

AFFIDAVIT OF NICOLE M. PHILLIPS, ESQ.

I, **Nicole M. Phillips, Esq.**, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct to the best of my knowledge.

I. Introduction

1. My name is Nicole Phillips. I am a Staff Attorney at the Institute for Justice & Democracy in Haiti (IJDH), a Law Professor at the *Université de la Fondation Dr. Aristide Faculté des Sciences Juridiques et Politiques* (The University of the Aristide Foundation, Faculty of Juridical and Legal Sciences) in Port-au-Prince, Haiti, and an Adjunct Law Professor at UC Hastings College of the Law in San Francisco, California. I am a member in good standing with the State Bar of California, and am also admitted to practice law in the Court of Appeals for the Ninth Circuit, Federal District Court for the Northern, Central, Eastern and Southern Districts of California.

II. Education and Experience

2. I hold a B.A. in Political Science with minors in History and International Studies from the University of California, San Diego, and a J.D. from the University of San Francisco School of Law.

3. Since April 2010, I have been a Staff Attorney at IJDH. Based in Boston, Massachusetts, IJDH documents human rights violations in Haiti, and pursues human rights cases in Haitian and international courts. Our partner organization, *Bureau des Avocats Internationaux* (BAI), based in Port-au-Prince, helps victims and the justice system prosecute human rights cases. The BAI started the Rape Accountability and Prevention Project (RAPP) after the January 12, 2010 earthquake in Haiti to address the sudden increase in sexual assaults of women and girls living in earthquake internally displaced persons (IDP) camps. The program works with grassroots women's organizations, whose members were living in IDP camps and were assaulted in the camps. The BAI has over 500 gender-based violence cases, most of them victims of rape or attempted rape.

4. Since May 2010, I have spent four to seven months per year in Haiti, working at the BAI assisting on various projects, including RAPP where I have provided case support to BAI lawyers on gender-based violence cases, reviewed case files, strategized with our Haitian lawyers to prepare the case, and prepared international legal arguments to supplement legal briefings in trial court and appellate cases. I am fluent in French and have working knowledge of Haitian Creole. My work at the BAI has included trainings and collaboration with partner grassroots women's groups such as *Fanm Viktim Leve Kanpe* (FAVILEK - Women Victims Get UP and Stand Up) and *Komisyon Fanm Viktim pou Viktim* (KOFIV - Commission of Women Victims for Victims).

5. I have been in Haiti since March 1, 2017, and, with the exception of some work-related travel, I will be here until June 2017. During this trip, I have met with human rights lawyers,

victims of human rights violations, current and former government officials and grassroots activists to assess the current human rights conditions in the country.

6. When I am not physically in Haiti, I follow the human rights situation in Haiti closely through my work at IJDH. I am in almost daily telephone or electronic contact with colleagues and collaborators in Haiti, and regularly read news reports and human rights reports about Haiti. I am regularly consulted regarding human rights and legal procedure in Haiti by government officials from the U.S., Canada and France, United Nations officials, human rights organizations and journalists. I have provided training on human rights, politics and country conditions in Haiti to law students and professors, briefings to members of the U.S. Congress and their staffs, and testimony to several human rights bodies within the UN and the Organization of American States. I write regularly on human rights and law in Haiti, including book chapters and articles in academic journals and newspapers. I speak frequently about human rights in Haiti at law schools, universities and conferences, and am regularly interviewed for radio and television programs throughout the world.

7. In addition to my work at IJDH, the *Université de la Fondation Dr. Aristide* (UNIFA) *Faculté des Sciences Juridiques et Politiques* in Port-au-Prince, Haiti appointed me as a Law Professor in October 2013, and I teach international human rights to Haitian law students in French. Beginning in January 2015, I have served as an Adjunct Law Professor at UC Hastings College of the Law, in San Francisco, California, which has partnered since 1999 with the *Ecole Supérieure Catholique du Droit de Jérémie* (ESCDROJ), the first public interest law school in Haiti. Through the Hastings to Haiti Partnership (HHP), an annual delegation of UC Hastings law students engages in an academic exchange with law students at ESCDROJ. UC Hastings law students selected for the HHP delegation attend a seminar class I teach on Human Rights and Rule of Law in Haiti to prepare for the trip, which I coordinate and co-lead with other UC Hastings faculty.

