

Republic of Haiti

**Submission for the
63rd Session of the United Nations Committee on the Elimination of All Forms of
Discrimination against Women, February 25, 2016**
*Review of Haiti's Report under the Convention on the Elimination of All Forms of
Discrimination against Women*

Gender Issues Facing Women and Girls

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Li, Li, Li! Read

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I. EXECUTIVE SUMMARY

1. This report considers and informs on the real situation of women's rights under the Convention of the Elimination of Discrimination against Women (CEDAW) focusing on particular issues in Haiti. The report addresses the following issues: low representation of women in political life, including the 2015 elections (Article 7); sexual harassment and other derogatory treatment in work (Article 11); the disproportionate impact of cholera on women (Article 12); and problems facing rural women (Article 14).

2. The Government of Haiti's (Government) responses and measures to address these issues have been examined. In some areas, measures the Government has taken represent progress and are welcome, such as female literacy interventions and a 2012 constitutional amendment that mandated that 30 percent of elected offices be held by women. But in general, the Government's efforts fall short of meeting their obligations under CEDAW.

3. The Government's lack of advancement of women's rights is a result of a combination of cultural and political factors, among others. Culturally, Haiti, like most countries, has a long history of patriarchy and discrimination against women in the home, in government, at work, and in the courts. Haitian society retains a strong patriarchal structure handed down from the slave era, reinforced by conservative Christianity and rural traditions. As a result, Haitian women continue to have a disadvantaged and unequal position compared to men in the economic, education, health, justice, labor, and decision-making sectors.¹

4. Long-overdue elections and political instability has hindered the capacity and the will of the Government to form and enact long-term policies to advance human rights. A series of unconstitutional electoral councils appointed by President Michel Martelly delayed 2011 and 2013 midterm elections, leaving a senate in 2012 with only two-thirds of its seats. The situation deteriorated in January 2015, when all but 10 of the remaining legislators' terms expired, leaving Parliament inoperable.² These vacancies allowed the Executive Branch to govern with minimal to no legislative oversight for most of President Martelly's term. Law and order and enforcement of civil liberties and human rights were all but ignored in 2015, as August and October elections took the center stage.

5. The political situation in Haiti remains critical. Haitians have taken to the streets in recent months to demand an independent review of allegations of widespread fraud in the August and October 2015 legislative and presidential elections. As a result, the presidential run-off elections scheduled for December 2015 were postponed. As of the submission of this report, run-off elections (postponed since December 2015) are scheduled for January 24, but the opposition candidate refuses to participate and demands that the Government postpone the elections until March 2016 to give the country time to plan free and fair elections.³

6. This political instability does not excuse the Government's duty under CEDAW to advance the rights of women and girls. Haitians are hopeful that the crisis will be resolved in the next few years, and that new leadership will take office in 2016 through free and fair elections. Unfortunately women will be severely underrepresented in the

new government. Elections results so far indicate that Haiti faces a term with no female senators and only four percent women in the Chamber of Deputies.

7. This report recommends that the new Government take the following overarching measures to improve the dire situation of women's social and economic rights and political participation: consult with and provide organizational and financial support to women's groups, implement awareness raising and educational measures on women's rights, increase transparency, and disseminate information about current interventions and mechanisms available to women.

8. The Government should also take measures to increase the representation of women in Haitian political life and public institutions. The participation of women in the recent elections should be examined and improvements to the processes and mechanisms to increase participation and representation should be made.

9. To combat the pervasive problem of workplace sexual harassment, the government should implement legislative measures, information gathering initiatives and targeted interventions in the public and private sector particularly targeting the manufacturing and domestic workers.

10. Lastly, the Government should acknowledge the disproportionate impact cholera has on women and girls and take measures to eliminate it through strengthening the water, sanitation and health sectors and targeted interventions. The particular problems facing rural women in Haiti should also be acknowledged and taken into account in public policy and government projects.

