



DON'T TURN YOUR BACK ON GIRLS

SEXUAL VIOLENCE
AGAINST GIRLS IN HAITI

STOP VIOLENCE
AGAINST WOMEN

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

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Cover photo: Girl sitting in a school yard in rural Haiti.
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Sixteen-year-old Blanche left her grandmothers' home in Carrefour Feuilles at dusk. She went to a nearby square to do her homework.

Like many other schoolchildren living in parts of Port-au-Prince which have no electricity supply, she was going to do her homework by the light of one of the few street lamps in her neighbourhood that were still working.

As she was studying, a man came up to her. She asked him to go away. He left, but returned shortly after with other men who pointed their guns at Blanche while the first man ripped her clothes and raped her.

Eventually, some neighbours helped Blanche to get back home. Blanche's grandmother took her to a medical clinic, but discouraged her from reporting the attack to the police. She believed that nothing could be done because Blanche did not know the names of her attackers.

Neither the man who raped Blanche nor those who helped him have ever been punished for their crimes.

NOTE ON TERMINOLOGY

This report focuses on the experiences of girls. While their experiences reflect the continuum of gender-based violence against women in general, international law recognizes the particular protection needs of children. It is within this framework that this report seeks to highlight violations of girls' human rights.

Throughout this report the term "girl" is used to refer to girl children: that is, girls under 18 years of age. This is in line with Article 1 of the UN Convention on the Rights of the Child which states, "a child means every human being below the age of eighteen year".

Many studies, both national and international, focusing on sexual violence encompass both women and girls and similar analyses of gender-based violence are frequently applied to both. Throughout this report, therefore, reference is made to women and girls where this reflects the nature of the research available, the commonality of experience or, in some instances, the lack of research specifically focusing on girls aged under 18.

Amnesty International bases its work on violence against women and girls on the definition set out in the UN Declaration on the Elimination of Violence against Women. Article 2 of the Declaration states:

"Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs."

ABBREVIATIONS

| | |
|----------|--|
| CEDAW | UN Convention on the Elimination of All Forms of Discrimination against Women |
| CRC | UN Convention on the Rights of the Child |
| IBESR | Institut du Bien-Être Social et de Recherches (Research and Social Welfare Institute) |
| MINUSTAH | Mission des Nations Unies pour la Stabilisation en Haïti (UN Stabilization Mission in Haiti) |
| MSF | Médecins Sans Frontières |
| NGO | Non-governmental organization |
| SOFA | Solidarité Fanm Ayisien (Haitian Women's Solidarity) |
| UNDP | UN Development Programme |

METHODOLOGY

This report is based on research carried out by Amnesty International in 2007 and 2008. It includes interviews with victims and survivors of sexual violence. The interviews were carried out during visits to Haiti by Amnesty International researchers in September 2007 and March 2008. Girls' names have been changed in this report in order to protect their privacy and ensure that their security is not compromised. Similarly, no images of victims of sexual violence have been included in this report.

Amnesty International received invaluable support and help in carrying out its research from human rights and women's organizations in Haiti. Amnesty International delegates also met representatives from the Ministry of Women's Affairs and Women's Rights, the Ministry of Social Affairs, and the Ministry of Education and Professional Training. In addition, delegates met police officers, lawyers supporting victims in their fight for justice, school directors and teachers, representatives of teachers' unions and health professionals.

'Being raped, it makes you... a person without rights, a person rejected from society and now, in the neighbourhood I live in, it's as though I am raped every day because every day someone reminds me that I've been raped and that I am nothing, that I should put myself in a corner, that I shouldn't speak, I should say nothing.'

Rose, interviewed by Amnesty International in March 2008

INTRODUCTION

Violence, and in particular sexual violence, against women and girls in Haiti is pervasive and widespread. While reliable information on the true levels remains scarce, the available evidence clearly shows that Haiti mirrors worldwide trends in that the home and the community are the places where women and girls are most at risk of sexual violence.

Violence against women and girls affects all sectors of society. However, certain factors increase the risks. Evidence suggests that being young is an important risk factor in Haiti. Organizations providing support to survivors of sexual violence have revealed shocking levels of sexual violence against girls. Studies conducted over the past four years suggest that more than half of reported rapes are of girls.¹

Another trend which has emerged is the prevalence of rape involving groups of armed men. Women's organizations and other NGOs providing care and support for victims have noted a rise in the number of reports of such rapes. This rise was particularly marked

during and in the aftermath of the armed rebellion that ousted President Jean-Bertrand Aristide in February 2004 (see below, Legacy of rape as a political weapon), and levels have remained high ever since. Of particular concern is the number of cases of sexual violence reported each year in the run-up to or during carnival. In February 2007, 50 cases of rape of women and girls were reported in just three days in Port-au-Prince.²

The health consequences of sexual violence on girls are profound and lasting. In addition to the immediate physical injuries, survivors may have to face unwanted pregnancy; sexually transmitted infection, including HIV; and mental health problems such as post-traumatic stress disorder, anxiety and depression. These can have particularly serious consequences on girls. For example, unwanted pregnancy among girls can have an impact over and above those for adult women in that young girls are at higher risk of maternal and peri-natal mortality. In the particular context of Haiti, pregnancy can also result in girls' education being disrupted or in permanent exclusion from school.

This in turn can serve to further entrench gender-based discrimination and poverty among women and girls.

The authorities have taken steps in recent years that indicate an acknowledgement that violence against women and girls is a problem that must be addressed. For example, the Ministry of Women's Affairs and Women's Rights was established in 1994 and has been involved in important initiatives to raise awareness of gender-based violence. In 2005, a National Plan to Combat Violence Against Women 2006-2011 was adopted. If implemented, this could bring about significant improvements in the prevention and punishment of violence against women and girls.

However, despite such initiatives, the Haitian government is a long way from fulfilling its obligations to protect girls. The justice system is weak and largely ineffectual. The police unit in charge of protecting minors, the Minors' Protection Brigade (Brigade de Protection des Mineurs), is woefully under-staffed; in March 2008, the unit had 12 officers to cover the entire country and did not have a single vehicle at its disposal. It is perhaps, therefore, not surprising that most of those who rape and attack girls are not brought to justice and are able to continue committing these crimes with impunity. For many girls, surviving sexual violence means keeping silent.

In 2005, a presidential decree classified rape as a criminal, rather than a moral, offence and increased the maximum sentence for those convicted of rape to 15 years' forced labour, increasing to life if the victim is under 16 years of age. Since then there have been a few highly publicized rape trials. However, the

prosecution rate for sexual offences remains extremely low. The failure to hold those responsible to account sends a powerful message to survivors and helps explain why so many girls feel there is no purpose in reporting crimes of sexual violence.

The public security situation in Haiti over the last decade has been the focus of much international concern. The country continues to struggle with the aftermath of the 2004 armed rebellion. It has also faced serious challenges posed by waves of violence from criminal gangs and a number of devastating humanitarian disasters, the latest of which has seen more than 150,000 people rendered homeless.³ Clearly, in this context, supporting efforts to strengthen development, good governance and the rule of law in Haiti should continue to be important priorities for the international community.

However, there can be no security if a large section of the population is prevented from participating fully in their community by the threat or consequences of violence. This report argues that sexual violence against girls, and in particular rape, is pervasive in Haiti and that it can no longer be ignored. Amnesty International believes that all human beings are entitled to the full enjoyment of their human rights. A person's gender or age do not change their right to have their human rights respected, protected and fulfilled. This report ends with a number of recommendations to the Haitian authorities and the international community designed to ensure that the protections set out in international law become a reality for all Haitian girls.



