

Extra Vulnerable: LGBT Individuals

The threat of domestic and sexual violence to individuals who identify as gay, lesbian, bisexual or transgendered has begun to gain more public visibility in Haiti, largely as a result of the creation of new LGBT rights groups in recent years. To date, the documentation of sexual violence cases is still weak, and only date back to recent years among the few agencies tracking such cases. Established agencies monitoring sexual violence have not yet created a category for LGBT cases, despite strong evidence that homophobia – violence against individuals perceived to be gay or transgendered – often leads to same-sex domestic violence and rape.

The social stigma surrounding homosexuality in Haiti, coupled with the strong influence of Catholic religion on Haitian society and traditions, including its laws and policies, has kept the subject of sexual violence directed at LGBT individuals quite hidden. The fact remains that many self-identified LGBT Haitians remain publicly “in the closet” – not openly revealing their sexual orientation, but doing so selectively and living more private LGBT lives. The reason for this choice is their fear of rejection and discrimination by families and their community – a common experience for those who have “come out”. Today, there are a few bravely open LGBT leaders who steadily pushing open Haiti’s closet door.

Lesbians: Facing Corrective Rape

As in many parts of the world, lesbians in Haiti are often socially ostracized by their families and some have experienced violence, including rape, linked to exposure of their sexual identity. While Haiti is steadily becoming a more modern, egalitarian society, there are no specific laws protect LGBT individuals from discrimination.

Among “female rape” cases, some may involve cases of consensual sex among lesbian or bisexual women who are socially stigmatized as sexual predators, another “hidden” facet of the layered sexual violence picture. It’s a dark irony, since in truth, lesbians and bisexual women report being targeted for rape for failing to conform to gender stereotypes in Haiti, according to activists at FACSDIS, a lesbian rights group, and SEROvie, an HIV advocacy organization that has a strong LGBT rights platform.^{clv} SEROvie and IGLHRC, a global LGBT rights watchdog group, issued a joint report last April quoting lesbian and bisexually-identified women in Haiti who stated that sexual violence and corrective rape were “definitely a problem” in the IDP camps^{clvi} (see *Vulnerable Populations section*).

Portraits in Leadership: Shelley Moreau, FACSDIS

Organization: Femmes en Action Contre la Stigmatisation et Discrimination Sexuelle (FACSDIS), a project of SEROvie.
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Primary Target: Lesbians, Transgender Women, Sex Workers
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Shelley Moreau is the Executive Secretary of FACSDIS, which stands for Women in Action against Stigma and Sexual Discrimination in French (Femmes en Action Contre la Stigmatisation et Discrimination Sexuelle). The organization was formed by a small group of women prior to the earthquake to give visibility and equal rights to lesbians and bisexual women and to push for the rights of transgendered women and those engaged in sex work.

As a class, lesbian and bisexual women remain socially hidden and ostracized in a Haitian society where Catholicism promotes a dim view of homosexuality as a sin. A significant number of women leaders and high-ranking officials in Haiti are lesbians or gay men but few are professionally open about their identity.

As several FACDISC members put it in 2011, those who can afford to travel enjoy more open lives when they visit the United States or Europe, where being gay is socially accepted and where laws protect against discrimination, including violence and sexual violence. They joined FACSDIS because they could no longer tolerate living in fear of exposure or violence related to their sexual orientation. In interviews, FACSDIS members acknowledged they too, are Catholics, but disagree with church's traditional views on women and social topics such as premarital sex and sexuality.

"I was born this way, God made me this way and I know I am loved as any other of God's creatures," said a young FACSDIS member, declining to be identified for this report. "I am a Haitian lesbian and there are more of us than even we know. We see how lesbians are treated in other parts of the world, where they have the same rights as others. It's time for Haiti to accept us and even love us as we love Haiti and are devoted to Haiti. With our group, we hope to educate the public. But we know we are going to have to fight hard." She added, "In Haiti, we have had to fight as women to be respected. This is part of that fight – for equality."

FACSDIS remains an organization that is operating slightly below the media radar in an effort to create a safer public space for lesbians and LGBT individuals to meet and find support, while publicly advocating for the rights of lesbian and bisexual in a society. "We are the only organization in Haiti working with this group (lesbians)," reported Moreau in 2011 (before KOURAJ emerged as a LGBT-rights advocacy group in early 2012^{clvii}). "We work with all women in general but specifically prostitutes and lesbians and transgendered people." The AIDS NGO SEROvie provides an institutional umbrella for FACSDIS.^{clviii}

After the earthquake, FACSDIS and SEROvie jointly spoke out against incidents of discrimination and violence in camps directed at LGBT individuals and were supported in this advocacy by US and international groups, including the AIDS advocacy group, Housing Works, and IGLHRC. These outside agencies have helped SEROvie re-establish HIV prevention and care services for affected LGBT individuals and lent support to FACSDIS to address cases of alleged "corrective" rape of lesbians in the IDP camps.

"The work of the organization was really hard after the earthquake," says Moreau. "In fact, our target group was very struck by the violence committed after January 12, because of the stigma and vulnerability in relation to sexual orientation."

Individuals in the organization like Moreau suffered personal challenges. A mother, she endured the agony of having a son buried under the rubble for two days." Two years later, she said simply, "The disaster was terrible. We were all taken by

surprise. It was very hard for mothers.”

The impact on FACSDIS was similar to other small organizations with limited means and a small membership. The displacement of lesbian mothers and other members into IDP camps increased their vulnerability, say FACSDIS members who say some Haitians sought to blame them for the cataclysm. “It is not at all easy to work with this group which has no support, which is accused of having caused the earthquake because of our sins -- it was not easy at all. Nobody wanted to assist in such a group, but we stood with the means at hand,” said Moreau.

As she explained, members of the group used personal means to help FACSDIS resume its activities. The group’s public denouncement of post-quake discrimination helped open the doors to donor support, which has helped lay the foundation for the long road ahead. “We are the only organization in Haiti working with the LGBT community in Haiti and we are proud to work for the rights of this group,” says Moreau. “It is a job that we love.”

FACSDIS is among three Haitian organizations helping LGBT individuals that has called public and global attention to the issue of corrective rape of lesbians after 2010. They include the gang rape of a young woman by ten men who targeted her as a lesbian. In July 2012, FACSDIS, SEROVie and the newcomer LGBT rights group KOURAJ, filed a joint submission to the UN Human Rights Commission along with the legal aid agency, BAI, and US partner agencies in the LERN network that has helped Haitian rape victims pursue legal cases since the earthquake.^{clix}

that called global attention to the situation and discriminatory conditions facing LGBT individuals in Haiti, with a particular focus on the vulnerability of those still in IDP camps.^{clix} In the brief, one FACSDIS member stated: “If we told them it would be like we were being raped all over again, they just tell us it’s our fault.”^{clxi}

Moreau takes special pride in having accompanied lesbian rape victims in their legal pursuit of the rape cases. One led to one man being condemned for rape – a victory that encouraged FACSDIS members. But the problem of rape had lately gotten worse, she said, noting, “There are more victims, and they are getting younger.”

The victories also balance the daily difficulties of confronting widespread homophobia. “The hardest part was to get this organization set up, because of the disapproval of the whole society,” she said, reflecting on the progress to date. “Because of our target audience, we were told that Haiti was not ready for it.” Looking ahead, she added, “Our greatest challenge today is how to make the rights of the LGBT community respected in Haiti.

Moreau takes personal inspiration from other women in history who dared to challenge their societies. “Sappho was a poet and was the first lesbian in the world that dared to expose and write about it; she helped clarify the origin of lesbians,” said Moreau. “It was she who inspired me and made me proud of my work.” Her hope is that other Haitian feminists will take up the cause of LGBT rights, seeing common cause. “In a community like Haiti, the work of fighting for women’s rights isn’t easy. So to the other groups who are taking on this same battle, I say, ‘When you come across a lesbian, or a transgendered person, don’t stigmatize them. Get to know them, support them, and train them. Because above all, they are women just like you.’

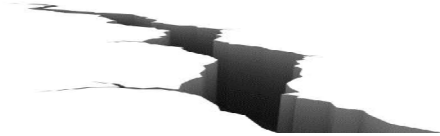
Transgendered Women

In Haiti, as around the world, transgendered Haitian women find limited social acceptance and are still seen as acceptable targets for unwanted sex with men – often leading to rape. Groups like SEROVie, that serve HIV-positive and LGBT individuals, say rape of transgendered women and “effeminate” gay men is common and rarely reported to authorities. LGBT individuals fear social exposure, violence, and rejection by police and doctors.

Facing high stigma in the workplace, transgendered women resort to sex work as one of their few options to make money. This has led to rapes that are commonly reported, according to ANAPFEH. While solid documentation of the increased vulnerability and impact of rape on transgendered women is lacking, the sex worker organization has been surveying transgendered women among those working on the streets of Port-au-Prince. “The transgenders are very vulnerable to violence,” confirmed Kettly Alysee of ANAPFEH. “It’s not only by the clients (johns) but by their partners.” As she explains, some johns desire transgendered women, but feel a homophobic reaction to their own desires. The result is

battery, rape and verbal abuse. “Of course it’s not all transgenders who experience this, but it’s a real phenomenon. It’s because the society rejects them (transgendered individuals) so they can’t easily defend their rights. That’s what needs to change. Otherwise the violence will continue.”

Both ANAPFEH and SEROVie, as well as FACSDIS, are now increasing their outreach, support and programs for transgendered women. As it stands, they remain among the most vulnerable of the already vulnerable, when it comes to sexual violence and other violence directed at women.



Invisible: Perpetrators

A major gap in the current response to sexual violence in Haiti is the absence of programs for perpetrators of sexual violence and their families. This includes a lack of programs that counsel and rehabilitate sex offenders and address the impact of incarceration and the stigma of rape on them and their families; lack of prisoner re-entry services and programs to prepare released prisoners, communities, families, and former victims for the return of sex offenders into local communities; and lack of a sex offender registry to monitor sex offenders and assure follow up services to help reduce the risk of recidivism and future crimes. This gap represents a serious failure in both prevention and treatment services.

While there are a few programs to help prisoners in Haiti, including the Haiti Prison Ministry (*see box below*) which offer rehabilitative programs, the needs of sex offenders for targeted counseling, education, and economic support are largely unmet. As prison advocates note, sex offenders face a different kind of stigma, social isolation, and fear from others when they return into society after being imprisoned. They also pose a direct threat to victims who often experience renewed trauma and threats of violence, according to victim advocates.

The present lack of information includes knowledge about the lives of those who commit sexual violence and the conditions that contribute to sexual violence acts, as well as what happens if and after they are accused, detained, released, arrested, and imprisoned – the variety of steps that may follow an incident of assault. Often those accused are detained and quickly released, with little communication provided to the alleged victim who may then experience renewed trauma or threats of violence from the alleged attacker. Very little information has been publicly made available about the views and experiences of different perpetrators, their perspective on the crime, the factors contributing to violence, the types of services they seek, and the efficacy of different interventions to reduce their risk of committing violence. Some information exists via individual cases and studies of violence, including a body of new reports about Haitian youth in urban gangs,^{clxii} but as a body of knowledge, there is very little documented or analyzed. While prison officials and prison pastors, social workers, lawyers and parole officers may be familiar with individuals' cases, this information remains confidential in many cases, and the lessons offered by such cases have yet to be shared with key actors in the field.

The same applies to gang rape: there is little documented about the experiences of men and boys engaged in gang rape, outside of generalizations related to the bonding nature of violence. Similarly, while incest has long existed in Haiti, it remains shrouded in taboo. More has been written about wife beating, particularly the tolerance of violence against women, and particularly by scholars of Haiti. But by and large, these studies have also focused on the experiences and views of the victims. Nor is there much in the way of information about witnesses and accomplices to sexual violence, despite the reality of domestic abuse and rape impacting on families, including extended families and friends of the family.

“The lack of programs for perpetrators is something we all know is very important, but it doesn't exist to my knowledge,” acknowledged IJDH director Brian Concannon, a lawyer.^{clxiii} His group has published many reports over the years that document the failures and weaknesses of Haiti's prison and judicial systems. The failure to help convicted sex offenders is a part of the overall failure to provide rehabilitation and adequate re-entry services for prisoners in general. “The country could definitely use a program to monitor sex offenders,” he stated.

To date, the response to sexual violence in Haiti remains victim-oriented. Local programs such as those at KOFIV, Kay Fanm and other GBV organizations do offer mediation and couple's counseling in cases of domestic violence, and support for family members in cases of incest. Male partners and boys within families may be counseled and invited to attend male support groups. Parents, including fathers, may be offered counseling related to the rape of daughters. But these are not well-developed, funded programs on the par with the efforts to help victims of sexual violence. Where they exist, GBV prevention and education programs targeting men and boys

address male attitudes and behavior related to women. (see *Mobilizing Men and Boys*). While there are groups working with youths in gangs, GBV work is addressed within a larger effort to curb youth and urban gang violence.

In interviews, local agencies that serve survivors, as well as human rights groups, acknowledged the gap of information or programs focused on perpetrators. Yet some feel the challenges are for others to take on. “We have a mission to help the victims,” stated Yolette Jeanty at Kay Fanm, adding, “I believe that we might run a risk that the women who come here to ask for our help would lose confidence in us if they saw that we were helping the men who attacked them. There are also issues of confidentiality. I don’t see how we can do that.”^{clxiv} Yet, she stressed, “It’s a big problem. We have a lot of difficulty in knowing about these people [the assailants]. Sometimes we don’t know who they are; at other times, we know. But it’s not easy to get them to talk. It’s dangerous.” On top of that, she added, “There’s a real risk that they [perpetrators] will go and rape again. Our clients are afraid of that. So it’s a real problem.”

At the Haitian human rights group RNDDH, director Pierre Esperance also stated that his organization lacks specific information about perpetrators. His group tracking rights violations, and documents cases including the logs of police arrests and convictions of crime, including sexual violence. But they do not have a larger program to study perpetrators. “It’s not easy,” stated Esperance. “The person does not want to talk. It stays hidden.”^{clxv}

At the same time, Jeanty and other leaders at KOFAVIV and other survivor-led organizations complained that they lack information about when a sex offender is to be released. “Right now we aren’t given any information, unless we know about the case or a lawyer happens to inform us. It’s the same for the victim – they aren’t informed.” At KOFAVIV, Jocie Philistin noted, “Often, the police let them go, and we hear from the client that they are being threatened again or they have left because they have run into their attackers.” Among the missing pieces of the puzzle is information about repeat offenders – and repeat victims. Advocates at KOFAVIV say they have women who have been subjected to multiple rapes. But the information about these cases is not collected or studied. Nor do the police have breakdowns of such information or tracking of these cases that is shared with the local agencies.

“There has been discussion of a sex offender registry, but as far as I know, it’s still at that stage,” said Meena Jaganaath at the BAI’s RAPP program in summer 2012 (see box).^{clxvi} “It would be an important step.”

Helping Former Inmates: Haiti Prison Ministry

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Primary Target Group: Prisoners, Juvenile Offenders
Primary Target Zone: National

Among groups helping prisoners, the Christian-based Haiti Prison Ministry (HPM),^{clxvii} has been working for over five years to help prisoners with a variety of legal aid and other free services, including counseling and re-entry programs.^{clxviii} It has main offices in Port-au-Prince and New York and operates programs Cap Haitien, Gonaives, Jacmel and Les Cayes as well. It works with approximately 350 law students, recent graduates and pro-bono lawyers, including 28 missionaries with expertise in criminal and civil law, and 300 grassroots organizations. HPM staff and volunteer argue at detention centers, local police stations, criminal courts and during street arrests, while paralegal workers assist detainees charged with new violations or newly admitted prisoners.

The earthquake has greatly increased the demand for services on the organization. In 2010-22, over 19,000 inmates in and out of Haitian prisons were helped by the program. This year, in January and February alone, their caseload jumped with 8,401 documented new cases, and 4609 clients who had been provided with services.

According to a recent review of the program, Haiti Prison Ministry aims to provide “a range of self-motivation and self-reliance techniques that helped reduce prisoner recidivism while simultaneously developing better psychological functioning.” As a Christian-oriented program, the organization stresses the spiritual aspects and Christian teachings to clients. But it directly seeks to “break the cycle of poverty” that underlies many crimes.

“Our research techniques over the years have reviewed evidence that most crimes committed in Haiti are linked to stress-induced malfunctioning due to poverty, malnutrition, and economic depression,” states a HPM report detailing its post-quake work. In addition to legal aid work and counseling, the program has focused on the economic needs of ex-prisoners with a craft program and business literacy training for entrepreneurs.

Within prison, HPM group provides a range of social programs including access to basic literacy, vocational training, business entrepreneurship preparation, life skills and substance-abuse treatment. Their clients also receive food, clothing, reading materials, hygiene kits, and periodic health care check-ups, stress and anger management classes.

Given the dearth of prison re-entry programs, their “Societal Re-entry Support” has been welcomed by prison officials and overwhelmed communities. The program works with local churches, community leaders, local law enforcement agencies, and grassroots’ movements to address the needs and cases of newly released inmates.

The organization has also stepped up its’ focus on juvenile offenders since January 2010. . Post-quake, an average of one out of nine adolescents was living in orphanages, in overcrowded camps, or displaced on the streets without guardians or any relatives to care for them, according to HPM (see Child Protection section). Many are in and out of jail for minor and more serious crimes including murder, and rape. The HPM created a Juvenile National Task Force composed of 600 law enforcement authorities, 400 clergy and 47 religious organizations, (along with their in-house and volunteer legal staff), and introduced a Juvenile Prison Protection Program. It had benefited nearly 30,000 youth and families at the mid-2012 mark.

While this is notable – and laudable – progress, there is still a marked need for a focus on programs for sex offenders, and input from advocacy groups like HPM on the rights of sex offenders. Looking to prevention, there’s also a need to bring together groups working to defend the rights of sexual violence victims and those like HPM who are helping prisoners. Both sides have knowledge, experiences, and strategies to reduce crime and improve the lives of victims and perpetrators that can help shape effective community, prevention and education efforts related to sexual violence.∞

The Disabled

The impact of the earthquake on a large group of survivors of the catastrophe was immediately and painfully visible to everyone. The global media captures the agony and ongoing challenges facing those physically disabled as a result of crush injuries and subsequent amputations in a nation that had minimal facilities or services established for the disabled before 2010. Less visible were those who lost their eyesight or hearing, or suffered brain injuries that have made it difficult for them to recover.

