

## **Rape: small progress eclipsed by enormous challenges**

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Thanks to the pleas of human rights defense organizations combined with the population's outrage against the increase of rapes in displacement camps after the earthquake on January 12, 2010, we have seen some progress in taking care of victims. Since then, committees have been created to be in charge those convicted of rape, exemplary verdicts against those guilty of rape have been pronounced, victims are better informed of their rights. These signs show that some progress has been made in the fight against rape, even if, in certain parts of the country, the violation of victims' rights is systematically caused by numerous factors: corruption in the heart of the judicial system, the failure or absence of state institutions, and the victims' ignorance of their own rights.

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Following a double rape that she suffered over the course of a single night in March this year, a 38-year-old school teacher did not hide her relief at having received a visit the next day from a patrol of the Haiti National Police. "It was a police officer who had family in the region that reported the incident to his colleagues" explains the victim, describing how her expectations had not been satisfied by the visit. "The officers were content with recuperating a **weapon** forgotten by the criminals at the scene of the crime," adds the thirty-year-old who had to leave her house on the plains since the double rape. "They comforted me, and advised me to go to the hospital, and then confessed that there was nothing they could do for me"

### **Raped two times**

The teacher was quietly sleeping next to her husband in her uncompleted prairie house when the bandits arrived. The burglars first took all the cellphones that were in the house. Then, they tied up the teacher's husband. That night, the couple had only 2,500 Haitian Gourdes in the house. "Unsatisfied with the amount of money they took from us, one of the bandits lifted an object to crush over my husband's head" continues the teacher who was also the owner of the school not far from the house. "I begged them not to kill my husband. Fortunately he did not commit this crime."

Unperturbed, the bandits took their time rummaging through the house from top to bottom. "While the others took all of the items of value that their hands could carry, one of them left the house with me," explains the Pentecostal teacher with a heavy heart. "He took out his penis and told me to put it in my mouth. I obeyed him to save the life of my children and my husband. Then he raped me."

The teacher's ordeal was far from over with this incident. "Before leaving, another came back and took me outside. With humiliating and painful words, he told me to undress and he raped me" she explains with sobbing in her voice.

### **Turning to the DCPJ**

The thirty-year-old did not really know what institution to reach out to after her rape. Frightened, she chose with her family to abandon her house and the simple little school she was building in her yard. She then listened to her relatives who advised her to file a complaint with the Central Directorate of the Judicial Police (DCPJ). "Nearly a month after the complaint, I received a phone call from the DCPJ asking me to come identify my rapists," said the victim, testifying to being welcomed by the police. "I cannot criticize the police, they did their job. I also received a lot of support from my loved ones. "

The teacher does not know if the four alleged bandits who were presented to her were not part of the group that had entered her home, but she was able to identify one of them. The one who had held the flashlight so that his companions could operate. The DCPJ has done its job, meanwhile the victim is determined to do hers. The case is now with the prosecutor. "Some people discouraged me from prosecuting the bandits for fear of retribution, and I told them that if I do not show up, the judge will have no option but to release the accused," she points out. She says that she will answer all invitations from the judicial authorities.

### **Rape as a plague**

As in many regions, there are no reliable statistics on the number of victims of gender-based violence in Haiti, including rape. One fact is certain however, the victims are numerous. The MSF Pran Men m clinic at Delmas 33, which specializes in the medical and psychosocial care of rape victims, has already treated 2,300 patients from 2015 to the beginning of May, that's an average of 80 patients per month or 2 patients a day. "These figures do not reflect the whole country," says Michelle Chouinard, MSF Holland's head of mission in Haiti. The Pran Men m clinic, the only one of its kind in the country, works 24 - 7. "The majority of patients arrive at night," Chouinard says, emphasizing that half of the victims at the center are minors.

Division Inspector Guerson Joseph, in charge of the Child Protection Brigade (BPM), confirms that many teenage girls throughout the country are indeed rape victims. "We treat more than 100 cases a year," he says. "The situation is serious."

The Department of the West, according to the head of the BPM, reports the largest number of minor rape victims throughout the Republic. For a while now, the department of Artibonite has overtaken Grand'Anse in 2nd place. "This situation must appeal to all components of society," remarked the police inspector, who recognizes that economic uncertainty and the resignation of parents are two of the causes of the development of this problem. As proof, he says, many cases of rape involve minors in domestic service. "They are raped either by their host families or by the family's relations," he says.

This is what brings the head of the International Lawyers Office (BAI), Mario Joseph, to see rape as a plague. "Incest is also growing," emphasizes the lawyer. He recognizes that it is difficult to provide reliable statistics on rape cases in Haiti as many cases are not reported. What's more, neither the state nor NGOs have the mechanisms to record them across the country. While it is difficult to provide figures, Mr. Mario Joseph does not pause to reflect when asked about the causes of rape in Haiti. "Poverty, promiscuity in dangerous neighborhoods, insecurity, impunity, the machismo behavior of the judicial and police authorities are some of the factors that, in the eyes of a lawyer, favor the increase in rape cases in the country."

### **An exemplary verdict**

A 16-year-old minor was raped in 2012 in Port-au-Prince by her uncle, who was 24 years old. "He came to visit me. I was driving him home. En route, he used his gun to rape me," confesses the girl, today 24 and still traumatized. It was at the time of the incident that the victim realized it was her uncle who had been attempting to rape her in the middle of the night while she was living with her grandmother. "It was after this attempted rape that I decided to go live with my mother," says the victim, who says she was in grade 6 or grade 7 at the time of the incident.