II. HAITIAN AND INTERNATIONAL LEGAL FRAMEWORK AND PRACTICE

11. Under the Haitian Constitution, international treaties, once ratified, become a part of the legislation of Haiti and abrogate any pre-existing, conflicting laws.⁴ Haiti ratified CEDAW in 1981, and submitted its first report in 2008.⁵ The Constitution provides that Haitians shall be equal before the law, including freedom to exercise their political and civil rights to all Haitians regardless of sex or marital status.⁶ The Constitution also establishes the guarantee of the right to life, health, and respect of the human person for *all citizens without distinction* in conformity with the Universal Declaration of Human Rights (UDHR).⁷

III. IMPLEMENTATION: PROMOTION AND PROTECTION OF HUMAN RIGHTS IN HAITI

A. Article 7, General Recommendation No. 23: Low representation of women in Haitian public institutions and politics, including the 2015 elections

12. Women are underrepresented in Haitian political life and public institutions. The Government is under the obligation to take all appropriate measures to eliminate discrimination against women and ensure they enjoy equality with men in political and public life.”⁸ Political and public life includes the exercise of legislative, judicial, executive and administrative powers and covers all aspects of public administration.⁹

13. Women are drastically underrepresented at all levels of government, including in appointed and elected positions. In 2014, the UN Human Rights Committee noted “the

figures are still low as regards the number of women elected or appointed to positions of responsibility, including in the police and in the justice system.”¹⁰

14. As the Government noted in its response to CEDAW’s list of issues (Government’s response), there are few women in judicial office. While it is encouraging that the Superior Council of the Judiciary “in charge of certain nominations, includes members of human rights organizations aware of this issue” the Superior Council needs to publicly commit to ensuring more equal representation and appoint more female judges.¹¹

15. The problem is equally pervasive for elected offices. In the 2010 elections, only one female senator and four female deputies were elected, putting female representation in parliament at less than four percent.¹² Haiti has never had an elected female President, although a female President was temporarily appointed in 1990-1991.

16. As noted in the CEDAW’s list of issues, paragraph 10, a constitutional amendment in 2012 mandated that 30 percent of elected offices be held by women, a welcome step forward. Yet female representatives continue to make up a small fraction of elected officials in the Government. The Government has taken some positive measures to implement the constitutional requirement, establishing the same 30 percent quota in the 2015 Electoral Decree governing the procedures for valid elections. According to the Decree, political parties were required to submit candidate lists in which women made up 30 percent of the names.¹³ Incentives were in place to encourage political parties to meet the minimum quotas, including reductions in registration fees for female candidates and increases in state funding for electoral campaigns.¹⁴ The Provisional Electoral Council (CEP) also made efforts to encourage female candidate registration with advocacy videos.¹⁵ The Decree does not dictate what should happen if the quota is not achieved and the CEP has not commented on the fact that during legislative and presidential elections in August and October, 2015, only 4 out of 45 parties complied with the minimum standard of eligibility.¹⁶

17. Despite the initiatives, representation of Haitian women in the 2015-2016 legislative elections is virtually non-existent. Elections have not been completed for all seats, but election results so far indicate that Haiti faces a term with no female senators (making Haiti one of only six countries in the world with no female senators), and only four percent female members in the Chamber of Deputies.¹⁷ In the August and October, 2015 elections, 22 out of 232 senatorial candidates were women (12 percent).¹⁸ Five out of Haiti’s 10 departments had only one female candidate, and one department had no women among its 25 candidates. Of the Chamber of Deputy candidates, 129 out of 1621 were women (8 percent).¹⁹ The official results at the time of the submission of this report indicate that men have won all of the seats contested by women.²⁰ In the presidential election, eight out of 70 presidential candidates were women.

18. Women’s rights group *Solidarite Fanm Ayiti* (SOFA) links the low participation rate of women to their low education levels and low social standing, and to the patriarchal structure of political parties.²¹ Yet the failure to improve women’s participation in government cannot be excused on the basis of sociocultural factors, and SOFA rightly asks, “[c]an we close our eyes to the legal regime for election organization and to the electoral commission in charge of applying the laws?”²² The Government has the obligation both to enact and enforce legal and policy measures that ensure equal

representation, and to combat additional underlying social precepts that may contribute to systemic discrimination.

B. Article 11, General Recommendation No. 19: Sexual harassment and other derogatory treatment of women in work

19. The Government has the obligation under CEDAW to “take all appropriate measures to eliminate discrimination against women in the field of employment.”²³ Gender Recommendation No. 19 clarifies that sexual harassment in the workplace seriously impairs equality in employment; “it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.”²⁴

20. Haitian law does not specifically prohibit sexual harassment.²⁵ A proposed law on gender violence prohibits sexual harassment, but it has not been adopted by Parliament due in part to recent political turmoil.²⁶ The Government, including the Prime Minister, Ministry of Women and Ministry of Justice must support and encourage the prompt passage of this law once the new Parliament is seated in 2016. While it is pending, the Government should take even more care to aggressively pursue other efforts to address sexual harassment in the workplace.