Prior to 2010, an estimated 8 percent of Haitians were physically disabled, and suffered discrimination in an impoverished country that did not provide basic services needed by the disabled, including ramps and basic access to public facilities. The Haitian government estimated that 6000-8000 people became newly disabled in or after the earthquake, as buildings kept falling for days and weeks due to daily aftershocks. But that figure is rough, since few field hospitals and emergency teams working in the rubble were able to keep good records of surgeries in the heat of such heavy surgical triage.^{clxix} Handicapped International estimates that some 2000 to 4000 individuals underwent amputations in the period right after the earthquake, but many thousands more suffered complicated fractures that risked leading to amputations without proper medical management.^{clxx}

Looking back, some critics of the medical relief response have argued that some individuals lost limbs in the zeal to ward off gangrene that could have been saved – a painful thought to the victims of amputation. What’s not debated is that many who lost legs and arms are alive today, but coping with myriad disasters facing the newly physically disabled. This includes women and girls who, data suggest, have become double victims of sexual assault as a result of their physical vulnerability.

On the government side, Michel Péan, Haiti’s Secretary of State for the Integration of the Disabled (SIEPH agency in French),^{clxxi} led the government’s effort to reorganize services for the disabled in 2010. Mr. Péan, who is legally blind, worked closely with a bevy of agencies to help coordinate the restoration of services for the disabled. As he told reporters, the post-earthquake reconstruction represented a fresh opportunity to make Haiti’s capital and other major cities more accessible to the disabled.^{clxxii} He hoped it would lead to a national institute for rehabilitation, and greater services across the country, as well as support for the still-nascent national movement of disabled persons to address longstanding inequities and discrimination they face in sectors of Haitian society including employment. As a result of this advocacy, Haiti’s government had taken a number of prior legal steps to address the discrimination facing the disabled, and had opened small offices to serve those living in countryside.

Rehabilitation and Reconstruction

Many groups rushed to set up surgical centers and rehabilitation clinics for the disabled, who remained inside field hospitals and lying on the ground recovering from operations, waiting for their bodies to heal. They also called for those planning to rebuild Haiti to consider the needs of the disabled for access ramps and railings, elevators and paved sidewalks – items that remain in short supply today.

Several agencies took a lead to help Haitian officials coordinate post-disaster rehabilitation efforts, including Handicap International, based in France; the Germany-based Christian group CBM; Project Medishare, based in Miami, and others. These groups immediately began delivering wheelchairs, walkers, crutches and other basic materials to amputees, and established centers and workshop to

produce prosthetics in the capital, Cap Haitian and other sites. There, Haitians worked alongside volunteer physical therapists from around the world to help the newly disabled learn to walk with supportive equipment. But the supply far outstripped demand, creating an overnight industry for makers of wooden walkers, crutches, and canes.

With an eye on the economic needs of the disabled, agencies also worked to train the disabled to help guide peer support groups for those recovering from the dual emotional and medical shocks of the earthquake and the painful journey of rehabilitation.

For the disabled, life in post-quake Haiti's environment has been many circles of hell. For blind Haitians, the earthquake radically altered familiar landscapes of home, neighborhood and familiar sounds that supported their independence. Those displaced or homeless and discharged to overcrowded, dangerous IDP camps have faced additional challenging factors: lack of well-defined and even walkways between tents, faraway latrines, cooking and bathing areas. Add to this the list of natural impediments to mobility: ankle deep mud, flooding, and hurricane-link winds and lightning. The physical environment of the camps has presented considerable hurdles to their mobility for the disabled – and for their loved ones and caretakers. Many have had to rely on other for access to services.

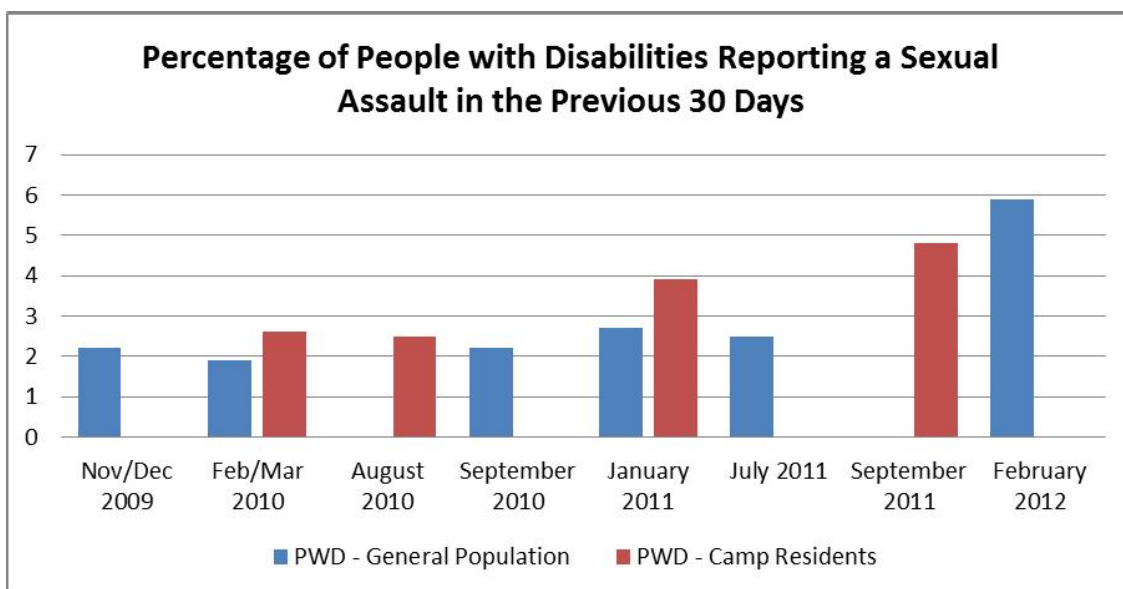
Not surprisingly, advocates report that the disabled have reported feeling isolated and vulnerable to theft and other attacks. The factors that contributed to vulnerability for residents are that much worse for those with physical disabilities.

Targets of Sexual Violence

For women and girls, that hell has included violent attacks, including sexual assault. Looking back, there is a gap in the GBV reporting picture to date that captures what occurred to disabled individuals, and research is needed to document what they have endured since 2010. But some data has been collected and it is sobering. A comparative review of monthly reporting by the research team of the Small Arms Study (see table below) charts a significant increase of rape of disabled women and girls both in and outside the camps. Their data also found more sexual assaults among the disabled than non-disabled, supporting a widely held assumption that physical disability – having limited or slower mobility – was a risk factor for vulnerability to rape.

The SAS data includes some data collected before the earthquake, providing an important comparative snapshot. The trend is clear: reporting of rapes has increased, both in and outside camps. What's also significant is the jump of cases among non-camp residents from July 2011 to February 2012. The data suggests that the overall conditions outside camps, where violent crime has surged in popular shanty areas, are contributing to sexual assault of disabled women and girls.

Comparative Monthly Reports of Disabled Victims Reporting Rape 2009 to 2012
(Source: Small Arms Survey, 2012)



Needed Research

Other groups are busy reviewing patient data at health centers to see what it reveals about post-quake sexual assault and disability and the provision of GBV services to disabled assault victims. Looking ahead, a similar collection and review of data by NGOs serving GBV victims would further clarify this picture.

Immediate research is needed to assess the additional psychological and physical trauma and injury caused sexual assault on already individuals coping with physical disabilities and recovery from major surgeries. Rape victims may need additional or specialized psychosocial counseling as well as rehabilitative services related to their physical injuries or healing. Given the larger findings that adolescent girls are majority victims of rape, it's important to look at the factors of youth, as well as economic vulnerability. Are disabled women and girls engaging in trading sex to survive? Or has disability reduced this as an economic option for them? What about disabled boys and men? Have they suffered more violence and any sexual assaults linked to disability?

Integrating GBV and Handicapped Services

Specialized medical and rehabilitative services for the disabled are currently offered by a variety of groups who have set up ongoing counseling and support groups for patients, and seek to provide a range of non-health services, too, including skills training and links to employment. Gender-based violence is a topic that is discussed by health providers to the disabled, who are well aware of the additional risks of assault, particularly for disabled women and girls. But the medical providers are not formally linked to grassroots groups providing GBV services for survivors. Looking ahead, advocates for the disabled and those helping GBV victims would benefit from partnership and shared learning in order to integrate and expand services needed for disabled GBV victims. Given the early data that suggest disabled women are the most vulnerable, greater advocacy is needed by the broad GBV movement to

demand services, protection and services for the disabled. The issue of disability should be a priority aspect of GBV prevention, particularly for programs targeting displaced individuals.

Housing and economic assistance are also paramount needs that can reduce the vulnerability of the disabled to living conditions that contribute to their risk of sexual assault. While the GBV movement and housing advocates press for greater attention the gender dimensions of the homeless crisis, there is also a need to stress the need for public and residential housing that is accessible to the disabled.

A growing movement

On the positive side, the catastrophe of the earthquake has yielded what Secretary of State Péan had hoped for in 2010: more official and civil society attention to the rights and needs of the disabled, and much more investment in health services. As with the GBV movement, a new generation of the disabled has become vocal in their demand for a seat at the decision-making table, and for priority action to help those who remain homeless. The flood of outside help has fostered important partnerships among disabled leaders and agencies abroad and newly-minted activists in Haiti, raising the profile of the disabled in Haiti and within a larger international movement.

Within the government too, disabled activists have stepped into important positions where they are pushing forward reforms and programs. In October 2011, Gerald Oriol, Jr. was named by President Martelly to succeed Péan as head of SIEPH.^{clxxiii} Highly regarded as a dynamic, creative advocate by his peers in the disability movement and by other Haitian officials, Oriol lives with muscular dystrophy. He is credited with a number of programs designed to raise the visibility, voice and needs of the disabled, including his hosting of a weekly educational radio program, Moun Andikape Pa Ka Pe (Disabled People Don't Be Afraid in Kreyol).^{clxxiv} A jobs program, Toupatou, Toupatou (Everywhere, Everywhere in Kreyol) has provided jobs and job training for entrepreneurial disabled Haitians to sell mobile phone minutes and phone calls in the cities of Jeremie and Les Cayes, with funding from the Voila Foundation linked to mobile phone provider Voila. Other programs to provide the disabled with sports (basketball) programs and access to clean water have also proven a success.

“It’s imperative for the public and private sectors to work together in Haiti to create trickle up economic development conditions for the betterment of the country in general and its disabled population in particular,” Oriol told reporters about his focus on jobs. “It is not just a question of human rights and equal opportunity. A person with disability can be as effective as a non-disabled person in the workplace, and in many instances even more effective. Undoubtedly, efforts to integrate disabled people will help tap underused resources and skills for national development.”

The SIEPH programs are designed to address both a need for social reintegration of the disabled into new neighborhoods and to give a strong, healthy, productive face and profile to the handicapped. For too long in Haiti, the handicapped were resigned to relying on the charity of others or begging in the streets. There are still many physically disabled Haitians among the ranks of the most destitute who beg for their daily survival. On the legal and policy front, Oriol and other officials have also worked to enact needed reforms that safeguard the rights of the disabled in all areas of public life.

With the new data showing sexual violence to be a special threat to the physically disabled, more efforts are now needed to integrate GBV programming into the expanding work and agenda of the state’s agency for the disabled. At SIEPH, Oriol and colleagues are aware of the need and have begun to mobilize. This effort also calls for a greater focus on gender and women’s rights within programs by and

for the disabled, to assure that women and girls benefit equally and that more attention is given to their vulnerability in the workplace and other areas. Here, new partnerships and exchanges of training between the SIEPH and agencies serving the disabled, and groups focused on GBV, women's rights and child protection – as well as housing -- could advance this agenda.

Within the GBV movement, the voices of the disabled are needed to guide research, advocacy and program development in order to assure delivery of holistic services tailored to disabled GBV victims.

Security

A multitude of reports since early 2010 have documented the problem of increased insecurity that followed the earthquake and the ongoing need for greater protection for Haitians, including those in the initial 1300 displaced camps and communities. Many reports have documented how attackers have used knives to slip into tents and commit crimes, including rape. Several factors have compounded the problem of insecurity within IDP camps, including overcrowding, lack of secure shelter, poor lighting, lack of locked doors on latrines, gang activity, and the failure of police and security groups to patrol inside camps and some of the worst Port-au-Prince slums after nightfall.

The Initial Security Vacuum

As noted earlier, the earthquake itself had a major, devastating impact on Haiti's National Police (HNP) and created an instant vacuum in security across the country. Some 79 police officers died, and others were injured. The surviving force had to cope with helping their own families in the immediate aftermath, and most lost their jobs and income for months.^{clxxv} With mountains of debris blocking roads, it was all but impossible for the police to respond to the overwhelming cries for help in all corners.

Pre-quake, MINUSTAH had approved sending up to 7,000 military personnel and over 2000 police to Haiti. It increased that to 9000 military personnel and 4,300 police by mid-2010, many of them assigned to patrol IDP camps and urban shanty areas of the capital.^{clxxvi} An April 2010 report on MINUSTAH's role by the Secretary-General – three months after the security collapse – stated that its officers had cumulatively helped some 1,800 female victims of sexual violence since 2009.^{clxxvii} Media reports noted that a special MINUSTAH contingent of Bangladeshi female peacekeepers trained in gender-based violence had been dispatched to Haiti.^{clxxviii} Unfortunately, this model force was not assigned to combat sexual violence or do much training; instead it patrolled camps much like other forces – a lost opportunity.^{clxxix}

Overlapping Catastrophes

The arrival of Haiti's annual rainy season, with hurricanes, flooding, lightning, and mudslides has repeatedly displaced citizens and compounded security challenges since 2010. While reeling from the earthquake, Haitian officials and humanitarian actors have had to implement disaster preparedness and emergency security measures to reduce the multiple threats to Haiti's population. With each fresh crisis come new vulnerabilities and threats to the populace.

Finally, there is the newest large-scale catastrophe to befall Haiti: cholera, a national crisis that is also blamed on the very outside agency responsible for improving security, MINUSTAH (*see MINUSTAH box, Legal Justice section and Cholera, Health section*). Last year, after mounting criticism of MINUSTAH's role in Haiti, the UN called for decreasing its force by 1000 military personnel and 1000 police. As of early 2012, there were some 7700 military personnel and over 3500 police, with a plan for phasing out the force.

Challenging Assumptions

Early on, Haitian and MINUSTAH officials pointed a finger of blame for the increasing violence at some 500 prisoners who escaped from the National Penitentiary. They included some hardcore criminals and convicted rapists. They were accused of running loose in the camps, assaulting women. Yet data from the SAS team, who track crime patterns in Haiti, refutes that narrative. The SAS team found that only a few hardcore criminals were among the penitentiary escapees; most were individuals who had not been convicted. “In the initial weeks after the earthquake, Haitians that we surveyed most often said that the escapees were not a source of insecurity as few were actually criminals,” stated Kolbe, who is a scholar at the University of Michigan.^{clxxx} While she acknowledged that “60 to 70 percent of sexual assaults are committed by criminals, they are rarely arrested and even more rarely imprisoned for rape,” she stressed. “We could find no statistical evidence that the handful of escaped rapists influenced the sexual assault rate post-earthquake.” While armed groups and gang members were engaging in crimes in and outside IDP camps, “they were mostly related to property crime, murder and (against each other) physical assault,” contends Kolbe.

Data collected by the Haitian human rights organization RNDDH did produce some matches between names of penitentiary escapees and 2010 arrests, including for rapes, but not many. Their data also argues against escaped prisoners as the main source of violent rapes in the period right after the earthquake.

Instead, Kolbe points to the disruption of existing gang networks as the greater culprit; after all, gang members were among the citizens made homeless, too. “Armed groups have always been, paradoxically, a stabilizing factor in popular zones. They generally were able to prevent violence against their own communities,” explains Kolbe. “But with the creation of new groups, this protective factor was less present and those who wanted to victimize others felt free to do so.” In other words, the violence was caused by criminals, but not necessarily penitentiary escapees.

As of mid-July 2011, 627 escapees had been recaptured, including roughly 100 gang members, according to the HNP. Those who remained at large include some hard-core criminals. A recent report by International Crisis Group found that returning gang leaders in slum areas of Cite Soleil, Martissant, and Bel Air have rebuilt armed gangs. Much of the violence, often theft and muggings, has been confined to these urban shantytowns. There are camps in those poorer neighborhoods too, and there, one finds higher rates of reported violence, including sexual violence.

According to a 2012 US Institute of Peace report by scholar Louis Berg,^{clxxx} some escapees joined a new armed group known as the Armée Fédérale that is based in the Martissant section of the capital and is engaged in organized criminal activities.^{clxxxii} The urban gangs have gained considerable ground in 2012. There’s also been a steady, unregulated influx of small arms into the hands of gangs and criminals in Haiti, according to the SAS team that tracks this issue.

Another early ‘narrative’ concerning sexual violence has been called to question based on the findings of the SAS team. Early on, many reports cited darkness and lack of lighting in the IDP camps as major factors contributing to the risk of rape there. As a result, Haitian feminist groups and agencies including UNFPA and UN Women provided solar lights to illuminate pathways and flashlights and whistles. It’s certain that these steps increased security after dark for residents, and women testified that they felt more secure as a result.^{clxxxiii} But SAS data from interviews with camp residents in the capital, Léogâne and Jacmel found that physical assaults “almost exclusively” took place during the day or in the early evening hours, while rapes occurred at all hours. “Sexual assaults were very slightly more likely (50.7 percent) to happen during the daytime than at night,” clarified Kolbe. “But this difference is not statistically

significant.” Still, it’s an important thing to examine, since it implies that other factors are behind daytime assaults.

Another early assumption that has not held up is that most rapes were committed by strangers, including the escapees from the National Penitentiary. As noted in the Reporting section, there have certainly been documented cases of rapes by assailants unknown to victims, particularly gang rapes. But these cases of ‘stranger rape’ are in the minority compared to violence against women by intimate partners and rapes by friends, neighbors, and acquaintances known to the victim.

Another assumption related to security that did not materialize was wide-scale looting—a concern voiced by UN and US military officials in response to early criticism that soldiers were protecting property, not people. “There was very little looting post-earthquake,” stated Kolbe, who based her statement on the SAS’s ongoing analysis of the crime picture. “Thefts were for relatively modest amounts of food or water and generally occurred in the first 6 weeks post-earthquake. The property crime rate was at an all-time low post-quake and didn’t increase again until last October (2011),” she added.

Improving Police Responses to Rape

According to the Haitian watchdog rights group RNDDH, Haitian authorities, often helped by UN and foreign support, reported 2250 arrests between February and April 2010. Of them, 535 – or 23 percent — were for sexual violence.^{clxxxiv} The Haitian police report a slightly different official picture. In 2010, 622 rapes were reported, resulting in 385 arrests and jailing of accused perpetrators and 45 convictions. A more recent review of 2010 cases by the UN’s human rights section in Haiti, done in cooperation with the Haitian police and judicial officials, found that only one of 62 rape complaints filed in a three-month period had been referred to trial (still pending).^{clxxxv} During that same period, local groups had recorded about 500 rapes, the report noted (*see Legal Justice section*).