Outskirts of the Haitian capital, Port-au-Prince.



A UN base at the entrance of the Cité Soleil area of Port-au-Prince, Haiti. The base was set up to try to address high levels of gang violence in the area.

LEGACY OF RAPE AS A POLITICAL WEAPON

“[M]ost of the rapes took place in the victim’s home, under the terrified gaze of the assembled family. In some cases, a member of the family, under threat of death, was forced to rape another in front of the whole family.”⁴

National Commission of Truth and Justice, 1999

Many studies, for example on countries such as Bosnia and Rwanda have pointed to the connection between political crisis or instability and the recurrence of sexual violence.⁵ Haiti is no exception.

In 1991 President Jean-Bertrand Aristide was ousted by a military coup. In the three years of military rule that followed, sexual violence against women and girls, and rape in particular, formed part of the repressive tactics used by military and paramilitary forces of the state. According to the 1996 report of the National Commission of Truth and Justice, rape became a political weapon used systematically to instil fear and to punish those sectors of society which were believed to have supported the democratic government.

During her visit to Haiti in 1999, the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy, found that “following the military coup d’état, Haitian women continue to suffer from what some interlocutors referred to as ‘structural violence’, targeted at the most vulnerable and poor.”⁶ She also reported that between November 1994 and June 1999, the Ministry of Women’s Affairs and Women’s Rights registered 1,500 cases of girls



Bullet-riddled walls of a college in Port-au-Prince damaged during heavy fighting in the area between armed gangs and MINUSTAH during 2006.

between the ages of six and 15 who had been the victims of sexual abuse and aggression.⁷

While widespread reports of groups of armed men raping women started under the military regime (1991-1994), it has now become a common practice among criminal gangs.

During the armed rebellion that ousted President Jean-Bertrand Aristide for a second time in February 2004, and in its aftermath, rape was used as a weapon by numerous gangs throughout the country to terrorize the population. Research assessing human rights abuses between February 2004 and December 2005, published in the medical review *The Lancet*, estimated that 19,000 per 100,000 girls were raped in the greater Port-au-Prince area during that period.⁸ The prevailing state of lawlessness and lack of public security that accompanied the transitional government of Haiti between March 2004 and May 2006 were contributing factors to such high incidence of sexual abuse.

DISCRIMINATION, POVERTY AND INEQUALITY

“[E]ntrenched sexual violence, compounded by lack of access to information, prevention, treatment and care, undermines women’s fundamental rights to life, to the highest attainable standard of mental and physical health, equal access to education, work, privacy, and non-discrimination, amongst other human rights.”

Special Rapporteur on violence against women, its causes and consequences⁹

The context in which girls in Haiti experience sexual violence is one of pervasive gender discrimination and inequality. Often the gender discrimination that girls face is combined with other forms of discrimination, for example discrimination based on their age or social status, leading to further marginalization and victimization. Income distribution and living conditions, access to education and access to health care are some of the key areas, where there is qualitative and quantitative data showing the interplay between discrimination and poverty.

Haiti is characterized by high levels of poverty and social inequality and the gap between rich and poor has widened since 2002.¹⁰ Income distribution in Haiti is more unequal than in Latin America, already the most unequal region in the world, according to the UN Development Programme. One striking statistic which shows the extent of this social division is that the richest 10 per cent of Haitian households controls 68 per cent of total household revenues. Poverty in Haiti is not only widespread, it is also extreme. In 2003, 76 per cent of the population was living below the poverty line (less than US\$2



a day) while more than 4.4 million people (55 per cent of the population) were living in extreme poverty (less than US\$1 a day).¹¹

Gender-based discrimination and social inequality in combination mean that poverty affects women disproportionately. Nearly half (46 per cent) of Haitian households are headed by women. According to the latest Survey on Living Conditions in Haiti in 2001, the incidence of extreme poverty in urban areas is significantly higher in households where the head of household is a woman. For example, in some urban areas extreme poverty affects nearly two in every three female-headed households (64 per cent).¹²

On issues of maternal health, only one in every four births (26 per cent) is assisted by qualified medical personnel. While there is no separate data indicating maternal mortality among under 18s, the statistics which do exist for women in general clearly show that large numbers of Haitian girls as well as women are dying for lack adequate medical care. Pregnancy-related complications are responsible for nearly a quarter (24 per cent) of all deaths of girls aged between 15 and 19.¹³ The maternal mortality rate increased from 523 to 630 maternal deaths per 100,000 live births between the periods 1993-2000 and 1999-2006. This is well above the world average for 2000 of 386 deaths



per 100,000 live births. Overall, health complications related to childbirth are the cause of one in five deaths of girls and women aged between 15 and 49.

A report published in 2008 by Médecins Sans Frontières (MSF) highlighted the discrimination faced by women and girls from deprived neighbourhoods seeking medical care in public institutions: “[w]omen living in the slums are often discriminated against because of their origin, status or appearance. This accentuates their self-exclusion and discourages pregnant women from seeking health care.”¹⁴

Poor women and girls have few options when dealing with an unwanted pregnancy. MSF also reported how women and girls are put at risk because of the stigma associated with unwanted pregnancy and self-induced or clandestine abortion: “[w]omen who perform a home abortion and develop an infection from it risk their lives when they can’t get any medical help. In Jude Anne [MSF obstetric hospital in Port-au-Prince] they get the care they need, but they are often ashamed of having done their abortion and don’t dare come to the hospital.”¹⁵

Under the Haitian Penal Code, anyone performing an abortion is liable to imprisonment, as is the woman who consents to or carries out her own abortion.

from left to right:

Children play beside an open sewer in one of the main streets in the Cité Soleil area of Port-au-Prince, Haiti.

People set up a makeshift market stall in a square bordered by an open sewer and piles of refuse, Port-au-Prince, Haiti.

A poor riverside neighbourhood in Cap Haitian, Haiti.

In practice, however, abortion to save the life of a pregnant woman is tolerated. Anyone convicted of performing an abortion can face between three and nine years in prison.¹⁶ However, the stigma of unwanted pregnancy and the unavailability of safe, legal abortions mean that women continue to resort to self-induced or clandestine abortions, sometimes with fatal consequences. The Ministry of Public Health reported that in 1999, 8 per cent of the cases of maternal mortality registered were due to complications following clandestine abortions.¹⁷ No more recent data is available, but there is no evidence to suggest that this situation has altered radically in the past decade. Haitian women’s organizations continue to campaign for the decriminalization of abortion and, at the time of writing, the Ministry of Women’s Affairs and Women’s Rights was drafting a bill for its partial decriminalization.¹⁸



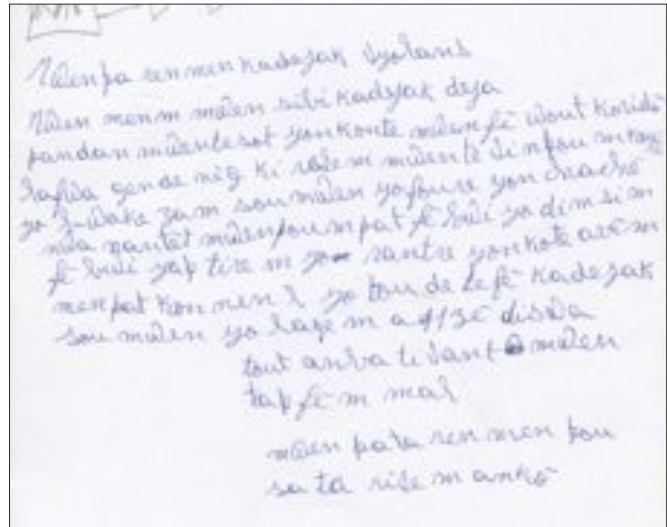
A HIDDEN SCANDAL

“I was walking through a corridor in Martissant [a neighbourhood of Port-au-Prince] when two men called me. As I tried to run, they aimed their weapons at me and muffled me threatening to shoot me if I made any noise. They took me to another place and they both raped me. They let me go at 11pm. My belly was aching. I don't want this to happen again.”

