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## ANNEX A

**Comprehensive Written Submission of Civil Society for Thematic Hearing Concerning Widespread Sexual Violence Against Women and Girls in Haiti at the IACHR 186th Period of Sessions, *including***

- **Appendix A (Request for Thematic Hearing on Widespread Sexual Violence Against Women and Girls in Haiti)**
- **Appendix C (Annotated Bibliography with Linked Materials)**

*(Appendix B omitted and included instead as Annex C)*

## Inter-American Commission on Human Rights 186th Period of Sessions

### COMPREHENSIVE WRITTEN SUBMISSION OF CIVIL SOCIETY HEARING ON WIDESPREAD SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS IN HAITI

Hearing Held on March 8, 2023 | 8:45 AM

#### INTRODUCTION

The human rights disaster facing Haitian women and girls is one of the most pressing in the hemisphere. Gangs in Haiti are deploying rape and other forms of sexual violence as a deliberate tool for disrupting the country's social fabric and continue to do so with impunity or even with encouragement from political actors. There has been no meaningful response by the Haitian government. Indeed, due in no small part to the international community's continued oscillation between hegemonized interference and total disregard, there is no legitimate government to speak of in Haiti. The situation confronting women and girls in Haiti is thus inextricably linked to the ongoing crisis in governance; and it is entwined with the international community's choices to impede a lasting, Haitian-led solution. This crisis of violence is not new, but rather the latest and degenerative iteration of a longstanding and well-documented assault against women and girls in Haiti. Progress has been made in the past largely because of efforts by the women's movement, but lack of legitimate support has only resulted in this backsliding to yet new morally and legally reprehensible lows. Progress can be made again now and it can be sustained. The solution to remedying these appalling ongoing human rights violations lies precisely in the leadership of those suffering the abuses: Haitians, and more specifically, Haitian women. Member States have a duty to champion a Haitian-led rectification of the unfolding tragedy.

These heinous acts of violence and Haiti's utter failure to act irrefutably violate the human rights of women and girls as recognized by Inter-American agreements to which Haiti is party. In fact, the Commission has long expressed its concern over widespread sexual violence in Haiti, in 2009 issuing a comprehensive report laying out the historical context in Haiti that undergirds deeply rooted social norms and ineffective government structures for addressing gendered violence. The Commission's guidance since then has served as a focal point to improve policies and programs related to the advancement of women's equality in Haiti, including law reforms. This includes the Commission's grant of precautionary measures on behalf of displaced women and girls in the wake of the devastating 2010 earthquake, which provided a critical blueprint for the Haitian government and advocates in directing limited resources. But any progress has since been erased. More can and must be done immediately to prevent and respond to these grave violations to give any meaning to human rights standards.

## RECOMMENDATIONS

Petitioners appeal to this honorable Commission to fulfill its mandate and utilize all mechanisms at its disposal, including through the Office of the Rapporteur on the Rights of Women, to protect the rights of Haitian women and girls via the robust Inter-American system of human rights.

We provide the following specific recommendations:

1. Issue a public statement acknowledging the dire situation facing Haitian women and girls and directing the Haitian government to do the following:
  - a. Strengthen the capacity of the Haitian police to reduce widespread insecurity and protect women and girls;
  - b. Build and strengthen the capacity of Haiti's judiciary to support and protect victims, especially those from marginalized backgrounds, including by confronting corruption and safeguarding competence and ethics within the judiciary, enforcing laws against gender-based violence, and taking due care with victim safety through appropriate notifications;
  - c. Direct and empower Haiti's judiciary to investigate the massive human rights violations and corruption that continue to take place;
  - d. Reduce the use of illegal and arbitrary preventive detention against women and girls;
  - e. Ensure women's equal participation in leadership and decision-making roles across all levels of government;
  - f. Center the specific needs of women and girls across all government policies and collect gender-disaggregated data;
  - g. Provide critical services for victims of SGBV, including reproductive care, psychosocial support, and access to livelihoods;
  - h. Support and empower women's rights organizations, including those focused on women's empowerment and broad policy advocacy to support, protect, and empower Haiti's women and girls.
2. Conduct a fact-finding in loco visit to Haiti to investigate its human rights situation, especially as it affects women and girls, with a focus on engagement with civil society and grassroots organizations, especially those comprised of and representing individuals from marginalized communities.
3. Document and issue a public report about the situation of women and girls in Haiti, including especially the incidence and causes of sexual violence directed at women and girls, as well as the underlying structural inequalities affecting their home and public lives, including but not limited to political participation, economic access and opportunities, and socio-cultural status. The preparation of the report must include discussions with and considerations of women and girls with further marginalizing identities and grassroots women's organizations. Further, all future reports by the Commission should require a dedicated focus on the situation of Haiti's women and girls.