On the positive side, the police response to such cases somewhat improved in 2010-11, according to interviews with legal and women’s rights advocates interviewed at several agencies. The increased percentage of clients arriving for medical exams at GHESKIO within 72 hours may be a reflection of an improved police response, since GHESKIO receives a number of clients brought over from the police. But some advocates feel community groups deserve the real credit. At the SAS, researcher Athena Kolbe said improved police response times in 2011 could also be attributed to funds to KOFAVIV (by MINUSTAH and MADRE) for a GBV outreach project led by GBV survivors in camps who helped identify and accompany assault other victims to service providers, including hospital and the police.

Other advocates interviewed about police response to rapes since 2010 are quick to point out the many known problems that still exist – including police abuse of women reporting assault and corruption – that continue to deter victims from seeking help from the police. KOFAVIV *ajans* (layworkers) say it’s still common for the police to demand “a favor” – a small bribe, (typically about US \$15) to pursue an arrest or case. In a new report, the SAS team found that bribes demanded to pursue a sexual assault case were slightly higher than those demanded for other cases.^{clxxxvi} But advocates and lawyers also acknowledged that police awareness and responses had improved somewhat, due in part to a more mobilized civil society and international actors demanding action by the government and state agencies, including the police (*see Gender Progress discussion below*).

In another positive step, the HNP also quickly relocated its special unit for sexual violence cases, the ULV-FVV, after its office was damaged in the earthquake (*see ULV-FVV box*). The unit has only handled a

small number of reported rape cases compared to more established actors like Kay Fanm or KOFAVIV, but it's a positive sign of the Haitian police's growing commitment to tackling sexual crimes.

Fearing the Police

Before the earthquake, the HNP also remained vulnerable to corruption, and rogue officers were regularly blamed for preying on citizens instead of protecting them. Among pre-quake reports of rape, there are consistent cases and accusations over the years against police officers. These statistics help explain why violence and rape victims often fail to report crimes to the police. "A lot of women are really afraid of the police," admitted Jocie Philistin of KOFAVIV. "Instead of helping them or arresting the man who did it, the police abuse them and rape them." Her views were echoed by advocates at other frontline agencies and survivor's groups. "We see this all the time," said ANAPFEH's Kettly Alysee, who says commercial sex workers are especially vulnerable to abuse by the police since prostitution is illegal. "The policemen can do whatever they want to these women. Sometimes they rape them and then they warn them to shut up or they will arrest and jail them."[∞]

Overlooked: The Civic Response

Faced with the immediate security vacuum, Haitian citizens quickly self-organized to set up volunteer security brigades throughout the city and within the IDP camps. While a lot of media attention has focused on insecurity and justice problems, it has largely overlooked the remarkable civil society and community-level responses that helped to counter crime and provide security in 2010. Haitians at all levels joined daytime and after-dark citizen watchdog groups and camp patrols, created guarded play and school areas for children, staffed emergency clinics, and worked closely with the slowly returning HNP and UN troops to chase down perpetrators of crimes.

Within this local civic response, women and youth volunteers deserve special credit for helping to make mixed and youth-focused GBV patrols more responsive to the threat and incidents of rape. They include MUDHA, which put women in charge of overall camp management and quickly saw the results: decreased rates of violence, including sexual violence.^{clxxxvii}



Marisol Baez of MUDHA speaking out.

Photo credit: @Beverly Bell | Other Worlds Are Possible.

The spontaneous civic response was so effective in some places that, looking back today, researchers wonder if the later UN takeover of camp management from locally established groups and looser “community-run” structures was a good move security-wise. The International Organization for Migration (IOM) stepped in to play a major coordinating role in the security arena several weeks after local residents in some camps had already created their own structures and, in some cases, had completed a census of their camp population. In a review of longitudinal data of various camps, the SAS research team found that “IOM-managed camps had a greater increase of insecurity overall, and IOM-managed camp residents had an increased relative risk of being a victim of a crime when compared to other non-IOM camps,” reported SAS researcher Kolbe. She speculated that the reason has less to do with IOM’s performance and more with the removal of social protections provided by community leaders known to camp residents. “We think this is related to how social structures within the camps were rebuilt by the healthy/functional camp committees which became a protective factor against insecurity,” she explained.

For its part the IOM has made considerable efforts to improve child protection services to vulnerable children, including *restaveks*, and to place vulnerable children in safer settings. The UN agency has increased its presence along Haiti’s porous border with the Dominican Republic, working closely with local partners to fight trafficking of children and sexual violence. (see box, IOM).

Rural Injustice

As noted earlier, some advocates in rural areas see progress in the response of police to rural rape cases, including the March 2012 arrests of 14 men out of 21 sought for rapes of adolescents in the Artibonite area. Two months later, the police were actively searching for the remaining seven, and the cases were before the Gonaives court.^{clxxxviii} But not everyone feels the situation has changed that much since 2010. Partners In Health doctors treating sexual violence cases in the Artibonite say local awareness of rape has risen, but the police and courts still move slowly, and too often, are susceptible to corruption. “Instead of arresting someone, we see that there is an arrangement that has been made. A lot of times the man is forced to marry the victim,” said Dr. Christophe Milien of PIH. “We have a lot of work left to change the attitudes in the community and also of police and judges about this [rape] as a crime. That’s a big part of the problem.”

Gender Progress

Others see progress in the growing presence of women police officers who are being actively recruited, though the overall gender picture is still poor. As of last summer, women made up less than 8 percent of the overall HNP, and there were 769 women officers. But many were junior officers, and there were few women in supervisory positions. One exception is a dynamic officer, Commissaire Divisionnaire Marie-Louise Gauthier, head of the women’s affairs division of HNP that oversees the UFL FVV gender crimes unit. She oversees gender trainings in each of Haiti’s ten departments, with MINUSTAH support. Each department now has one officer responsible for overseeing complaints of sexual and gender violence.

Outside the capital, the picture is less rosy. As of fall 2011, there were only two women officers in the North East – one in Fort Liberte, the other in the rough border area of Ouanaminthe (even though half the monthly crimes in that area of Haiti involved sexual and gender-based violence), according to International Crisis Group researchers^{clxxxix} At the time, Gauthier said the Haitian police and its UN partners were working to improve the picture, particularly in the border area of Ouanaminthe close to

the Dominican Republic, where they have increased efforts to combat child trafficking and assist *restavek* children. (see *Child Protection section*). On a positive note, a good number of women have applied to be police recruits, though many do not qualify because of their lack of education.

Looking ahead, the ICG team identified steps to improve the present picture: providing the women's affairs unit and its UCL-FVV unit with more authority; specialized training; and resources to investigate sexual assault complaints. Last fall, Gauthier and ten other female officers were scheduled to attend a police training conference with sponsorship by the UN and US embassy, a sign there is international support for this goal. HNP officers have also participated in meetings set up by the advisory National Dialogue to hear about model GBV initiatives in Brazil and Canada that provide lessons for Haiti, and to share Haiti's lessons with groups outside the island. Human rights groups working on judicial reform have also helped the HNP access training and resources to improve security and child protection.

Haiti's Gender Police

Organization: HNP Unité de Lutte de Femme Victime de Violences (UCL FVV)

Contact: Inspector Alain Chauvel Desforges (UCL FVV) |

Adjoint Commissaire Marie Louise Gauthier (PNH).

Email: marielouisegauthier77@yahoo.fr (PNH)

Primary Zone: Ft. Dimanche area, Port-au-Prince

Primary Target Group: Women survivors of violence

Primary service focus (for GBV): Protection



Inspector Alain Chauvel Desforges, UCL FVV

Photo Credit: Harriet Hirshorn, 2011.

In late 2009, the Haitian National Police created a special unit and pilot project with its Women's Affairs division, the Unité de Lutte de Femme Victime des Violences (UCL FVV) (Combat Unit for Women Victims of Violence). Its goal is to fight violence against women, help victims pursue medical and legal recourse, and closely follow these cases. The project also provides gender training for other divisions of the Haitian National Police (PNH). The pilot project began working in the Fort Dimanche neighborhood of the capital – an area with a recorded high level of violence — under the supervision of Commissioner Nathalie Victoire and a staff of 17 officers who had participated in a police gender training class.

Pre-quake, the UCL FVV program had expanded its catchment area to include Christ-Roi, Carrefour, and Croix des Bouquets – popular neighborhoods with a lot of gang activity — and Petionville and Delmas. A good percentage of clients came from the Fort Dimanche neighborhood.

The UCL FVV program was hit hard by the earthquake, as was Haiti's overall police force. The building housing the pilot gender protection program was destroyed, along with their detailed archives relating to cases of sexual violence. One of their staff was killed. The project also lost all its equipment and supplies, which were donated by the UN, MINUSTAH, and UNFPA.

Post-quake, the program has set up a provisional office in a tent located within the UN compound at Ft. National. There, Inspector Alain Chauvel Desforges, a young, committed police officer, oversees a reduced staff of 14: 11 men and 3 women. He has been at the gender unit since its inception.

The gender unit's procedures follow the official norms set by the National Dialogue. Clients who are referred to the hospital for a medical certificate and legal follow up are thus integrated into the official national GBV database.

The police gender tent is staffed at all hours, and two to three officers are on duty all the time to receive women or reports of violence taking place. At the tent, the police take down a woman (or girl child's) information, including basic observations about their physical and emotional state, then, depending on the situation, accompany the client to the general hospital for an examination and treatment (and medical certificate). In more serious cases, police may also accompany the client to her/his home to look for and arrest the alleged perpetrator(s). Clients are then referred to legal services if they want to press charges. After that, the UCL FVV keeps track of the case.

The unit's database reveals a statistical trend that confirms many of the observations made by other groups helping GBV survivors. To date, the number of clients they see varies by month, with an average of 60 cases of violence a month (as of August 2011). These included rape, attempted rape, assault and attempted assault, attempted murder, death threats and destruction of property. Rapes occur a lot less frequently than physical battery cases. In July, only a single case of rape was reported. In August, 15 had been reported – the highest since the project began. The vast majority involve domestic violence and battery, a pattern noted by other groups.

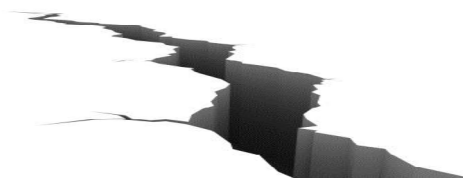
On a more positive note, "quite a few" of the rape cases have decided to file charges, and a good number of rape trials are pending, said Desforges. Also encouraging, most clients report the attacks *before* 72 hours -- an indication that public awareness of the legal requirement to promptly report rapes is growing, and possibly a sign that the gender unit's work is better known, too. Desforges said there is a general awareness that victims of violence can come to the Ft. National office, but there is still "work to do" because many still ignore its existence.

The latest police statistics echo the 2011 trends observed by GHESKIO, Kay Fanm, and SOFA, all partners in a linked referral network of established providers. Like these groups, Desforges felt that, based on data and observations, officially reported cases were *decreasing* compared with early 2010.

His unit has also documented more *reported teenage rape cases* than adults. The girls are 14-18 years old, compared to domestic violence cases that are roughly 16-45 years old. Here, too, rape is a *familiar crime*—by someone known. If adults, they are domestic violence cases that also involve rape. Most rape survivors seen by the gender police unit know the perpetrators, confirmed Desforges. Their team has also documented cases of gang rape – involving more than three people – but this is unusual, and when it does occur, the attackers are unmasked, said Desforges.

The UCL FVV cases to date reveal that the great majority of perpetrators are adult men, aged 18-50. A few are also boys under 18 (accused of rape) who are generally referred to the government’s child protection agency, the BPM (see box), per government policy. That’s also where the police refer the “rare” cases of incest reported to the UCL FVV in 2011. The unit had documented cases of pregnancy linked to rape, and here Desforges agreed with other groups who believe that cases of teenage pregnancy are higher since the earthquake. Before, the police referred pregnancy GBV cases to groups like SOFA and Kay Fanm for psychosocial support and other services.

Looking ahead, Desforges is encouraged by the work of his team in terms of protection. “When men know that an office like this exists, they behave differently,” he said. “It does have an effect on society, but the effect isn’t complete. There is a lot of work to do before women feel safe.” ∞



Political Factors

Researchers have long noted that Haiti’s political instability often fuels gang activity as political aspirants spread cash and weapons around to urban youth and gang members to boost their muscle. Election campaigns are often marked by flares of organized street violence involving street youth or gangs paid to foment conflicts that are often cloaked as populist protests in media reports. KOFVIV was founded by women victims of politically-motivated sexual violence (*see KOFVIV box*). Advocates call these cases “political rapes” – the deliberate targeting of female supporters of a political position, party or leader or assaults and threats directed female leaders or the female relatives of a male leader.

Here, too, the current picture is not encouraging. In mid-March 2012, Haitian newspapers were reporting increased political tensions in the wake of President Martelly’s firing of Gary Conille as Prime Minister. There were public concerns over armed former army soldiers who were occupying a former military training camp and other irregular camps and publicly parading with their weapons. (Martelly initially stated he would close the military camp and ordered the soldiers to disband, but later appeared to have switched gears when they refused). In June, government officials began registering and paying the ex-soldiers as part of the president’s stated plan to rebuild Haiti’s army – a long-tarnished institution disbanded in 1995 after decades of brutal military rule.

Adding to these political tensions are ongoing legal battles targeting Haiti's ex-dictator, Jean-Claude Duvalier, and ex-president Jean-Bertrand Aristide, who both took refuge in their homeland after the earthquake. Supporters of both ex-rulers have taken to the streets, sparking renewed worries of future political clashes.

Rising Violent Crime

In an excellent September 2011 overview of Haiti's police reform since the earthquake, the International Crisis Group offered a statistical picture of the current security crisis.^{cxv} The IGC report presented an analysis of UNPOL statistics that showed an increase from 2,225 acts (crimes) in mid-2010 up to 2,459 for the first half of 2011. This included an increase of 344 cases of homicides, assaults, and robbery in the first half of 2011 compared to the prior year. The latter include five kidnappings in early 2011 – a crime that has involved sexual assault, including gang rapes. The study found that certain routes of the capital, like Route 9 in Cite Soleil and areas along the coastal road, are known for repeated armed holdups. Meanwhile, 14 on-duty officers were killed in the first nine months of 2011, according to UNPOL sources.^{cxvi}

Newer crime statistics show a worsening picture for crime, according to a March 2012 report from the Instituto Igarape in Brazil authored by the SAS duo of Kolbe and Muggah. It revealed a dramatic increase in violent crimes in shanties in 2011, particularly in areas where gang leaders had recaptured turf. Haiti's murder rate, though below that of some other Caribbean cities, was now at its highest since 2006. "This murder rate is not just high, it's enormous," Kolbe told AP.^{cxvii}

Interestingly, police officials and scholars finger the same problem: the breakdown of Haiti's social fabric and civil protection nets. "There is a kind of destabilization of society," Haiti's Police Chief Mario Andresol told AP in 2010, referring to political instability of post-quake Haiti. The SAS scholars reported that citizen confidence in Haiti's police had fallen after a period of faith just after the earthquake: almost one in five respondents said they worried police are unable or unwilling to protect them from crime. Researchers have also blamed foreign NGOs for further destabilizing fragile communities by injecting massive amounts of aid and money, but not to all groups equally, then withdrawing it as the emergency was deemed over. This created tensions among groups and "disrupted the community," Kolbe feels.

Worrisome Forecast

Looking ahead, it's not a stretch to assume that sexual violence cases may keep pace with overall violent crimes if Haiti's security forces don't gain control over urban gangs. Without more reinforcements, training, equipment and immediate cash, that isn't likely. Instead, the push to withdraw MINUSTAH sooner may leave a greater void, despite the negative actions and gender crimes committed by rogue officers. The current forecast is thus very worrisome, even as overall advances in security take place.

Safe Houses (B)

The demand for safe houses for survivors of sexual violence in Haiti remains very acute, as it was before the earthquake. With so many recent cases, and so few housing options for IDPs, many have had few options but to return to abusive environments. With more actors than ever focused on sexual violence, there is steady progress in this area but too few safe houses given the high demand. There is an urgent need to establish teen-and child-friendly safe “group homes” staffed by specialists in adolescent health and mental health services. Haitian officials and youth advocates cite this as a serious and known gap in the current response, both for the capital and nationally.^{cxci} Apart from Kay Fanm’s REVIV safe house for adolescents, there are no facilities especially established to help younger sexual violence survivors. In interviews, BPM officials said they had nowhere to refer children survivors for emergency shelter/housing.

Over the past two years, a number of Haitian and UN organizations (including UNFPA, UNICEF, and the IRC) helped set up and fund women, teen, and child-friendly safe spaces in the IDP camps for daily educational and play activities and for sleeping. These were the bright spots in an otherwise dismal picture. Things are changing now, with new safe houses under construction, some pending funding.

The Pioneer: Kay Fanm

Organization: Kay Fanm (House of Women)

Contact: Yolette Jeanty

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Tel: Haiti (+509) 3725-7337

Primary Zone: Port-au-Prince urban; national scope

Primary Target Group: Women, girls, survivors of sexual violence

Web: www.kayfanm.info

Kay Fanm is a women’s rights association in the capital that has provided counseling, legal aid, and most importantly, safe refuge for adult and teenage violence survivors since 1995. In 2005, Kay Fanm opened its REVIV center (“Live Again” in Kreyol) as the only dedicated safe houses for teenage girls. The organization offers clients a comprehensive menu of GBV-related services, including counseling, support groups, legal aid, medical referral, trainings, education, outreach, advocacy, and emergency shelter for survivors. Kay Fanm remains a key organization working closely with government authorities, including the national police, and the BPM that responds to violence cases in youth.(see box, *BPM, Legal and Justice* section), as well as local NGOs and ally women’s groups. It also intervenes in Nippes and the Artibonite zone.

Kay Fanm suffered very heavy losses in the earthquake with the death of executive director Magalie Marcelin, a lawyer and dynamic pioneer of the movement against sexual violence in Haiti (see box, *Introduction* section). The earthquake damaged Kay’s Fanm’s office in the capital and adult safe house and caused damage to the REVIV shelter when another house fell on it.

Yolette Jeanty, a strong, experienced leader who had been with Kay Fanm since 1984, stepped up to take the reins as Executive Director and shepherded the organization through a grief and rebuilding period. Jeanty has served as Executive Director of the Platform of Haitian Organizations for Human Rights (POHDH) and CONAP, a platform of women’s rights organizations.^{cxci} In April 2011 she received a Global Women’s Rights Award from the Feminist Majority Foundation for her leadership at Kay Fanm.