8. Since 2014, I have been an Analyst for Freedom House researching and writing the Haiti chapter of the *Freedom in the World Report* and *Freedom of Press Report*. I wrote a chapter on gender violence in Haiti for a book that was released in July 2015, entitled, *Comparative Perspectives on Gender Violence: Lessons from Efforts Worldwide*. I have also testified before the UN Human Rights Council and UN Human Rights Committee on gender violence in Haiti. I have prepared and/or edited a number of reports on gender-based violence in Haiti, including submissions to international treaty bodies. Haiti underwent the Universal Periodic Review (UPR) process before the Human Rights Council in 2016. I helped prepare the UPR report in March 2016 with female Haitian lawyers specializing in gender-based violence, with input from nine Haitian grassroots women's and human rights organizations in Haiti. In January 2016, with input from ten Haitian grassroots women's and human rights organizations, I helped prepare two reports to the Committee on the Convention on the Elimination of Discrimination Against Women (CEDAW), entitled *Gender Issues Facing Women and Girls and Violence against Women, Trafficking, Prostitution, and Exploitation by UN Peacekeepers*.¹

¹ Submission for the 63rd Session of the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, Feb. 25, 2016, *Violence Against Women, Trafficking, Prostitution, and Exploitation by UN Peacekeepers*, available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/HTI/INT_CEDAW_NGO-HTI_22846_E.docx;

9. I have over twenty years' experience working on gender-based violence issues beginning with volunteer work at a nonprofit in San Diego assisting domestic violence victims obtain restraining orders and filing for dissolution of marriage. From 1995-1996, I worked at the YWCA of San Diego County, a non-profit organization working to empower women, men, and children to break the cycle of domestic violence and homelessness, and achieve self-sufficiency. I served as an administrative assistant and a legal advocate in the Domestic Violence program, which received funding from the U.S. Department of Housing and Urban Development (HUD) as a pilot project to provide a comprehensive legal response to domestic violence. The program included legal advocacy, including training to sensitize law enforcement officials and judges to domestic violence issues, and provided shelter, including long-term care of up to one year for victims and their children, and provided re-entry services for victims. As a legal advocate, my responsibilities included helping victims obtain restraining orders and dissolutions of marriage, including cases with complex child custody issues, coordinating volunteers and staff for legal clinics, testifying in court as a percipient witness on behalf of my client, and policy advocacy. Subsequently, I worked as a Victim Advocate at the City Attorney's Office, Domestic Violence Unit, in San Diego where I helped domestic violence victims, mostly Latina, advocate for themselves in their criminal cases against their perpetrator. It was my work with domestic violence victims that motivated me to attend law school in the first place.

10. While in law school, I worked for the Legal Aid Society Employment Law Center in San Francisco and helped domestic violence victims secure employment rights. I also worked in the Domestic Violence Unit of the San Francisco District Attorney's Office, interviewing victims to gather testimonial evidence and researching evidentiary questions.

11. I do not recall having ever met XXX. This declaration is based on my review of Ms. XXX's statement in this case and my knowledge of relevant conditions in Haiti. I am familiar with the broader context of Ms. XXX's application for asylum, including the history of domestic violence, increased violence and retaliation victims face when they try to leave their violent partner, and legal impediments to reporting and obtaining judicial protection from domestic violence.

