



December 12, 2022

Dr. Tania Reneaum Panszi
Executive Secretary
Inter-American Commission on Human Rights
1889 F St. NW
Washington, D.C. 20006

Re: Request for Thematic Hearing on Widespread Sexual Violence Against Women and Girls in Haiti During 186th Period of Sessions of the Inter-American Commission on Human Rights

Honorable Dr. Reneaum Panszi:

Representatives of the undersigned organizations write to respectfully request a thematic hearing concerning **Widespread Sexual Violence Against Women and Girls in Haiti** during the 186th Period of Sessions, in accordance with Article 66 of the Rules of Procedure for the Inter-American Commission on Human Rights. Over the last several months gangs have deployed rape and other sexual violence as a deliberate tool for disrupting the country's social fabric and have done so without any meaningful response by Haiti's government. The human rights disaster facing Haitian women and girls is one of the most pressing in the hemisphere. While sexual violence against women and girls in Haiti has long been an issue of concern for this Honorable Commission, the last public hearing on this subject was in 2019. Human rights conditions have worsened considerably since that time.¹ The proposed hearing would shed light on the rapidly deteriorating situation for women and girls in Haiti and propose appropriate responses.

¹ Institute for Justice and Democracy in Haiti (IJDH), [Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2022](#) (Dec. 2022).

This request is made by a coalition of partners including Haiti-based *Bureau des Avocats Internationaux* (BAI), *Komisyon Fanm Viktim Pou Viktim* (KOFAVIV), *Nègès Mawon*, and *Réseau National de Défense des Droits Humains* (RNDDH). These organizations provide legal and other support services to survivors of sexual violence, document these abhorrent violations at grave risk to their own safety, and fight for policy and social change to address the gender inequality underlying these harms.

I. Engagement by the Commission Would Support Haiti's Women and Girls

In 2009, the Commission issued its first comprehensive report regarding its concern over persistent discrimination as well as rape and other forms of violence directed against women and girls in Haiti.² It laid out the historical context that undergirds deeply rooted social norms and ineffective government structures for addressing gendered violence, including the recognition of these conditions as a direct result of recurring foreign interventions. The Commission also set out the state's duties to prevent and eradicate gender-based violence at the hands of the state as well as of private actors. In its report, the Commission recognized some of the progress made after Haiti's transition to democracy in the late 2000s and provided a series of recommendations to improve access to justice, transform the socio-cultural patterns that perpetuate inequalities, and strengthen institutions for more durable change. Of notable salience to this request, the Commission made explicit that its recommendations were applicable both "during times of peace *and* political unrest."³

This engagement by the Commission served as a focal point in efforts to improve policies and programs in Haiti. The Haitian women's movement leveraged the Commission's recommendations as part of their strategy and successfully pushed for policies that were instrumental in beginning to address root patterns of injustice and inequality. The Haitian Ministry of Women's Affairs and other institutions and civil society groups had reforms under way, including a draft comprehensive law on violence against women. However, progress was undermined by the devastating earthquake in 2010, and then subsequently suppressed through aid policies that privileged programmatic interventions over grassroots policy and advocacy efforts.⁴

² Inter-Amer. Comm'n H.R., [The Right of Women in Haiti to Be Free From Violence and Discrimination](#), OEA/Ser.LV/II (10 Mar. 2009).

³ *Id.* at para. 166 (emphasis added).

⁴ *Bureau des Avocats Internationaux* (BAI), Disaster Law Project, Haitian Women's Collective (HWC), IJDH, *Nègès Mawon*, [Joint Submission](#) to the UN Working group on discrimination against women and girls for forthcoming report on "Human Security of Women and Girls in the Context of Poverty and Inequality" (Oct. 2022); *see also* BAI, KOFAVIV, IJDH, Center for Gender & Refugee Studies (CGRS), CUNY School of Law - Human Rights and Gender Justice Clinic, MADRE, [RE: MC 340/10 – Situation of women and girl victims of sexual violence in Haiti](#) (Oct. 7, 2022).