Extract from a letter from 16-year-old Katia to Amnesty International

Sexual violence against girls remains a largely hidden problem. There is consensus among human rights and women's organizations that gender-based violence against girls is widespread in Haiti. Available studies indicate that more than half of known rapes are committed against girls aged 18 or under. However the true extent of the problem has yet to be uncovered. The absence of reliable and comprehensive data on the prevalence, nature and consequences of sexual violence in Haiti is a serious obstacle to devising effective strategies for ending violence against girls.

The Committee on the Elimination of Discrimination against Women – which monitors states' adherence to the UN Convention on All Forms of Discrimination against Women (CEDAW) – has said that states should encourage the gathering of statistics on, among other things, violence against women and girls.¹⁹ Similarly, the UN Declaration on the Elimination of Violence against Women and the Beijing Platform for Action, which was adopted by the UN Fourth Conference on Women in 1995, call on states to promote research, collect data and compile statistics on violence against women and girls and to make public that information.²⁰



In 2006, the Ministry of Women's Affairs and Women's Rights commissioned a study on domestic and sexual violence in Haiti. The purpose of the study was to provide the basis for strengthening the implementation of the National Plan to Combat Violence Against Women. One of the objectives of the study was to provide an overview of available information on the nature, extent and causes of family and sexual violence in Haiti and of initiatives undertaken by the government and civil society to prevent these crimes. The study built on data and cases previously collected by women's organizations and other non-governmental institutions providing health services and other forms of assistance to victims. The study found: “the general perception of women victims of violence, service providers and members of the community is that the levels of violence in Haiti are very high and this is reflected within the family. They all see a link between social and sexual violence and violence within the family... the most common manifestations of violence being physical violence within the family and sexual violence (rape) outside the family.”²¹

The study concludes that despite the efforts of women's organizations, there is no “policy on documenting the situations of violence that would

left: Classroom in Lavanneau, Haiti.

above: Katia's handwritten letter to Amnesty International.



Girls crossing a river on the way to school, Lavanneau, Haiti.

indicate the dimension of the problem... In fact, it is not possible to know at national or regional levels how many women have filed complaints of violence, the outcome of these complaints and the current situation of the victim."²² In its recommendations to the government, the study highlights the need for a single, unified mechanism for collecting and analysing information on violence against women. Since the study, a standardized form has been developed for use by all institutions in contact with girls and women who have experienced sexual violence. However, at the time of writing, implementation was in the very initial stages.

The only data currently available on sexual violence against girls is that collected on an ad-hoc basis by service providers, including health centres and women's organizations, and that collected by NGOs as part of their independent research or studies undertaken by them on behalf of the government. This data is collected using a variety of methodologies, including population-based surveys and qualitative research. Although this data is far from

comprehensive, it highlights certain trends, in particular the high percentage of rape victims who are aged 18 or under.

During 2006, Kay Fanm recorded 133 cases of rape and sexual violence against women and girls. Fifty-five per cent of rape victims were under 18.²³ In the same year, 155 victims of rape sought help at SOFA's 21 centres across the country; 77 were girls under the age of 18. Between January 2007 and June 2008, SOFA documented 238 rapes; 140 involved girls aged between 19 months and 18 years.

The most comprehensive data on violence in the family is that contained in the third and fourth Demographic and Health Surveys carried out on behalf of the Ministry of Health in 2000 and 2005-2006. The general survey questionnaire was completed by 10,757 women aged between 15 and 49, and a sub-sample of women was selected to answer a questionnaire on intimate partner violence, including sexual violence. Within the age group 15-19, 10.8 per cent of those who gave information to the survey said that they had been the victims of sexual violence at the hands of an intimate partner.²⁴ There is virtually no comprehensive information available on sexual violence against girls under 15.



I was 15, I went to school, I was the only child in the family who went to school because it was impossible for my mother to support the others too.

One day [I had] an argument with my aunt [and] that evening, she came to my house with three men. They were all armed... They kidnapped me, and brought me to another neighbourhood. They beat me up and then they raped me. Afterwards, they explained to me that they shouldn't have raped or beaten me, they should have killed me there. It was a deserted place where no-one went by. I had to beg them to let me go, so they let me leave and I went to find my mother...

For four months after that, I couldn't sleep, I couldn't eat. When I went out, my mother was worried because they were threatening me. They said that if I went and told everything to the police, they'd kill me. My mother didn't have the means to pay for me to see a psychologist, so I had to struggle to get through it on my own...

I made a complaint. It was from then on that they started to threaten me, that if I complained they'd do this and that to me, and to prove to me that they were telling the truth, they set fire to my house...

[At the Caf  teria police station] they said they would do what was necessary but then, nothing happened. Afterwards, one of these men was arrested... but there was no follow-up. About two weeks later, he walked past me in the neighbourhood and said 'you wanted to make me stay in prison, you'll see what I'm going to do to you...', so my mother arranged it so that I could leave the neighbourhood for a while.

[The second time] it happened was two years ago, I was aged 20... A thief came in the house... he raped me. I couldn't yell out because I was on my own in the house with the children... At that time there was a lot of violence in the country and everyone was afraid...

The morning after I came here, I told everything to these women here... they did everything necessary to see that I hadn't been infected. They gave me medicines, medical care. I went to see a psychologist – that helped me... Here I get medical help and moral support; here they don't deal with the police because that won't get you anywhere anyway.

Now my biggest problem is the neighbourhood I live in. In Haiti at the moment, when you've been raped, it's as though you're shunned from society: you shouldn't study; you shouldn't go to the hospital; you should stay in a corner. Being raped, it makes you... a person without rights, a person rejected from society and now, in the neighbourhood I live in, it's as though I am raped every day because every day someone reminds me that I've been raped and that I am nothing, that I should put myself in a corner, that I shouldn't speak, I should say nothing."

Rose, interviewed by Amnesty International in March 2008



GIRLS AT RISK

Girls in Haiti are at risk of sexual violence. The 2006 UN Secretary-General's In-depth study on all forms of violence against women noted that public health researchers had identified a range of factors that put girls and women at risk of violence. Researchers concluded that these factors operate at different levels: that of the individual, family, community, society and state. They include:

- At the level of the individual: youth; a history of abuse as a child, low educational or economic status, and membership in marginalized and excluded communities.
- At the level of the family: male control of wealth and decision-making authority within the family, and significant interpersonal disparities in economic, educational or employment status.
- At the level of the community: women's isolation and lack of social support, community attitudes that tolerate and legitimize male violence, and high levels of social and economic disempowerment, including poverty.
- At the level of society: gender roles that entrench male dominance and female subordination, and tolerance of violence as a means of conflict resolution.
- At the level of the state: inadequate laws and policies for the prevention and punishment of violence; and limited awareness and sensitivity on the part of law enforcement officials, courts and social service providers.

A girl standing in a corridor between two classrooms in a rural school in Lavanneau, Haiti.