4. Extend and expand precautionary measures MC 340/10 on behalf of women and girls at risk of sexual violence as recently requested by petitioners in that case. And, in light of the ineffective implementation of the existing measures and the broader situation facing Haitian women and girls in Haiti, request—pursuant to articles 25 and 76 of the Commission’s Rules of Procedure—that the Inter-American Court adopt provisional measures to avoid further irreparable harm to Haitian women and girls.
5. Issue a public statement (i) directing all countries within the Organization of American States (OAS) to comply with their obligations to respect the rights of the Haitian people to democracy and self-determination; (ii) acknowledging that no advancement can be made on substantive human rights in Haiti until the underlying governance crisis is addressed, which can be accomplished only through Haitian-led solutions free from foreign interference; and (iii) directing all countries within the OAS to desist from actions to prop up Haiti’s illegitimate, corrupt, and repressive de facto government at the expense of Haiti’s pro-democracy movement.
6. Ensure that all Commission communications and meetings are accessible to Haitians, including those from marginalized backgrounds by providing Haitian Creole language materials and interpretation as relevant.

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## I. **FACTUAL BACKGROUND: DETERIORATING CONDITIONS EXACERBATE RAMPANT SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS IN HAITI**

Haiti's women have historically faced violence and discrimination in the home and in public spaces and social institutions. Natural disasters and the structural, economic, and social challenges are the legacy of colonialism and extractive foreign interventions are potent factors that undergird ongoing violence toward Haitian women and girls.<sup>1</sup> Deeply rooted patriarchy further fosters a permissive attitude toward discrimination and sexual and gender-based violence (SGBV) directed against them.

Rape and other forms of SGBV are used as weapons of political intimidation in Haiti. Reports of sexual violence surged in the wake of the 2010 earthquake—especially in displacement camps, where lack of security, desperation, and power inequality created an enabling environment for assaults. Reports of what is often called “survival sex”—where heightened pressures force women and girls to sell their bodies for food or desperately needed aid is expressly conditioned on sexual favors—similarly swelled.<sup>2</sup> Recent political instability, gang proliferation, and natural disasters in Haiti have further exacerbated these longstanding vulnerabilities. Petitioners have periodically reported on these conditions to the Commission, which granted precautionary measures to prevent sexual violence in displacement camps in the wake of the 2010 earthquake that remain in effect and which several of the Petitioners have asked the Commission to extend and expand (see Appendix B).

Despite clear directives by this Commission and other human rights authorities, the Haitian government has failed to address both the historic and contemporary drivers of sexual violence and gender inequality.<sup>3</sup> And tragically, the human rights conditions facing women and girls have worsened considerably since the Commission's last public hearing on the matter.<sup>4</sup>

### A. **Haiti's Governance Crisis Must be Addressed Immediately to Prevent Further Abuses**

The prevalence of sexual violence directed at Haitian women and girls can be understood only in the context of Haiti's ongoing acute governance crisis. This urgent situation both drives and impedes resolution of the humanitarian and human rights emergency that places Haiti's women and girls at ever-increasing risk.

The current crisis has been marked by unprecedented levels of gang violence and brutality, widespread hunger, a severe decrease in the availability of health and other critical services, a collapse of education, and dwindling access to economic opportunities exacerbated by soaring

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<sup>1</sup> See, e.g., *Haiti 'Ransom' Project*, *The New York Times* (Nov. 16, 2022), <https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html> & <https://www.nytimes.com/2022/05/20/world/haiti-wall-street-us-banks.html>.

<sup>2</sup> See, e.g., Siobhan Morrin, *Survivors of Haiti's Sexual Violence Crisis Are Finally Making Themselves Seen*, *Newsweek* (Apr. 19, 2017).

<sup>3</sup> *Bureau des Avocats Internationaux* (BAI), Institute for Justice & Democracy in Haiti (IJDH), KOFVIV, Submission to the U.N. Human Rights Council, *Gender-Based Violence in Haiti* (2022) (“BAI/IJDH/KOFVIV Report on GBV in Haiti”).