Tragically, hundreds of thousands of lives were lost in the 2010 earthquake, among them high profile women’s rights advocates and leaders in the feminist movement. As is often the case in the wake of a disaster, rates of sexual violence spiked—with displaced women and girls in the most vulnerable position. The exclusion of the voices of grassroots women’s leadership from the disaster response exacerbated the situation and thwarted efforts to prevent further occurrences of sexual violence. Several of the undersigned organizations brought these issues to the attention of the Commission through a request for [precautionary measures](#) on behalf of women and girls living in camps for internally displaced persons in Port-au-Prince, Haiti. The Commission [granted](#) the measures, requiring that the government provide appropriate medical and psychological care for victims of sexual violence, effective security measures, and adequate training for public officials, as well as create special units within the police and judiciary to investigate instances of sexual violence and incorporate grassroots women’s groups in leadership and policymaking decisions.⁵ The Commission’s measures provided a critical blueprint for the state: advocates then had some success working with the Haitian government to advance these priorities despite myriad challenges.

As further discussed in the section below, the situation of women and girls in Haiti is dire and getting worse without any effective response. The Commission recently requested that the Petitioners who had been granted the precautionary measures described above provide information regarding the continuing need for such measures in light of the ongoing risk of sexual violence to the beneficiaries. As the Petitioners, some of who are undersigned to this request, [reported](#) to the Commission in October, while Haiti saw some signs of progress in at least some respects in the arena of women’s rights in the years immediately following the earthquake, any such progress has since been erased. Haiti failed to maintain or implement adequate measures as ordered by the Commission to prevent and address sexual violence and other forms of gender-based harms and, in the current crisis, is completely derelict in its duties to protect Haiti’s women and girls, especially those who are displaced and otherwise marginalized.⁶ Subsequent natural disasters and the structural economic and social challenges that are the legacies of colonialism and extractive foreign interventions in Haiti are also relevant factors underlying the failures that have permitted the violence to continue unabated.⁷

A thematic hearing would offer the Commission an opportunity to build on its work with respect to these measures and the recent update in order to engage more comprehensively on the subject of sexual violence affecting Haiti’s women and girls. As it did in the past, the Commission’s attention can bring much-needed focus to this important topic, offer a medium for identifying effective solution, and serve as impetus and a

⁵ Precautionary Measures re Women and Girls Residing in 22 Camps for Internally Displaced Persons in Port-au-Prince, Haiti, Inter-Am. Comm’n H.R., PM 340/10 (Dec. 22, 2010).

⁶ See generally IJDH, BAI, KOFIVIV, [Joint Submission to the Universal Periodic Review](#) (2021).

⁷ See, e.g., [Haiti ‘Ransom’ Project](#), The New York Times (Nov. 16, 2022).

mobilizing anchor for supporting the work of Haiti's feminist movement that is fighting to address and prevent sexual violence against women and girls alongside its causes.

II. The Grave Crises Facing Haiti's Women and Girls Merit a Thematic Hearing

Conditions in Haiti have only worsened for women and girls since the earthquake and especially in the present humanitarian emergency, which has been marked by unprecedented gang violence, widespread hunger, a severe decrease in the availability of health and other critical services, a collapse of education, and dwindling access to economic opportunities. Women and girls suffer disproportionately due to the pre-existing social inequalities and systematized discrimination as identified by the Commission in previous communications.⁸ The Haitian government actively contributes to the conditions generating the humanitarian emergency, as discussed below, and has failed to take meaningful measures to reduce harm to vulnerable women and girls. Petitioners in the above-referenced case have requested that the Commission not only extend its 2010 precautionary measures, but expand them to cover—among other things—a broader cross-section of Haitian women and girls at grave risk of sexual violence.