The study goes on to note that these analyses “point to power disparities based on discrimination and inequalities as the underlying determinants of violence against women” and that a number of these risk factors “are tied to human rights violations. For example, girls face violations of a range of rights guaranteed by the Convention on the Rights of the Child. Some of these violations constitute forms of violence and others increase the risk of violence.”²⁵

What evidence is available on sexual violence in Haiti suggests that few cases of rape are reported to the police and fewer still proceed to prosecution. As with other forms of violence against women and girls, victims of rape in Haiti are often unwilling to report the crime, largely due to shame, fear and social attitudes that tolerate and legitimize male violence. In its combined report to the CEDAW Committee, the Haitian government acknowledged that “it is the negative prejudices against women and the pressure from the violence perpetrator or his family, or even pressure from the victim’s own family, that stop women from accessing justice for fear of reprisals or because of the scruples to talk about an intimate and humiliating subject.”²⁶ Another major disincentive to reporting is the lack of confidence that girls and women will experience a positive and supportive response from law enforcement officials.

Those seeking to end such abuses face several obstacles. Social attitudes towards victims of sexual violence which blame the victim rather than the rapist deter girls from reporting and ensuring that those

responsible are held to account. Another key factor which allows attackers to get away with their crimes is the fact that violence in the home is generally regarded as belonging in the private sphere and is shielded from outside scrutiny.

In many rural areas the sole representative of the justice system is the justice of the peace. Several support workers for organizations dealing with survivors of sexual violence against girls told Amnesty International that justices of the peace often encourage women and girls who have experienced sexual abuse to accept economic compensation from their attacker or his family. Women’s organizations also reported that it is common in rural areas for girls who become pregnant as a result of sexual violence to be forced to marry their attacker. Justices of the peace are reportedly often involved in brokering this “amicable settlement” between the families of the perpetrator and the victim, justifying this as action designed to preserve the girl’s “honour”.

Dealing with sexual violence as if it were a private matter rather than a crime fails to challenge the discrimination, gender stereotyping and unequal power relations that lead to such abuse. It also helps perpetuate impunity for those responsible for sexual violence.

The following chapter focus on sexual violence in the family and community and how the interplay of these risk factors results in widespread sexual violence against girls and persistent impunity for their attackers.

SEXUAL VIOLENCE IN THE COMMUNITY AND FAMILY

Violence in a number of Haitian communities has grabbed the headlines in the national and international press in the recent years. Against a background of kidnappings, criminal violence, gang warfare and violent armed confrontation with forces from the UN Stabilization Mission in Haiti (MINUSTAH), the number of reported cases of sexual violence against women and girls in the community has soared.

Although there is clear evidence of a rise in reports, the true extent of the violence is hard to assess. In part this is the result of persistent attitudes among officials and society in general that the victim is to blame – because she was in the wrong place at the wrong time, wore the wrong clothes or said the wrong thing. In this climate, it is not surprising that sexual violence remains an issue of deep shame for victims and their families.

A 16-year-old girl receiving treatment from MSF in November 2007 told clinic staff how she had been raped by a family friend and described the devastating consequences of an unwanted pregnancy in a society which continues to blame and ostracize victims of rape: “I resisted, then he punched me, threw things at me, and threatened me with a gun... I was exhausted and scared, so he raped me... Later I found out that I have become pregnant... I suffer a lot in my body. I’m not going to the police because I’m afraid he’ll take revenge or even kill me; he showed his gun when he raped me... My father used to give me some money to buy food, but now he refuses to see me because my big belly makes him feel ashamed in front of his friends. My mother even asks me to pay for my food, my sister tells me to get water by myself. Last week I was sick, my mother took me to MSF but

‘I suffer a lot in my body. I’m not going to the police because I’m afraid he’ll take revenge or even kill me; he showed his gun when he raped me...’

16-year-old girl receiving treatment from MSF, November 2007

she asked me to pay her back the transport money... I’m so sad. How could I possibly take care of the baby when it’s born?”²⁷

Children usually do not have the capacity to defend themselves against sexual violence and often lack the necessary resources to report it. Where family members perpetrate or collude in the sexual violence that girls experience, violence in the family can be difficult to detect without appropriate professional support and intervention from adequately trained and resourced child support workers. The failure to provide support means that many survivors are forced to suffer in silence.

Drawings by children from Martissant, an area of Port-au-Prince with high levels of armed and sexual violence by various gangs.

Handwritten text at bottom reads: ‘Why don’t we open schools for every child in society be able to go to school, teach them classes for the country future!!!’





Children taking part in a community mapping session with Amnesty International, Port-au-Prince, Haiti.

Violence in the family often remains hidden. The reasons why survivors find it difficult to report violence in the home and why societies find it so hard to acknowledge and take steps to end it are complex. However, the result of this failure to acknowledge and address the problem is a social climate in which violence in the family is seen as normal, unimportant or inevitable.

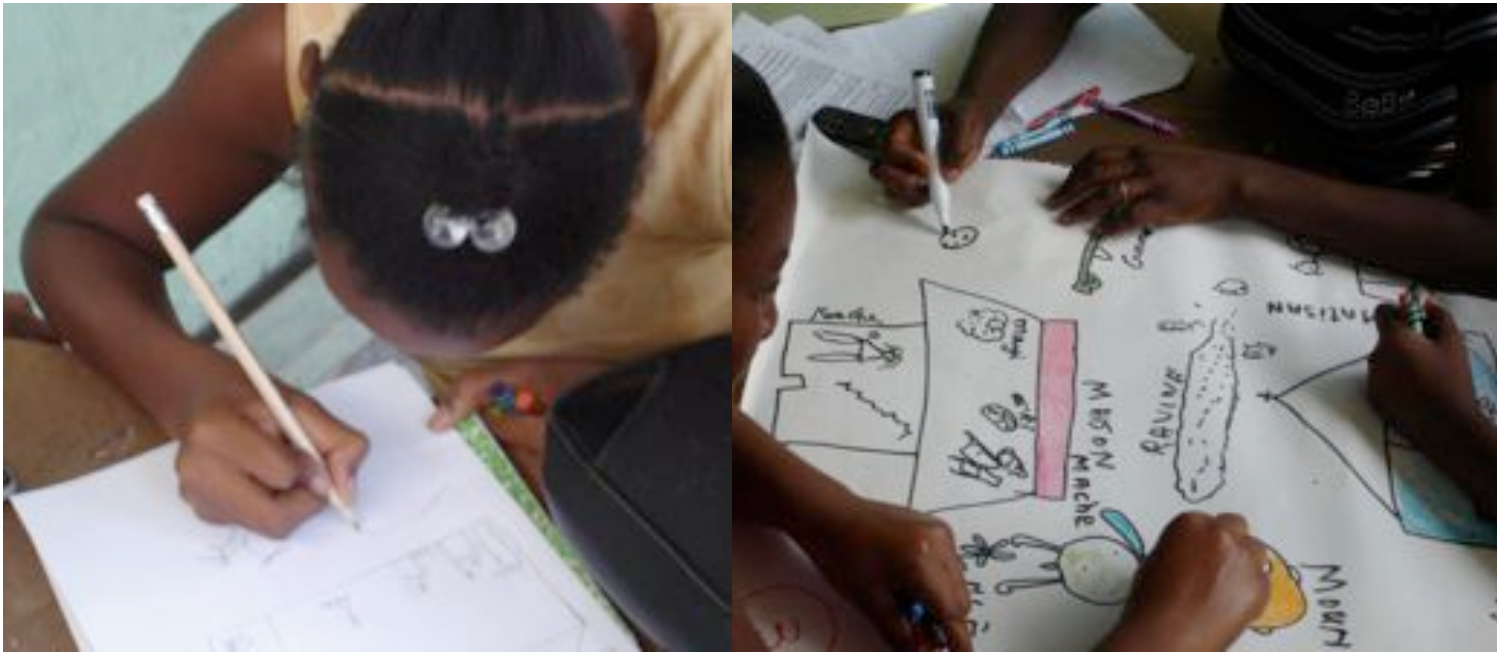
The long-term health consequences, physical and psychological, of violence in the family can be debilitating.