21. SOFA estimated in a March 2015 study that up to 75 percent of workers have been victims of sexual and moral harassment (blackmail, discrimination, pressure, of all kinds). More than 63 percent of them have had sexual relations with their employers or immediate hierarchical superiors to keep their job.²⁷

22. Despite its prevalence, workplace sexual harassment is taboo in Haiti. Victims often suffer the abuse in silence instead of speaking up and risking losing their jobs. The rate of unemployment is over 70 percent of the active population so the risk of losing a job is compounded by the reality that finding another will be extremely difficult. According to SOFA, “cases of disclosed sexual harassment are rare and doubted in places where they are revealed.”²⁸ For example, in December 2014, two journalists and five other employees detailed the sexual harassment of their employer, the director general of the *Radio Télévision nationale d’Haiti* (RTNH) in an open letter to the Ministry of Women. In response, RTNH fired four of the complainants.²⁹

23. Prosecution of work-place violence is rare, especially against assailants with power. In November 2012, Marie-Daneille Bernardin filed rape charges against her boss, one of Haiti’s most powerful officials – Josué Pierre-Louis, who had been the president of the national electoral council at the time. Pierre-Louis, who formerly served as Minister of Justice, Chief Prosecutor of Port-au-Prince trial and appeals courts, and Academic Director of the Magistrate’s Academy, among other public offices, denied the charges. Pierre-Louis was never arrested, even though most rape defendants in Haiti are held without bail, demonstrating his preferential treatment. Even more disturbing, then Minister of Justice, Jean-Renel Sanon visited the investigating magistrate at his home the morning of a hearing on the case. The investigating magistrate reported that Pierre-Louis’s half-brother, who is also a judge, threatened him after he prohibited Pierre-Louis from traveling, in front of many other judges.³⁰ After months of preferential treatment in

favor of Pierre-Louis, harassment by national media, and angry crowds in the court house, Bernardin withdrew the rape charges in 2013.

24. According to the 2014 U.S. State Department report sexual harassment and other derogatory treatment “was a particular problem for female law enforcement officers, who constituted 12 percent of the HNP.” According to the report, “Female police officers reported facing more challenges their male counterparts did not, including coworker gossip, more limited access to training, fewer promotion opportunities and discriminatory administrative policies.”³¹

25. In the manufacturing sector, which employs more than 30,000 workers, the majority of whom are women, women work in extremely difficult conditions for an insufficient salary, without any form of social protection.³² Gender Action revealed in its report on the Caracol Industrial Park that Caracol’s mainly women “apparel assembly workers face tremendous pressure to produce more and more for minimal wages, with instances of verbal and, in one documented case, physical abuse.”³³ Women have been subject to pregnancy tests when hired,³⁴ dismissal if they become pregnant and sexual harassment.³⁵

26. The Government states that “[i]n subcontracting factories in the metropolitan area, the interventions of a woman’s organization combats sexual harassment.”³⁶ More information on these interventions and any support the Government gives women’s organizations in this area would be welcome.

27. According to SOFA, domestic workers “have always lived in a situation of social exclusion in the framework of their work, contrary to constitutional precepts and to international pacts signed and ratified by Haiti.”³⁷ Eleven percent of both domestic and factory worker participants have been sexually harassed at work.³⁸ For most of the women, this harassment took place regularly and began from the moment they were hired. Some women were attacked by their employers and/or supervisors within their first three months of work.³⁹ Eighteen percent of these participants in SOFA’s analysis reported being victims of abuse and over 20 percent reported being victims of injuries and bad treatment. Higher numbers reported inappropriate touching (13 percent) and sexual coercion (41 percent).⁴⁰ Furthermore, over 80 percent of women participants from the manufacturing and domestic worker sectors did not know of women’s rights organizations working for their rights.⁴¹

C. Article 12, General Recommendation No. 24: Insufficient Government response to the cholera epidemic which disproportionately burdens women and girls

28. The Government has the obligation under General Recommendation No. 24 to report to the Committee on its actions to “address the magnitude of women’s ill health in particular when it arises from preventable conditions.”⁴² The Government did not mention cholera, a preventable disease and the largest health crisis in Haiti in its report. This is disappointing particularly given the gender dimension and burden this disease bears. The Government can fulfill its obligation to “respect, protect and fulfill women’s rights to health care”⁴³ by implementing a better response to the cholera epidemic, taking into account the disproportionate burden cholera places on women and girls.