<sup>4</sup> BAI, IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2022* (Dec. 2022) (“BAI/IJDH Recent Developments through Nov. 2022”).

inflation that puts basic necessities out of reach for the vast majority of Haitians.<sup>5</sup> Women and girls, because of pre-existing social inequalities and systematized discrimination, suffer disproportionately. For example, escalating insecurity and gang takeovers of public spaces have increased levels of sexual violence they experience. The ever-increasing risk of SGBV impedes the ability of women to participate in public life, forcing them to curtail economic and civic activities which—alongside pre-existing economic and social marginalization—leaves women and women-headed households disproportionately impacted by food insecurity and the economic crisis.<sup>6</sup>

The deep governance crisis constitutes an unconstitutional interruption of Haiti’s democratic regime. It 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)—itself put in power through a flawed elections process pushed through by foreign actors—and affiliated individuals. 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 corruption and state capture by individuals associated with the PHTK, and is at best complicit, if not directly involved, in the widespread killings, torture, and rape of civilians by gangs.<sup>7</sup> Throughout, the international community and especially the United States government have persisted in supporting and propping up these actors, in spite of their direct culpability in Haiti’s crisis and contrary to the principles of democratic self-determination enshrined in the Inter-American system.

International actors have specifically continued to prop up Henry as protests against him intensify.<sup>8</sup> This support enables the de facto regime’s destructive rule to continue even as it marginalizes democratic alternatives and undermines Haitian self-determination. Unless the governance crisis is resolved—and Haitians are no longer impeded from restoring the social compact and institutions necessary to enjoying the elected, accountable, participatory government to which they are entitled under the Inter-American system—meaningful progress on SGBV, as well as hunger, health, education, and security will remain elusive, if not impossible.

## **B. Sexual Violence Against Women and Girls is Worsening in Increasingly Brutal Forms**

Although the Haitian government does not keep systematic data on SGBV committed against women and girls, all available evidence—including documentation by members of the undersigned organizations—indicates it is extensive and pervasive, with too many Haitian women and girls experiencing some form of SGBV in their lifetimes, largely without recourse. Moreover, the actual rate of violence against women in Haiti is almost certainly much higher than the already abhorrent statistics suggest: SGBV is “chronically underreported due to stigma and shame, fear of reprisals,

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<sup>5</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), [Haiti: Impact of social unrest on the humanitarian situation - Flash Update #1](#), (Sept. 22, 2022) (“OCHA Report on Social Unrest”).

<sup>6</sup> United Nations Women, Americas and the Caribbean, [One year after the earthquake, women in Haiti continue to face severe hardships](#) (Aug. 12, 2022).

<sup>7</sup> Réseau National de Défense des Droits Humains (RNDDH), [Massacre in Cité Soleil: Chilling Stories of Women and Girls Victims of Gang Rape](#) (Aug. 16, 2022) (“RNDDH Report on SGBV in Cité Soleil”).

<sup>8</sup> Haiti Response Coalition, [US Hands Off Haiti's Democracy](#) (2022).



access, lack of education about rights, and—perhaps most significantly—mistrust in Haiti’s judicial system, which too often fails survivors.”<sup>9</sup>

Every indication points only to a further increase in SGBV perpetrated against Haitian women and girls in recent years. This is due in part to the compounding factors of the COVID pandemic, deteriorating economic conditions, natural disasters—including in particular the August 2021 earthquakes and tropical storm—and, most significantly, the increasingly catastrophic security situation. Over the past year, in particular, the incidence of gang-related SGBV has risen to unprecedented levels.<sup>10</sup>

In December, the United Nations (UN) estimated that gangs control 60 percent of Haiti’s capital; residents of Port-au-Prince currently put that number at closer to 100 percent.<sup>11</sup> The gangs increasingly use sexual violence as a weapon of conflict: to instill fear, punish, subjugate, and inflict pain on local populations with the ultimate goal of consolidating and expanding their territorial control. To inflict maximum fear and humiliation, women and girls are often brutally gang raped for hours in front of family members or in public. The gangs also use sexual violence as a tool of social control, targeting women and girls who travel across neighborhoods to go to work, marketplaces, or schools to dissuade people from crossing gang boundary lines. In gang strongholds, women and girls are also often coerced under threat into becoming “sexual partners” for gang members.<sup>12</sup>

A recent report by Petitioning organization and top Haitian human rights observer RNDDH documented a multi-day gang battle in Cité Soleil in July 2022 and found that the number of SGBV victims relative to previous armed attacks increased “exponentially.”<sup>13</sup> RNDDH identified and spoke with at least fifty-two women and girls who were victims of mass and repeated rapes in their homes or on the streets, often in the presence of their own children or other family members. No abuser used protection, and most victims could not get to medical treatment within the seventy-two hours recommended by doctors for antiretroviral prophylaxis. Many family members who witnessed the mass rapes of their loved ones are racked with guilt for not intervening and many survivors regret being alive at all.