"We must bring the issue of domestic violence out into the open, examine it as we would the causes of any other preventable health problem, and apply the best remedies available."

LEE Jong-Wook, former Director-General, World Health Organization ²⁸

The social consequences can also be far-reaching and facilitate further human rights violations. For example, sexual violence against girls is a human rights violation that can lead to violations of girls' right to education. Sonia was raped when she was eight year's old. She told Amnesty International: "I was going to school but I left after I came here [to the shelter] because my father raped me. I was in first year. I loved copying the lessons, writing. When I grow up I would like to be a doctor." Sonia left formal school after the rape. However, she is one of the more fortunate survivors. She found refuge in a shelter for girls who experience sexual violence and the organization that runs the shelter has ensured that she is able to receive an education. For many girls, however, sexual violence also means the end of their education.

Education is a vital part of enabling people to improve their life chances and their opportunities for a decent income and standard of living. While there is no available data on violence in schools themselves, the prevailing levels of sexual violence against girls in society strongly suggest that this may also be a factor



limiting girls' access to education. Those working with girl survivors of sexual violence certainly believe this to be the case. Gender-based abuses that have the effect of denying girls their right to education – including sexual violence – can only serve to reinforce discrimination, inequality and poverty.

Régina, a 15-year-old girl living in a shelter for girl victims of sexual violence, told Amnesty International how at the age of 10, like thousands of young girls, she began working as a domestic servant. She eventually ran away because she could no longer stand the beatings and stayed for four years at the Foyer Maurice Sixto, a shelter for former child domestic workers, where she was able to continue her education. When she turned 14, she was reunited with her mother who was then living with a new partner and his son. Régina continued to attend school for some time until her mother's partner refused to pay the fees any longer. In June 2006, Régina left home after being raped by her 17-year-old stepbrother. She became pregnant as a result. She returned to Foyer Maurice Sixto before arriving at the shelter. In February 2007, she gave birth

'I was going to school but I left after I came here [to the shelter] because my father raped me. I was in first year. I loved copying the lessons, writing. When I grow up I would like to be a doctor.'

Sonia, speaking to Amnesty International about her rape at the age of eight

to a baby girl. Régina said that she hoped to return to school and be able to offer an education to her one-year daughter when she grows up. Organizations like Foyer Maurice Sixto and Limyè Lavi, among others, are providing care and support, including education, and facilitate family reunification for boys and girls who have fled domestic service to escape ill-treatment or

sexual abuse. However, the response of the authorities to this issue has been extremely limited. In its first periodic report to the Committee on the Rights of the Child published in 2000, the Haitian government acknowledged that the practice of child domestic service “tends rather to trap children in a situation where they have no rights and are subjected to inhumane treatment, without regard to health, education or personal development”.²⁹

Those who sexually abuse girls often threaten their victims with further violence unless they keep silent. Some of those who spoke to Amnesty International said their attackers had threatened to kill them if they spoke to anyone about their ordeal. In many cases girls were threatened with the withdrawal of economic support, for example the money to cover school fees, unless they kept the sexual violence and abuse quiet. The fact that most households in Haiti are living in conditions of extreme poverty, exacerbates the risk of sexual exploitation and the danger that it will remain unpunished.

Poverty and marginalization play an important role in putting girls at risk of sexual exploitation. Official indifference, inaction and sometimes abuse help ensure that these crimes continue with impunity. Laure, a young woman living in a shelter for victims of sexual violence, told Amnesty International that at 16 she was coerced into having sex by the owner of the flat where she, her mother and sister were living to stop him evicting them. “He told me never to tell my mother about it. On occasions when I didn’t want to [have sex with him] he would pull out his gun and force me to do it. He promised me that not only he would let us live in the

house but also that he would pay my school fees and my sister’s... I decided to tell my mother... My mother went to [Pétion-Ville] police station to lodge a complaint and to Kay Fanm. But nothing happened to the landlord. It is not easy to arrest a drug dealer. Afterwards, [my mother went to see a police officer she knew], she explained to him what happened. He came to our house and said he would see what he could do... My mother and I had just left a cybercafé when we met the police officer and a friend of his on the road. They beat up my mother and the police officer raped me.”

‘I am not able to go to the police because I am really frightened. The attackers really pressured me not to report them although I didn’t know them... this is all so humiliating... I had to stay quiet’.

Stephanie, speaking to Amnesty International about her rape during carnival in February 2007

In the past few years, women’s organizations and health workers have reported a high incidence of rapes involving several men. These reports indicate that girls are at heightened risk of rape by armed gangs during the carnival period. Girls told Amnesty International how they were raped by members of armed gangs in front of onlookers who did not dare to intervene.



Two hundred girls and women sought treatment for rape at the Jude Anne Hospital in Port-au-Prince between March 2006 and December 2007. Many were from the poorest parts of Port-au-Prince. Approximately 20 per cent of them had become pregnant as a result of the rape.³⁰

Stéphanie was raped during the Carnival in February 2007 as she was on her way home. She had been working in domestic service in Port-au-Prince since she was 12, but she was not paid for this work – she only received food and lodging – so she funded her education by selling goods in the street. She was returning home with her merchandise and a day's earnings from her trading when she was attacked by three men wearing balaclavas and raped at gunpoint. Passers-by saw the attack but did not intervene.

She told Amnesty International, "I am not able to go to the police because I am really frightened. The attackers really pressured me not to report them although I didn't know them... this is all so humiliating... I had to stay quiet". The only people

Children who took part in a community drawing session with Amnesty International delegates.

Stéphanie felt able to tell about the attack were support workers with a women's organization providing support and health care for victims of rape.

During the attack, all Stéphanie's goods and money were stolen and she had to abandon her education as she could not pay the school fees. She lives in fear of reprisals by her attackers and of the rejection she will face from members of her community should they ever find out.

Everyone has the right to physical integrity and to freedom from discrimination; to the highest attainable standard of physical and mental health; to equality before the law and to take part in public life; and to education. Yet these human rights are being denied to girls like Sonia, Régina, Laure and Stéphanie who are having to cope with the consequences of sexual violence with little if any support from those authorities who have an obligation to protect them.

THE STATE'S RESPONSIBILITIES

“Women cannot enjoy the rights conferred to them by the laws in place. Often, practice has precedence over the law. In general, societal practices perpetuate discriminatory behaviours towards women.”

Haiti's Ministry of Women's Affairs and Women's Rights, 2006³¹

Haiti has ratified three conventions which provide a legal framework and a comprehensive set of measures which the state should undertake in order to fulfil girls' human rights:

- The UN Convention on the Elimination of All Forms of Discrimination against Women, which condemns discrimination against women in all its forms and in which states “agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women” (Article 2).
- The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará). This states that every woman has the right to be free from violence in both the public and private spheres (Article 3). States parties have committed themselves to prevent, punish and eradicate such violence (Article 7).
- The UN Convention on the Rights of the Child, which calls on states parties to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse”. It also sets out what measures should

be taken to ensure children are protected. These include: “effective procedures for the establishment of social programmes to provide necessary support for the child” and “for identification, reporting, referral, investigation, treatment... and, as appropriate, for judicial involvement.” (Article 19)

International law obliges governments to use their power to respect, protect and fulfil human rights.³² This includes not only ensuring that their own officials comply with human rights standards, but also acting with “due diligence” to address abuses committed by private individuals (non-state actors).