29. Cholera is a severe form of diarrheal disease caused by the bacterium *Vibrio cholerae*. In its extreme manifestation, it is one of the most rapidly virulent and fatal diseases known.⁴⁴ Cholera is transmitted by contaminated food and water.⁴⁵

30. Cholera appeared in Haiti in October 2010. Various genetic and epidemiological studies have since established that Nepalese UN peacekeeping troops serving with the UN Mission for Stabilization in Haiti (MINUSTAH) introduced the illness by discharging untreated sewage into Haiti's major river systems.⁴⁶ Haiti's reliance on weak water and sanitation infrastructure heightened the country's vulnerability to this waterborne disease and has facilitated its devastating spread. As of November 2015, 9,068 people had died from the disease and 754,735 had sought hospital care.⁴⁷ Cholera remains endemic in Haiti and may be worsening, with three times as many cases and deaths due to cholera in the first half of 2015 as the same period in 2014.⁴⁸

31. While cholera is an equal opportunity infection, it is not gender neutral. As UNICEF notes, it disproportionately affects women and girls primarily due to gender stereotyping and traditional gender roles assigned to them.⁴⁹ In Haitian society, women are tasked with traditionally "female" roles such as being responsible for domestic chores and caregiving.⁵⁰ These roles include preparing food, which may be contaminated; fetching and handling water, which may be untreated; cleaning latrines and taking care of the family.⁵¹ Carrying out these tasks puts women and girls at an increased risk of contracting cholera.⁵² Furthermore, the cholera outbreak makes these tasks more onerous, as water must be purified to drink and to prepare food. Women shoulder a disproportionate division of the behaviors that cholera health education campaigns target. Women are often also the primary caretakers when family members fall ill with cholera.⁵³

32. According to the UNICEF, "this increased workload for women means they face a negative emotional, physical and socio-economic toll disproportionate to the toll cholera places on men."⁵⁴ The heightened socio-economic toll manifests itself in that increased time spent working at home results in "decreased work outside of the home in terms of income generating activities such as selling at the market – and even school absence for girls since they are often kept at home to help out with domestic chores when needed."⁵⁵ The disproportionate emotional and physical toll manifests itself in that "increasing evidence highlights the emotional and physical impact of care giving for sick relatives, resulting from sleepless nights, increased labor-intensive domestic chores such as cleaning and laundering, and negative psychological and emotional reactions to directly caring for severely ill family members."⁵⁶ As Viengemène Ulisse recounted:

On May 3 2011, I suddenly fell ill. I had diarrhea and vomiting; I couldn't stand. They hurriedly brought me to the hospital. They laid me down on a wooden bed with a hole for me to use the toilet. They gave me lots of fluids. Eight days later, they sent me home. Ever since that day, I haven't felt the same. [The disease] left a fever in my body and a headache and I am still recuperating. *Meanwhile, I have family to take care of so I can't take care of myself.*⁵⁷

33. The death of male breadwinners has also presented significant economic burdens on women survivors, and the failure of the UN to provide remedies to cholera victims takes a toll on women and girls. For example, Lisette Paul lost both her father and adult brother to cholera – both of whom were breadwinners for the family. The surviving

women incurred debt to pay for their burials, and are no longer able to pay for school costs for the brother's daughter. Cholera thus threatens to further impoverish women and girls across Haiti, and further undermine their health.

34. The Government also has an obligation to ensure appropriate services in connection with pregnancy.⁵⁸ Cholera has a negative impact on pregnancy outcomes and carries the risk of adverse effects on mother, fetus and neonate.⁵⁹ Since the outbreak in 2010, there have been anecdotal accounts from treatment facilities suggesting high fetal loss among women suffering from cholera.⁶⁰ In the first weeks of the outbreak, *Médecins Sans Frontières* “reported 14 stillbirths among the 17 deliveries at one of its cholera isolation units in an obstetric hospital in Port-au-Prince”.⁶¹ A 2015 review of fetal, neonatal and maternal mortality resulting from cholera in pregnancy found “there was a higher risk of fetal death by almost six times in pregnant women affected by cholera compared to normative stillbirth data.”⁶²

35. The Government has an obligation to press the UN to provide remedies to victims of the cholera epidemic. Under General Recommendation No. 24, the Government's duty to protect women's right to health includes an obligation to “put in place a system which ensures effective judicial action” for violations of the right to health and to “take action to prevent and impose sanctions for violations of rights by private persons and organizations”.⁶³ As noted by the Committee, “The right of access to justice for women is essential to the realization of all the rights protected under the Convention.”⁶⁴

D. Article 14: Particular problems facing rural women in Haiti

36. The Government has the obligation to take into account the particular problems faced by rural women, to take all appropriate measures to ensure the protection of their rights, and to eliminate discrimination against them.⁶⁵ In particular, the Government must ensure rural women enjoy the rights to obtain education, adequate living conditions and adequate health care facilities.⁶⁶

37. According to Haitian grassroots women's activist Marie Sonya Dély, the life of rural women can be a “life of slavery” due to traditional gender roles and the hardships they endure.⁶⁷ Rural women suffer due to poor access to health care, work and education. Women's rights groups face particular difficulty in reaching out to rural women.

