gynecology department at the General Hospital. Testimony from victims of rapes heard by the delegation highlighted several patterns in the attacks. Attackers beat their victims into submission, often striking their eyes so they will not be able to identify them. Attackers are often masked and heavily armed. Women are usually raped by more than one attacker, and the victims' children are often witnesses to the rape. After the attack, most women have nowhere else to go and are forced to return to the location of their rape (their homes and the yards in front of their homes) to sleep at night.

Women accused armed bandits/gang members of committing the rapes, but most cannot identify their attacker(s) either because they were masked or because the victim was beaten and could not see the identity of her attacker(s). Most victims have been forced to find alternative places to stay and are afraid to go out during the day. Children conceived during rapes are deeply stigmatized in Haiti. One woman told the team that her daughter is taunted with the name "little rape" by the other children in her neighborhood.

In one neighborhood a Women's Commission for Victims of Rape has been created and has received nearly fifty new victims since September 30. They hold meetings with women from *katyè popilè* and they record new rape victims each week.

The team was shocked and outraged to learn that rapes are treated as an infraction in the eyes of the Haitian law, and although rape was a prevalent tool of political repression during the 1991-94 coup period, no rape has ever been prosecuted in Haiti. A spokesperson at the Ministry of Women's Affairs stated that the law regarding rape has recently been changed, but until perpetrators of these brutal crimes are brought to justice this change will have no impact.

In addition to the ways in which women's bodies are sexually abused, other physical abuse is part of the political repression as well. The team heard repeated testimony of women who were beaten and robbed in their homes, on the way to the market or at the market. Arson attacks in poor neighborhoods have also left women and their children without shelter. Some have been forced to climb high into the hills above their neighborhoods to sleep in makeshift refugee camps on open rocks.

II. Violation of Women's Economic Rights

The majority of struggling Haitian women find their livelihoods in the informal sector. Women who sell produce and other goods in the market are called *ti machann*, little merchants. Many women work as domestic laborers, or cook food to sell on the street. In addition to their work in the informal sector, women run most households in Haiti. They spend inordinate amounts of time carrying water from public faucets or other sources due to lack of infrastructure, and prepare meals for their children, wash laundry, and are also required to earn enough money to put food on the table each day.

The informal sector is reeling from the Interim Haitian Government's (IHG) decision to raise import tariffs on the merchandise they import for resale in the market. At the same time, the IHG granted a three-year grace period on taxes to the largest business owners. In addition, following the coup d'état on February 29th, thousands of government workers were fired. According to the CTH labor movement, there are 80,000 fewer workers employed in industry than there were one year ago. The consequence is that a large number of newly unemployed people are forced to integrate into an already crowded informal sector.

spontaneous or improvised schools are being organized by women's groups. These schools suffer from lack of space, materials and funding to pay teachers.

III. Violation of Women's Rights to Justice: The Failure of the Judicial System

The Women's Delegation was granted the opportunity to visit the women's prison in Petionville, a facility that at the time held 78 female prisoners. According to Article 26 of the Haitian Constitution, no prisoner should be held more than forty-eight hours before seeing a judge. Most of the women with whom we spoke had not yet seen a judge, in violation of their Constitutional rights.

Several women reported other violations of constitutional rights including: being held at a *commissariat*, police station, for more than forty-eight hours (Article 26), and being arrested during the night (Article 24-3, d. "Except where the perpetrator of the crime is caught in the act, no arrest by warrant and no search may take place between six p.m. and six a.m.")

One fifteen-year-old prisoner claims she was held for several days in the fire station before being transferred to the prison, and that while in custody there she was beaten and raped.

Many of the women prisoners reported that their husbands had been arrested previous to them, or at the same time. The children of these couples have been left to fend for themselves, often in dangerous neighborhoods. One woman reported that her child was abandoned upon her arrest and begged members of the delegation to visit her home and check for the child's whereabouts and safety. Several women reported that they were arrested because their husbands were arrested.