States are required to make sure that the rights recognized under international human rights law are made a reality in practice. The concept of due diligence describes the degree of effort which a state must undertake to implement rights. The principle of due diligence includes obligations to prevent human rights violations, investigate and punish them when they occur, and provide compensation and support services for victims.³³ The standard of due diligence is applied in order to assess whether states have carried out these obligations.

When states know, or ought to know, about violations of human rights and fail to take appropriate steps to prevent them, they, as well as the perpetrators, bear responsibility.

It is important to emphasize that state responsibility to exercise due diligence does not in any way lessen the criminal responsibility of those who carry out acts of violence. However, the state also bears a responsibility

if it fails to prevent or investigate and address the crime appropriately. In addition, when a state fails to act with sufficient diligence in responding to violence against women – by using the criminal justice system and providing reparation – this often violates women's right to equality before the law.

International human rights law imposes certain obligations on the Haitian state, the most obvious being to bring its own legislation into line with the treaties it has ratified and to ensure that its officials respect all human rights.

The CEDAW Committee in its General Recommendation No.19, stresses the obligation of states parties to address violence against women and girls. It makes clear that violence in the family is not a private issue. It states that, regardless of where the violence takes place or who the perpetrator is, the state must prevent, investigate and punish all forms of gender-based violence, protecting the victims and enabling them to access redress and reparation.

The measures that Haiti must adopt in order to meet the standard of due diligence include: enacting legislation against and criminalizing various forms of gender-based violence; training state personnel; putting in place practical policies and mechanisms to protect women and girls' rights; and ensuring that legal mechanisms are accessible to women and girls who have experienced violence and that such mechanisms are appropriate to their needs.

The Haitian government has endorsed the 1995 Beijing Declaration and Platform For Action. This



With high unemployment rates, street trading is one of the strategies adopted by many women to survive economic hardship, Port -au-Prince, Haiti.

committed the government to promote the advancement of women, including by eliminating discrimination and combating family and sexual violence.

In March 2008, the Haitian government presented to the CEDAW Committee its initial and second to seventh combined reports. The reports highlight the steps undertaken to promote and protect women's rights and duly note the shortcomings and areas where state weaknesses continue to be detrimental to the rights of women and girls.

NATIONAL INITIATIVES

In 2005, a National Plan to Combat Violence Against Women 2006-2011 was adopted in a joint initiative by the Haitian government, civil society and international development institutions, and all members of the National Round Table on the Prevention of Violence against Women (National Round Table).³⁴ The document set out a national strategy for fighting violence against women and listed activities which would be undertaken in order to:

- establish a system to collect quantitative data on violence against women;
- reinforce and increase support services available to victims through different institutions;
- prevent violence against women and campaign for a co-ordinated national response;
- strengthen the capacity of public institutions to fulfil their role in the National Plan to Fight Violence Against Women by establishing strong partnerships with women's organizations and other NGOs.³⁵

The work done by the Ministry of Women's Affairs and Women's Rights, and the National Round Table has been vital in raising awareness of gender-based discrimination and sexual violence against women. The Ministry of Women's Affairs and the Ministry of Education are undertaking a joint review of educational material with a view to eradicating gender-based stereotypes and other forms of discrimination against women and girls within the Haitian education system.

The Ministry of Social Affairs, through the Research and Social Welfare Institute (Institut du Bien-Être Social et de Recherches, IBESR) is one of the main bodies responsible for protecting children from disadvantaged backgrounds and supporting their families through their agents and a network of 200 social workers. However, the IBESR and its Minors' Protection Service is barely functional and its presence is limited to the three main cities – Port-au-Prince, Gonaïves and Cap-Haitian.

Reports from women's organizations suggest that discriminatory attitudes are prevalent among police officers. The police are, in general, inadequately trained to handle complaints from women and girls who allege that they have been the victims of rape and other forms of sexual violence. This lack of training on how to assess and respond to victims dealing with the psychological impact of sexual violence can result in cases not being dealt with appropriately and in the further victimization of survivors. Some steps have been taken to develop a protocol to assist women and girl victims of violence when they go to police stations to report the crime. At the time of writing, the National Round Table was working with the Haitian National Police on a pilot project in two police stations to implement special procedures for responding to women and girls victims of violence. This is a welcome initiative, although it is still too early to assess its impact.

Haiti lacks a specific law prohibiting violence against women. Existing legislation on violence does not take into consideration the relationship between the victim and the aggressor and the relations of power between them. Furthermore, some forms of violence against women, like psychological violence, are not explicitly prohibited in law.



**A schoolgirl copies homework from the board,
Port-au-Prince, Haiti.**

In July 2005, the transitional government adopted a decree introducing minor but significant changes to Haiti's 1835 Penal Code. The Haitian press widely reported the government's intention to modify some articles of the Penal Code relating to rape in order to afford women and girls greater protection from sexual violence. However, despite the entry into force of the decree,³⁶ the government has yet to establish a legal framework and a national policy to protect women and girls from all forms of violence. Haiti remains the only country in the Americas that has not enacted specific legislation to protect women and girls from domestic violence and one of the few without specific legislation on sexual violence.³⁷

Violence in the family continues to be dealt with under general laws against assault and battery, depending on the circumstances of the attack and the degree of injury of the victim. Pending the introduction of specific legislation, existing laws should be applied consistently in cases where girls and women are the victims, particularly in cases involving violence in the family.

The law prohibits rape but does not explicitly address marital rape or incest, although these account for a great many of the cases of sexual violence in the home which are reported to women's organizations. Penalties for rape range from 10 years' forced labour to 15 years' forced labour if the victim is under 16 years of age. If the person committing the rape has some authority over the victim, the Penal Code provides for a life sentence with forced labour.

Inadequate existing legislation and slow or inappropriate responses by police are failing to provide survivors with meaningful access to justice. Women's groups report that police and social services are often reluctant to intervene in what they term domestic matters, even where severe violence or abuse is suspected. However, some positive interventions have

been implemented in collaboration with international agencies, including some police training and the establishment of two special police units for women and children victims of domestic violence.

Children's rights remain a largely uncharted area in Haiti. Although Haiti ratified the Convention on the Rights of the Child in 1995, little has been done to raise public awareness of the Convention or to increase understanding among lawmakers and the authorities in general of the rights it guarantees. Thanks to the efforts of the UN Children's fund (UNICEF) and the Haitian Coalition for the Defence of the Rights of the Child (Coalition Haïtienne pour la Défense des Droits de l'Enfant, COHADDE), the Convention has been translated into Creole, an official language in Haiti.³⁸ However, no legislation has been enacted to incorporate the Convention's provisions into national law.

Since 1997, the authorities have been discussing the introduction of a children's code which would provide protection to Haitian children, and particularly to those in domestic service. At the time of this writing no such code had been agreed.

The Haitian Constitution (Article 276-2) grants international treaties ratified by Haiti the same status as national legislation. In addition, it provides for the abrogation of all laws which are in conflict with the provisions of these international treaties. Under the Constitution, therefore, the provisions of international treaties can be invoked in the national courts.