Members of Petitioning organization KOFIVIV, a grassroots organization founded and led by victims of political rape, have directly experienced harm themselves. They have suffered from displacements (including from the Martissant, Grand Ravine, Fontamara, and Cité Soleil neighborhoods of Port-au-Prince), as well as murder, kidnapping, and brutal physical and sexual assaults—with several members shot. They also report a lack of access to healthcare and a

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<sup>9</sup> BAI/IJDH/KOFIVIV Report on GBV in Haiti, *supra* note 3; see also BAI, [The Fight for Justice for Women and Girls in Haiti](#) (2023).

<sup>10</sup> The United Nations Integrated Office in Haiti (BINUH) & Office of the United Nations High Commissioner for Human Rights (“OHCHR”), [Sexual violence in Port-au-Prince: A weapon used by gangs to instill fear](#), (Oct. 2022) (“BINUH/OHCHR Report on Sexual Violence”); see also RNDDH Report on SGBV in Cité Soleil, *supra* note 7.

<sup>11</sup> Evan Sanon and Fernanda Pesce, [Gangs take control in Haiti as democracy withers](#), PBS News Hour (Jan. 31, 2023); see also [BINUH Report of the Secretary-General to the UN Security Council](#) (Jan. 17, 2023) (stating that gang control in Haiti is increasing).

<sup>12</sup> BINUH/OHCHR Report on Sexual Violence, *supra* note 10.

<sup>13</sup> RNDDH Report on SGBV in Cité Soleil, *supra* note 7.

consistent inability to obtain food and clean water. Accounts shared by others with the undersigned organizations reflect equivalent patterns throughout Haiti and especially in Port-au-Prince.

## **1. Displaced women and girls face heightened vulnerability to sexual violence**

Pervasive insecurity is forcing women and girls to flee their homes and communities in large numbers, which exposes them to further vulnerabilities associated with displacement. This Commission has recognized the particular needs of the displaced, granting precautionary measures to women and girls living in internally displaced persons (“IDP”) camps in Port-au-Prince following the devastating 2010 earthquake. The Commission recently requested additional information regarding the precautionary measures given the ongoing risk of sexual violence in Haiti. The response by several of the Petitioners highlighted not only that the need for the precautionary measures remains as urgent now as in 2010, but also the tragic reality that even more expansive measures are imperative to confront SGBV.

Displaced Haitian women and girls—including those originally displaced in 2010—face persistent and intensifying plight. In multiple interviews conducted by Petitioning organization and Haiti’s oldest public interest law firm the Bureau des Avocats Internationaux (BAI), for example, persons displaced by massacres in Martissant<sup>14</sup> described seeing women and girls raped, beaten, burned, and killed, or experienced such violence themselves. Displaced women and girls risk violence when engaging in necessary activities like searching for food and water, seeking medical care, or trying to work.

The only sizable IDP camp in the Port-au-Prince area, the Carrefour sports center, was closed with no replacement. Although it was notorious for grossly inadequate security measures, atrocious conditions, and even reports of sexual exploitation and abuse, it sheltered many IDPs—more than sixty percent of whom were women or girls. The solution to address the unacceptable conditions there was not to close the center but to improve it. Now, without any official place to go, the humanitarian disaster only deepens. Increasing flows of displaced women and girls are left in even more precarious circumstances in even more insecure informal displacement sites.<sup>15</sup>

Political instability alongside multiple natural disasters have further increased the number of IDPs in Port-au-Prince and throughout the country. There are no government structures protecting displaced women and girls against SGBV, even though the precautionary measures were ordered specifically to protect and support survivors—especially IDPs.

## **2. Haitian women and girls living in rural areas are uniquely impacted by the ongoing governance and security crises**

The security paucity is not only a problem in Port-au-Prince but also in other areas throughout the country—especially for women and girls in situations of displacement outside the capital. Impacted

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<sup>14</sup> OCHA, [Haiti: Displacements due to gang violence in Port-au-Prince, Situation Report No. 4](#) (July 2021).