As of last fall, the organization had 1400 members or clients. Kay Fanm works actively with many women's and community groups and within CONAP, a leftist political platform. The organization has benefited from close ties with other CONAP partners and individuals at the advisory National Dialogue who helped support Jeanty and Kay Fanm's recovery in the early post-quake days. (see boxes on CONAP partners).

Like many hard-hit organizations, Kay Fanm scrambled to find alternative shelter for the teenagers and fix the REVIV center. Jeanty personally took nine girls into her home, three of them young mothers. Jeanty moved quickly, with help from the International Rescue Committee (IRC) and other donors, to set up temporary shop under five large tents in the driveway of her home. These served as makeshift classrooms, counseling and activity space, and at night, sleeping quarters for staff and what soon became a fresh large daily stream of clients, many from new camps. "We still haven't recovered, not completely," acknowledged Jeanty in August 2011. "That moment was so very, very difficult, personally and for the organization. Even now, we're still trying to repair things and put them in place."

Kay Fanm remains a leading agency for referral of sexual violence cases from other agencies: the police, public and private hospitals including GHESKIO, Bernard MEVS, and HUEH, health posts, and other NGOs. For that reason, Kay Fanm's client database reflects *officially* verified cases (reported within 72 hours and backed by medical certificate). The mental health groups Uramel and IDEO also refer clients (see *Ideo box, Mental Health Services section*). "Usually it's right after the deposition of their complaint. If the person has no lawyer or can't manage alone, they refer the case to us," said Jeanty. Women and girls also find their way by themselves and via referral from local and camp-based groups.

Kay Fanm's activities were briefly interrupted for three weeks post-quake, but the organization quickly recovered, said Jeanty. The hiatus likely impacted cases for February and March 2010 – two critical months when other groups documented a sharp rise of rape cases. Like them, Jeanty confirmed that Kay Fanm witnessed a sharp jump in the demand for safer shelter and counseling services. "We had a lot of cases reported right after the earthquake, with all that insecurity and displacement," she confirmed. But since then, she also noted, cases have steadily leveled off – at least for adult GBV cases, a trend reflected in their monthly client registry. Adolescent cases of rape do continue to arrive at Kay Fanm's door, in part because REVIV provides a shelter for teens and is a key referral group for BPM and child protection groups.

Kay Fanm's registry, which reflects verified cases, provides a snapshot of the shifting sexual violence picture. In 2009, the organization registered 2485 cases of violence, which included 309 cases of rape. The year of the quake, there were 1346 total cases of violence, with 134 cases of rape – less than half the figure of the previous year. For the first quarter of 2011, Kay Fanm reported 78 overall cases of violence, with 13 cases of sexual violence. For all three years, "psychological violence" – verbal assaults and other non-physical aggression – surpassed all categories.

As at SOFA, Fanm Deside, V-Day, and Kofaviv, the majority of Kay Fanm clients are survivors of domestic violence, far more than rape alone. (awkward) (in addition to rape). Jeanty feels this fact is still overlooked by the media and newer groups arriving to Haiti who are singularly focused on rape. In 2009, Kay Fanm documented 988 cases involving "physical aggression" (battery) – three times the figures for sexual violence alone (304). In 2010, almost half of all their cases involved domestic violence: 675 out of 1376, a figure much bigger than the 134 rape-only cases. Of 78 cases for the first quarter of 2011, 26 involved physical aggression – twice the figure for sexual violence alone (13). As of August 2011, the group was seeing 12 new clients a day

Jeanty also agreed with other advocates that adolescents make up a majority of rape cases. "The women get beaten up; the young ones get raped," she stated matter-of-factly. At REVIV's center, she said, "There is more demand that we can respond to," she said. "We try to really help the girls who have been sexually violated. Right now the demand is maybe higher than two years ago for the children," she added.

Pre-quake, younger clients stayed at the REVIV center for up to four months. It currently has capacity for 25 young people but sometimes surpasses this number, said Jeanty.

She also confirmed two additional trends others have observed in relation to adolescents: increased reports of incest and increased early pregnancies among teenagers in camps. The latter, she concurred, is linked to what she called "promiscuity" – the selling of sex she and others observe in even very young girls. A glance at Kay Fanm's pre-quake registry shows only a

minority of cases of incest – by fathers, step-fathers, cousins. “We don’t have many statistics on these, but we do see it,” said Jeanty. Like other advocates, she stressed that incest is a known problem but not a new one, though definitely “one that merits our serious attention.”

As for the cases of *filles-meres*, or teenage mothers, she said, “It’s alarming. Six months after the earthquake, we saw a huge jump in *filles-meres*.” Partly in jest, she added, “It’s as if we are going to repopulate the country to replace those we lost in the earthquake.” She cited an example of a recent visit she’d taken to a shanty quarter of the capital where “house after house had a girl that was pregnant – 16 girls – aged 12 to 14.”

The acute poverty facing adolescents and their families is behind the observed wave of teen prostitution, felt Jeanty. That’s why the REVIV program, in partnership with a Salesian group, includes professional training and income generation activities, along with education. Their service includes day care for the *filles-meres* “so the girls can get educated.”

Another documented trend at Kay Fanm is the domestic nature of post-quake sexual violence – as seen before 2010. “The attacker is almost always someone known who lives close to the family,” said Jeanty. The majority of cases in their registry are conjugal (marital), involving a husband or boyfriend. There are also documented cases of “collective” rape by more than one attacker, but these mark the exception, not the rule, Jeanty said. “In general at Kay Fanm, we see that cases of collective rape are by bandits – armed men. For their pleasure they take girls if they want, and they do this with a face that isn’t hidden,” stated Jeanty in late 2011. Rape cases involving masked attackers are when “people break into the houses of people,” she added, an observation made by others.

Pre-quake, Kay Fanm estimated that officially registered (verified) cases represented less than 15 percent of the total real number. While more victims are reporting assault, Jeanty felt the official picture is still likely to be a fraction of the total picture. “We don’t know; we assume,” she said, noting the near-total gap of information regarding rural areas. “But we know that services are completely lacking in many places in Haiti. So on that basis, it’s fair to assume.”

Looking ahead, Kay Fanm has teamed up with the women’s ministry, UNFPA, and other actors to expand its safe shelter program for adults and teens. “Kay Fanm was the only one when we started. Then there was SOFA, but they had to change their space,” explained Jeanty. She added that V-Day’s safe house was already closed when the earthquake hit, and its city listening posts weren’t set up to house teens. “I know every time there is a problem for housing of an adolescent, people come to us,” she stated.∞

The Pre-quake Picture

Before 2010, the women’s ministry teamed up with Kay Fanm to operate a safe house for adult women and Kay’s Fanm’s REVIV center that catered to teens pregnant from rape (*see above box*). AFASDA got help from V-Day to open its Sorority safe house, which housed up to 40 women at a time, and the (now renamed) Yvonne Hakim Rimpel V-Day Safe House in Cap Haitian. AFASDA also established a telephone hotline for survivors and managed safe houses in Port-de-Paix and Fort Liberté. In Jacmel, Fanm Deside helped women to find emergency shelter in private rentals. ^{CXCV} KOFVIV also operated a small safe house for its members and sought to assist them with support to find emergency housing.

Across Haiti, a changing number of church and faith-based charities have provided short-term shelter for children who are orphans and *restaveks*, the latter often survivors of sexual abuse, according to child advocates. Some programs continue and have expanded, but others closed due to the earthquake.

Pre-quake, Haiti's safe house programs offered transitional lodging to mostly adult women based on the small number of rooms they had, from a few nights to three months. Some women would continue to live there until alternative housing was found for them, or even after this period, stated Kay Fanm and AFASDA leaders. While services varied, survivors (sometimes housed with their dependent young children) received counseling and referral to follow up medical care, legal aid, and workshops in adult education, women's empowerment, and livelihood training. When they had sufficiently recovered, they were given help and modest financial assistance – initial rent money, school fees for children – to relocate and begin anew. Many continued to get help via support groups, including those in hospital-based programs such as GHESKIOs. Many rape survivors continue to exhibit symptoms of post-trauma, a general finding that has not changed in the post-quake period [see *Health Services* section].

Beyond Survival: KOFATIV

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Primary clients: survivors of sexual violence

Since the January 2010 earthquake, KOFATIV has emerged as a more powerful, far more visible advocacy group for sexual violence survivors both within and outside Haiti. KOFATIV was founded in late 2004 by women rape survivors from the poor, embattled neighborhood of Martissant in the capital, a popular zone where many reports of sexual violence have been recorded since 2010. The solidarity group began with a mission to meet the medical and psychological needs of rape victims. Compared to women's groups founded in the 1970s and '80s by Haitian feminists – many from the economic elite and middle class – KOFATIV was set up by survivors of sexual violence from Haiti's poor, popular shanty areas.

Pre-quake, the network has steadily evolved to become a multi-service organization offering counseling, medical care, and legal and economic support to its members, as well as a public advocacy group giving a voice to survivors. It also ran one of the two safe houses available at that time. The organization was hard-hit by the quake: it suffered the loss of members and lost its offices and registry of cases, medical clinic, and safe house. But like many frontline groups, its core staff lost no time in mobilizing KOFATIV's Community Human Rights Defenders (CHRWs) network – now 60 strong, and including men^{cxvii} -- to begin outreach and emergency relief efforts. The group delivered food, aid, water, and hygiene kits to women in the streets and camps where many members also took refuge and did outreach to sexual violence victims. They handed out thousands of whistles and flashlights, with help from donations by MADRE, UN agencies, and other donors, and helped to advocate and deliver solar-powered lamps and better lighting to common areas of IDP camps where women's traditional activities occur – by cooking and bathing areas and latrines. As of May 2012, KOFATIV *ajans* – the Kreyol word for agents – were active in 22 IDP camps.

KOFATIV issued one of the first reports documenting a spike of rape in March 2010, registering 230 rapes in 15 camps surveyed by its members. It has since regularly published updates of its client registry and findings from camp-based research done by its members and expanded its educational and advocacy activities in and outside camps and via a blog. The group has benefited from funding and active partnership with a range of international allies including IJDH-BAI, MADRE, and legal groups in the LERN network, UNHCR, Digital Democracy, and the We-Lead program (see *Reporting and Legal and Justice* sections). As of April 2012, KOFATIV has registered 450 sexual violence cases, according to Philistin.^{cxviii}

Much of the credit for KOFATIV's recent leadership goes to its co-founders, who are also survivors of sexual violence. They include the outspoken, very courageous Marie Eramithe Delva and Malya Villard-Appolon, the latter an April 2012 "CNN Hero." Outside Haiti, Appolon has repeatedly testified before UN, US, and other world leaders to put an informed, highly articulate, female human face on the grave rape picture and community advocacy. She provided a mother's heartbreaking personal testimony of the rape of her 14-year-old daughter in the camps (see *Reporting* section). A tragic number of mothers like her have coped with the rapes of their daughters – and their own mothers – an intergenerational gender crime wave.

Delva and Appolon are among core KOFATIV members who met almost 20 years ago in the Women's Committee to fight for justice on behalf of rape survivors. Both were community activists who were violently raped and saw their husbands beaten to death for their pro-democracy activism. They were residents of Martissant, a popular shanty zone where support for the fiery populist priest-turned-president Aristide was very high in 1991. Aristide was overthrown in a violent CIA-backed coup by Haitian military officers led by General Raoul Cedras, with support from his no. 2, Col. Michel-Joseph Francois of the National Intelligence Service.^{cxviii} The CIA also stands accused of helping the notorious paramilitary group FRAPH (from the French word *frapper*, "to hit" or Front Révolutionnaire Armé pour le Progrès d'Haïti, the Revolutionary Front for the Progress of Haiti).^{cxix} Many early KOFATIV clients were victims of FRAPH and Haitian military violence.

KOFATIV's medical clinic (damaged in the quake) opened in 2005 in partnership with the Organization of Caring for Social Advancement (ODPPS). Its small medical staff offered care to members and to local residents referred to the clinic for sexual violence services. It also ran support groups for its members, an activity that greatly increased at its new site in Christ-Roi and within camps. The organization has been fundraising to reopen its clinic this year.

The loss of its medical clinic and safe house were major blows that made it harder for KOFATIV to serve clients in early 2010. It has had to rely on referrals to medical providers and has had limited shelter to provide new clients. In June 2011 KOFATIV restarted a pilot safe house project with UNHRC support. As of October 2011, a first group of 15 clients had received three months of shelter, health training, and care, psychosocial support and business training – the latter a critical aspect. Although there is far greater demand than there are available beds at the new safe house, it's an important step forward. Over the years, KOFATIV has also increased its holistic focus on what survivors needed to break free of abusive situations and partners, including work, education, economic empowerment, and livelihood training. Toward that goal, UNHCR has also helped KOFATIV secure a community warehouse to stock goods and food that clients can access to launch small vendor businesses.

KOFATIV has also focused on the needs of younger victims whose sex to survive. In 2010, it began a small pilot project of support, counseling, and education for 50 young girl victims and has expanded it.

Phased Recovery

The organization takes a phased approach to recovery for its members. In the first phase, the assault victim and her or his family are placed in a secure setting.^{cc} There, they are counseled and educated about issues of reproductive health, gender-based violence, family planning, and community support. After a period of emotional recovery, KOFATIV works to reintegrate the survivor and relocate the family into a safe lodging. They are not returned to the camps or areas where they were attacked. In the last stage, KOFATIV works to cover a year's rent for the woman and her family and school and health fees for her children. Their program focuses on helping women identify economic means of livelihood and access training to support self-sufficiency.

Last year, KOFATIV co-launched an SOS mobile hotline (local tel. no "572") and call center with help from Digital Democracy (DD) (see box, *Reporting* section and support from the Clinton Global Initiative. KOFATIV's outreach *ajans* helped field-test the pilot system, the first of its kind for rape in Haiti.^{cci} As of July 2012, calls had more than tripled to its call center since its debut, prompting expansion to a 24 hour hotline – real advances.

Engaging Male Activists

KOFATIV is among the women-run groups that have expanded outreach and training to and for men to become GBV advocates and camp *ajans* on their mixed outreach and local security teams. Last year, there were 25 male GBV activists, aged 18 to 35, providing security at the severely overcrowded downtown Champ de Mars camp, near the collapsed presidential palace, then

housing 20,000 residents. The addition of local mixed patrols was deemed a real help by locals.^{ccii} The mobilization of men is part of a larger Community Watch program that KOFAVIV initiated with IOM officials, camp management, and ally women's groups. As of April 2012, KOFAVIV *ajans* were working with some 16 volunteer associations active in 22 remaining camps, where forced evictions were creating fresh instability and challenges.

Not surprisingly, KOFAVIV's membership has grown quickly. The organization has also rebuilt its legal program and refers new clients to the IIDH-BAI joint RAPP GBV legal aid program (see *Legal and Justice* section). Volunteer US lawyers like Jayne Fleming at Reed, Smith and others are supporting humanitarian asylum applicants, while MADRE has supported training workshops about legal prosecution of rape and provided needed advocacy to assure women's and survivor's voices inform the debates. Internationally, Appolon's public testimonials and passionate advocacy, coupled with street protests in Haiti, have kept pressure on government and global leaders. In late April, CNN named Appolon a 2012 Hero for having helped some 4,000 rape survivors since 2004, an award shared with KOFAVIV. While she remains in the global media spotlight, her colleagues at KOFAVIV have also gained recognition as leaders of the fast-growing anti-sexual violence movement (see *Spotlight on Leadership* boxes).

"We have a lot to do, but every day, there are more women who arrive here," stated KOFAVIV's outreach director, Jocie Philistin. "We are mobilizing them and there is a lot of energy here now. Even though the situation is still dramatic," she acknowledged, "that encourages us."^{ccc}

Safety to Heal

The earthquake damaged the adult safe houses in Port-au-Prince run by AFASDA V-Day and Kay Fanm, with help from the women's ministry. Several churches and community centers that sometimes provided short term shelter for women needing emergency shelter were also destroyed or damaged. This led to a critical absence of safe housing immediately after the earthquake that established and new actors have worked to address. Jayne Fleming, a US lawyer with Reed Smith, tapped personal funds to fund six homes in 2010-11 and another six this year for use as safe houses for members of FAVILEK and KOFAVIV, who are legal clients in a budding humanitarian relief initiative (see box, "*One Advocate's Journey: Lawyer Jayne Fleming*," this section).

The Canada-Haiti Action Network is an active group raising awareness of GBV in Haiti. As members of CONAP, Kay Fanm and Fanm Deside also benefit from longstanding support from Francophone Canadian and Caribbean groups.

V-Day was also quick to help in Haiti and has increased its longstanding support for AFASDA's safe house projects. Their joint safe house in the capital was damaged in the quake. Pending its repair, V-Day supported AFASDA to set up its "listening posts" near larger IDP camps (see box this section). Discussion is underway about reopening the damaged safe house in Port-au-Prince and further expanding AFASDA's safe house programs.

Within UN agencies, UNFPA also open 300 "safe tents" in informal settlements staffed by counselors to help residents.^{cciii} UN Women also began supporting activities within "safe tents" (see boxes on *UNFPA Reproductive Health* section; *UN Women, Rebuilding A Movement* section). Local groups provided counselors to assist camp residents, and provided volunteer staffing to tents dedicated to children, girls education groups, nursing mothers, and pregnant women. It's important to acknowledge the efforts by

camp residents and camp management teams, often local volunteers, to provide safe areas in camps for women and girls to engage in activities, including education and play.

For its part, KOFAVIV has secured help and funds from UNHCR for a safe house for 15 women, via a three-month program that combines health and psychological support with livelihood and skills training.^{cciv} It also drew support from MADRE, BAI-IJDH, Digital Democracy, and the Heartland Alliance We-Lead program for its activities. A growing caseload of members of KOFAVIV and FAVILEK are now living in the safe houses set up by Jayne Fleming Fleming has worked closely with legal allies from the LERN network, including pioneer Karen Musalo of Hastings Law school in California, to raise funds for Fleming's rental of homes to house clients

Another women's rights group, OFAVA, led by its General Coordinator Lamerchie Charles-Pierre, received funding from the French agency SIDA and technical assistance from the IOM's Shelter Program to launch the IOM-OFAVA Safe House initiative. Construction of a 24-bedroom facility, which will house a community center, is underway.^{ccv}

In 2011, Haiti's women's ministry, backed by UN Women, UNICEF, and other international actors, stepped up its coordinating efforts to provide standard operating guides and oversight to safe houses that are being built. The MCFDF's Technical Director, Denise Amedee, helped contribute to a new manual on managing safe houses that is setting standards for their operation. At UN Women, Kathy Mangones, a longtime Haitian women's rights advocate, has continued to channel funds and technical assistance from the UN system and outside actors to help Haitian women's groups expand their activities and access training and materials. She remains a vocal advocate for Haitian women within the UN system and at the international level.

