

## **Input for SR VAW's Report on Violence Against Women in the Context of the Climate Crisis: Observations on Challenges and Opportunities in Haiti**

### **Submitting Organizations:**

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2. **The Institute for Justice & Democracy in Haiti (IJDH)**, a U.S.-based solidarity organization partnered with Haiti-based *Bureau des Avocats Internationaux*, working to bring Haitians' struggles for human rights to the international stage.
3. **The Global Justice Clinic (GJC)** at the New York University School of Law, working with social movements and community partners to prevent, challenge, and redress human rights violations stemming from contemporary structures of global injustice. GJC has worked on human rights issues in Haiti since its founding.<sup>1</sup>

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### **Social Marginalization Drives Greater Environmental Harms**

The Caribbean is highly vulnerable to environmental change and climate disaster.<sup>2</sup> Haiti is rendered additionally vulnerable to the climate crisis by the poverty, ecological degradation, and social instability<sup>3</sup> that are the legacies of enslavement, colonialism, racism, and foreign interference.<sup>4</sup> Haiti's women and girls are – for some of the same reasons – subject to high rates of sexual and gender-based violence and to deeply rooted discrimination and harmful gender norms, which both drive and are reinforced by the violence.<sup>5</sup> As the Special Rapporteur has acknowledged, such inequality can itself constitute institutional and structural violence that maintains women in subordinate positions within their families, communities, economy, and the broader society;<sup>6</sup> it is therefore likewise considered in this submission.

In Haiti, as elsewhere, gender inequality increases the severity of climate impact.<sup>7</sup> A study by the Economic Commission for Latin America and the Caribbean found that “[a] person's gender is one of the main factors that determines the overall experience of climate change,” including disaster-driven displacement.<sup>8</sup> More generally, social marginalization increases harmful impacts of the climate crisis.<sup>9</sup> Women and girls in Haiti are thus particularly vulnerable because of their unequal status.<sup>10</sup> Intersecting vulnerabilities such as disability, LGBTQIA+ identity,<sup>11</sup> poverty, and illiteracy further compound risks, although the lack of disaggregated data makes specific observations challenging.<sup>12</sup> Nationality and migration status can likewise add to vulnerability, for example, driving the marginalization of individuals of Haitian descent in recovery efforts after hurricane Dorian in the Bahamas.<sup>13</sup>

Reducing gender inequality, by contrast, is a protective factor. A 2013 study comparing outcomes in Haiti, the Dominican Republic, and Cuba showed that women are generally more likely than men to die in the aftermath of disasters in the Caribbean, but that the differential decreases where women's educational attainment is higher. There is also evidence of a positive correlation between greater gender equality and effective disaster preparedness.<sup>14</sup>

## Climate-Related Violence Against Haitian Women and Girls

Haitian women and girls experience increased rates of violence against women (VAW); sexual exploitation; and crushing, persistent impacts on their ability to seek education, adequate livelihoods, and stable homes as a consequence of the climate crisis.<sup>15</sup> Haiti's 2010 earthquake, although not a climate-related event per se, is illustrative of the vulnerabilities and challenges faced by women and girls in the face of natural disasters,<sup>16</sup> as well as of the consequences of their exclusion from disaster response,<sup>17</sup> and is therefore discussed throughout this submission.

The principal elements of climate-related VAW, including in its structural forms, are as follows.

- Climate-related displacement is a major driver of VAW, as displacement conditions like inadequate security, especially around sleeping and sanitation spaces, and insufficient lighting<sup>18</sup> increase vulnerability to physical violence. This pattern persists today: there were numerous instances of rape, sexual harassment, and resulting pregnancies in the Gabion and Papa Numa displacement camps created following the August 2021 earthquake and tropical storm, with many minors among the victims. Even when not resulting in formal displacement, the destruction of homes, neighborhoods, and family structures from climate events leaves women and girls with fewer protections and more vulnerability to violence.<sup>19</sup> As a result of poor infrastructure, governance, and planning, many displacement situations in Haiti become long-term and rebuilding is limited and incomplete,<sup>20</sup> leaving women and girls in harm's way. The informal settlement of Canaan, for example, started as inadequate temporary shelters for vulnerable Haitians essentially left out of the disaster response; lack of planning and support left individuals to try to improve their living conditions on an ad hoc basis. The resulting sprawling community was for years outside of state control, with effectively no services, and was highly dangerous for women and girls.
- Unequal access to financial security and livelihoods is a major driver of worse climate crisis outcomes for women and girls, as well as of VAW. Economic marginalization leaves Haitian women at greater risk of harm and less able to recover. They are generally relegated to the informal economy, which is more vulnerable to climate impacts.<sup>21</sup> Similarly, as increasing desertification (both due to logging and climate-driven changes to rainfall patterns) in Haiti has reduced the amount of farmable land and thus increased land competition, women's predominance in small-scale farming for personal consumption and exclusion from larger, irrigated farming operations renders them more vulnerable even to small climate shifts, subject to competition-related violence, and less able to access resources that might increase their resilience.<sup>22</sup> Haiti's Madan Sara – female produce sellers who interface between rural farmers and markets in bigger communities, and are critical in supporting small-scale agriculture and community access to food – are illustrative. Climate change-driven disruptions of Haitian agriculture impair their supplies. Road disruptions and increased lawlessness in the wake of disasters expose them to high risks of violence or preclude them from work altogether, causing a chain of personal and community harms. Further, even though women represent 44 percent of Haiti's agricultural workforce, their specific needs are not adequately considered. More generally, Haitian women earn less than men for equivalent work, have less access to credit, and – including as a consequence – have fewer assets than men.<sup>23</sup> In combination,