In addition, the women at the prison do not have regular access to doctors or medical assistance. The delegation observed wounds on a number of prisoners that had occurred during arrest, including an alarming festering wound on the breast of an eighteen-year-old prisoner. Moreover, the delegation interviewed a woman who was separated from her three-month-old baby. The prison would not allow her other children to bring the infant to nurse, and the family is without the means to purchase substitute milk. The mother was showing signs of growing illness and the delegation feared for her child's survival.

From the interviews at the women's prison, the delegation unanimously concluded that justice is very much for sale in Haiti. Those who have the means to hire lawyers are able to see judges and have their cases dealt with swiftly and to their advantage. The poor suffer indefinite detention and are denied the right to see a judge because they cannot afford to hire a lawyer.

Although Haiti's young democracy inherited problems from decades of dictatorships and little has been done to reform the system, it is not an overstatement to describe the system as a failure.

The current Minister of Justice, Bernard Gousse, should be immediately investigated for the corruption and violations that have taken place under his authority. In addition, meaningful Haitian-directed reform needs to happen at every level of the judicial system. Following the guidelines set out in the Haitian Constitution, justice should be decentralized, democratized and made available to all Haitians, regardless of class or education level.

Conclusion

The Let Haiti Live Women's Rights Delegation found that Haiti's women are facing challenges and violations of their human rights on many levels today. The rising violence and insecurity, particularly in the *katyè popilè* is dealing a fatal blow to the livelihoods of small merchant women. Politically-motivated rapes are occurring at frightening frequency. Bodies are found daily in the streets of Port-au-Prince. Women are being held in prison solely because they cannot afford an attorney to represent them in court and are therefore being denied the right to appear before a judge.

Under the reprehensibly indifferent eyes of the United Nations Stabilisation Mission in Haiti (MINUSTAH), the regime of Prime Minister Gerard Latortue is reigning over a climate of dramatic insecurity and a campaign of terror. The situation is profoundly disturbing in its similarity to the 1991-94 reign of the brutal coup regime, when soldiers of the *Forces Armées d'Haiti*, Haitian Armed Forces (FADH) performed summary executions and disappearances of the poor at will. Soldiers and paramilitary gang members raped women in poor neighborhoods to terrorize them and dissuade them from continuing their work to end the impunity granted to their attackers.

In the wake of the interim Haitian government's highly controversial decision to compensate these former soldiers, international pressure must be brought to bear on interim Prime Minister Gerard Latortue. He must immediately begin prosecution of the violent and terrifying rapes being committed under his regime. MINUSTAH is obligated by its mandate to promote and protect human rights, and must take every opportunity to vigorously denounce the resurgence of rape as a political weapon.

In the face of the overwhelming injustices in Haiti today, solutions require the participation of several actors and entities. Everyone has a role to play in making right the wrongs of Haiti. It is with grace and strength that Haiti's women are facing their challenges, and it is our hope that the recommendations below serve their dignified struggle.

RECOMMENDATIONS

**Let Haiti Live Women's Rights Delegation
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- Health care, access to safe drinking water and education are fundamental human rights. These rights are undermined by the chronic poverty of the majority of Haiti's population and a highly centralized government that does little to provide these basic services. In response, the international community must focus on grassroots-based Haitian solutions to resolve the problems currently facing Haiti. Large infusions of aid to internationally-based contractors and Haitian private sector interests undermines democracy building and increases the debt of generations of Haitians to come.

Violation of Women's Rights to Justice:

- The MINUSTAH and the international community that supports the Mission must pressure the Haitian National Police to actively protect the basic human rights of the Haitian people.
- Haiti's judicial system is seriously in need of fundamental reform, a crisis that has persisted for decades. Reform of the judicial system must be carried out by a democratically elected Haitian government. The international community should provide meaningful support for the Haitian-directed reform, which must be transparent.
- Human rights violations must be addressed by the MINUSTAH, the IHG, the OAS and the international community.
- In response to the rise in politically motivated rape, the IHG must begin immediate prosecution of rape cases. In addition, efforts to prevent rape including sensitizing of the Haitian National Police and public service announcements should be undertaken.