In a January 2012 follow up step UN Women and the women's ministry staff brought together women from various groups running or planning safe houses for an intensive training seminar in Croix des Bouquets, as part of the increased government focus on ensuring quality services at new safe house facilities and programs.^{ccvi} MCFDF officials, aided by the advisory National Dialogue, plan to extend training to more agencies.

UN Women currently provides funding and technical support to six safe houses^{ccvii}: three to AFASDA-run programs in the North (in Cap Haitien), North West (Port de Paix), and North East (Fort Liberté). In the western region, UN Women is supporting Kay Fanm (as is Zonta International) to reopen a safe house in Port-au-Prince (see *Kay Fanm box*) and a safe house in Jacmel that Fanm Deside's will run. In 2012, the agency expanded its support for safe tents and has worked to support women and local camp leaders who are monitoring resettlement of camp residents into surrounding neighborhoods.

Spirited Partners: AFASDA & V-Day

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V-Day, the global organization to end all forms of violence against women founded by US activist Eve Ensler, was providing safe refuge and legal support for sexual violence survivors in Haiti before the January 2010 earthquake. In Haiti, V-Day's main local partner is the Asosyasyon Fanm Soley d'Ayiti (AFASDA), or Women of the Sun, a pioneering women's rights group that remains active in northern Haiti. AFASDA opened a safe house in Cap Haitien in 1997 with V-Day's support, and later, in Fort Liberte. AFASDA's coordinator, Elvire Eugène, is the General Director of V-Day Haiti as well as an educator who studied law and has worked with women's groups for many years.

In 2001, Ensler teamed up with the late Myrian Merlet, a feminist leader and ex-Minister of Women's Condition who died in the earthquake, as well as Marie Laurence Lassegue, then-Minister of Women's Affairs and Rights, and other movement leaders (see Introduction), to bring Ensler's *The Vagina Monologues* to Haiti. The show was performed four times in the capital and Cap Haitien in 2007 to sold-out audiences. A year later, several Haitian GHV leaders joined in V-Day's 10th anniversary celebration in New Orleans. Three months later, V-Day's Haiti Sorority Safe House opened its doors in Port-au-Prince, offering comprehensive GBV services to 40 women at a time. V-Day also supports AfASDA-V-day centers in the northwest and northeast. The Sorority house was damaged in the quake, as was Kay Fanm's safe house (see box, this section).

Amid rising reports of rape post-quake, V-Day supported AFASDA to open four "listening houses" [*maison d'ecoutes* in French] or intake centers, located in Delmas 65, Canapé Vert, Gressier, and Croix des Bouquets in the capital. Each saw clients from camps and the surrounding neighborhoods. Services included counseling, referral to medical care, legal aid, vocational and life skills training, basic literacy workshops, and access to micro-loans for small businesses.

"We have more than 500 women who come from different camps who benefit from our programs," said Eugène in an August 2011 interview. "We receive women and girls. They come and tell us about their problems." The majority of rape survivors have suffered domestic violence and come to their centers 3-4 days after the attacks, according to Sabrina Joseph, who managed the Canapé Vert site. Many are brought by the police; others by groups providing services in the camps, or by relatives. (Note: as camps are cleared, this picture is steadily shifting.)

Each listening house is staffed by a secretary, two social workers, and at least two volunteers, who work Monday through Friday from 8 AM to 4 PM. All services are free. The AFASDA counselors offer *l'ecoute* – listening and counseling – and support groups for clients. They also do educational sessions, outreach, and training at the houses and in camps, and provide health education on cholera prevention and other diseases. Volunteers distribute hygiene kits and information packets to women in camps. The program also helps *restavek* and orphaned children who are referred to the BMP and child protection agencies.

Clients who have not yet had a medical examination are accompanied or referred to a public hospital for a medical certificate needed to pursue a legal case. Demand for other services is high, including safer housing and solutions to get out of dangerous camps. The listening houses can offer a limited number of clients 3-4 days of emergency housing; the more serious cases are then sent to V-Day's shelter in Cap Haitien for longer-term recovery. Women there may stay up to three months, but none are forced to leave, said Eugène.

V-day staff began documenting visitors in their registry in September 2010. Over a year later, the program had registered 73 cases of sexual violence. Joseph estimated that roughly the same numbers of clients had come to each of their four centers. At the Delmas site, there were 28 cases registered from January 2011 to August 1, 2011. The majority are classified as cases of domestic violence with "psychological or economic abuse"—about 70 percent to 80 percent of cases, said Eugène. As of fall 2011 the centers lacked computers and electricity was spotty, so staff could not maintain an electronic database of their clients. Instead, intake staff painstakingly handwrote details of a client's story, using a separate piece of paper for each survivor, noting their name, age, and a code. At the time, this information was not formally included in the official government's database, unless the clients were referred to an authorized health centers and received a medical certificate. In the 2010-11 period, V-Day referred or accompanied clients mostly to the General Hospital (HUEH) or hospitals close to each center, such as Hôpital de la Paix or Hôpital L'Espoir near their Delmas house.

Each V-day house has had a reference lawyer, though few clients take advantage of this service, said Eugène. "They don't want to seek legal help," she stated. "They speak out, but not to go further." The main reason for this is fear and their economic

dependence on partners, she explained. “When they stay in the camps, and for those who suffer domestic violence, we say, ‘Why don’t you leave?’” Eugène asked rhetorically, adding, “It’s because they are dependent.”

Listening – as in emotional support – remains the most critical service needed by all clients. “There are some women who are really *dépouillé* (stripped bare in French); they don’t want to live – they aren’t living,” stressed Eugène. “We explain the cycle of violence, we re-give them courage, and we do therapy so they can take up living again.” Others, she said, return for the vocational and life skills support. “There are numerous demands and we can’t respond to them all.” The program extends extra help to “just the women who are really in the worst situations,” explained Eugène.

The Port-au-Prince V-Day centers opened nine months after the earthquake, so they do not have a baseline of pre-quake statistics to compare with recent cases, though their northern centers do have earlier data (but the north was not affected as drastically as the western section of Haiti was). But Eugène, who has been working in the GBV field for years, confirmed several trends noted by other groups in Port-au-Prince. These include the post-quake spike of rape and a subsequent sharp rise in Cap Haitian cases, too. She also saw more rapes were being reported during vacation periods and Carnival (Mardi Gras) – a pre-quake trend, too.

“It has increased,” confirmed Eugène about sexual violence in Haiti. (awkward) “We asked ourselves: ‘Is it the earthquake or something else?’” In the north, she said, the V-Day center typically received 3-5 clients a day, “but for a while we didn’t even have room to fit people coming in to report. So we felt there was something. This was two to three months after the earthquake.” She offered a possible explanation: the mass exodus of residents from the quake-battered Port-au-Prince area to the north in the weeks after January 12. That tide shifted again 6-9 months later when displaced city residents began returning to the capital because humanitarian aid remained concentrated there.

To date, the majority of clients at V-Day’s houses have been adult women of all ages, though a number of adolescents and young children have sought their services, too. As of early 2012, most involved cases of intimate partner or individual rape – domestic violence cases. A small number involved “collective” or gang rape. Eugène has seen a number of cases in which boys and men come to the center to give a “forewarning that their wives are going to come and say such and such a story. They are guilty,” she added, referring to the men. In such cases, V-Day counsels both parties – initially separately – before bringing the couple together in cases where the women seek reconciliation with her partner. “After the shock wears off they aren’t always ready to go to the court immediately,” she explained. “We ask them to think about it. But if it’s a domestic dispute, we talk about it, especially if it’s a first visit.”

Poverty is the other big driver. “They give in to the person raping them out of survival. In that case, there isn’t much they [we] can do for her,” explained Eugène frankly. “It’s exploitation. The person does this because she doesn’t have any money.”

What about the spike of pregnancies reported by different groups? As of fall 2011, AFASDA houses had *not* documented a significant increase, but at the Delmas site, Eugène said then, “Out of four cases of rape [now], three are pregnant. The most recent was in July.” The women were all adults over 21. In another then-recent case, she explained, “She didn’t even want to name the baby. That’s how we saw it was a result of rape.” Eugène had learned to read such silences in survivors. In the north, she said, V-Day had two women who were raped and pregnant as a result. One had also contracted HIV. So the problem of pregnancy from rape, though not well documented, remains a reality, she confirmed.

To date the V-Day centers do not formally work with midwives, but do have midwives helping clients who are pregnant. Their center in the north works closely with midwives who are active in small hamlets (see *Reproductive Health Services* section for more). Based on her experience to date, Eugène also confirmed that it’s common for women pregnant from rapes to seek abortions, though clients don’t come to V-Day to ask about such services – because abortion is illegal. In her experience, pregnant women in Haiti seek abortions “when the child is not wanted” – a category that extends to rape.

To date, adolescent girls represent a minority of the clients coming to the V-Day listening houses in the capital – a finding in contrast to other groups like Kay Fanm that have a teen safe house. The Cap Haitian center has had a number of adolescent clients, from 18 years olds to 11. “Lately we had a girl of 16 who died; she’d been raped and mutilated,” stated Eugène, citing a case in the north. It resulted in a conviction – a rare instance of justice.

V-Day staff have also documented child rape cases, some affecting *restaveks*. As of last fall, V-Day offered a program for children every Friday at 3 PM, with a partner NGO, SUCATW (Supporting Children Around The World),^{ccviii} an organization dedicated to helping underprivileged children in Haiti access education and other help. SUCATW was founded in 2005 by Lynn-Indora Edmond, who happens to be Eugène’s daughter, in an example of very positive mentoring. Eugène serves as the

treasurer SUCATW, which has programs in Cap-Haitien as well as Petit Anse, Fort-Liberte, Delmas Cite Soleil and Croix-des-Bouquets.

Jeanty said V-Day has encountered a fair share of incest cases since 2010 but fewer in the capital. “In the north there are a lot of incest cases,” she said, citing a study done in the past by AFASDA that estimated 15 percent-20 percent of rapes in Haiti are due to incest. At the Canapé Vert house, Joseph could only recall a single case involving a 10-year-old girl raped by her father-in-law (the child had a “father in law” maybe step father ?) . “She was brought in by her mother and couldn’t say who the perpetrator is. But we know who the perpetrator was,” said Joseph.

On a positive note, Eugène has seen that it’s possible to lift the silence on incest or thorny subjects like abortion with awareness campaigns and support groups. “Eventually the victim will confide in you,” she said. Looking ahead, AFASDA-V-day is participating in the national effort to standardize services for GBV survivors in safe houses, centers, and schools. Their partner in the southeast is Fanm Deside.^{cc}

Youth and Child-Friendly Safe Spaces

The earthquake caused the collapse or damage to a good number of orphanages and youth recreational centers in affected zones, contributing to a fresh crisis of homelessness among children that also reduced available emergency housing for abused young children. Across Haiti, many local Haitian agencies, churches, and volunteer families stepped up to provide emergency housing to displaced and quake-orphaned children – a chaotic response that is hard to catalog but which demonstrates a strong civil society response that preceded and unfolded alongside the formal relief effort.

Post-quake, UNICEF and the IRC, among other actors, set up child-friendly safe spaces in IDP camps for toddlers and younger children (3 to 14) where a variety of activities occurred: learning, emotional counseling, and play. A month after the quake, UNICEF had created 33 child-friendly spaces that benefited 7,425 children. At the one-year mark, the figure had jumped ten-fold, with 369 safe spaces for children that had been used by 94,800 children.^{ccix} The IRC created 11 child-friendly safe spaces in the capital and other centers for non-formal education and recreational activities of displaced children. It remains a key NGO conducting child protection and reunification activities (see box, *Security and Child Protection section*)).

It took Haitian officials throughout 2010 to identify quake-displaced children and reunite them with parents and relatives; some cases are still open. According to UNICEF, an estimated 50,000 children were orphaned in the quake. However, that number has been challenged by critics in the wake of media attention to the problem of orphans and trafficking in 2010, which found many who were deemed orphans had living parents but were placed in orphanages to access education and food. (*Editor’s Note: A fuller discussion of progress in child protection is included the full report*).

One Advocate's Journey: Lawyer Jayne Fleming

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Primary Target: rape, sexual torture survivors seeking asylum
Primary Area: Haiti, national territory

"This was my experience of Haiti, love at first sight. I arrived there a stranger and surrendered my heart. I did not know what I was surrendering to, but perhaps this is the nature of unconditional love. Trust and instinct. It was six weeks after the earthquake." – Jayne Fleming

While the Haiti earthquake remains a tragedy, it has also provided some individuals with a renewed sense of purpose in their lives and work. The way lawyer Jayne Fleming recounts the story of her entry into the lives of Haitian rape survivors, the experience to date has been nothing short of transformational – a baptism by fire.

An Oakland, California-based pro bono counsel with the legal firm Reed Smith, Fleming was coming back from a community service trip to Guatemala when she heard about the 35-second Haiti earthquake. Like many Americans, she felt compelled to respond. Fleming began by reaching out to human rights and legal colleagues to organize a legal assistance mission to Haiti, including those at her firm. Then she heard that US Homeland Security Secretary Janet Napolitano had announced a humanitarian parole (HP) program for eligible Haitians who would be given temporary refuge in the US for a year, under the care of a fiscal sponsor. With years of experience in asylum law, she found an immediate sense of purpose.

Her motives were also very personal. Her mother, Patricia Fleming, a poet and nurse who remains a role model for Jayne, was battling breast cancer. She had instilled a passion for social justice and community service in her children. As women began emerging from camps to report rapes, Fleming began trying to helping those eligible to apply for temporary asylum in the US. In March 2010, she headed to Haiti with 50 humanitarian parole applications in hand and quickly found clients who fit the criteria (an initial 20 became the first Reed Smith clients).^{ccx} With her mother in the end stages of life, Jayne raised an initial \$7000 from friends and colleagues -- half her own funds -- to pay for emergency medical care, transport, water, food, safe housing, school fees for children, and other urgent services for the most dire cases of fast-growing clientele in Haiti. After her mother died a month later, she established a small foundation in her name, the Patricia Fleming Fund,^{ccxi} to further the Haiti work. By then, a number of lawyers and advocates in and outside Haiti were on board to pilot a humanitarian parole program for Haitian rape victims.

Fleming has since worked closely with Haitian lawyers at IJDH and BAI, and with UNHCR officials, to develop eligibility criteria for the sexual violence survivors applying for humanitarian parole. Candidates must be able to legally prove a "deep psychiatric need for care" that a year of intensive medical and mental health services in the US could provide. They must also have sponsors in the US.

In July 2010, she met with 120 women from KOFVIV and FAVILEK, most living in IDP camps in the capital. They were desperately hungry, without much access to food aid. Many had small children and had taken in new orphans. All recounted terrible stories of rape and abuses. There were young teenagers pregnant from post-quake rapes and infants with torn-up bodies from assaults. With Reed Smith's blessing, she and other lawyers began conducting multiple interviews with asylum applicants to build the "evidentiary case" – the paper trail of tangible legal proof – for humanitarian parole applicants. She soon had 58 cases to investigate.

"Our cases are so driven by multiple interviews so that they develop into a 12- to 15-page narrative," explained Fleming. "This is corroborated by evidence from medical doctors." But when that is lacking, she explained, "We want credible testimony so that the statement of the victim is enough. That is what we are then presenting to USIS^{ccxii} along with the psychological evaluation. They don't require medical exams or the police report. But it still has to hold up."

With so many women in need, Fleming chose to help those she said represented "the most extreme types of sexual violence cases" – repeated and violent gang rapes, mutilations, kidnappings, and child rapes among them. "We can't help everyone," she acknowledged, "but we'll try to help as many as we can who qualify."

Moving into Safety

Fleming quickly found that the lack of shelter represented a critical stumbling block for her clients. Without it, they remained in grave danger. It would also take time to get them through the parole petition process and time for her to investigate their

stories. So she used her personal funds to rent several private homes that became safe houses for her clients. In 2010, half those being housed were KOFIV members, the others from FAVILEK, which also lost its office and operating capacity in the earthquake (see box on Favilek, Prevention and Community Advocacy section).

Today, Fleming continues to fundraise for not only rent and operating costs of the safe houses, but security, medicine, food, and transport for clients and myriad small personal loans for clients facing a host of personal emergencies. "There's really no end to what these people need," said Fleming. "The conditions and the suffering are intense. We're talking about the real basic things they need like shelter, clean water, some food.... Our emphasis is on getting them into some safety."

As of summer 2011, 18 women and their children were being housed in the safe houses. But Fleming's funds were running low and the leases on the homes were almost up. She'd also run into unforeseen challenges. Some women had brought in boyfriends, making the homes less "safe" to others. "It was all becoming untenable," Fleming admitted, acknowledging that her "act now, plan later" crisis response was not sustainable, though it had clearly been lifesaving to the women. In the end, some individuals were provided with \$500 to move, and all but four moved into alternative living spaces away from the dangerous camps. The four that remained, she explained, were all viable asylum candidates. "They were so broken, so shattered by the degree of violence they had suffered, that they were not able to manage."

Fleming also began looking at the other building blocks of recovery needed for her clients and she gathered 18 FAVILEK women to discuss "how they could move beyond tragedy towards empowerment, from a situation of dependence to one of self-support." Inspired by their dreams, put in place a strategic plan to find mentors for the women, more sponsors for parole candidates, and more money for the rent and operation of six more rented safe houses.

Her efforts have paid off. In a mid-2012 update, Fleming reported that her project was funding 15 safe houses and providing shelter to 77 vulnerable women and children. It was paying school fees for 82 children, including all the children in the safe houses and many children of clients still living in camps. Over the last two years, the program has served more than 100 rape victims, including obtaining permission for the most extreme cases to leave Haiti.

To date, the road to asylum for the neediest clients has been equal parts rocky and rewarding. At the mid-2011 mark, Reed Smith's team had won humanitarian parole in the US for four families; another firm helped three families. "So far we have a 100 percent success rate," said Fleming at the time, adding, "Four cases -- four successes." She was particularly gratified to have helped a woman whose tongue had been bitten off to silence her and a young child who had suffered a gang rape. In a recent update, she reported, "By the end of 2013, we expect to have evacuated 50 at-risk women and children (13 to the United States and 37 to Canada). We have 18 more evacuation cases in the pipeline for 2013."

While such victories are encouraging, Fleming remained very concerned about "the greater challenge of the people who can't leave Haiti" -- the majority of rape survivors she encounters in IDP camps or who remain stuck in homes with abusive partners. "How do we get them from Champ de Mars into some safer resettlement situation in Haiti?" she asked rhetorically in 2011. "It's been a living nightmare. We have clients who are at risk of rape every night." Her response has been to help clients find alternative housing within Haiti, too. She has started to provide land and housing grants to some families. She's also provided funding for literacy classes, small business grants to single mothers, and housing stipends to victims of violence living in tent camps as part of an expanding menu of assistance.

Given the near-daily litany of terrible stories and need she encounters, how does Fleming herself cope? After all, she has a life and family in California with needs, too. "While it's easy to become overwhelmed by the magnitude of their suffering, my philosophy has always been 'one woman, one child,'" she explained. "If we can give one woman the tools to reclaim her life, we will have taken one step forward on the path to social justice and we will have made a difference in the world." Looking back at her journey to date, she said recently, "We have a lot more to do, but our motto is family-by-family. I've been to Haiti fourteen times since the earthquake. I'll keep coming back."

Haiti, Fleming says, has profoundly changed her life. In a recent letter to supporters of her project she wrote, "...My commitment has evolved into something more complex than mere 'love of place'. Rather than standing in the middle of devastation, I now stand within a circle of Haitian women... They live in extreme poverty, and they have known utter darkness and despair. Yet in continually seeking, they always find light again. Victor Hugo said: 'It is by suffering that humans become angels'. These women are the angels of Haiti." Some might say the same of Jayne Fleming.∞

Legal and Justice

The earthquake struck a heavy blow to Haiti's already weak judicial system and reversed gains made in recent years. It caused a loss of life and personnel and destroyed many buildings, including the Ministry of Justice and smaller courthouses, police stations, prisons, and jails. The National Penitentiary, which housed 4216 inmates, suffered structural damage to a section of the prison and fires that destroyed the administrative and records areas.^{ccxiii} Four inmates died inside the collapsing prison and another two died trying to flee, while the remainder escaped under circumstances deemed suspicious. This contributed heavily to the myriad difficulties prison and judicial officials faced in the ensuing weeks without places to detain, interrogate, and imprison suspects or hold legal hearings. In Port-au-Prince, temporary buildings and tents filled the gap.



Later media reports quoted Police Chief Mario Andresol, a well-regarded 49-year-old former Haitian army officer who trained at the School of the Americas in Georgia, who believes the inmates got help from some prison officials. Andresol told reporters that some exterior walls of the national penitentiary were damaged by the quake, but the interior walls held firm. Some of the guards panicked and fled when the quake hit, leaving their weapons behind. A small U.N. contingent stationed outside the prison also fled. But, he maintains, there is "no way" prisoners could have escaped without help from authorities. He noted that the prison's warden at the time, Olmaille Bien-Aimé, disappeared and hasn't been seen since. "This situation makes the escape very suspicious," said Andresol in an April 2010 *Washington Post* story on the investigation.^{ccxiv}

Lost Progress

Pre-quake, the faults of Haiti's judicial and prison systems were well documented. Human rights reports from prior years are full of examples of arbitrary arrests, police abuses, illegal and prolonged pre-trial detention, inhumane conditions within horrifically overcrowded prisons, limited access to legal aid for the poor, and a dearth of professionals – lawyers, legal officers, trained judges – to serve Haiti's population. A 2007 summary by the International Crisis Group summed up the earlier picture:

The justice system is weak and dysfunctional, no match for the rising wave of kidnappings, drug and human trafficking, assaults and rapes. If the efforts of the last three years to establish the rule of law and a stable democracy are to bear fruit, urgent action is needed. Above all, the Haitian government must demonstrate genuine political will to master the problem.^{ccxv}

In response, a coalition of Haitian and international stakeholders formed the Haitian Justice Group to promote judicial reform and improve the rule of Haiti.^{ccxvi} Inside Haiti, Rights and Democracy helped lead civil society advocacy for reforms related to sexual violence and women's rights, joined by IJDH-BAI and other rights actors, with support from legal groups and law schools outside Haiti. In the area of gender reform, Haiti passed its historic rape law in 2005, as well as other critical reforms of family law. It made headway on property and inheritance laws that now provide women and girls with equal rights to men and boys. But it did not succeed on passing a law outlawing domestic violence and marital rape – that reflected the vast majority of sexual violence cases – and this is still a pending top priority. Post-quake, these groups — led by indefatigable lawyers like Brian Concannon of the IJDH in Boston and Mario Joseph and Esther Felix at the BAI — have provided legal aid and spirited public advocacy for Haitians without resources for legal defense, including rape survivors.

Current Challenges

Today myriad advances are taking place in the justice arena, but they are obscured by the massive collapse of justice that followed the earthquake. A month after, Michael Forst of the *Miami Herald*, a longtime reporter on Haiti, found little improvement in conditions in detention centers: inmates still “have less than 20 square inches to live and sleep, and lack food, water and health care. The conditions, he reported, “...are intolerable and constitute cruel, inhumane, and degrading treatment under international law.”^{ccxvii}

In an update six months post-quake, IJDH also found:

Over 80 percent of the people in Haiti's prisons have not been convicted of a crime; almost all of these long-term pre-trial detainees are poor. Poor Haitians are unable to enforce the basic rights – labor, housing, contract, property and education rights, the right to child support – that are essential for people in any country to escape the cycle of poverty.^{ccxviii}

For over a decade, the non-profit Health through Walls^{ccxix} has helped the Haitian Prison Authority improve conditions for staff and inmates in Haiti's prisons, and it helped coordinate outside assistance from outside corrections agencies and volunteer corrections officers after January 2010. The International Red Cross provided funds to rebuild the national penitentiary and improve conditions, and progress has been steady. But because of the scale of damage, the overall task remains daunting.

Corruption

The problem of corruption has long plagued the justice system in Haiti and is fundamentally linked to poverty. Like other government officials, Haiti's judges and court officers earn a modest salary, and it's long been a common practice to pay bribes to judges to dismiss cases, ignore evidence, or reduce penalties. As Haitian judge and scholar Jean Fleury Senat noted in his 2010 book on the challenges of judicial reform:

On material wealth, magistrates are more inclined to lessen their burdens by entering the vicious circle of corruption. According to the Haitian mindset, it is customary to leave a gift as a sign of respect when in the presence of an authority figure. Some lawyers adopt the same strategy in the Haitian judicial system: “give an envelope to the judge to gain his favor in a judgment.”^{ccxx}

As noted earlier, there are myriad procedural hurdles facing rape survivors hoping to pursue legal claims. A big one is their limited access to a medical certificate. Under pressure by advocates, the

Ministry of Health has worked to expand the number and geographic location of hospitals and private hospitals approved to provide a medical certificate certifying rape. *Although the certificate isn't legally required, judges still try to demand it as an evidentiary requirement.* In some past cases, assault survivors have been told to take medical certificates issued by providers who are not public hospitals – even when issued by established providers like MSF and get the certificate recopied at the HUEH state hospital for it to be accepted by a judge. Advocates and lawyers at BAI have worked hard to fight what they regard as the lack of awareness among local judicial and police officials, but it's been a slow process.

Corruption also remains a major impediment to justice in rape cases, say advocates. BAI has had a long experience assisting assault survivors and currently provides legal aid to members of KOFIVIV who are pursuing claims. Stated KOFIVIV's Jocie Philistin: "The problem of corruption is very common. We see the man (accused of assault) or his family come and give money to the judge and then he is let free. Even the police... they get bribed to let the one who was detained be let go. Or in other cases they intervene by giving money to the woman or her family to shut them up. This is changing, but it also continues."

Rare Prosecutions

To date, prosecution for rape cases remains the exception, despite the increased pressure from all sides to deliver justice for victims. In June, a report by the UN's human rights section in Haiti that was conducted with the cooperation of police and judicial officials painted a bleak picture. The report authors found that only one case out of a sample 62 complaints filed over a three-month period in 2010 had been referred to trial. Only 25 had been reviewed by the government prosecutor's office, who had ordered judicial authorities to investigate only 11 of them. Four had been dismissed and the others were still being investigated at the close of 2011. The sample cases were taken from five of the busiest police stations in the capital, and thus represent only a fraction of the 500 cases reported to police in 2010 by local women's organizations.^{ccxxi}

The report noted that a lack of accurate information about rape cases in Port-au-Prince hindered prosecution. Overall, the authors concluded that prosecution of rape cases is severely stalled, delaying justice for rape survivors. The long detention of men accused of rapes without a trial in sight also represent stagnated justice. There are many reasons for the slow pace of justice in these cases. All of Haiti's courts are terribly backlogged – another after-effect of the earthquake.

Rural Justice

The gaps and failures to prosecute rape remain magnified in provincial and rural areas. There, fewer trained judges, lawyers, police, or groups exist to help sexual violence victims. "It's very difficult for us to travel long distances to respond to these cases," acknowledged Guerly Leriche, director of legal services for the WE-LEAD program at Heartland Alliance. Last year, the organization group provided empowerment trainings and legal aid to women's groups in Grand and Petit Goâve, among others. There, few individuals are able to access timely services, including the medical certificate, he stated. "It's very, very difficult," admitted Leriche. "We never hear of most cases. There's no one helping those people."

The spotlight on the Port Salut MINUSTAH cases forced greater local attention to problems occurring there that may be contributing to abuses, such as poverty that drives prostitution. While MINUSTAH forces have been singled out, advocates say local officials and communities also bear responsibility to prevent and address abuses, particularly of children. The recent timely arrest by police of 14 suspects (out of 21 complaints) who raped girls in the Artibonite area, and the active engagement by the prosecutor's office in Gonaives in those cases, suggest local officials and police in smaller cities are becoming more responsive.

The MINUSTAH Rape Scandals



Protesting MINUSTAH's role in male rape and cholera scandals

Photo Credit ©Ansel Herz 2011

The UN Scandals: Military Vs. Civilian Justice

There are several high-profile sexual violence cases worth mentioning and examining for comparison that represent failure to adequately prosecute rapes in Haiti. These involve troops from the UN MINUSTAH forces stationed in Haiti who have been found guilty or are facing charge of gang rapes over the past two years. They have also drawn fresh attention to rape of men and boys, and illuminated public intolerance for male-male rape, to judge by popular protests and media coverage of these cases.

Advocates for rape survivors argue that any individual who commits a crime in Haiti, foreign or citizen, civilian or soldier, should be judged by Haitian law, in a Haitian court, and in a trial whose proceedings are open to the public. That applies to MINUSTAH soldiers who are subject to UN and military codes of behavior and generally tried in military trials and/ or military courts outside Haiti where proceedings are kept secret from the public. The result is that MINUSTAH soldiers in rape cases to date have faced minimal penalties, charge advocates.

In March 2012, after what advocates initially applauded as being a "rare" and "swift" trial held in Haiti, two Pakistani MINUSTAH officers were found guilty of having raped a 14-year-old boy. They were given a one-year sentence by a Pakistani military court that conducted the closed trial in the Haitian port city of Gonaives, and then were discharged. No UN personnel

or Haitian officials were present for the trial, according to UN spokeswoman Sylvie Van Den Wildenberg. Rights groups and Haitian advocates have since called the March 2012 sentencing “a travesty of justice.”

At the same time, this case does represent a narrow step forward since it’s the first time MINUSTAH troops have been tried and sentenced in Haiti. According to UN authorities, Pakistan also intends to compensate the victim but has not determined an amount. The promised compensation action SE]is also a first, but it is also viewed by Haitian critics as problematic — an effort to “buy a victim’s silence” rather than punish the child rapists.

The Pakistani trial comes several months after the explosive media case of Uruguayan MINUSTAH sailors stationed in Port Salut, Haiti who stand accused of gang raping a 19-year-old teenage boy . The story was first reported by freelance journalist Ansel Herz, who has also highlighted female cases of alleged abuse in Port Salut.^{ccxxii} The male case caused global outrage after an alleged live cellphone video capture of the gang rape was leaked to the Internet and uploaded to = YouTube, garnering 4000 comments — most outraged — before it was taken down four hours later. Even more tragically, the victim was allegedly raped in front of other teenagers, including one who shot the secret mobile videotape and later leaked it. The victim’s name was then made public in media reports, exposing him to further stigma and threats. The teenage witness who shot and leaked the video was then threatened, according to media reports.

“They ruined his life. They humiliated him and his life will never be the same,” Mike Pugliese, one of his North American lawyers told reporters during the start of the trial taking place in Montevideo. “They used force on him and they are laughing. It’s terrible; I am an ex-policeman, I’ve been a lawyer for 20 years, and I had never seen anything so brutal on a young man in my whole life. It turns my stomach.”^{ccxxiii}

In the Port Salut case, prosecutors are relying heavily on the low-resolution video and on the victim’s direct testimony in court as evidence, but the crime may still be difficult to prove. The teenager submitted to medical exams in Haiti that found evidence of anal penetration, but a similar examination later in Uruguay proved inconclusive, and lawyers for the sailors argue the charge is “unsustainable.” The victim’s case was somewhat helped by the fact that the same five soldiers were arrested and tried last year by Uruguayan military police for a charge of disobedience and truancy. It has also drawn strong public interest in Uruguay and further condemnation of the soldiers and MINUSTAH, increasing domestic pressure on Uruguay’s military and government to see that justice is served with a proper trial.

In an September 2012 update, the four Uruguayan soldiers were ordered detained and charged with “private violence” — a charge that falls short of sexual assault under Uruguay’s penal code. If convicted, they could face a jail sentence of three months to three years. In Haiti, outrage followed this news, and lawyers for the young man were debating an immediate appeal. The prosecutor in the case, Enrique Rodriguez, told reporters that “the evidence did not support a finding of rape.” An attorney for the accused troops also claimed the victim had lied and fabricated allegations to seek civil damages.

At press time, the final outcome of the case was pending. But Haitian and global eyes who watched the videotape are angrily convinced a major crime occurred, to judge from the angry comments posted. What’s clear is that more eyes are now such cases and that they have badly damaged the protective reputation of the UN and MINUSTAH. They have also prompted a major review with the peacekeeping agency and reportedly a greater commitment to addressing sexual crimes by its troops, report UN officials.^{ccxxiv}

Gendered Bias?

The fact that the MINUSTAH cases under scrutiny involve male victims who are not adults and that they are being pursued in military vs. civilian courts distinguishes them from other legal rape cases currently being pursued by Haitian female victims of rape. But that only partly explains why prosecution of the military cases has been swift, while cases involving women and girls have stalled in the Haitian courts and drawn comparatively less individual outcry. Haitian feminists are not alone in pointing out this discrepancy — so do legal observers. Critics point out that women and girls have suffered alleged rapes and sexual abuses by MINUSTAH troops and other uniformed men, including Haitian police but the media and international community have largely ignored these cases.

They also point to a history of abuses by MINUSTAH soldiers that have escaped prosecution. On February 18, 2005, for example, less than a year after MINUSTAH’s arrival in Haiti, three Pakistani soldiers reportedly gang raped a young Haitian girl. The case drew major protests at the time in Haiti but remains unpunished and has been filed away. In interviews for this report, advocates at several grassroots organizations say other MINUSTAH troops stand accused of rapes, but victims have not always chosen to pursue legal claims. Comparing earlier cases to the newer MINUSTAH cases, Haitian blogger Ezili Danto acidly wrote

of the 2005 girl's rape: "Although this was a criminal act that certainly raised the ire of many, especially women's organizations, this was apparently more acceptable than the gang rape of a male."^{CCXXV}

The male Port Salut rape case brought attention to the alleged sexual abuses of a number of minor – teenage girls – by MINUSTAH soldiers, a situation that reporter Herz is tracking. Reviewing a case of stalled justice in December 2011 that involve a minor who also claimed sexual abuse by a Uruguayan MINUSTAH soldier who made her pregnant, Herz wrote: "Some of the women and their children had been all but abandoned by soldiers who had finished their deployments to Haiti. But the soldiers are absolutely forbidden from having sex with minors, much less impregnating them." As he points out, Haiti's legal age for sexual consent is 18.

The case he profiled is one of several involving minors in that zone, but advocates say the problem is more widespread. It's also alleged by local residents that such girls are seeking relations with the soldiers for money or favors -- transactional sex. The case Herz profiled involves a 17-year-old girl, and appears to have involved romance with a slightly older young soldier. These soldiers are nevertheless breaking a national law regarding relations with minors.

The response by MINUSTAH officials to such cases has been to acknowledge the cases as a "various serious breach of the Code of Conduct," – following military policy -- but not treat them as a crime under Haitian law. No arrests or convictions have followed. Instead, the UN peacekeeping agency told the victim in this case to expect compensation, acknowledged the paternity of one of their soldiers and sent him back to Uruguay.

Summing up the follow up response, Herz wrote: "*As a disciplinary measure, the soldier was repatriated and banned from serving in other UN missions. He is required by his hierarchy in Uruguay to assist the young girl and her to be born baby. We are following up on whether he was sanctioned, what was the sanction, and whether he has executed it, as well as on the continuation of assistance to the girl and the baby.*"

While this may represent a form of justice to some, the fact remains that the victim received an initial small amount of money when the case drew initial press attention, but none after. The young woman's family has continued to pressure MINUSTAH, who likely is pressuring the young man who is no longer an active duty soldier. It's unclear what steps MINUSTAH can take to force the soldier involved to make good on the requirement to support his child in Haiti. Under Haitian law, then, the families are right to decry a failure of justice. Under the MINUSTAH Code of Conduct, the UN agency has clearly taken steps to punish the young male soldier by removing him from active service. But what then? Such cases call for closer scrutiny of MINUSTAH's follow up and clarification of steps to take when soldiers do not "execute" the sanction. So do the cases of other girls in Port Salut and elsewhere who claim sexual abuse by MINUSTAH soldiers and have gotten little or no help from any authority -- Haitian, UN or third country.

Danto's comments thus raise a fair question: how much does gender come into play in terms of Haitian public outrage and media attention to rape? And to what degree has nationalism – a Haitian response to foreign wrongdoing that symbolizes historic colonialism – sparked public fury in these cases? Does people care as much about poor teenage girls allegedly abused and made pregnant by young MINUSTAH soldiers? Or do they tacitly blame the girls and view them as prostitutes who seek to trick male soldiers into sexual relations? That view is commonly voiced by Haitians themselves, who urge outsiders not to be fooled by the survival tactics of very poor individuals. Still, as Herz points out, the law is the law. The question remains, where is the justice?

Here's what the victim in the female case said to Herz when he checked in for an update: "The foreigners in MINUSTAH never sent any small amount of money for the baby. Try to call them for me so they can send it for me." For her, a small amount of child support would go a long way. After prodding MINUSTAH officials for weeks, Herz took it upon himself to try to intervene, setting up a small Pay Pal page to help the girl and pushing colleagues to report on the plight of the girls in Port Salut.∞

Other Advances

There are other noteworthy advances that Haiti is making. At the state level, President Martelly recently tasked Haiti's new Minister of Justice, Michel Brunache, to lead a five-member Presidential Commission called the "Working Group on the Reform of Justice" – an update of the prior Justice Group. Core members include Joshua Pierre-Louis, René Magloire, Jean Vandal, and Sibylle Mevs Theard. Magloire has led the effort to pass a major new bill – the Haiti Draft Law on the Prevention, Punishment, and Eradication of Violence Against Women – that will establish tougher sanctions against all forms of sexual

violence, including domestic violence, and create a broader “rights-based” legal framework for providing medico-legal services for survivors. The draft bill will give more authority to police and prosecutors to investigate cases and put greater onus on the police to gather evidence for legal cases. It also mandates better training for officials handling sexual assault cases.

“At the moment, the judges tend to lead investigations, and they often work in secrecy,” Magloire recently told a *TrustLaw* reporter in a comment on the draft bill. “We want police and prosecutors to do more, which we hope will lead to less secrecy and corruption.” IJDH, BAI, and LERN members are actively helping in this process; in January, LERN lawyers provided suggestions for tweaks of the proposed bill based on comparisons with model legislation from other countries that would make Haiti’s draft law compatible with international laws.^{ccxxvi}



Demanding Justice for Rape Victims

Photo Credit: Meena Jagannath, RAPP-IJDH-BAI, 2012.

The new law will also provide a stronger tool for the women’s ministry in its coordinating and oversight role. “The new law aims to allow the state and other actors to find common ground on how to treat and help victims,” stated Hemanex Gonzague, director general of MCFDF, in comments to *TrustLaw*. “It’s an important step to improve women’s rights in general and it aims to provide greater protection to victims through the whole process.” As of April 2012 the bill was headed to the Parliament for a vote and is pending approval. In the interim, grassroots advocates are educating their members and staff about the new law and its implications as a tool for advocacy.

Long Sought Victories: BAI’s RAPP Project

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The Bureau des Avocats Internationaux (BAI) is Haiti’s largest and most successful public interest law firm and the only organization that provides systematic representation to sexual violence survivors in Haiti. The firm was established in 1995 and

works closely with the Boston-based Institute for Justice & Democracy (IJDH), a non-profit, legal organization that has provided the bulk of BAI's financial support since 2004. The two groups work together on a range of issues, including rights of women, displaced persons, prisoners and victims of political repression, and cholera, as well as US policy towards Haiti. Both Mario Joseph, managing attorney for BAI, and Brian Concannon, a lawyer who heads IJDH, have worked together for years on difficult political cases and serve as mentors for younger lawyers. As of July 2012, BAI had 13 Haitian lawyers on staff, one international legal fellow, and additional help from volunteers and interns from IJDH and other partners.

In June 2010, BAI-IJDH launched the Rape Accountability and Prevention Project (RAPP) to address the growing reports of reported rapes post-quake. BAI was also active in the joint petitions submitted on behalf of Haitian victims of sexual violence to the Human Rights Council in Geneva and later the Inter-American Commission on Human Rights. At the time, Meena Jagannath was a BAI Legal Fellow and served as the Haiti-based Coordinator of RAPP. There, she worked closely with Haitian attorneys who have been taking forward the rape cases before the Haitian *parquet* (Office of the Prosecutor), the *cabinet d'instruction* (investigating judge's office), and the *Tribunal de Première Instance* of Port-au-Prince (trial court).

As Jagannath explained, KOFIVIV documented 119 minor and 90 adult cases out of a cumulative total of 209 in the first half of 2011, of which 53 were sent on to BAI for legal representation as of May 2011. "This means that about a quarter of the cases [received by KOFIVIV] decided to do legal follow up," she explained in August 2011. As of November 2011, KOFIVIV had referred another 35 cases to the BAI. By then, lawyers had "about 50 [cases] that were actively pursued through the system, as some clients decided to close their cases, decided not to pursue their cases further, or the cases had been stalled for other reasons," reported Jagannath. The reasons for the dropouts could include lack of a medical certificate or an inability to identify the attackers – critical pieces of the evidence chain for prosecuting rape. The flow of referred legal cases this year has been steady. As of July 2012, 282 sexual violence cases had been referred to BAI (Aug. 2010 -July 2012).

BAI's statistics also support an observation by many GBV advocates of the big impact of rape on children post-quake: out of 103 total referrals to BAI by August 2011 (78 referred by KOFIVIV and 22 by FAVILEK), 76 were children – the majority. "It's not the same proportion between adults and children, when it comes to reporting for legal follow up," noted Jagannath referring to the steadily higher number of minor cases referred for legal follow up. "This is interesting, as it suggests that adult victims may be less likely to make a legal complaint for a number of different reasons," she said. BAI's latest figures still show that "the number of children's cases outnumber the adult cases by a significant portion," stated Jagannath, adding that "many victims are under the age of 12."

Breakthrough Convictions

In August 2011, the BAI had about 20 cases of sexual violence, including three from 2010 that had reached the *cabinet d'instruction*. By November, that number increased to 35, and by July 2012, to 60, in addition to nine cases that had been given *ordonnances de renvoi* – a referral by the *juge d'instruction* (investigating judge) to criminal court. Several more referrals to that court are expected, she added. Four of the nine cases with *ordonnances* were scheduled for criminal trial in the summer 2012 session.

In July 2012, BAI won its first two cases based on the presentation of arguments calling upon human rights principles and non-discrimination against women, as well as expert testimony by a gynecologist and psychologist. The fourth case was heard in early August 2012. All four cases involved minors under the age of 15. (Two involved 12-year olds raped by neighbors who were young men (ages 19 and 21). Another involved a 9 year-old raped by a 22-year-old. The fourth was a 13-year-old girl raped by her father.)

BAI's cases were among 22 cases of rape out of a total of 78 criminal trials heard by the Port-au-Prince trial court – the Tribunal de Première Instance – an unprecedented number. Of them, Jagannath reported with satisfaction, 13 resulted in convictions with only one acquittal, including all four of BAI's cases. At press time, the court's decision on the other cases was pending.

The sentences in the BAI cases included three cases where the maximum sentence was applied by the judge, and a reduced sentence in another, where, Jagannath stated, "We believe the judge misapplied the law in reducing the sentence." The two men who raped the 12 year old girls were each sentenced to 15 years in prison, with 1 million Haitian gourdes in civil damages in one case, and a pending amount in the other. The father who raped his 13-year-old daughter was sentenced to life in prison without parole, and 500,000 gourdes in civil damages. For the victims and their legal defenders, the outcome is a victory, one that sends a clear message to the Haitian public, showing that social tolerance and longstanding impunity for rape is ending.

"These trials presented tremendous opportunities for public education and influencing a traditionally patriarchal institution that does not have a history of taking sexual aggression cases seriously," said Jagannath, who added that women's and victim's

groups turned out in numbers to support each prosecution and held press conferences during and after the court sessions. These activities were led by a new legal Advocacy Committee at KOFVIV that BAI helped train. BAI also held post-court trainings for the women's groups to discuss the trials.

BAI's legal team also pushed the tribunal to hear expert testimony from a psychologist specializing in children's trauma and a doctor from the General Hospital who examines victims of sexual violence – a new step. "The idea was to have a transformative effect on the trial and on the practice of rape prosecution by showing the usefulness of this expert testimony to interpreting the medical certificate and educating the public as to the physical and mental trauma experienced by a minor victim of sexual violence," explained Jagannath. The strategy worked, she added, noting that in one cases both the prosecutor and judge made "ample reference" to the expert testimony.

BAI also had a panel of women lawyers for victims who not only discussed individual cases, but talked "about sexual violence as a problem that arises from a society with a history of gender discrimination and stigmatization," explained Jagannath. "The lawyers folded in human rights arguments and made references to Haiti's need to advance women's rights so as to prevent future acts of sexual violence. This had an impact on not only the judicial officials in the courtroom, but also on the audience. "

She acknowledged that BAI's legal team encountered many problems, including disorganization, misapplication of the law, and a reluctance to hear experts. But the cases represent a breakthrough that has encouraged legal advocates. "We consider these first four trials a step forward in the right direction, and a learning opportunity for judicial officials and lawyers alike to improve the process for future trials.," said Jagannath. With an eye on a heavy caseload of cases scheduled to be heard in the next winter court session, she added, "We hope to be even better prepared when the time comes."

Emergent Trends

Evaluating RAPP's cases to date, Jagannath also confirmed that rapes reported to BAI often involve familial crimes – assault by a boyfriend, friend, or neighbor. Last November, the cases indicated that "out of 139 cases, 105 knew their assailants, and 24 didn't," she said at the time. Of the latter, BAI had documented cases of gang (or collective) rape where the perpetrators' identities weren't known. "If there is more than one attacker, they often hide their faces, or they are strangers," she explained. But even in cases where the assailants are known, the family of the victim often feels threatened by the family or social circles of the aggressor, she added, and women feared reporting them.

The very high number of adolescents has caught BAI's attention. "What I can say, based on what I've seen since my arrival in May 2010, is that we have many more clients who are minors," Jagannath confirmed. "We have seen cases of aggressors also being minors—there is an increase in minor [under 18 years old] attackers since the start of our project. We also have seen a few cases where the attackers were female, so we have started to look at that statistic – how many such cases there are and why it might occur."

One of the positive aspects of these otherwise disturbing trends is "more cases of rape of minors are being brought to our attention," added Jagannath. She thinks that Haitians may feel more confident that the crime will be taken seriously if it is a matter of rape of a minor. The cases of minors highlight another noted problem: rape by a family member. "We have also seen cases of incest and in those cases, it's been the mother who takes the decision to denounce it," said Jagannath. For families, she added, these cases "involve a lot of psychological problems and conflicts that are grave."

As of August 2011, RAPP had not received any referrals of cases of male rape – rape against boys or men. Jagannath felt the issue was still very taboo. "If a man were to report a rape to the BAI, he would receive the same legal representation without discrimination," she stressed. Looking ahead, BAI is continuing to work with KOFVIV's Advocacy Committee and other survivor's groups to educate and share information related to the legal process with others, and to accompany survivors and attorneys to the Palais de Justice. BAI is building this community base, said Jagannath, "so that our advocacy is informed by our partners and their work, too."∞

Advancing Justice

A growing number of outside groups have been active in helping to improve the knowledge and experience of Haiti's judicial officers. In May 2011, the Thomson Reuters Foundation hosted a legal forum in Port-au-Prince that drew Haitian government officials, police, lawyers, prosecutors, doctors, and some women's groups in Port-au-Prince to discuss ways to improve delivery of justice for sexual violence cases.^{ccxxvii}

Looking ahead, the forum called for a less centralized process and for judicial officers, including judges, to be trained to be fairer to victims. For example, they should be educated to understand that a woman can still be raped even if she is not a sexual virgin. Rape victims and their advocates should be also trained to make sure they understand and accord proper weight to medical certificates, even though they aren't an absolute requirement to open a legal case. They urged advocates to spread the word about the prosecutor's hotline number. Added to that list should be KOFIV's Call-In Center hotline number (572) and referral information about local agencies and providers with supportive services (such as counseling, support groups, legal aid, safe houses, and skills building programs for survivors) (see *'Kat Referans' GBV Referral Card in Annex section*).

Haiti's prosecutor's office has a 24-hour rape reporting hotline (tel: 604 96 02) to advise individuals about what to do to file an "official" complaint. This includes informing callers to present an original (not a copy) of the post-rape medical certificate since copies are routinely discredited by defense lawyers.

Rights-based Ally: MADRE

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MADRE[a progressive, nonprofit women's rights organization based in New York, has been a leading international voice in raising public awareness of sexual violence in Haiti, both before and since the earthquake. The organization works in over 13 countries and had prior ties to community-based women's organizations in Haiti, including "sister organization," KOFIV. Over the years, MADRE has documented violations of women's rights in Haiti through various reports and calls to action, and its former founder-director, Vivian Stromberg, traveled to Haiti and developed ties to feminists there.

Immediately after the quake, MADRE issued a global call to help women's groups in Haiti and helped KOFIV via financial support and donations of a variety of essential goods distributed by KOFIV's 1000 members to women living in IDP camps. These included clean water, pots and pans for cooking, buckets for washing clothes, and soap and hygiene "dignity" kits for women, as well as tools to increase protection against violence such as cell phones, whistles, and flashlights. MADRE backed KOFIV to push the then-Preval administration in Haiti to increase security in camps and put an end to impunity surrounding rape.

The group has also helped KOFIV strengthen its medico-legal services to survivors and introduced volunteer lawyers and trainings related to legal follow up of GBV cases. MADRE also engaged in joint legal advocacy involving two other Haitian GBV survivor's groups, FAVILEK see" (see Portraits in Leadership

Lawyer Lisa Davis is Madre's *Human Rights Advocacy Director and a clinical professor of law at the City of New York's International Women's Human Rights Clinic (CUNY IWHR)*. She's also a member of the *Lawyer's Earthquake Response Network (LERN)*, a legal network of volunteer lawyers coordinated by the Boston-based IJDH and BAI who assist Haiti's lawyers on GBV legal cases.^{ccxxviii}

As MADRE's point person in Haiti, Davis explained that her organization's philosophy "is based on partnership and on supporting community-based partners in the places where we work" to lead national and international advocacy. That's why MADRE has not set up a satellite office in Haiti. Instead, Davis travels to the island frequently, as well as to Washington, D.C., and has provided legal trainings and other skills-building to KOFIV to strengthen their capacity to register and follow up on sexual violence cases. The trainings focus on "the realities of the crime, evidentiary rules around it, rules of procedure – things like that," she said.

MADRE has also shared legal tools developed by groups outside Haiti. "There is a 'Know Your Rights' card that we gave to our partners and got shipped down. It kind of explains what you should do, like 'save your underwear, go to medical services within 72 hours, get a medical certificate' – these basic steps," explained Davis, "because they all need to happen within 72 hours." She has also worked closely with IJDH-BAI colleagues on the RAPP watchdog legal project, which is also allied with KOFIV.

Regarding LERN, she explained, “The network is just a hub for lawyers to get together and support each other’s work in Haiti. That is pretty much its function. It does not have a presence in Haiti per se.”

In May and June of 2010, Davis helped lead two LERN delegations to Haiti to interview over 54 survivors in 10 camps (referred to by KOFIV and FAVILEK members) for a jointly released report on the rape crisis in Haiti’s camps, “Our Bodies Are Still Trembling,”^{ccxxxix} edited by IJDH-BAI attorney Blaine Bookey. The report cited prior findings by KOFIV of some 230 rapes in just 15 camps in the capital^{ccxxx} and 68 rape cases documented by Doctors Without Borders, to argue that rapes in Haiti were “dramatically underreported.” The joint report helped frame the issue as a growing problem linked to specific and dangerous conditions in Haiti’s camps, and has served as an important reference document for advocacy by many groups.

Also in May 2010, MADRE joined a coalition of US and Haitian women’s groups in developing and presenting a joint interim Haiti Gender Shadow Report (GSR) on Haiti’s post-disaster reconstruction – a gender framework to track the national rebuilding effort – to Haitian and global leaders meeting at the UN. (Note: A final version of this report was later released by Gender Action in December 2010).

On the international advocacy front, MADRE joined its partners in a collective effort to hold Haiti’s government accountable to its obligations around human rights. The rights groups set up critical hearings with US and UN leaders for Haitian women leaders including testimony in June 2010 by KOFIV’s director, Malya Villard-Apollon, before the UN Human Rights Council.^{ccxxxi} and, in October, before the IACHR. Last year, Davis said that MADRE and its partners were keeping their sights on the IACHR and the Universal Periodic Review of Haiti’s human rights record as a tool to hold Haiti’s government accountable on rape cases. “The centerpiece of the international advocacy campaign is to really demand that the commission’s recommendations be implemented, and that donor states fund the [Haitian] government and UN agencies to implement them,” explained Davis. “That’s one component we are really focused on. The UPR is a great mechanism for that.” (See box, BAI-IJDH). On a related human rights issue – housing – Madre also joined partner groups in Haiti who petitioned the IACHR to push Haiti’s leaders to stop camp evictions (see *Safe Shelter* section).

In July 2011, Davis reflected on progress in the GBV field, citing some areas of improvement but an overall dismal response by Haiti’s various agencies and UN groups with resources to act. “There have been some increases in security and lighting,” she acknowledged. “But most of the camps are still really dangerous for women.” On the legal front, BAI-IJDH and the RAPP project were helping to fill a critical gap in legal aid for rape survivors and the ongoing effort to reform and strengthen Haiti’s laws around rape. But Haiti’s justice system remained “very weak,” Davis said. “There’s still impunity and corruption. You hear about how the rapist pays off the family or the judge – that still happens.”

Looking ahead, she sees steady changes taking place in the judicial area, but not overnight, and not fast enough to help Haiti’s women now. “A lot of donor aid that has been directed at the issue has been in terms of providing funding for international groups to do trainings with prosecutors, the judges, and the police,” said Davis in July 2011. “The money has been designated, groups have applied and received it, [but] the trainings haven’t started yet – it’s a very, very slow process.” In August 2012, MADRE again offered trainings with allies to local agencies and staff at KOFIV and partners about the implications of the new legal reforms and needed civil advocacy to assure the laws are applied.

Given the slow pace of justice in Haiti, where does Davis feel the international advocacy campaign has made a difference? “You need an increase in awareness for any issue to gain energy and be mobilized around,” she replied, choosing her words carefully. “So to the extent that there has been more energy, I could only guess that the advocacy has contributed to that.”

What does encourage her are the actions of KOFIV and survivors groups who “have taken charge of fighting on this issue.” Added Davis, “We have great partners. Our job is to support them in doing the advocacy they think is needed.”[∞]

Global Models

The effort to put stronger laws in place that meet international standards isn’t limited to sexual violence. Haiti is also looking at model criminal “codes for post-conflict criminal justice” that meet international norms.

Alternative Evidence: Advocates argue that the legal requirement of a medical certificate to certify a rape has posed a great hurdle to justice in Haiti and that many countries, including Canada, have dropped it. In a recent comparative review^{ccxxxii} of Haiti’s draft law with those of six other countries —

the US, France, Brazil, Sweden, and Canada — co-authors and LERN lawyers Jennifer Brown and Robert Loeffler from the law firm Morrison Foerster recently wrote: “Most of the jurisdictions studied have done away with these requirements and provide that the victim’s testimony can be sufficient to convict, without corroborating evidence.”^{ccxxxiii} Instead of a physical exam, they found, the courts rely on a body of other evidence, including a *consistent* oral testimony by the victim, to secure a conviction.

As the duo note, “Historically, rape prosecutions were often hampered by extraordinary corroboration requirements, which reflected not only the unique nature of sexual crimes, but also a distrust of women’s accounts of rape.” They added, “Of the jurisdictions studied, only Brazil requires a forensic examination for conviction, and even there, if the rape is reported at a time when it is no longer possible to perform a forensic examination, testimony of the victim and witnesses can suffice for conviction.”^{ccxxxiv}

If Haiti adopted a similar standard to other countries that require a consistent oral testimony, it would address two known hurdles. One is the problem of limited access to medical examiners/medical certificates. The other is the problem of trauma and post-trauma that may result in “non-linear” testimony by rape survivors, say lawyers. In plain English, this means that rape survivors still in shock may not recount the stories of their assaults with all the details in order and may leave things out, or they may fill in the picture during a second or follow up interviews. The global literature on rape notes that “non-linear” storytelling is a hallmark of post-trauma, so it’s not surprising that lawyers are encountering this in Haiti. What it demands is time for a victim to heal, to feel trust, and to be able to speak the horror of what has occurred — and time for the lawyers to carefully review and double-check details and facts for accuracy. Over time, confirm lawyers now working with rape victims in Haiti, the majority of such cases do prove credible.

It’s also well-documented that children, too, tend to disclose incidents of abuse over time — *a process of disclosure*. The review co-authors recommend that Haiti follow the global lead and make it clear in the draft law that “...the victim’s testimony can be sufficient to convict, without corroborating evidence.”

The decision by President Martelly to support drafting of the new bill is also seen as a sign that Haiti’s government is becoming more responsive and proactive in the fight against sexual violence. It also reflects the successful efforts by a growing grassroots movement to lobby international bodies, including the Inter-American Commission on Human Rights in Geneva, to exert global pressure on Haiti’s leaders to act. This is a sign of the increased muscle and political savvy of Haitian and international GBV movements.^{ccxxxv}

‘Little Houses of Justice’

Name: PROJUSTICE

Contact: Marceau Edouard, Esq.

Primary Service : Free Legal Aid

Primary Zone: Cité Soleil and Martissant zones of Port-au-Prince

Among free community legal aid projects in Haiti, the PROJUSTICE project runs two Kay Jistis – Houses of Justice – one is Cité Soleil (KJCS), the other in Martissant (KJM). Both are led by a Haitian-American former prosecutor, Marceau Edouard.^{ccxxxvi} PROJUSTICE was formed in 2009 and offers free legal aid and counsel to low-income residents of these two zones and other areas. As of October, the Cité Soleil office was helping about 100 local residents a month from its office in the local Justice of the Peace Court, at a walking distance from the main police station. The Martissant office is located in Cité l’Eternel and was helping approximately 75 residents per quarter.

The Kay Jistis project is funded by USAID and has had past funding from MINUSTAH, among other donors.^{ccxxxvii} Post-quake, it received a fresh influx of funds from a five-year approximately \$20 million grant^{ccxxxviii} that USAID^{ccxxxix} provided to the San

Francisco private Tetra Tech DPK consulting firm to support a reform of Haiti's judicial system and rule of law. DPK is pushing a similar effort in Rwanda, among other countries, that supports large scale judicial reform including training of judges. It also funds groups like PROJUSTICE who offer local legal aid and community legal education to help the majority of poorer Haitians access the justice system. Experienced Haitian legal professionals are guiding the Haiti work, in collaboration with the Ministry of Justice.

Given the backlog of legal cases in Haiti's justice system, it can take months to years for complaints to get heard by a judge. So PROJUSTICE has focused on two big areas: pretrial detention and legal mediation at the community level.

As of October 2010, PROJUSTICE had achieved some notable progress. On a national level, it had helped restore 6000 of 8000 case files destroyed in the earthquake that contributed to the backlog of justice. Some 3500 residents in three poor areas also received free legal aid in partnership with local bar associations, while 464 priority cases languishing in prolonged and illegal pretrial detention (about 12% of the overall prison population then) in the National Penitentiary, Petionville Women's Prison and Carrefour Prison were processed by PROJUSTICE. The group also trained 470 community leaders and residents of the sprawling JVC camp and 162 elsewhere in Port-au-Prince, St. Marc and Petit Goave.

The Kay Jistis houses also began hosting regular civic legal education forums to educate locals about how the justice system functions and how to access it to resolve legal matters. Recent forum topics include the procedure for obtaining civil status documents, rental contracts, the legal requirements for entering and dissolving a marriage, laws covering parental responsibility, the role of the Haitian National Police, and the provisions of the Haitian Constitution. The project also runs public awareness campaigns and community education programs, including open house events and on-site visits that involve round table discussions of legal issues for local residents.

On the training front, PROJUSTICE recently set up an established mediation center and had trained 10 women in Martissant as of October 2012 to help mediate conflicts in families without resorting to the formal justice system. The zone houses IDP camps where residents are being resettled into surrounding neighborhoods and recent surveys by the Small Arms Study, among others, shows a marked recent increase in gang activity and rising violent crime there (see Security section). Much of it involves inter-rival gang fights, say police. There, PROJUSTICE recently facilitated a meeting between police inspectors and community leaders of troubled sections of Martissant to focus on improving the relationship of police and local residents.

Looking ahead, PROJUSTICE and the Kay Jistis centers offer a fresh resource and opportunity to bring legal mediation training to local community ajans in groups helping GBV survivors, particularly in cases of domestic violence and incest, and a possible partner for BAI's RAPP program which has organized a nascent GBV legal advocacy network drawn from the ranks of KOFIVIV, FAVILEK and other survivors groups.∞

Health Post-Rape Medical Care

The destruction of so many hospitals, clinics, and health centers in the earthquake and its aftermath heavily damaged access to, and provision of, all health services in weeks to months afterward. That general statement applies to Haitians seeking post-rape care. Emergency and follow-up medical and psychosocial services are critical to the emotional and physical recovery and health of sexual assault survivors. While much health sector rebuilding has occurred to date, it is a huge endeavor. At the same time, in one of many ironies, the earthquake has led to fresh attention, many new resources, and more groups helping to deliver health care to Haitians and to sexual assault survivors.

The 2010 earthquake caused what the Pan American Health Organization defines as a “complex emergency” in which there is a high impact in all areas that significantly complicates all relief and recovery efforts. As Partners In Health country director and physician Louise Ivers noted in a review of the destruction:^{ccxi}

The direct [impacts] are those of physical injuries and psychological trauma, while [there are] indirect impacts such as increased rates of disease, malnutrition, and complications of chronic disease conditions. With health resources and capacity in Haiti inadequate before the earthquake, and 30 out of 49 hospitals in the earthquake zone that have been damaged or destroyed, these indirect impacts will be long-lasting.

In all, 50 hospitals in Haiti were destroyed or made unusable, and countless smaller public and private health centers and training facilities were damaged, according to a Haitian government report.^{ccxli} In Léogâne, where 80 percent of the buildings were destroyed, there wasn't a single health center functioning.^{ccxlii} Many health care workers died, as did 300 female nursing students in one collapsed building.

Rebuilding Haiti's Health System

Across Haiti, the rebuilding of the health sector has been steady, with funding from projects approved by the IHRC and private donors. At the one year mark, 32 hospitals projects and 57 clinics were under construction or in stages of planning, with a national goal of completing or launching 40 hospitals and 75 clinics. The government's other goals include: to fully equip 20 emergency rooms (in 10 departmental hospitals and 10 reference hospitals), and to add 60 ambulances in National Ambulance Network (public and Haitian Red Cross), as well as national ambulance coordination centers in each of the 10 departments. All are priorities of the 2011 strategic plan presented by the Interim Haitian Reconstruction Commission (IHRC). Last fall, President Martelly announced further steps: the opening of a new physiotherapy department at Haiti's Office of Workers Compensation Insurance, Illness and Maternity (OFATMA), with help from the French Red Cross; and the new Pink Card initiative, a promising pilot national insurance scheme that provides a year of free health care for Haitians.

Rebuilding Women's Health Services

Early on, several NGOs – GHESKIO, PIH, the MSFs among them – established women's tent clinics in and outside IDP camps to assist pregnant women, new mothers, and sexual violence survivors. GHESKIO set up a mini-maternity clinic inside its field tent hospital that helped care for some assault survivors. While the surgical emergencies of so many crush injury victims initially trumped other emergencies, help was offered to rape survivors from many quarters (albeit only when traumatized individuals were able to travel by foot to the few then-operational hospitals and tent clinics). Many agencies, including the UNFPA, distributed rape and hygiene kits to health centers in and outside camps. These are examples of the positive delivery of services in the early period.

For other victims, the chaos and rubble prevented access to reporting rape or seeking medical help, according to advocates interviewed shortly after the earthquake.^{ccxliii} This was also true in hard-hit communities along the coastal road leading from the capital to Petit and Grand Goave, Léogâne and Jacmel, based on selected visits to a few tent clinics in the week after the earthquake.

A number of NGO and public-private initiatives have focused on rebuilding facilities and women's health services. They include a 150-bed community referral hospital MSF built up from a few tents in Léogâne that specializes in obstetrics, pediatrics, and emergency trauma cases, and the Chocas hospital in Cite Soley. Both have been turned over to the Ministry of Health to manage. MSF's referral Center for Obstetric Emergencies (CRUO) also opened in August 2011, and includes sexual violence services.^{ccxliv} Other specialty CRUO facilities are planned. Haiti also now has St. Damien's pediatric hospital (which works closely with St. Jude's Medical Center in the US), and a state-of-the-art teaching hospital opened by PIH/ZL in Mirebalais. The ICRC Special Fund for the Disabled was used to rebuild a physical rehabilitation center, in conjunction with the Red Cross Societies of the United States, Australia, and Norway, which opened in May (see *Vulnerable Populations, The Disabled*). Others have psychiatric services at Beudet and Mars and Kline hospitals.

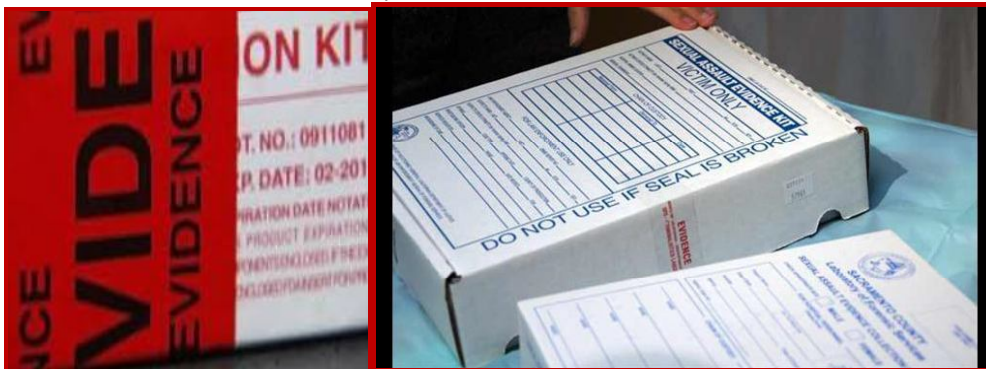


Photo Credit: ABC News

Some agencies, such as UNFPA, have also focused on equipping hospitals with rape kits and other materials to treat sexual assault victims. The agency is actively fundraising to open 10 prefabricated maternity clinics to treat pregnant women that will be staffed by midwives and OB-GYN professionals (see box: UNFPA, in *Reproductive Health*). These examples demonstrate the creation of restored, improved, and new services sure to benefit many Haitians, including sexual assault survivors, adolescents with early post-rape pregnancies, disabled women and girls, and children. UNFPA recently provided an updated referral list of centers with services to treat assault survivors (see *Annex II* section).

Post-Rape Injuries

The range of serious and minor injuries reported by Haitian victims of sexual assault since 2010 includes those common to the global literature on rape: abrasions, contusions, lacerations, bumps, bruises, swellings, cuts, scrapes, ligature marks (from being tied up), bites, burns, multiple fractures, internal injuries, internal bleeding, vaginal and anal trauma, intracranial injury, and/or injuries requiring surgery or hospitalization, including mutilations.^{ccxlv} It's not uncommon for women to report having been beaten in cases involving domestic violence accompanied by rape. There have also been cases of sexual kidnappings.

In the literature, rape has been known to cause internal scarring, sterility, and pregnancy complications including miscarriage in already pregnant women. In its pilot survey of pregnant girls, the PotoFi Haiti

Girls Initiative found that a significant number of girls who became pregnant after rape sought to lose their pregnancies (see *Part II.*) Some failed and suffered post-abortion and post-pregnancy complications. The injuries caused by rape are particularly severe and damaging to younger women and adolescent girls who are sexual virgins and whose bodies and reproductive organs are still developing, especially those who may become pregnant and whose bodies cannot easily support a pregnancy (see *Reproductive Health section.*)

Compared to other countries such as the Democratic Republic of Congo, where the use of automatic guns and knives to rape and mutilate women has been widely reported, Haitian doctors treating rape victims and advocates interviewed for this report had *not* documented vaginal mutilation from weapons as a notable feature of Haiti rapes (although guns and knives have often used by rapists in their assaults to control or threaten the lives of rape victims). Nor did they note a problem with anal fistula linked to rape – damage to the lining of the rectum that may cause leaking of urine or feces – an injury suffered by many Congolese rape survivors that requires repeat surgeries.

But the documented injuries in Haiti have been horrific. There have included some mutilations and scarring caused by knives and human bites to the breasts, genitals, or face. In rare cases, eyes and tongues were attacked to prevent victims from identifying or denouncing their attackers. A significant number of cases involve gang rape, which can result in additional physical and emotional trauma, shock and injuries, and a potential greater risk of exposure to multiple strains of STIs, including HIV.

There is also the repeated trauma and injury caused by multiple and serial rapes, although our research found no published Haiti studies that focused on the case histories of victims of serial rape. At ANAPFEH, a group that treats sex workers in its small clinic, repeat rape is reported among some clients^{ccxlvii} (see *Sex Workers sub-section, Vulnerable Populations*). Nor is there much documented about the additional injuries, trauma, and impact on health of physically disabled rape victims, including deaf and blind individuals (see *Box: Helping the Disabled*).

It's also a tragic fact that not all rape victims are survivors. Some have died from the assaults, including an adolescent girl who reportedly sustained grave injuries following a gang rape, according to legal sources in Haiti.^{ccxlviii} Others have committed suicide, though reports of these cases are anecdotal.^{ccxlviii}

Male Injuries

Outside Haiti, the general literature on male-male rape includes a list of uro- and ano-genital injuries and trauma caused by physical assault and anal rape, which also carries a risk of exposure to STIs, including HIV, assuming the serostatus of the attacker is not known. For this report, our team was unable to directly interview Haitian male rape victims or review any clinical data related to male rape cases. But media coverage of the two recent MINUSTAH male gang rape cases has reiterated claims made by lawyers for the teenage male victims that they suffered injuries as well as psychological trauma (see *Box: Minustah, as well as Legal Justice and Men and Boys sections*).

Needed: Simpler GBV Field Guidelines?

Up to now, Haitian health officials have done an excellent job defining comprehensive medico-legal guidelines for responding to sexual violence, and they are busy revising the current guidelines to reflect international standards. The WHO and many agencies in other countries have developed evolving medico-legal guidelines that call for use of high-technology forensic tools such as DNA testing. But these are not easily available in the poorest countries or rural settings with few doctors or clinics, or

even in Haiti's best hospitals. While DNA screening reflects an important, powerful tool and an advance for criminal prosecution of sex crimes, it's not yet a tool likely to benefit Haitians. Still, it's Haiti's goal to acquire this capacity in time.

The current guidelines define the full range of steps and services that should ideally be taken to help survivors. The guidelines also define the basic elements of the service package and referral pathways to medical providers. While the forms and information sought is very complete, it's a lot to ask providers in the field who often lack basic materials and tools needed to follow the protocol. That includes refrigerators and back-up generators needed to store blood samples and medicines, or DNA rape kits..^{ccxlix}

While the current medico-legal protocols are solid, perhaps Haiti might consider building an extension of the ladder -- a lower rung -- to help the majority of Haitians like those in Cap Rouge? That would call for adoption of a tiered or "stepladder" approach toward the WHO-type gold standard that defines the *lowest* rung on the ladder -- the *minimum* standard of care and criteria for services -- as a starting point. In other words, a easier stepladder.

In the HIV/AIDS field, the development of low resource treatment and prevention guidelines -- with input from many field actors and based on country field evidence -- provided countries with a national process for educating and debating best-practice field programs and tools. The WHO HIV guidelines have been essential for health professionals, policymakers, and program officers and for HIV-positive individuals and advocates. Looking to Haiti, a similar conversation, debate, and process among health officials, providers, and community advocates across sectors, might do the same for the GBV field, and support groups in low-resource areas to better respond to the unmet needs of sexual violence victims.[∞]

Looming threats?:STIs , HIV and pregnancy

The possible negative and long-term health consequences of rape include exposure to sexually-transmitted infections, including HIV -- Human Immunodeficiency Virus -- that can lead to AIDS if untreated. STI screening and treatment, and HIV post-exposure prophylaxis or PEP are part of the package of preventive Post-Rape services provided to rape victims who seek medical attention within 72 hours after an assault. While victims may get and receive STI screening and treatment later, the window for accessing PEP is narrow -- as it is for Emergency Contraception (EC) (*see Reproductive Health section*).

After the earthquake, there was an immediate general concern about the impact of the disaster on the national HIV prevention and treatment programs, given the heavy hit the health sector took. Media reports from that period captured the difficulties facing HIV-positive individuals who experienced interruptions in their daily treatment with HIV antiretroviral medicines. HIV groups also reported losing clinics and staff, and worried aloud about the possible spread of HIV in a post-disaster climate where people were not accessing enough condoms and there was soon a reported rise of post-quake pregnancies.

On the positive side, experienced medical providers including GHESKIO and Partners in Health, as well as MSF, worked closely with the Ministry of Health, the Haitian and International Red Cross chapters, and the PEPFAR and Global Fund for AIDS, Tuberculosis and Malaria programs to address ARV distribution . There were complaints of ARV gaps reported by some groups for months,^{cci} and HIV activist groups complained of a lack of ARVs available outside the capital and to individuals in the camps. But overall, GHESKIO officials reported success in avoiding a health disaster, and getting people back on treatment quickly -- at least those already on ARVs.

What's happened since is an open question, but AIDS activists and health officials remain concerned about the possible spread of HIV, a risk complicated by the displacement of individuals and their subsequent movement as they transition out of camps. This has made follow up of patients complicated, particularly since many private groups and NGOs established camp-based clinics and later closed shop, referring patients to restored public health facilities or groups like GHESKIO.

What about rape victims? Here, there's a limited picture -- statistically speaking -- to indicate if HIV and STIs are also among the gender aftershocks of the earthquake. It's amply clear that post-rape pregnancy -- and early pregnancy among teens -- has been confirmed and remains a great concern (see reproductive health sector). But