38. The Government reports a large gap in literacy rates “between the urban area (58.45 percent) and the rural area (36.53 percent) since the urban rate of [school] attendance is 1.6 times that of the rural area.” It notes that the Women's Ministry 2014-2020 action plan provides for “female literacy interventions.”⁶⁸ Information on these interventions is not commonly known or accessible in Haiti, and would be welcome.

39. Concerning health care, the UN Independent Expert on the Situation of Human Rights in Haiti noted in 2014 that “[a]ccording to the United Nations Children's Fund (UNICEF), 60 per cent of the population, mainly in rural areas, does not have access to basic health care.”⁶⁹ Haiti's maternal mortality rates are the highest in the Western Hemisphere,⁷⁰ with women in rural areas particularly at risk due to lower access to healthcare. Only 24.6 percent of rural women have a skilled attendant at birth, compared to 59.4 percent in urban areas.⁷¹ In its 2009 review of Haiti, the Committee recommended that the Government develop targeted measures to improve women's access to health

care and to decrease the maternal mortality rate, and specifically address the needs of rural women by implementing an integrated rural development policy.⁷² The Government notes in its report that the Women's Ministry is introducing gender aspects to government projects to reinforce the economic capacity of women, their access to health care and their participation in development projects. The Government also notes that "complaints of women are gathered during forums and distributed to the concerned authorities."⁷³ Increased transparency and information on the implementation of these measures, which are not commonly known in Haiti, specifically in rural areas, would be welcome.

40. Women's rights groups have difficulty reaching rural women, particularly illiterate rural women, to inform them of their rights and help them find strategies to defend their rights. For instance, in Port-au-Prince, BAI has established a successful project publishing and distribution information brochures on women's rights and the law against rape. However, high illiteracy rates render this measure largely ineffective in reaching rural women. Rural areas also lack effective communications systems, including lack of access to public radio. These communication barriers make it difficult for women's groups and other organizations defending women's human rights to intervene to help rural women.⁷⁴

IV. RECOMMENDATIONS

Article 7: Take measures to protect and end discrimination against women in political and public life

1. Improve the representation of women in elected office representation and participation of women in elections

- Take further steps to implement the constitutional 30 percent quota for female representation in public office and measure progress with statistics
- Create earlier registration deadlines to better incentivize parties to submit female candidates, as earlier registration means earlier campaign finance grants
- Expand the civic education campaign to encourage female candidates

Article 11: Combat workplace sexual harassment and other derogatory treatment

1. Encourage legislative measures to prohibit sexual harassment

2. Collect data on the number of reported cases of sexual harassment in the workplace in order to plan improved targeted interventions

3. Take measures to address sexual harassment in the public sector

- Establish an independent body with disciplinary powers to investigate claims of sexual harassment in public agencies
- Consult with women's rights groups on adopting anti-sexual harassment policy with a grievance mechanism for victims
- Introduce regular mandatory sexual harassment training seminars for staff in public agencies, including gender sensitivity training and informing of existing formal and informal disciplinary and complaint mechanisms

4. Take measures to address sexual harassment in the private sector

- Provide more information on interventions the Government mentioned in its report to combat sexual harassment in factories, and the scale of progress made to date
- Take education and awareness raising measures to inform women of their rights and of women's rights organizations who can help them particularly in the domestic and manufacturing sectors

Article 11: Reduce the disproportionate impact of cholera on women and girls

1. Improve measures to combat cholera

- Improve access to clean water and sanitation
- Increase the number and capacity of caregiving facilities for victims of cholera i.e. hospitals, health and treatment centers, to shift the burden away from women and girls

2. Reduce the disproportionate impact of cholera on pregnant women

- Take the specific vulnerabilities of pregnant women into account in government strategies and policies to combat cholera
- Conduct research into and provide specialized cholera treatment services to pregnant women
- Take measures to vaccinate women of childbearing age against cholera

3. Reduce the disproportionate socio-economic, emotional and physical burden of cholera on women and girls

- Collect and analyze sex and age disaggregated data on cholera cases
- Conduct awareness raising campaigns such as radio messaging and posters to challenge inequitable domestic gender roles
- Increase incentives for sending girls to schools in high risk areas and ensure adequate sanitation facilities for girls in schools