this leaves women more reliant on men financially, less resilient against climate impacts, and thus more vulnerable to exploitation, abuse, and violence.<sup>24</sup> Because more than 60 percent of single-parent households in Haiti are headed by women, the resulting harm is exponential. If forced by climate impacts to emigrate, Haitian women also face higher risks of violence and discrimination.<sup>25</sup>

- Sexual exploitation and abuse, like violence, increase as a product of the climate crisis. Haitian women in general face a great deal of workplace harassment and an expectation that they trade sexual favors for access to livelihoods, necessities, and security.<sup>26</sup> Such exploitation increases, especially in displacement contexts, as men with authority over resources – leadership roles where men are over-represented even as women are excluded<sup>27</sup> – force women and girls to trade their bodies in return for badly-needed assistance. Pregnancies often result, with women and girls burdened with the entirety of the resulting parental responsibilities and other related challenges. Aid workers<sup>28</sup> and UN peacekeepers<sup>29</sup> were among the offenders in the wake of the 2010 earthquake in Haiti. UN failure to provide accessible methods for recourse remains an ongoing injustice.<sup>30</sup>
- Disasters further tend to divert resources towards immediate humanitarian relief and away from longer-standing efforts relating to VAW and women’s equality<sup>31</sup> that are critical for confronting structural violence against women and girls. This results in sidelining women’s empowerment efforts and backsliding towards inequality and patriarchal systems that ultimately compound women’s vulnerability to climate change and resulting VAW. Climate disasters likewise generally disrupt existing infrastructure – like judicial recourse and survivor support – for confronting VAW.
- Gender inequality, if not adequately considered in recovery planning and response, can create recovery traps for women and girls that leave them further behind and more vulnerable to VAW and climate impacts. For example, post-disaster rebuilding and livelihood efforts that focus on rubble removal and construction privilege able-bodied men. Insecurity can prevent women from participating in some activities, delaying their recovery. Women and girls also have greater community responsibilities, like family care, carrying water, and cooking, all of which increase in the wake of disasters.<sup>32</sup> This is largely unrecognized – and unpaid – labor that leaves women and girls with fewer opportunities to recover or to participate in community decision-making. Communities can thereby regress into old power dynamics and patterns of hierarchy that harm women. Finally, gender-sensitive disaster planning must consider women’s intersecting identities, especially with respect to economic status and class. Aid workers may find it easiest to work with more educated women who speak their language, but this leaves out the perspectives of more vulnerable – and representative – women from lower socio-economic backgrounds. Conversely, including local organizations without ensuring women’s participation can leave women’s voices out, as Haitian women and girls are often most marginalized in their own communities due to harmful cultural stereotypes and expectations about women’s roles in leadership.