One of the main structural reasons behind the

persistent gap between what the legislation promises and what girls actually experience is the failure to address persistent and entrenched problems in the criminal justice system. This is especially true for women and girls in deprived urban areas or rural communities where for most access to justice remains unaffordable. Without the active support of women's organizations, victims and survivors of sexual violence, would obtain justice and redress only in the most exceptional cases. The structural and systemic shortcomings of the Haitian justice system have been well documented elsewhere and fall outside the scope of this report.³⁹ It is important to note, however, that some have the effect of directly preventing women and girls from accessing justice.

With the notable exception of the Ministry of Women's Affairs and Women's Rights, the authorities have shown a lack of political will to convert the provisions of international law – notably CEDAW, the Convention of Belém do Pará and the Convention on the Rights of the Child – into real protection for girls and women. The government of Haiti is well aware of this failure. For example, Haiti's combined reports to CEDAW note that judges presiding over courts where cases of sexual violence are being judged had limited knowledge of these treaties or of Haiti's obligations under them.

CONCLUSION

Amnesty International recognizes that the Haitian authorities continue to face serious and long-standing difficulties. The international community has also acknowledged the daunting challenges posed by the ongoing public security crisis, a succession of humanitarian disasters, as well as decades of entrenched poverty and marginalization, and the need to support initiatives to confront them. However, these important concerns cannot be allowed to drown out the needs of Haitian girls and the obligation to safeguard their human rights.

The voices of too many women and girl victims of sexual violence remain unheard in Haiti. However, more and more survivors are surmounting the many obstacles they face and coming forward to tell their stories, often risking rejection in their communities for doing so. Women's rights organizations are playing a crucial role in providing care and support to survivors of rape and other forms of gender-based violence. Their efforts stand in marked contrast to the failure of the state to fulfil its obligation to provide victims with shelter and protection, and to ensure that survivors have access to justice through a legal and judicial process that understands and meets their needs.

This report shows that despite recent efforts to develop a protocol for the care and support of victims, the authorities' response to sexual violence against girls remains inadequate. The precise scale of the failure to protect girls remains unknown, but what information is available suggests a crisis affecting the lives of whole generations of girls and women.

Lack of confidence in the police and the justice system must be addressed to enable girls to rely on these institutions when seeking protection and redress. Discrimination and a lack of understanding among many state officials that sexual violence against girls is a serious violation of human rights are also barriers to justice and protection that need to be addressed urgently.

Amnesty International is urging the Haitian authorities to take all necessary steps to fulfil their obligations under regional and international human rights law and to enable the National Plan to Combat Violence Against Women to be implemented effectively.

Amnesty International welcomes the submission in March 2008 of the initial and second to seventh combined reports to the CEDAW Committee, an important first step towards the effective application of the Convention. It is now vital that the shortcomings the Haitian government has acknowledged in its reports are addressed with strong leadership, political commitment and adequate resources.

RECOMMENDATIONS

Amnesty International urges the Haitian authorities, as a matter of urgency, to implement the National Plan to Combat Violence Against Women. In particular, it calls for measures to address the special needs of girls who are victims of sexual violence and for the following elements of the National Plan to be prioritized in order to put an end to the continuing scandal of sexual violence against girls in Haiti.

- Ensure that measures and programmes to prevent sexual violence are implemented at the national and local levels.
- Collect comprehensive data across Haiti to systematically measure the nature and extent of violence against women and girls and make the results public in both official languages.
- Investigate and prosecute all complaints of sexual violence.
- Ensure that judicial authorities are adequately trained in the provisions and application of international and regional human rights treaties which are binding on Haiti and have force of law in Haitian courts.

- Ensure that the police provide a safe and confidential environment for women and girls to report sexual violence, that there is mandatory registration of all complaints of violence against women and girls, and that all such complaints are promptly, impartially and effectively investigated.
- Provide public legal assistance to victims and survivors of rape and other forms of sexual violence.
- Develop educational materials aimed at challenging discrimination and ending violence against girls and incorporate them into curriculums at all levels of the educational system.

Amnesty International calls on the international community to take steps to assist the Haitian authorities in prioritizing the implementation of the National Plan to Combat Violence Against Women and in particular those elements that will help end sexual violence against girls.

right: A girl in Port-au-Prince, Haiti, wearing one of the badges made by a South African women's project for Amnesty International's Stop Violence Against Women campaign.



END NOTES

- 1 See for example: Kay Fanm, *Violence envers les femmes et les jeunes filles, Rapport Bilan 2006*; SOFA, *Rapport Bilan I, II, III, IV, V, VI and VII* documenting, among others, cases of sexual violence against girls between January 2003 and June 2008; and Athena R. Kolbe and Royce A. Houston, "Human rights abuse and other criminal violations in Port-au-Prince, Haiti: a random survey of households", *The Lancet*, 2006, Volume 368.
- 2 Inter-American Commission on Human Rights, Annual Report 2007, Chapter IV, Haiti, para52.
- 3 UN Office for the Coordination of Humanitarian Affairs (OCHA), *Situation report #9, Haiti: Tropical Storm Hanna, Gustav, Ike update*, 11 September 2008, p1, <http://ochaonline.un.org/haiti/Rapportsdesituation/OCHARapportsdesituationHaitisaisoncyclonique/tabid/4923/language/fr-FR/Default.aspx>, visited 15 October 2008.
- 4 Commission Nationale de Vérité et Justice, *Si M Pa Rele (If I don't cry out)*, Port-au-Prince, 1996.
- 5 "The incidence of violence against women in armed conflict, particularly sexual violence including rape, has been increasingly acknowledged and documented. Violence against women has been reported from conflict or post-conflict situations in many countries or areas." In-depth study on all forms of violence against women, Report of the Secretary-General, 2006, p53, <http://daccessdds.un.org/doc/UNDOC/GEN/N06/419/74/PDF/N0641974.pdf?OpenElement>, visited 26 September 2008.
- 6 Special Rapporteur on violence against women, its causes and consequences, Report on the mission to Haiti (1999), 27 January 2000, para7, UN Doc. E/CN.4/2000/68/Add.3.
- 7 Special Rapporteur on violence against women, its causes and consequences, Report on the mission to Haiti (1999), 27 January 2000, para38, UN Doc. E/CN.4/2000/68/Add.3.
- 8 Athena R. Kolbe and Royce A. Houston, "Human rights abuse and other criminal violations in Port-au-Prince, Haiti: a random survey of households", *The Lancet*, 2006, Volume 368, p868. The high number represents crude rates for the 22-month period based on a sample of 1,260 households in the Port-au-Prince area. Crude rates are used to measure the incidence of an event over a period of time and are estimated for a population of 100,000. In this case, 3.1 per cent of women respondents to the survey asserted having been victims of sexual violence. To estimate the total number of victims in the surveyed area, the researchers applied crude rates to the estimated population of the greater Port-au-Prince area in 2003 (2,121,000). Crude rates were calculated as follows: number of incidents/number of person-months lived in house-hold \times 12 \times 100,000.
- 9 Special Rapporteur on violence against women, its causes and consequences, *Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women. Intersections of Violence Against Women And HIV/AIDS*, 2005, para14, UN Doc. E/CN.4/2005/72, <http://www2.ohchr.org/english/issues/women/rapporteur/annual.htm>
- 10 According to UN Development Programme (UNDP) Human Development Country reports from 2002 and 2006, the distribution of income in Haiti became more unequal with a variation in the Gini coefficient from 0.50 to 0.65. Inequality of income distribution within a country or a region is most often measured by the Gini coefficient which varies from 0 indicating perfect equality to 1, which implies absolute inequality. Haiti's Gini coefficient oscillates around 0.65, with an average of 0.5 for Latin America. The second most unequal country in the Americas is Brazil with a Gini coefficient of 0.56 (2004).
- 11 International Monetary Fund (IMF), *Haiti: Interim Poverty Reduction Strategy Paper*, IMF Country Report No. 06/411, November 2006, p11, based on Survey on Living Conditions in Haiti conducted in 2001.
- 12 UNDP, *La vulnérabilité en Haïti: Chemin inévitable vers la pauvreté? Rapport national sur le développement humain – Haïti*, September 2004, p10, http://hdr.undp.org/en/reports/nationalreports/latinamericathecaribbean/haiti/haiti_2006_fr.pdf, visited 5 July 2008.
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14 Médecins Sans Frontières, *MSF Briefing Paper, A perilous journey: The obstacles to safe delivery for vulnerable women in Port-au-Prince*, May 2008, p19, http://www.msf.ca/fileadmin/documents/publications/MSF_HaitiReport_ENG_R3.pdf, visited 7 July 2008.