4. Take measures to attain justice for cholera's victims to ameliorate the situation of women as victims of the disease and as victims of the socio-economic and emotional burdens of cholera

- Call on the UN to provide funding for measures combatting cholera in particular funding for the water and sanitation sectors
- Call on the UN to provide just compensation to victims of cholera and ensure transparency and participation of victims at all stages of the compensation process

Article 14: Improve the living conditions of rural women

1. Increase transparency concerning Women's Ministry actions to improve female literacy and introduce gender as an aspect to consider in government projects

- Publish an annual report by the Women's Ministry on its work, including measures taken to address the particular position of rural women
- Gather and publish disaggregated data on the literacy, access to health care and participation in development projects of rural women. Disseminate the information to women's rights groups and consult with women's groups when implementing

2. Improve access to services for rural women

- Adopt targeted measures to improve rural women’s access to health care, including measures to reduce maternal mortality and increase access to contraception, in line with the Committee’s 2009 recommendation
- Provide information regarding steps it has taken to implement CEDAW’s 2009 recommendation to implement an integrated rural development policy and ensure the participation of rural women in the development of policies and processes aimed at benefiting rural areas

3. *Take measures to improve the capacity of women’s rights groups and other organizations defending women’s human rights to access rural women*

- Provide financial support to women’s groups and other organizations defending women’s human rights to conduct activities in rural areas
- Invest resources to increase the availability of public radio in rural areas

¹ Inter-American Commission on Human Rights, *The Right of Women in Haiti to be Free from Violence and Discrimination*, OEA/Ser.L/V/II, Doc. 64 (2009) ¶34.

² National Lawyers Guild and International Association of Democratic Lawyers Delegation, *Report of the National Lawyers Guild and International Association of Democratic Lawyers Delegation on the October 25, 2015, Presidential and Legislative Elections in Haiti* (Nov. 2015) http://www.ijdh.org/wp-content/uploads/2015/11/HaitiElection2015_NLG-IADL.pdf.

³ Frances Robles, *U.S. Presses for Haiti Runoff Vote Amid Fears of Violence and Fraud*, *The New York Times* (Jan. 21, 2016), <http://www.nytimes.com/2016/01/22/world/americas/us-presses-for-haiti-runoff-vote-amid-fears-of-violence-and-fraud.html>

⁴ LA CONSTITUTION DE LA REPUBLIQUE D’HAÏTI, Art. 276.2 [hereinafter HAITI CONST. 1987].

⁵ U.N. Committee on the Elimination of Discrimination Against Women (hereinafter CEDAW Committee), *Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined initial, second, third, fourth, fifth, sixth and seventh periodic reports of States parties Haiti* CEDAW/C/HTI/7 (July 9, 2008).

⁶ HAITI CONST. 1987, art. 17, 18.

⁷ HAITI CONST. 1987, art. 19.

⁸ CEDAW Committee, *CEDAW General Recommendation No. 23: Political and Public Life*, A/52/38 (1997) ¶5.

⁹ *Id.*

¹⁰ U.N. Human Rights Committee, *Concluding observations on the initial report of Haiti*, CCPR/C/HTI/CO/1, (Nov. 21, 2014) ¶8.

¹¹ CEDAW Committee, *Liste de points relatifs à l’examen du rapport unique valant huitieme et neuvieme rapports périodiques de l’Haiti : Réponses de l’Haiti à la liste des points* CEDAW/C/HTI/Q/8-9/Add.1 (Nov. 18, 2015) ¶87.

¹² QuotaProject: Global Database of Quotas for Women, *Haiti*, <http://www.quotaproject.org/uid/countryview.cfm?CountryCode=HT> (4 women out of 95 deputies, 1 woman out of 29 senators from Jan 2010-2015).

¹³ Electoral Decree, art. 100.1 (“In conformity with this Decree, with the exception of the post of President of the Republic, the list of candidates submitted to the Provisional Electoral Council by the political parties or political groupings, for each post, *must* contain at least 30% women.)

¹⁴ Electoral Decree, art. 92.1, (reduction of fees by 40%) Article 129 (50% of candidates female, at least 50% of those elected, gets increased state funding for that party in future elections.)

¹⁵ “*The CEP and MINUSTAH launch public education campaign to enhance women’s political participation*,” HAITI ELECTIONS BLOG, (June 23, 2015) <http://haitielection2015.blogspot.com/2015/06/the-cep-and-minustah-launch-public.html>.