## **Women and Girls Are Powerful Climate Resources**

It is critical not to reduce women and girls to vulnerable objects of the climate crisis; they are first and foremost powerful resources for confronting it. Women's involvement in disaster preparedness and response management in the Caribbean has demonstrably reduced harm for their entire communities; women also create more inclusive dynamics<sup>33</sup> that serve to better protect all vulnerable individuals. Haitian women actively coordinated newly formed displaced communities, helping to identify and recruit camp residents to protect against VAW; they also effectively pushed for collective food access adapted to local market dynamics<sup>34</sup> such as the needs of Madan Sara. Women make such contributions despite experiencing higher barriers to recovery, having fewer resources to leverage, and taking on additional burdens of protecting children, the elderly, and other vulnerable people.<sup>35</sup>

## **Recommendations**

- Strengthen displacement camp security, facilities, and services, targeting especially VAW, women's sanitation and reproductive health, and malnutrition.
- Ensure as a priority the continuation of critical programs and policies directed at confronting VAW and promoting women's equality and empowerment in order to prevent backsliding and greater vulnerability to climate-related harms. This especially means ensuring that resources remain available to survivors of VAW and that institutions tasked with taking in reports and pursuing accountability are accessible, responsive, respectful, and safe. Any abuse and exploitation by those in positions of public trust must be swiftly remediated and victims provided with clear and simple recourse and support.<sup>36</sup>
- Emphasize the contributions and assets, and not just the vulnerabilities, of women and girls in climate planning and response.
- Promote gender equality and women's empowerment more broadly to reduce VAW, gendered climate vulnerabilities, and adverse climate outcomes. This must include implementing and enforcing gender equity and anti-discrimination laws, especially against sexual violence and sexual harassment.
- Include as a primary consideration in any planning and response the impact of gender and related intersecting identities. Require the inclusion of local women who are representative of the impacted communities at the core of every stage of the process. Consultation with and, where necessary, capacity support for women and women's groups must be affirmatively required, as effective responses must reflect local realities and are best served when supported and driven by local expertise and community connections.
- Take into account as part of any planning and response the particular vulnerabilities of women and other marginalized individuals so as to prevent unequal outcomes driven by existing structural inequalities (which may themselves constitute violence). This especially means prioritizing security for women and girls, both in the context of displacement and with respect to rebuilding and recovery. It likewise means adjusting

livelihoods support to ensure equal access to opportunities and credit, and to prevent circumstances where women and girls are reliant on males for any such access.

- Take into account and work to dismantle the legacies of enslavement, racism, colonialism, and foreign interference impeding Haiti's resilience to the climate crisis as part of all aid delivery. This requires a rights-based approach fundamentally centered on community participation, inclusion, and empowerment; transparency; and accountability; it also requires refraining from undue interference and offering reparations for past harms.<sup>37</sup>

Several of the reports cited herein contain further excellent recommendations.<sup>38</sup>

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<sup>1</sup> Statements of the Global Justice Clinic do not purport to represent the views of NYU, if any.

<sup>2</sup> A. Bleeker et al., "Advancing gender equality in environmental migration and disaster displacement in the Caribbean", *Studies and Perspectives series-ECLAC Subregional Headquarters for the Caribbean*, No. 98 (LC/TS.2020/188-LC/CAR/TS.2020/8), 19, 22, Santiago, Economic Commission for Latin America and the Caribbean (ECLAC), 2021 ("ECLAC Report").

<sup>3</sup> Joshua Diemert et al., *Impact of Climate Change on Sexual and Gender-Based Violence in Internally Displaced Persons in Haiti* 6 (Apr. 23, 2021), <https://sppga.ubc.ca/wp-content/uploads/sites/5/2021/06/Final-GJC-Report-PDF-2021-April-23.pdf> ("GJC Report").

<sup>4</sup> See, e.g., Greg Rosalsky, 'The Greatest Heist in History': How Haiti was Forced to Pay Reparations for Freedom, NPR (Oct. 5, 2021), <https://www.npr.org/sections/money/2021/10/05/1042518732/-the-greatest-heist-in-history-how-haiti-was-forced-to-pay-reparations-for-freed>; Jon Henley, *Haiti: A Long Descent to Hell*, THE GUARDIAN (Jan. 14, 2010), <https://www.theguardian.com/world/2010/jan/14/haiti-history-earthquake-disaster>.

<sup>5</sup> Bureau des Avocats Internationaux, IJDH, *Komisyon Fanm Viktim pou Viktim, Gender-Based Violence in Haiti 2* (2022), [http://www.ijdh.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti\\_UPR-Submission\\_EN-1.pdf](http://www.ijdh.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti_UPR-Submission_EN-1.pdf) ("UPR Gender-Based Violence Submission"); see also, e.g., Nicole Phillips, *The Vital Role of Grassroots Movements in Combatting Sexual Violence and Intimate Partner Abuse in Haiti*, COMPARATIVE PERSPECTIVES ON GENDER VIOLENCE: LESSONS FROM EFFORTS WORLDWIDE 45-49 (Rashmi Goel & Leigh Goodmark eds. 2015).