15 Médecins Sans Frontières, *Haiti: Emergency Obstetrics in MSF's Jude Anne hospital*, <http://www.msf.org.au/stories/twfeature/2006/132-twf.shtml>, visited 7 July 2008.

16 Haitian Penal Code, Art. 262. «Quiconque, par aliments, breuvages, médicaments, violence, ou par tout autre moyen, aura procuré l'avortement d'une femme enceinte, soit qu'elle y ait consenti ou non, sera puni de la réclusion. La même peine sera prononcée contre la femme qui se sera procuré l'avortement à elle-même, ou qui aura consenti à faire usage des moyens à elle indiqués ou administrés à cet effet, si l'avortement en est suivi. Les médecins, chirurgiens et les autres officiers de santé, ainsi que les pharmaciens qui auront indiqué ou administré ces moyens, seront condamnés à la peine des travaux forcés à temps, dans le cas où l'avortement aurait eu lieu.»

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19 Committee on the Elimination of Discrimination against Women, General Recommendation No. 19, (Eleventh Session, 1992), para24(c), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, UN Doc. HRI/GEN/1/Rev.1 at 84.

20 UN Declaration on the Elimination of Violence against Women, Article 4(k), UN Doc. A/RES/48/104, and Beijing Platform for Action, para130.

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23 Kay Fanm, *Violence envers les femmes et les jeunes filles, Rapport Bilan 2006*.

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27 Médecins Sans Frontières. *MSF Briefing Paper, A perilous journey: The obstacles to safe delivery for vulnerable women in Port-au-Prince*, May 2008, p11.

28 World Health Organization, *WHO multi-country study on women's health and domestic violence against women: summary report of initial results on prevalence, health outcomes and women's responses*, 2005, p.vi.

29 Committee on the Rights of the Child, Initial reports of State parties due in 1997, Haiti, 21 June 2002, para52, UN Doc. CRC/C/51/Add.7.

- 30** Médecins Sans Frontières. *MSF Briefing Paper, A perilous journey: The obstacles to safe delivery for vulnerable women in Port-au-Prince*, May 2008.
- 31** Ministère à la Condition Féminine et aux Droits des Femmes, *Les termes de la problématique de genre en Haïti. Éléments de la condition et des situations des femmes en Haïti*, 2006, p8. http://www.mcfdf.gouv.ht/pdf/condition_feminine.pdf, visited 11 July 2008.
- 32** See, for example, Article 2 of the International Covenant on Civil and Political Rights.
- 33** See, for example, General Comment 31 of the Human Rights Committee, the expert committee that monitors states' implementation of the International Covenant on Civil and Political Rights. See also, Committee on the Elimination of Discrimination against Women, General Comment No.19.
- 34** The Round Table is made up of government representatives (the Ministry of Women Affairs and Women's Rights, the Ministry of Justice and Public Security, and the Ministry of Population and Public Health); NGOs (the National Co-ordination for the advocacy for women's rights (CONAP); the Unit of Research and Medico-legal Action (URAMEL); the Haitian Research Group on Kaposi Sarcoma and Opportunistic Infections (Groupe Haïtien d'Études du Sarcome de Kaposi et des Infections Opportunistes, GHESKIO); Objective Zero Aids (Promoteurs Objectif ZéroSida, POZ); Haïti Solidarité Internationale; and Médecins du Monde, France); and international development agencies (the UN Population Fund (UNFPA), the UN Children's Fund (UNICEF), the UN Development Fund for Women (UNIFEM), the Pan-American Health Organization (PAHO), the World Health Organization (WHO), MINUSTAH, and CGF/Fods Kore Fanm).
- 35** Concertation Nationale contre les violences faites aux femmes, Plan National de Lutte Contre les Violences faites aux Femmes en Haïti; Prévention, Prise en Charge et Accompagnement des Victimes de Violence Spécifiques Faites aux Femmes, 2006-2011, p15.
- 36** Décret modifiant le Régime des Agressions Sexuelles et Éliminant en la Matière les Discriminations Contre la Femme dans le Code Pénal. In the absence of a parliament during the transitional government (2004-2006), the Decree was adopted by the Council of Ministers on 6 July 2005 and entered into force on 11 August 2005 upon publication in *Le Moniteur*, 160th year, No.60.
- 37** Inter-American Commission of Women. See: <http://www.oas.org/CIM/english/LawsViolence.htm>, visited 11 July 2008.
- 38** COHADDE, *Rapport Alternatif au Comité des Droits de l'Enfant*, 1 février 2002.
- 39** See for example: Amnesty International, *Haiti: Open letter to the President of the Republic of Haiti, René Garcia Préval regarding Amnesty International's recommendations for the protection and promotion of human rights* (Index: AMR 36/011/2006); Inter-American Commission on Human Rights, *Haiti: Failed Justice or the Rule of Law? Challenges Ahead for Haiti and the International Community*, 2005 (OEA Ser.LN/II.123); International Crisis Group, *Haiti: Justice Reform and the Security Crisis*. Policy Briefing Latin America/Caribbean Briefing N°14, Port-au-Prince/Brussels, 31 January 2007; UN Independent expert on Haiti, *Situation of human rights in Haiti, Report prepared by the independent expert, Louis Joinet*, 24 January 2006, UN Doc.E/CN.4/2006/115.



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DON'T TURN YOUR BACK ON GIRLS

SEXUAL VIOLENCE AGAINST GIRLS IN HAITI

Sexual violence against girls in Haiti is pervasive and widespread. Recent studies have suggested that more than half of reported rapes involve girls aged under 18. Rapes by groups of armed men remain prevalent and the marked rise in the number of rapes during the period of carnival is also deeply disturbing. The authorities have taken steps in recent years to address violence against women and girls. However, despite such initiatives, the Haitian government is a long way from fulfilling its obligations to protect girls.

The public security situation in Haiti has been the focus of much international concern and Amnesty International recognizes the serious and long-standing difficulties facing the Haitian authorities. Strengthening development, good governance and the rule of law in Haiti are important priorities. However, there can be no security if a large section of the population is prevented from participating fully in their community by the threat or consequences of violence.

This report focuses on sexual violence in the family and community – the places where most violence against women and girls take place. At its heart are the experiences of girls who spoke to Amnesty International, describing the consequences of rape for their health, their place in society and their futures.

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom

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STOP VIOLENCE
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