III. Social, Economic, and Cultural Context of Violence against Women in Haitian Society

A. Poverty and its effects on Haitian women

12. Against a political backdrop and natural disasters that have resulted in greater vulnerability of Haitian women to violence – including sexual violence and intimate partner abuse – violence against women is linked to high levels of poverty, cultural stereotypes, and a lack of rights enforcement. With approximately 60 percent of the population living under the national poverty line of US \$2.42 per day and 24 percent living under the extreme poverty line of US \$1.23 per day, Haiti is the poorest country in the Americas and amongst the most

Submission for the 63rd Session of the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, Feb. 25, 2016, *Gender Issues Facing Women and Girls*, (Feb. 25, 2016), available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/HTI/INT_CEDAW_NGO_HTI_22847_E.docx.

impoverished worldwide.² Economic growth has declined to around 0.8 percent, and the depreciation of the Haitian gourde has resulted in higher domestic prices and high rates of inflation.³ The unemployment rate is over 60 percent.

13. Professional opportunities for women are limited, and many women believe that the only way to make ends meet is to find a man who will take care of them. Lack of education and employment opportunities persist in Haiti, but women are particularly impacted because they are financially dependent on men. Women bear the brunt of poverty due to societal stereotypes, including workplace discrimination and unequal distribution of childcare responsibilities.

B. Cultural attitudes towards women – violence as form of control

14. In Haiti, patriarchy and discrimination against women in the home, in government, at work, and in the courts are pervasive. Haitian society retains a strong patriarchal structure handed down from the slave era and reinforced by conservative religious attitudes and tradition. Women are considered subordinate to men, which manifests in varying ways throughout all aspects of life. Women's economic dependence on men reinforces societal stereotypes that women and "domestic" work, such as maintaining the household, cooking, cleaning, and raising children, are inferior. In fact, many women live in single-parent homes where they are the primary care giver. Women have far less opportunities for education, and parents are more likely to send boys to school than girls, who remain at home to help with domestic duties. Women are denied access to health care, which is illustrated by the fact that Haiti has one of the highest rates of maternal mortality in the western hemisphere. Further, women lack access to legal protection and are often denied access to justice as a result. The dire situation for women in Haiti is greatly exacerbated for women in the poorest sector, which constitutes a majority of the population. Moreover, single women are even more vulnerable due to the weak laws and enforcement surrounding child support and protection for women in domestic partnership.

15. Violence against women is endemic in Haitian society, which stems from pervasive patriarchal views regarding women's role and place in society. Women are commonly viewed as objects of men. When Haitian sexual assault survivors discuss the effects of violence on their lives, they are likely to mention the oppressions of patriarchy and poverty as inextricably linked to the violence. Gender discrimination and patriarchal norms in Haiti have systematically denied women the power to either prevent or address injustice against them, and levels of impunity are alarming. These interlocking oppressions leave women vulnerable to violence on both an individual and larger scale, particularly in the home.

16. The various unions in Haiti are complex, but any of them can produce a child and economic support. A study in 1980 summarized the unions into a few categories. Marriage (17 percent) and common-law marriage (34 percent) normally involve cohabitation and economic support; to like/love (6 percent), finance (6 percent) and to live with sporadically (20 percent)

² The World Bank, Haiti – Overview (Sept. 16, 2016), available at: <https://www.worldbank.org/en/country/haiti/overview>.

³ Id.

generally involve economic support.⁴ Although most Haitians are practicing Christians and believe in the importance of marriage, in reality, marriage is less common due to economic, legal and other factors. Domestic violence in Haiti pervades all of these unions.