<sup>6</sup> See Rashida Manjoo (Special Rapporteur on Violence Against Women, Its Causes and Consequences), *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*, ¶ 26, U.N. Doc. A/HRC/17/26 (May 2, 2011).

<sup>7</sup> See ECLAC Report at 19.

<sup>8</sup> *Id.* at 22.

<sup>9</sup> *Id.* at 24.

<sup>10</sup> Meena Jagannath, *Barriers to Women's Access to Justice in Haiti*, 15 CUNY L. REV. 27, 29 (2011).

<sup>11</sup> For example, gay and transgender persons were excluded from sex-segregated bathrooms and certain services. ECLAC Report at 25; see also, e.g., GJC Report at 21-22.

<sup>12</sup> See ECLAC Report at 19, 25; see also, e.g., Phillips, *The Vital Role of Grassroots Movements in Combatting Sexual Violence and Intimate Partner Abuse in Haiti* at 45-46 (identifying poverty as a driver of vulnerability to sexual abuse for Haitian women and the LGBTQIA+ community in the aftermath of disasters).

<sup>13</sup> See ECLAC Report at 38-39.

<sup>14</sup> Adelheid Pichler & Erich Striessnig, *Differential Vulnerabilities in Cuba, Haiti, and the Dominican Republic: The Contribution of Education*, 18 Ecology & Soc'y 34-35 (2013), <https://www.ecologyandsociety.org/vol18/iss3/art31/>; see also ECLAC Report at 61.

<sup>15</sup> See, e.g., Marianne Tøraasen, *Women's status in Haiti ten years after the earthquake*, Chr. Michelsen Institute (2020), <https://www.cmi.no/publications/file/7263-womens-status-in-haiti-ten-years-after-the-earthquake.pdf>; Phillips, *The Vital Role of Grassroots Movements in Combatting Sexual Violence and Intimate Partner Abuse in Haiti* at 9-12; ECLAC Report at 37.

<sup>16</sup> See, e.g., Tøraasen, *Women's status in Haiti ten years after the earthquake*; Anne-Christine d'Adesky et al., *The Haiti Gender Shadow Report: Ensuring Haitian Women's Participation and Leadership in All Stages of National Relief and Reconstruction* (2010), [https://reliefweb.int/sites/reliefweb.int/files/resources/37A5134A38ACF0608525781F0079CEC1-Full\\_Report.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/37A5134A38ACF0608525781F0079CEC1-Full_Report.pdf)

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(“2010 Earthquake Shadow Report”); Phillips, *The Vital Role of Grassroots Movements in Combatting Sexual Violence and Intimate Partner Abuse in Haiti*.

<sup>17</sup> For example, the Haitian government’s Post-Disaster Needs Assessment, produced in partnership with the United Nations, European Union, World Bank, Inter-American Development Bank, Caribbean Disaster Emergency Management Agency, and Caribbean Development Bank to facilitate reconstruction following the 2010 earthquake, essentially failed to consider gender. *See generally* 2010 Earthquake Shadow Report; *see also id.* at i (“[Q]ualified Haitian women and Haïtian women’s organizations are not given the opportunity [to partake in] or are being excluded from deliberations and decision-making processes related to the reconstruction and economic and political recovery of Haiti.”).

<sup>18</sup> Phillips, *The Vital Role of Grassroots Movements in Combatting Sexual Violence and Intimate Partner Abuse in Haiti* at 49.

<sup>19</sup> *See generally* Meena Jagannath, Nicole Phillips, & Jeena Shah, *A Right-Based Approach to Lawyering: Legal Empowerment as an Alternative to Legal Aid in Post-Disaster Haiti*, 10 NW. J. INT’L HUM. RTS. 15-18 (2011), <http://scholarlycommons.law.northwestern.edu/njihr/vol10/iss1/2>.

<sup>20</sup> *See* Rocio Cara Labrador & Diana Roy, *Haiti’s Troubled Path to Development*, Council on Foreign Relations (2021), <https://www.cfr.org/backgrounder/haitis-troubled-path-development>.

<sup>21</sup> *See* UPR Gender-Based Violence Submission at 4; 2010 Earthquake Shadow Report at 5, 9.

<sup>22</sup> *See* 2010 Earthquake Shadow Report at 1, 26-27; GJC Report at 17-18.

<sup>23</sup> *See* UPR Gender-Based Violence Submission at 4.