<sup>15</sup> See, e.g., BAI/IJDH Recent Developments through Nov. 2022, *supra* note 4 (discussing the over 21,000 Haitians escaping violence last year—unable to find places with family in Port-au-Prince—forced to shelter in the countryside or gather in public squares or other informal sites with little to no humanitarian support). Organizations working on the ground in Haiti continue to report dozens of instances of rape and sexual exploitation at informal displacement sites.

women and girls are left to fend entirely for themselves in places they do not know and without any means of formal support. For example, many people were displaced in the Sud department in and around the city of Les Cayes after a devastating earthquake in August 2021. One humanitarian worker documented several cases of sexual violence and the complete absence of any security presence in the area’s displacement camps, even more than a year following the disaster.

The situation is compounded by other States—including, in particular, the United States—failing to uphold international and domestic obligations to women and girls fleeing violence in Haiti. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reports that “repatriated migrants are unable to reach their intended destination and have virtually no means to meet their basic needs for shelter, food, or clothing:” thus further exacerbating—in both severity and ubiquity—the women and girls’ vulnerability to SGBV.<sup>16</sup>

Women and girls in rural areas are also significantly impacted by criminal gang influence. Gangs have sought footholds outside of Port-au-Prince across the country to increase territorial control and bolster their ranks. As the UN has reported: “[g]angs use sexual violence to instill fear, and alarmingly the number of cases increases by the day as the humanitarian and human rights crisis in Haiti deepens.”<sup>17</sup> In the Grand’Anse Department, for example, advocates have seen a marked increase in both the incidence and brutality of sexual violence over the last few years. Unlike in the past, aggressors are often armed with guns and carry out assaults against multiple members of the family. Given the lack of infrastructure in rural Haiti, victims have virtually no access to support or the judicial system, and there is no accountability or opportunity for recourse. A recent rape occurred only a few minutes from a police station, underscoring the lack of protection for women in rural areas.<sup>18</sup>

Gangs also maintain a presence on major roads that connect urban and rural areas, and therefore control the passage of persons, needed supplies, medicine, food, and water.<sup>19</sup> While general security and access to food and medical services continue to deteriorate, the food crisis in rural areas remains at emergency levels. Vulnerable women and girls in rural Haiti are the most impacted by restricted access to basic services, are among the most impacted by the ongoing situation of violence, and have no means of support or recourse whatsoever.

### **3. Haitian women and girls in State custody are subject to ongoing sexual violence**

Haitian women and girls being detained by the State - which therefore carries heightened duties - are also uniquely vulnerable to sexual violence. On January 26, 2023, during an attempted escape and prison mutiny at Gonaïves civil prison, male detainees gang raped at least seventeen female

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<sup>16</sup> OCHA Report on Social Unrest, *supra* note 5.

<sup>17</sup> [‘Catastrophic’ hunger recorded in Haiti for first time, UN warns](#), UN News (Oct. 14, 2022).

<sup>18</sup> Telephone Interview with Yvon Janvier, Professor & Lawyer, *Ecole Supérieure Catholique de Droit de Jérémie* (ESCDROJ) (Feb. 28, 2023).

<sup>19</sup> César Niño, [Criminal Power in Haiti and Hunger as an Instrument of Governance](#), Georgetown Journal of International Affairs (Feb. 8, 2023).

detainees, among them a woman who had just given birth as well as at least one minor child.<sup>20</sup> Gonaïves is the same prison in which ten female detainees, again including a minor, were gang raped in 2019. That event occurred during a male prisoner mutiny over the lack of coal for cooking food.<sup>21</sup> Two mass events of severe sexual violence were thus committed at the same prison over the course of less than four years. The government of Haiti was fully on notice regarding ongoing sexual violence perpetrated against women and girls in custody yet took no action to prevent it from happening again.

### **C. The Government’s Response to Prevent and Respond to Widespread Sexual Violence is Grossly Inadequate**

The government of Haiti has failed to take adequate measures to prevent and address SGBV and is completely derelict in its duties in the ongoing crisis, as the harms to women and girls increase. The list of the government’s failures is long—including a failure to prosecute perpetrators of acts of sexual violence; to offer adequate support and resources for survivors; and to include women, grassroots organizations, and Haitians from marginalized backgrounds in any policy and decisionmaking roles.