C. Domestic Violence is Widespread and Unreported

17. Domestic violence is common and widespread in Haiti, but reliable statistics on are difficult to obtain. Available statistics reveal high levels of violence against women and domestic violence. Between 25 and 70 percent of Haitian women have been victims of gender-based violence.⁵ Within these figures, between 24 and 86 percent were involved in domestic violence.⁶ These statistics likely represent only a fraction of the actual number of cases of intimate partner abuse. *Solidarité Fanm Ayisen* (SOFA), a women's rights organization providing services to women victims of violence, reports that over 85 percent of their clients are victims of domestic violence.⁷

18. Domestic violence is widely accepted and used as a form of control in the home. A man hitting a woman during an argument is normalized and even expected as a wife (or domestic partner) must submit to her husband and her husband has the right to beat her because she is considered inferior to him. Ms. XXX reported that ZZZ's beatings were to control her:

ZZZ believed he could do whatever he wanted to me. In Haiti, men view themselves superior to woman and think they have the right to beat us and own us. ZZZ believed that I should submit to him and that it was his right to beat and rape me as he pleased. It was how he showed he controlled me.

(Affidavit of XXX In Support of Her Application for Asylum, Withholding of Removal and Relief Under the Convention against Torture (hereinafter "XXX Affidavit"), para 9). This is consistent with my understanding of patterns of domestic violence.

19. Women and girls often enter relationships young to avoid abuse in her family home and or for financial stability. Women also have more prominence in society if they have a man. This appeared to be the case with Ms. XXX, who reported she was young and moved in together so quickly in part because she believed he would provide for her. (XXX Affidavit, para 3).

20. Domestic violence manifests itself in many forms. Violence includes "insults, death threats, blackmail, manipulation, humiliation, harassment, isolation, rape, forcible confinement,

⁴ James Allman, Sexual unions in Haiti. *International Journal of Sociology of the Family* Vol. 10, No. 1 pp. 15-39 (1980).

⁵ Haitian Ministry of Public Health and Population, *Haiti: 2012 Mortality, Morbidity, and Service Utilization Survey* (EMMUS-V) (2012), p. 16; Organization Des États Américain, Commission Interaméricaine Des Femmes, *Haiti, Reponse/S Au Questionnaire/Rapport National/Observations De L'autorite Nationale Competente (Anc)*, OEA/Ser.L/II.7.10, Jun. 24, 2008.

⁶ Rapport - Bilan XI des cas de violence accueillis et accompagnés dans les centres d'accueil de la Sofa : Année 2010-2011 (SOFA Dec. 2011, 15) ; Canada : Immigration and Refugee Board of Canada, *Haiti : Domestic Violence, especially in rural areas ; protection and services available for victims* (Jun. 13, 2013), available at : <http://www.refworld.org/docid/51dd24534.html>.

⁷ *Violence Against Women, Trafficking, Prostitution, and Exploitation by UN Peacekeepers*, supra note 1, at. 5.

murder, and paternal irresponsibility.”⁸ A man raping his domestic partner is considered normal. In fact, that Haitian penal code does not provide for spousal rape, so most judges and prosecutors infer consent within a spousal or domestic relationship. This is consistent with Ms. XXX’s account of her abuse:

“In addition to the routine beatings. . . ZZZ would verbally abuse me. He would scream at me, call me a whore, and curse at me.” “He would say things like “look at me; I am the one who feeds you, I am the one who provides for you.” (XXX Affidavit, para 6).

“ZZZ also repeatedly raped me. If ZZZ wanted sex, he would force himself on me and make me have sex with him...there was nothing I could do to stop him because he was bigger and stronger than me. If I refused him, he would just beat me more.” (XXX Affidavit, para 5).

IV. Retaliation and lack of protection from law enforcement make it difficult for Haitian victims of domestic violence to stay safe

21. Haitian women in domestic violence situations live in constant state of fear, but are afraid to leave their partner or report the violence for many reasons, including shame and embarrassment, the threat of ostracism from their family and community, potential retaliation from the aggressor and his family, economic dependence on the partner, lack of social services such as emergency shelter and legal assistance, and apathy and abuse from law enforcement and the judiciary. Cases go largely unreported unless there is a breakdown of household relationship or if the abuse results in severe physical injury or unwanted pregnancies. Frustration with the judicial system deters reporting abuse. Unwilling to follow through with prosecution, judges often release suspects arrested for intimate partner violence and sexual assault, which perpetuates impunity and encourages aggressors to continue their acts of violence.