<sup>24</sup> *See, e.g., id.*

<sup>25</sup> *See* S. Priya Morley et al., *A Journey of Hope: Haitian Women’s Migration to Tapachula, Mexico*, CTR. FOR GENDER & MIGRATION STUD. (2021), <https://imumi.org/wp-content/uploads/2021/01/A-Journey-of-Hope-Haitian-Womens-Migration-to-Tapachula-Mexico.-Executive-Summary.pdf>.

<sup>26</sup> UPR Gender-Based Violence Submission at 3.

<sup>27</sup> *See* Madre et al., *Our Bodies Are Still Trembling: Haitian Women Continue to Fight Against Rape* 4 (2011), <https://www.law.cuny.edu/wp-content/uploads/page-assets/academics/clinics/hrgj/publications/Bodies-still-trembling-Update-2011.pdf>.

<sup>28</sup> *Statement of the Results of an Inquiry: Oxfam*, CHARITY COMM. FOR ENG. & WALES 9-10 (June 11, 2019), [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807945/Statement\\_of\\_the\\_Results\\_of\\_an\\_Inquiry\\_Oxfam.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807945/Statement_of_the_Results_of_an_Inquiry_Oxfam.pdf) (cataloguing extensive allegations that Oxfam International failed to address and covered up instances of sexual exploitation by senior aid workers in Haiti that were known to it); *see also* Oxfam, *Haiti Investigation Final Report* 2-3, 5-7 (2011), [https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/haiti\\_investigation\\_report\\_2011.pdf](https://d1tn3vj7xz9fdh.cloudfront.net/s3fs-public/haiti_investigation_report_2011.pdf) (acknowledging sexual misconduct of several of its staff).

<sup>29</sup> *See generally* Carla King et al., ‘MINUSTAH is Doing Positive Things Just as They Do Negative Things’: Nuanced Perceptions of a UN Peacekeeping Operation amidst Peacekeeper-Perpetrated Sexual Exploitation and Abuse in Haiti, 21 CONFLICT, SECURITY, & DEVELOP. 749 (Nov. 17, 2021), <https://www.tandfonline.com/doi/full/10.1080/14678802.2021.1997453>; Sabine Lee & Susan Bartels, ‘They Put a Few Coins in Your Hands to Drop a Baby in You’ – 265 Stories of Haitian Children Abandoned by UN Fathers, THE CONVERSATION (Dec. 17, 2019), <https://theconversation.com/they-put-a-few-coins-in-your-hands-to-drop-a-baby-in-you-265-stories-of-haitian-children-abandoned-by-un-fathers-114854> (“In the context of Haiti, there have been widespread allegations of rape, sex with minors, transactional sex and human trafficking by MINUSTAH personnel throughout the mission’s 13-year history.”).

<sup>30</sup> *See, e.g.,* King et al. at 767 (“The UN must either create the systemic change required for [troop and police contributing countries] and individual perpetrators to be held accountable or take responsibility for SEA perpetrated by its peacekeeping personnel, including by providing redress to affected women/girls.”); Sandra C. Wisner, *To Build a More Equal Global System, the UN General Assembly Must First Turn to Remediating the UN’s Own Past Human Rights Violations*, INTLAWGRRRLS (Sept. 25, 2021), <https://ilg2.org/2021/09/25/to-build-a-more-equal-global-system-the-un-general-assembly-must-first-turn-to-remediating-the-uns-own-past-human-rights-violations/>.

<sup>31</sup> *See, e.g.,* 2010 Earthquake Shadow Report at 13; Alba Boer Cueva et al., Strategist, *Scarcity of funding threatens women’s peace work* (Mar. 8, 2022), <https://www.aspistrategist.org.au/scarcity-of-funding-threatens-womens-peace-work/>.

<sup>32</sup> *See* 2010 Earthquake Shadow Report at 35.

<sup>33</sup> *See* ECLAC Report at 68.

<sup>34</sup> *See* 2010 Earthquake Shadow Report at 9.

<sup>35</sup> *Id.*

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<sup>36</sup> Wisner, *To Build a More Equal Global System, the UN General Assembly Must First Turn to Remediating the UN's Own Past Human Rights Violations* (specifying that “[t]he UN must likewise uphold its obligations to facilitate paternity and child support claims”).

<sup>37</sup> See further, e.g., Jagannath et al., *A Right-Based Approach to Lawyering: Legal Empowerment as an Alternative to Legal Aid in Post-Disaster Haiti* at 18.

<sup>38</sup> See ECLAC Report at 69-74; GJC Report at 4, 16, 23, 27, 31-33; UPR Gender-Based Violence Submission at 9; 2010 Earthquake Shadow Report at 7-10, 15-16, 22-25, 32-36, 38-39.