The deep governance crisis facing Haiti now constitutes a profound unconstitutional interruption of Haiti's democratic regime. Described in detail in several publications by the undersigned organizations, the present crisis emerged in the wake of the 2010 earthquake and deteriorated as Haiti's democratic institutions, including the judiciary, were progressively dismantled through the misrule of the *Pati Ayisyen Tèt Kale* (PHTK) and affiliated individuals, all with the support of the international community.⁹ After the assassination of then-president Jovenel Moïse in July 2021, Ariel Henry was installed by international actors as the de facto head of state. His regime is further entrenching PHTK corruption and is at best complicit, if not directly involved, in the widespread killings and torture of civilians by gangs.¹⁰

Although the Haitian government does not keep systematic data on sexual and gender-based violence against women and girls, all available evidence—including documentation by the undersigned organizations—indicates it is extensive, pervasive, and growing worse.

⁸ See, e.g., Institute for Justice and Democracy in Haiti (IJDH), [Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2022](#) (2022); IJDH, BAI & KOFIV, Submission to the U.N. Human Rights Council, [Gender-Based Violence in Haiti](#) (2021); *Bureau des Avocats Internationaux* (BAI), Disaster Law Project, Haitian Women's Collective (HWC), IJDH, *Nègès Mawon*, [Joint Submission](#) to the UN Working group on discrimination against women and girls for forthcoming report on "[Human Security of Women and Girls in the Context of Poverty and Inequality](#)" (Oct. 2022); OHCHR, [Sexual violence in Port-au-Prince: A weapon used by gangs to instill fear](#) (Oct. 2022); Jess DiPierro Obert, [Surge in use of rape against women and rivals by Haiti gangs](#), *The New Humanitarian* (Nov. 14, 2022).

⁹ See, e.g., Brian Concannon, [Biden must stop propping up the old guard in Haiti](#), *Responsible Statecraft* (Nov. 12, 2021).

¹⁰ The National Human Rights Defense Network (RNDDH), [Massacre in Cité Soleil: Chilling Stories of Women and Girls Victims of Gang Rape](#) (Aug. 16, 2022).

Sexual violence is now being used as a deliberate tool of conflict in increasingly more barbaric forms, with assailants kidnapping, killing, and raping women; sometimes this takes the form of gang rape in front of family members. The RNDDH, for example, has reported on brutal mass rapes perpetrated by gangs against women and girls living in gang-controlled areas. KOFAVIV members have directly experienced sexual assaults, kidnappings, and a lack of access to adequate healthcare, food, and clean water. These documented cases present only the tip of the iceberg given recurring problems of underreporting and the inability of organizations to access all affected areas.

There are no safe shelters: women and girls have been raped at makeshift displacement camps in the capital and have faced sexual exploitation and abuse at a now-closed camp for displaced persons.¹¹ Even as the undersigned organizations offer support and resources to survivors alongside other grassroots organizations, resources are limited and grossly inadequate. The international humanitarian response has been insufficient. This lack of legal, medical, or other humanitarian resources for survivors exacerbates an already precarious situation.

Such violence against women and girls continues to be carried out with complete impunity. It reflects and is enabled by women's fundamentally unequal status in Haitian society and especially their exclusion from political participation and decision-making. Women's shelters have even been set on fire by gangs and feminist activists deliberately targeted—acts underscoring the gendered elements of Haiti's complex crises. The U.N. Human Rights Council recently completed its periodic review of Haiti's human rights compliance; its conclusions highlight the lack of adequate responses to sexual violence despite the government's awareness of its widespread occurrence. More tangible action to support Haitian feminist advocates is desperately needed; a hearing by the Commission would be a helpful measure that could catalyze others.