A. Retaliation and escalation poses danger to victim and her family

22. As one grassroots women’s leader told me, there is *always* retribution when a domestic violence victim leaves her spouse. Often the abuser cannot accept that his spouse will “win” or leave him, so he frequently will find a weapon such as a handgun, machete or baton to stop her. If the victim does leave, she will not have access to any social services, making it difficult to find shelter, food and safety. Victims’ families often try to dissuade her from leaving, especially if she is married or has a child with the abuser. In Haitian culture, a union with a man brings valor for women and women are expected to be docile to her spouse and put up with the abuse. In addition, the abuser’s family will often persecute the victim, threatening violence to her and her family if she reports the abuse to law enforcement. As a result many victims are too scared to leave or report the abuse to the police.

23. If the domestic violence victim leaves the relationship and moves to another part of town, the threats of violence from her spouse and his family often escalate, putting her in more danger. Even if the victim moves to another part of Haiti, if the abuser learns where she is hiding, the abuser can often find her through his family and social networks.

⁸ Id.

24. Ms. XXX described her state of constant fear with ZZZ, her fear of leaving him, her family's initial lack of support, and his retaliation when she did leave with several credible accounts:

The beatings, rapes and threats put me in a constant state of fear. I walked on eggshells, trying to be careful to not upset ZZZ in hopes that he would not beat me.... I was also afraid that if I left ZZZ's house, my family would not take me back or support me since they had warned me not to date ZZZ. (XXX Affidavit, para 11).

I tried my hardest to avoid ZZZ after this. Even though I was living with my mother and grandmother, in an attempt to avoid ZZZ, I would often stay the night at different friends' houses. Even so, ZZZ still found me. About six months after I left him, ZZZ found me as I was returning to my mother's from the hospital with YYY. I had just gotten YYY his shots. ZZZ found me in the street. He screamed at me, waived his gun at me, and threatened to kill me. He told me he would have blown me away already is not for YYY, that YYY was the only reason he had not killed me already. (XXX Affidavit, para 13).

During the time I was living with my mother, ZZZ also threatened my family. My aunt, AAA, who lived in Haiti at the time, told me in 2013 that ZZZ threatened her with his gun, saying he would kill her. It happened in the public market after ZZZ's brother spotted AAA in the market, approached her, and tried to start a conversation. AAA did not want to speak to ZZZ's brother and said that she thought very little of ZZZ because of how he had treated me. ZZZ's brother went and told ZZZ what AAA said about him. ZZZ then found AAA in the market, showed her his gun and told her if she talked about him like that again he would kill her. (XXX Affidavit, para 15).

B. Haiti lacks effective law enforcement or social services to assist and protect victims of domestic violence

1. Law enforcement is unable and unwilling to respond to complaints of domestic violence

Legal system in Haiti

25. Haiti's judicial system reflects a culture of exclusion, impunity and outdated laws that makes it difficult for women victims of violence to access justice. Lack of access to education prevents major segments of Haitian society from understanding the justice system. Legal proceedings are conducted and most legal texts are written in French, but the majority of the population speaks Haitian Creole. Legal costs and lawyers are too expensive for the poor. The government does not provide legal assistance, and only a small number of civil society organizations provide legal assistance to victims. As a result, most Haitians – let alone women -- do not have access to the formal justice system. Deep-rooted patriarchal norms and gender discrimination coupled with economic disenfranchisement marginalize women – and especially poor women – from accessing the justice system. Administrators at all levels of the judiciary do not prioritize incidents of violence against women, do not take women seriously, do not properly investigate cases, and demonstrate a lack of respect for victims and their families during investigations.