Impunity is the norm for the vast majority of cases of sexual violence perpetrated by gangs. Survivors of sexual violence often do not report incidents due to stigma, shame, or fear of reprisals from gang members. Mounting gang violence has forced police officers and other government representatives out of marginalized neighborhoods, effectively precluding victims of sexual violence in these locations from seeking protection and accountability. BAI attorneys have continued to work with victims to seek justice through the courts, but a non-functional judicial system and court closures due to insecurity and vacant government posts effectively deny any recourse.

The general atmosphere of insecurity has also restricted the availability and accessibility of SGBV support services, with survivors of sexual violence unable or unwilling to seek much-needed care. Women’s organizations and dedicated services have suffered, both because they have been deliberately targeted and because women—and by extension the critical work of women leaders in Haitian civil society—are disproportionately vulnerable to various forms of physical and psychological violence as well as economic harms.<sup>22</sup> Women’s rights activists are targeted with threats and harassment, and the government fails to offer protection, forcing some to flee the country.<sup>23</sup> For example, Pascale Solages, who will be testifying for Petitioner feminist organization Neges Mawon, along with other members of her organization have faced threats of violence that forced her and other colleagues to flee their homes and even the country. Such threats impede their ability to deliver care to vulnerable women and girls and to engage in other advocacy activities; the police who

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<sup>20</sup> Ronel Paul, *Haiti: the heavy toll of the mutiny at the civil prison of Gonaïves*, RFI (Jan. 30, 2023); see also *Mutiny at the civil prison of Gonaïves: 16 women and a minor were raped*, Vant Bèf Info (VBI) (Jan. 30, 2023).

<sup>21</sup> RNDDH & Haitian Women’s Solidarity (SOFA), *Report on the Mutiny Followed by the Collective Rape of Detainees at the Gonaïves Civil Prison* (Nov. 21, 2019).

<sup>22</sup> See BINUH/OHCHR Report on Sexual Violence, *supra* note 10, at ¶ 66 (describing how throughout 2021 and 2022 several healthcare facilities run by NGOs were compelled to suspend or relocate their activities due to gang violence, including Doctors Without Borders clinics in the areas of Martissant and Cité Soleil).

<sup>23</sup> See BAI/IJDH Recent Developments through Nov. 2022, *supra* note 4.

were notified have failed to provide adequate protection. Survivors are also unable or unwilling to seek assistance, as the availability of resources becomes increasingly dire and the risks of leaving safe spaces progressively grave. When survivors—especially those experiencing displacement—do seek help, they find it is unavailable, or worse, experience additional abuse.

Further, there has been a failure to advance the broader gender justice movement in Haiti, which is necessary to prevent and build resilience to SGBV. The post-earthquake recovery and subsequent humanitarian response failed to adequately mainstream gender considerations or to put women—particularly women from grassroots organizations and marginalized backgrounds—in policy and decisionmaking roles. Similarly, one of the few advancements achieved, a constitutional amendment mandating that women hold at least thirty percent of public offices, has not been implemented meaningfully and women remain severely underrepresented in positions of public authority. As a consequence, pre-existing discrimination and inequality have only become further entrenched.<sup>24</sup>

## **II. LEGAL ARGUMENT: THE GOVERNMENT OF HAITI HAS FAILED TO EXERCISE DUE DILIGENCE TO PREVENT SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS AND OTHERWISE VIOLATED THEIR HUMAN RIGHTS**

Haiti has ratified the American Convention on Human Rights and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“Convention of Belém do Pará”). Haiti has also ratified a number of international human rights instruments that impose concomitant obligations—including, chiefly, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>25</sup> The Haitian Constitution renders ratified international treaties part of Haitian law, automatically repealing any otherwise conflicting existing laws. Article 19 of the Haitian Constitution further asserts that the State has an “absolute obligation” to guarantee certain human rights, including and especially as they concern women and girls.<sup>26</sup> Thus, under both international and domestic law, Haiti has legal obligations to respect, protect, and fulfill the rights of women and girls.<sup>27</sup>

Pursuant to these instruments, every woman and girl is entitled to the enjoyment and protection of all human rights and freedoms, including the “free and full exercise” of her civil, political, economic, social, and cultural rights. Any abrogation thereof—including and especially unrelenting violence perpetrated against women and girls—thus “prevents and nullifies” the exercise of the full host of

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<sup>24</sup> See BAI, Disaster Law Project, Haitian Women’s Collective (HWC), IDJH, *Nègès Mawon, [Women’s and girls’ human security in the context of poverty and inequality, Joint Submission to WGDWGW](#)* (2022) (“WGDWGW Report”) (describing more broadly how the Haitian women’s movement has been impeded since the 2010 earthquake).