III. A Thematic Hearing Would Accomplish Several Tangible Objectives

The participating organizations respectfully request a hearing before the Commission to draw attention to the above-described rapidly deteriorating human rights conditions for women and girls in Haiti and develop pointed recommendations to prevent grave harms in the immediate term and lay the foundation for long-term solutions to persistent gender-based discrimination and resulting sexual violence. A thematic hearing would accomplish several objectives: (1) provide updated information regarding the urgent, deteriorating situation for women and girls—in particular their heightened risk of sexual violence as a form of intersectional discrimination, which has grown especially grave in the current crises; (2) offer an assessment as to the drivers of sexual and gender-based violence and impediments to solutions, most notably discrimination against women and girls, especially

¹¹ Jess DiPierro Obert, [Surge in use of rape against women and rivals by Haiti gangs](#), The New Humanitarian (Nov. 14, 2022).

their exclusion from leadership and public debate; and (3) inform the Commission's assessment through the voices of Haitian advocates with deep expertise and lived experience, including of marginalization.

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ("Convention of Belém do Pará"), accompanied by jurisprudence and other recommendations from this Commission, creates a strong regional framework for state obligations to address sexual violence and underlying gender inequality. Article 9 of the Convention of Belém do Pará recognizes the intersectional nature of women's experience of violence: based not only on their gender but also other aspects of their identity, such as race and class. Unpacking the intersecting crises in Haiti to understand the multiple and intersecting vulnerabilities of women and girls to sexual violence is key to developing impactful strategies for enforcing human rights norms in Haiti and beyond. A public hearing would provide an opportunity to share information with the Commission regarding the current deteriorating situation for women and girls and thereby develop an effective, context-specific, and intersectional approach for better vindicating and advancing the rights and protections guaranteed to Haitian women and girls within the Inter-American human right system.

The requesting organizations also welcome the opportunity to engage with the Commission regarding state obligations to address these issues despite any difficulties of operating in an emergency context. The Committee on the Elimination of Discrimination against Women in its General recommendation no. 28 reiterates that state obligations "do not cease in periods of armed conflict or in states of emergency resulting from political events or natural disasters" and that states must "adopt strategies and take measures addressed to the particular needs of women in times of armed conflict and states of emergency." Haiti is facing such challenges in the current political crisis, following on the heels of recurring natural disasters, yet has not taken meaningful steps to secure the fundamental human rights of women and girls.

In this vein, the Commission's precautionary measures in 2010 furnished a blueprint for establishing state priorities in the post-disaster context that met "the particular needs of women" at the time. This guidance proved especially significant in the aftermath of the earthquake to direct limited state resources for the protected individuals. Additional, updated guidance that considers all Haitian women and girls is urgently needed not only to give meaning to Inter-American human rights protections in Haiti, but also to delineate what measures are required of states facing a crisis of such proportions. This critical guidance will support the valiant efforts of the feminist movement on the ground in Haiti who are working to ensure the needs of women and girls are not ignored.

The voices of grassroots leadership and of those most affected by the violence have been excluded from public debate surrounding Haiti's acute governance crisis, which disproportionately impacts poor women and girls. Several of the undersigned

organizations are composed of members most impacted by human rights violations and representatives would present their perspective and experiences at the hearing. A hearing before the Commission with these marginalized voices would afford an opportunity to hear their stories and, most importantly, their solutions for better protecting women in the short-term and promoting women's equality over the long-term.

IV. Request

For the foregoing reasons, and in conformance with Article 66 of the Commission's Rules of Procedure, we respectfully request that the Commission:

1. Grant a one-hour hearing in its upcoming Period of Sessions to present updated information regarding the situation for women and girls in Haiti as it pertains to sexual violence against women and girls in Haiti, including testimony by Haitian advocates;
2. Make efforts to ensure the participation of Commissioner Julissa Mantilla, Rapporteur for Women; Commissioner Stuardo Ralón, Rapporteur for Haiti; Commissioner Esmeraldo Arosemena, Rapporteur for Children and Adolescents; and Commissioner Joel Hernández, Rapporteur for Human Rights Defenders; and
3. Timely indicate the day, time, and place for holding a thematic hearing, directing any notices regarding the hearing to bookeybl@uchastings.edu.

We thank the Commission for its attention and consideration of this request.

Sincerely,

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