26. In addition to being discriminatory, the judicial system is under-resourced and inefficient, and is burdened by a large backlog of cases, under-paid staff, outdated legal codes, and poor facilities.⁹ Bribes are common at all levels of the judicial system. Serious backlogs and long wait times encourage corruption in the Haitian justice system. Attorneys often pay clerks or other officials to have their cases heard before others in the queue. Victims without lawyers are left out of the behind-the-scenes maneuvering within the courthouse and cannot exert the sustained pressure on the prosecutor and investigating magistrate necessary to push their cases forward.¹⁰

27. Haitian laws are outdated. Courts apply legal codes adopted from historic French legal tradition that have generally not been updated to reflect modern principles of human rights. For example, the Haitian penal code and code of criminal procedure date back to between 1825 and 1835. Only in 2005 was the penal code reformed by decree to criminalize rape as an offense to one's physical integrity rather than an offense to one's moral integrity and honor.¹¹ The punishment for rape ranges from 10 years to life in prison depending on the circumstances, with heightened punishment if the rape involved a victim is less than 15 years old, was a gang rape, or resulted in death.

28. The Haitian legal framework does not criminalize domestic violence or marital rape, even though they constitute the majority of cases of violence against women in Haiti. Theoretically, victims of domestic violence can seek prosecution under the 2005 rape law, but according to interviews with lawyers, judges, and grassroots women's leaders, domestic violence cases other than murder are rarely taken seriously by the police or prosecuted. While the general sexual assault, assault, and battery laws can and should be used to prosecute cases of domestic violence, these cases are not pursued because the Haitian penal code does not specifically acknowledge domestic violence, making it difficult to negate consent and other elements. Women in abusive relationships therefore have almost no effective legal recourse in Haiti. Haitian law does not provide any protective measures against threats or acts of violence, such as temporary restraining orders.

Barriers to Reporting and Filing Complaints

29. Women and their families are often mistreated when they attempt to enforce their rights resulting in lack of confidence in the judicial system's ability to provide protection and redress. Male judges and prosecutors do not have adequate training to address the sensitivities of women victims of violence and often try to intimate and threaten lawyers representing victims in court. Judges might unknowingly re-traumatize the victim at a confrontation hearing by making a victim sit next to their accuser.

30. The vast majority of law enforcement are men, and while police officers have become more receptive to women's complaints of sexual assault and rape, they lack training and

⁹ Mario Joseph and Nicole Philips, *Judicial Corruption in Haiti: The Need for Discipline and Civil Society Participation*, 39 *Hastings Int'l & Comp Law Rev* 183 (2015).

¹⁰ *Id.*

¹¹ Décret du 6 juillet 2005 *modifiant le Régime des Agressions Sexuelles et l'élimination en la Matière les Discriminations Contre la Femme* [Decree Modifying the Regulation of Sexual Assaults and Eliminating Forms of Discrimination Against Women], *Le Moniteur*, Aug. 11, 2011 (Haiti). See Code Pénal, arts. 278-281.

experience working with women victims of violence and documenting crimes of sexual violence. Police officers frequently shame and blame victims, asking inappropriate questions such as what she wore that may have caused the sexual assault, what she did to attract the aggression, or if she had previously had sexual relations with the perpetrator. According to a 2012 study, over half of sexual assault victims who tried to report a crime to the police indicated that officers refused to take the report or dissuaded them from doing so.¹² This is consistent with Ms. XXX's account:

I never really believed that going to the police was an option, anyway because they either would not have believed me or they would not have cared. In Haiti the police do not involve themselves in domestic disputes very often. I know of women in my neighborhood who tried to go to the police for protection, and the police did nothing. (XXX Affidavit, para. 17).