¹⁶ *Despite Mandatory Quotas, Women are Exceedingly Underrepresented among 2015 Electoral Candidates*, HAITI ELECTIONS BLOG, (June 12, 2015) <http://haitielection2015.blogspot.com/2015/06/despite-mandatory-quotas-women-are.html>.

- ¹⁷ *Haiti-Social: 16 days of activities against gender violence*, HAITI LIBRE, (Nov. 16, 2015), <http://www.haitilibre.com/en/news-15885-haiti-social-16-days-of-activities-against-gender-violence.html>.
- ¹⁸ Marie Franz Joachim, *Positionnement de la SOFA sur le déroulement du processus électoral*, (Sept. 14, 2015) https://gallery.mailchimp.com/9522ccb17971e097d3ff160b5/files/SOFA_Positionnement_de_la_SOFA_sur_le_processus_lectoral_Sept_15.pdf.
- ¹⁹ *Id.*
- ²⁰ Official CEP Posting Site, <https://legislatives.cephaiti.ht/>.
- ²¹ Joachim *supra* note 15.
- ²² *Id.*
- ²³ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women United Nations*, Treaty Series, vol. 1249 p. 13 (Dec. 18, 1979) (hereinafter CEDAW) art 11(1).
- ²⁴ CEDAW Committee, *CEDAW General Recommendation No. 19* (1992) ¶17.
- ²⁵ United States State Department, *Haiti 2014 Human Rights Report*, 29 (2014) <http://photos.state.gov/libraries/haiti/231771/PDFs/2014%20HRR.pdf>.
- ²⁶ Réponses de l’Haiti *supra* note 8, ¶114.
- ²⁷ Solidarité Fanm Ayisyen (SOFA) et Réseau National de Défense des Droits Humains (RNDDH), *Enquete sur le harcèlement sexuel en milieu du travail en Haiti* 4 (March 2015) <http://www.hpnhaiti.com/site/pdf/rapportsofa.pdf>.
- ²⁸ *Id.*
- ²⁹ Reporters without borders, *Woman Journalist fired for reporting sexual harassment* (Dec. 23, 2014) (Journalists Deborah Jean and Stéphane Eveillard and five other employees accused their employer, the director-general of RTNH of repeated sexual harassment, abuse of authority and arbitrary dismissal. In an open letter to the Ministers of Culture and Women’s Affairs they said he “uses his position as director-general to persecute, humiliate and try to objectify almost all the women working at RTNH who refuse to have intimate relations with him.” After the publication of the letter Jean and three of her colleagues were fired “on the grounds of defamation, insubordination and seriously damaging the reputation of RTNH and its director-general”.)
- ³⁰ Brian Concannon, *A System Put to the Test* (Jan. 24, 2013) <http://dissidentvoice.org/2013/01/a-system-put-to-the-test/>.
- ³¹ US State Department *supra* note 22 at 29, 30.
- ³² SOFA *supra* note 25 at 9.
- ³³ GenderAction, *Caracol Industrial Park: Social and Gender Impacts of Year One of Haiti’s newest IFI-funded Industrial Park* iv (2013), <http://www.genderaction.org/publications/caracol.pdf>.
- ³³ Better Work Haiti, *Better Work Haiti: Garment Industry 6th Biannual Synthesis Report Under the HOPE II Legislation*, 16 (April 16, 2013) <http://betterwork.org/global/?p=2977>.
- ³⁴ Better Work Haiti, *Better Work Haiti: Garment Industry 6th Biannual Synthesis Report Under the HOPE II Legislation*, (April 16, 2013) available at <http://betterwork.org/global/?p=2977> at 16.
- ³⁵ *Id.* See: Beverley, “Mrs Clinton can have her factories”: A Haitian sweatshop worker speaks’ Other Worlds, (April 30, 2013) <http://www.otherworldsarepossible.org/another-haiti-possible/mrs-clinton-can-haveher-factories-haitian-sweatshop-worker-speaks>.
- ³⁶ Réponses de l’Haiti *supra* note 8, ¶115 (« Dans des usines de la sous-traitance de l’aire métropolitaine, les interventions d’une organisation de femmes permettent de contrer le harcèlement sexuel »).
- ³⁷ SOFA *supra* note 25 at 9.
- ³⁸ SOFA *supra* note 25 at 28.
- ³⁹ *Id.*
- ⁴⁰ *Id.*
- ⁴¹ SOFA *supra* note 25 at 33.
- ⁴² CEDAW Committee, *CEDAW General Recommendation No. 24: Article 12 of the Convention (Women and Health)* 1999, A/54/38/Rev.1, chap.I, ¶17.
- ⁴³ *Id.* ¶13.
- ⁴⁴ Noelle Rancourt, *Gender and Vulnerability to Cholera in Sierra Leone. Gender analysis of the 2012 cholera outbreak and an assessment of Oxfam’s response* 7 (June 2013) <http://policy-practice.oxfam.org.uk/publications/gender-and-vulnerability-to-cholera-in-sierra-leone-gender-analysis-of-the-2012-293965>.
- ⁴⁵ David A. Sack et al., *Cholera*, 363(9404) The Lancet 223, 224 (Jan. 17, 2004) <http://www.sciencedirect.com.ezp-prod1.hul.harvard.edu/science/article/pii/S0140673603153287>.