Living in the United States, the victim's father quickly returned to Haiti. The rapist was arrested and thrown in jail. His ruling took place recently. Convicted of the charges against him, the culprit is serving a 10-year prison sentence without the benefit of the Lespinasse law. He is also condemned to pay one million Gourdes in damages to the victim. It is not finished. Upon his release, the rapist will lose the privilege of his civil and political rights for seven years.

"This is an exemplary judgment," adds Mario Joseph of the BAI, criticizing the judges who show leniency in their decisions in favor of those guilty of rape, especially if they occupy important positions in society.

If the head of the BAI is pleased with the exemplary sentence imposed by the courts on the rapist of the minor, it is the complete opposite for the victim's relatives. "I receive many threats from my family for not giving up the case," says the girl who lives with a deep inner wound. She is even abandoned by her father who had offered to deny the rape charges in order to avoid the conviction of his brother. "My father promised to start the residency process for me in the US if I accepted his proposal," confesses the girl who says she feels like her life is broken since the rape. If her relatives would recognize that the rape actually happened, they would want the dirty laundry to be settled within the family. Which the lawyers, whom the BAI provided at no cost to her, flatly rejected.

No longer having her father's financial support, today the girl works in a factory to provide for herself. "I do everything possible so that nobody at work knows about my story", says the victim who dreams of studying law. She does not tell her boyfriend about the incident either. "I'm afraid he will abandon me," says the victim who still bears the scars of rape. Besides her inner wound, she must now face her family who seek her out for having sentenced her rapist uncle. "I do not have a cellphone to avoid being harassed," she says. I also avoided walking alone in the streets. In this case, when I'm not at work or at church, I'm shut up at home. "

## **Unequal justice**

In a press briefing last February, the Office for the Protection of Citizens (CPO), denounced the negligence of the Jérémie public prosecutor's office in dealing with rape cases. "Of a sample of 29 individuals involved in cases of sexual assault, rape, and complicity, brought to the attention of the Jeremie prosecutor, 55.17% of them, or sixteen (16), were released without any form of prosecution," denounced the OPC. "In the department of Grand'Anse, there is this tendency to treat rape cases with a certain understanding," lamented Jude Jean Pierre, Director of Promotion at the OPC. "It is not normal."

The OPC framework deplors the fact that rape is still not considered a crime in some circles, especially in rural areas. "The rights of victims are often violated by a lack of information," he judges, citing obstacles to equitable justice in cases of rape. "Often the trials lack scientific and medical police", Jude Jean Pierre notes, likening rape trials to one person's word against another's. Under such conditions, you can deduce that whoever can pay for the best defense counsel already has a great advantage in the trial.

"Is there a denial of justice and inequality in the handling of rape cases depending on the social status of the accused?" Jude Jean Pierre does not want to be certain in his answer to this question. "I cannot answer that question," he responds cautiously. Mario Joseph, meanwhile, is categorical. "The treatment

of rape cases in the courts depends on who is involved." As proof, he claims, someone can be charged with rape and hold high office in public administration.

Nevertheless, Mario Joseph believes that there is progress in handling rape cases. "In my opinion, there 15 to 25% cases of rape are in the criminal courts. It's progress," he says. "Until 2004, there were very few." This progress is, in his opinion, due to several factors, notably the denunciation of rape cases in camps for displaced people after the earthquake of January 12, 2010. "This has helped with better handling of rape cases," he says.

### **What support for rape victims?**

There are very few structures for the complete care of rape victims in Haiti. This explains why many victims, like the teenage girl raped by her uncle, have never seen a psychologist.

In Port-au-Prince, the Pran Men m clinic of Médecins Sans Frontières provides medical and psychosocial care for victims. All victims of sexual assault arriving at the clinic within three days receive emergency contraception and antiretrovirals to prevent the transmission of sexually transmitted diseases, including HIV / AIDS.

"Victims are then referred to partner institutions, including the BAI and the BPM, for follow-up that their case requires," informed Michelle Chouinard who said it ensures that patients receive a free medical certificate. What happens to victims outside Port-au-Prince? To this question, Ms. Chouinard replied, "I do not know." This question is all the more relevant when we know that certain areas of the country are devoid of medical facilities.

The head of the Minority Protection Brigade confirms that he is developing good relations with MSF. "When a minor is raped, we make sure she gets medical care and a medical certificate," says Inspector Guerson Joseph. After this step, the BPM is responsible for assembling the court file. "Our mission ends at this stage," says the police inspector, who says he always tries to get the job done right.

While there are some efforts be made in handling rape victims, much remains to be done. "There are gaps in the issue of housing for victims who cannot return home," says the head of MSF Holland. "There is also a lack of 24-hour care facilities. This is a call to funders who want to help. "

Too often, it is the victims of rape who go underground for fear of retaliation from their attackers. Mario Joseph argues for a law that provides a clear definition of rape or the concept of gender-based violence. This law must also prohibit rapists from approaching their victims even after serving their sentence. The judgement in favor of the teenager who was raped by her uncle must be a lesson. This is the wish of Mr. Mario Joseph who sees himself body and soul in the defense of the victims of rape.

This is also the wish of the 38-year-old teacher who was raped last March. She states a nuance however, "I do not want damages from the burglars, because it's ill-gotten money they will give me, but I do want them to pay for their crime," says the victim. She remains confident that her dream will be realized.

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