31. The accusatory, discriminatory, and sexist attitude of some police officers re-traumatizes victims and dissuades them from reporting. Although there has been an increase in sensitivity trainings for police officers on gender-based violence cases in recent years, women's organizations still report that it is common for police to demand "a favor" or "a fee" – a bribe – to investigate a case or make an arrest. While police training on gender-based violence cases has had some impact on responding to spousal abuse, police continue to be reluctant to involve themselves in domestic matters. Ms. XXX complained of police corruption and the lack of "guarantee they will actually help you." (XXX Affidavit, para 17). Like many domestic violence victims, Ms. XXX thought it was less safe to call the police, because even if the police did arrest ZZZ, they would tell him that she had him arrested and that he "would have actually killed me." (Id.).

32. When law enforcement does arrest the abuser, rather than prosecuting, the court's practice is to ask for conciliation between the two parties. In response, the family of the abuser will pressure the victim to withdraw the legal case and let their son out of prison, especially if the son has a job and is the breadwinner of the family. The BAI has three current cases with the aggressor in prison. The clients do not sleep in their homes out of fear of retaliation; one is sleeping in a friend's garage because the family of aggressor threatened her and her family. If the abuser is a prominent person in community such as a pastor, police officer or gang member, the threat of retaliation will be greater because he will have access to arms and people. In one of our cases, the aggressor was a police officer and the other police officers tried to stop her family from reporting the crime.

No shelters, few government services

33. Lack of human and financial resources hampers the justice system, limiting the help available to victims of sexual assault, such as legal assistance, shelter, or psychological counseling. There are no government-funded shelters for women in Haiti. Based on conflicting conversations with government officials and grassroots women's activities, it's unclear how many private shelter beds are available to victims of gender based violence, or whether any are available. I know of a few organizations that have provided a small number of beds in Port-au-Prince, but due to funding, none of those organizations currently provide emergency shelter. Very few organizations provide support to victims of rape, and these organizations are under-

¹² *Violence Against Women, Trafficking, Prostitution, and Exploitation by UN Peacekeepers*, supra note 1, at 8.

resourced and lack governmental support. Virtually all services for women are located in the capital; services for women in secondary cities and provincial areas are virtually nonexistent. Victims who seek emergency shelter generally stay in the homes of family or friends, which, due to poverty and a significant housing shortage in Haiti, often are already overcrowded. These homes are also not secure against an armed abuser. Facing this lack of social services and safe shelter, Ms. XXX would move from house to house after to avoid retaliation when she left ZZZ. (XXX Affidavit, para 13).

C. Not safe to return

34. Haiti's geography, economics, and social system make it difficult for victims of repression to find safety elsewhere in the country. Haiti is small, about the size of the State of Maryland. Furthermore, Haiti is considered a "high context" society. Personal networks of family and friends are extremely important to one's ability to function in society. It is hard to find work or fit into a new social network outside of one's previous network. Because leaving one's town, community and social network is rare, when someone does so they typically attract attention in their new surroundings.

Social networks also operate in two directions. Although they permit survival under difficult economic conditions (sharing food, shelter and other resources), they also ensure that personal information is available to other members of the network. If Ms. XXX's former partner has access to members of her family or social network, it would be easy for him to track her down anywhere in Haiti if he maintained network contact. Ms. XXX fears that if ZZZ found her, he would kill her:

"I also could not simply move to another part of Haiti. Haiti is not a big country and ZZZ would easily be able to find me in another part of the country." (XXX Affidavit, para 18).

V. Conclusion

In my opinion, it is extremely likely that if Ms. XXX returned to Haiti, she would continue to be a victim of domestic violence of the nature that she previously experienced before she left Haiti. ZZZ has demonstrated repeatedly his lack of control and violent tendencies towards Ms. XXX and her family. Threats and violence even escalated when she ended the relationship in 2013. Given gender discrimination, the lack of training, resources and responsiveness from law enforcement, and the lack of social services available to victims of domestic violence, Ms. XXX and her family would be on their own to fend for their safety. If Ms. XXX made contact with her family and friends, ZZZ would be able to eventually find her if he wanted to.

Executed on: May 4, 2017

Signature:

