



## HAITI'S UPR: LESBIAN, GAY, BISEXUAL, TRANSGENDERED AND INTERSEXED (LGBTI) PEOPLE

The LGBTI community in Haiti faces widespread discrimination and is the target of threats, aggression and violence, which occur with impunity. There have been frequent violent attacks and murders of LGBTI people, as well as attacks on LGBTI organizations, such as the armed and violent attack on the offices of rights group KOURAJ on November 21 2014. The strong social influence of religion has sanctioned homophobia. In July 2013, for example LGBTI individuals were violently targeted during a large and explicitly homophobic march organized by the Haitian coalition of religious and moral organizations with the acquiescence of the Haitian Government.

The Haitian Government has failed to take steps to prevent, investigate and sanction discrimination and violence against the LGBTI community, in breach of its obligations of non-discrimination under Article 2 of the Universal Declaration of Human Rights and ICCPR, and the Haitian Constitution of 1987, articles 17 (guarantee of civil and political rights), 18 (equality before the law) and 19 (non-discrimination). Haitian political leaders, including candidates in the 2015 presidential election, have engaged in homophobic speech that has incited violence.

Since the coalition submitted its report to the Universal Period Review in March 2016, there has been an increase in violence and threats against the LGBTI community and in discriminatory speech and action by political leaders, including the ban of the planned *MassiMadi* LGBTI performance arts festival and the recent announcement by Senate President Ronald Lareche of a proposed resolution banning "all public activities of homosexuals". In recent weeks, several rights organizations have been forced to cease normal functioning due to insecurity. An update of recent events is annexed.

### QUESTIONS

What steps is the Government taking to investigate and address threats of violence against LGBTI organizations and the hosts of the planned *MassiMadi* Festival, including FOKAL, KOURAJ and Lorraine Mangones? What steps is the Government taking to prosecute subsequent attacks against LGBTI individuals in Leogane, Cabaret, Port-au-Prince and Croix-du-Bouquet? What steps is the Government taking to ensure adequate protection of future similar events?

What steps is the Government taking to respect, protect and fulfill LGBTI individuals' right to non-discrimination and equality before the law? What is the Government's response to the proposed resolution of Senate President Ronald Lareche prohibiting "all public activities of homosexuals throughout the nation"?

What steps is the Government taking to respond to and counter the climate of homophobia and social discrimination created by statements of religious leaders and political leaders, for example the recent

statements by Senator Jean Renel Senatus that Haiti's disasters are a result of homosexual activity in the country?

#### RECOMMENDATIONS

Ensure prompt criminal investigation and prosecution of threats and acts of violence and intimidation committed against LGBTI persons and organizations, including acts committed by the police;

Publicly condemn political, religious and community leaders who engage in homophobic and hate speech;

Ensure the equal protection of LGBTI persons under Haitian law and guarantee appropriate State protection for LGBTI organizations and public events;

Issue a plan or national policy on the protection of the rights of the LGBTI people and take steps to ensure the perspectives and needs of LGBTI people are included in national political discourse and policy making;

Support sensitization and education campaigns to counter social discrimination and homophobic mobilization against the LGBT community.

For more information see civil society coalition report: *"Rapport sur les violations des droits personnes Lesbiennes, Gays, Bisexuelles, Transgenres et Intersexuees"*<sup>1</sup>

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<sup>1</sup> Submission of a coalition of Haitian organizations on Human Rights, based in Port-au-Prince, Artibonite, and Jacmel, and engaged in the fight against homophobia and discrimination: Kouraj Coalition; Association Pour la Lutte Contre l'Homophobie (APLCH); Gran Lakou. Approved in solidarity by Bureau des Avocats Internationaux (BAI); Mouvement de Liberté, d'Égalité des Haïtiens pour la Fraternité (MOLEGHAF); Institute for Justice & Democracy in Haiti (IJDH).

## **UPR updates**

**Submitted by KOURAJ and BAI**

**October 27, 2016**

Based on recent events that have passed since the original submission in March 2016 KOURAJ and BAI wishes to provide important updates on the declining situation regarding the LGBTI community and individuals.

### **I. Serious violations of several rights and freedoms by representatives of the State, including the right to equality and non-discrimination, the right to freedom of expression and thought, the right to freedom of association and assembly, the right to a fair trial and a remedy; the right to personal liberty.**

Festival MassiMadi, an Afro-Caribbean LGBTI art and performance event, was scheduled to be held from September 27-30, 2016 in Haiti with funding from some international agencies, such as the French Institute and the Canadian Embassy. Days preceding the event, the government commissioner, Jean Danton Leger, announced his prohibition of the festival, while Senator Jean Renel Senatus, Chairman of the Justice and Social Affairs Committee of the Senate publicly condemned these activities citing Article 259 of the constitution enshrining the right to the preservation of the family. He stated that the festival aimed at promoting homosexuality in the country and pushes for values that are contrary to social and cultural morals in Haiti and that LGBTI ideas are imported.

These statements by government representatives incited various threats to co-hosts and organizers. Lorraine Mangones, the Director of the Haitian cultural association, FOKAL and one of the institutional hosts of the festival, cited the presence of people armed with machetes, an anonymous soundtrack calling for the institution to be set on fire, and death threats to the staff. Due to these threats, the foundation cancelled the events held on its grounds, and soon after resulted in the cancellation of the entire festival. In addition, both FOKAL and KOURAJ stopped all normal functionings and closed their doors for approximately two weeks due to insecurity.

The Catholic Church issued a statement saying it was unacceptable for international agencies to fund Haiti and poorer countries in order to introduce laws on marriage between persons of the same sex. On September 27, Senate President Ronald Lareche promised a resolution that would prohibit all public activities of homosexuals throughout the nation. As a lawyer and professor of law, Lareche has openly stated, he does not believe legally the LGBTI community is protected and noted it as a “fetish”. These statements created a cascade affect. In the weeks that followed the cancellation, people of the LGBTI community experience increased violence with cases in Leogane, Cabarete, Port-au-Prince, Croix-du-Bouquet, to name a few. In addition, the former presidential candidate and current senatorial candidate, Andre Michel, organized a protest against the LGBTI community on October 16, 2016. Less than a week later, Senator Carl Murat Cantave stated on a public radio that the series of disasters that Haiti is currently experiencing is a result of homosexuality in the country.

These events have increased the climate of fear for members of the LGBT community, and many individuals have left their homes and moved to other neighborhoods where they are unknown which increases their safety and security.

### **II. These recent violations of rights begs the questions from the March 2016 submission, but also raises the question of how it will hold its own representatives of the State accountable to respecting rights of LGBTI people?**