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- ⁴⁹ UNICEF Haiti Child Protection Section/GBV Program, *Briefing Note: Strategy for Integrating a Gendered Response in Haiti's Cholera Epidemic*, 1 (Dec. 2, 2010) http://www.unicef.org/cholera/Chapter_8_case_management/29_Haiti_UNICEF_Briefing_Note_Gender_Cholera.pdf. See generally Nicole Phillips, *The Vital Role of Grassroots Movements in Combatting Sexual Violence and Intimate Partner Abuse in Haiti*, Comparative Perspectives on Gender Violence: Lessons From Efforts Worldwide (Rashmi Goel and Leigh Goodmark eds. 2015).
- ⁵⁰ Maria José Rendon and Guerda Nicolas, *Deconstructing the Portrayals of Haitian Women in the Media: A Thematic Analysis of Images in the Associated Press Photo Archive*, *Psychology of Women Quarterly* 36(2) (2012) 227-239, 229; See generally Phillips *supra* note 48.
- ⁵¹ *Id.*
- ⁵² *Id.*
- ⁵³ *Id.*
- ⁵⁴ *Id.*
- ⁵⁵ *Id.*
- ⁵⁶ *Id.*
- ⁵⁷ Letter dated 21 November 2015 translated from Kreyol to English from Viengemène Ulisse to the President and Members of the Security Council of the United Nations. Collected by BAI/IJDH as part of a 2015 cholera advocacy letter writing campaign.
- ⁵⁸ CEDAW art. 11(2).
- ⁵⁹ Nguyen-Toan Tran et al., *Cholera in Pregnancy: A Systematic Review and Meta-Analysis of Fetal, Neonatal, and Maternal Mortality*. *PLoS ONE* 10(7): e0132920. doi:10.1371/journal.pone.0132920, 2, 11 (2015); See also: Iza Ciglenecki et al., *Cholera in Pregnancy: Outcomes from a Specialized Cholera Treatment Unit for Pregnant Women in Léogâne, Haiti*. *PLoS Negl Trop Dis* 7(8): e2368. doi:10.1371/journal.pntd.0002368 23967361 PMID: 23967361 (2015).
- ⁶⁰ Ciglenecki *supra* note 58 at 1.
- ⁶¹ *Id.*
- ⁶² Tran *supra* note 58 at 10.
- ⁶³ CEDAW *General Recommendation No. 24 supra* note 40 ¶13, 15.
- ⁶⁴ CEDAW Committee, *CEDAW General Recommendation 33 (General recommendation on women's access to justice)* CEDAW/C/GC/33 (23 June 2015), ¶1.
- ⁶⁵ CEDAW art. 14.
- ⁶⁶ CEDAW art. 14.
- ⁶⁷ Personal communication with the author.
- ⁶⁸ Réponses de l'Haiti *supra* note 8, ¶99.
- ⁶⁹ Human Rights Council, Report of the independent expert on the situation of human rights in Haiti, Gustavo Gallon, A/HRC/25/71 ¶16 (Feb. 7, 2014). See also UNICEF, *At a glance: Haiti*, http://www.unicef.org/infobycountry/haiti_statistics.html#120.
- ⁷⁰ UNFPA, *Slashing Haiti's maternal and infant death rates* (Feb. 26, 2015) <http://www.unfpa.org/news/slashing-haiti%E2%80%99s-maternal-and-infant-death-rates-one-delivery-time>.
- ⁷¹ UNICEF, *At a glance: Haiti*, http://www.unicef.org/infobycountry/haiti_statistics.html#120.
- ⁷² CEDAW Committee, *Concluding observations of the Committee on the Elimination of Discrimination against Women: Haiti*, CEDAW/C/HTI/CO/7 (Feb.10, 2009), ¶39.
- ⁷³ Réponses de l'Haiti *supra* note 8, ¶134.
- ⁷⁴ Personal communication between Mme. Marie Sonya Dély and author.