<sup>25</sup> Haiti ratified the American Commission on Human Rights in 1977; Convention of Belém do Pará in 1997; International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1972; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1981; International Convention on Civil and Political Rights (ICCPR) in 1991 (by accession); Convention on the Rights of the Child (CRC) in 1995.

<sup>26</sup> Constitution d’Haiti of 1987 as amended to 2012, Art. 276-2, Art. 19.

<sup>27</sup> Member States of the Organization of American States (the “OAS”) are also obligated by the OAS Charter to “join together in seeking a solution... whenever the economic development or stability of any Member State is seriously affected by conditions that cannot be remedied through the efforts of that State.” Charter of the Organization of American States, Art. 37, Apr. 30, 1948, 2 U.S.T. 2394, 119 U.N.T.X. 3 (the “OAS Charter”).

rights to which she is entitled.<sup>28</sup>

Petitioners highlight that there is essentially no argument as to Haiti's failure to meet its obligations under Articles 1 and 2 of the American Convention and Articles 7 and 8 of the Convention of Belém do Pará, among others, simply for tolerating incessant, atrocious violations of rights protected under the Convention with little to no action taken. Further, states must not only themselves respect the rights enshrined in the Convention, they are also required to adopt and promote "all appropriate measures to guarantee" those rights.<sup>29</sup> Moreover, the Inter-American Court of Human Rights has indicated the general obligations to guarantee Article 1 rights give rise to additional "special obligations that derive from these obligations," as determined by the particular needs for protection of, in this case, Haitian women and girls.<sup>30</sup>

The obligations of the government of Haiti do not diminish in the context of an emergency like the one Haiti is experiencing at present. As this Commission has reiterated, its recommendations are applicable both "during times of peace and political unrest."<sup>31</sup> Further, the CEDAW Committee has found that such circumstances impose a heightened duty of care on the State to take particularized action on behalf of especially vulnerable groups.<sup>32</sup>

The numerous acts of violence documented herein—committed without consequence or even with government of Haiti encouragement—constitute violations of Inter-American human rights instruments including but not limited to Articles 1, 4, 5, 17, 19, 23, 24, 25, and 26 of the American Convention and Articles 1, 4, 5, 6, 7, 8, 9, and 10 of the Convention of Belém do Pará.

#### **A. Violations of the Rights to Nondiscrimination and Equal Protection of the Law**

Article 1(1) of the American Convention establishes that "States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition." This bedrock nondiscrimination principle of international human rights law is repeated in Article 6(1) of the Convention of Belém do Pará and universally adopted in other human rights instruments. The related right of equal protection before the law is also clearly enshrined in the American Convention (Article 24) and Convention of Belém do Pará (Article 4).

These provisions obligate the government of Haiti to respect and guarantee the rights contained in

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<sup>28</sup> Convention of Belém do Pará, Art. 4-6.

<sup>29</sup> Inter-American Court. *Case of the Santo Domingo Massacre v. Colombia*. Preliminary Objections, Merits, and Reparations. Judgment of November 30, 2012. Series C No. 259 (Judgment, Santo Domingo Massacre), at ¶ 188.

<sup>30</sup> *See, e.g., Case of the Pueblo Bello Massacre v. Colombia*, at ¶ 111); *see also Case of González et al. ("Cotton field") v. Mexico*, at ¶ 243; *see also Case of Vélez Loor v. Panama*, at ¶ 98.

<sup>31</sup> Inter-Am. Comm'n H.R., *The Right of Women in Haiti to Be Free From Violence and Discrimination*, OEA/Ser.L/V/II (10 Mar. 2009).

<sup>32</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), Gen. Rec. No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28 (Dec. 16, 2010), at ¶ 11.

the Conventions to all women and girls. Therefore, if the Haitian government discriminates in respecting or guaranteeing a right or suite of rights set forth in the Conventions, it plainly violates Article 1(1), and it violates the substantive right in question. As the Convention of Belém do Pará, like CEDAW, makes explicit—and the Inter-American Court has elaborated—violence against women is an invidious form of discrimination. Additionally, judicial ineffectiveness in cases of violence against women and girls itself constitutes gender-based discrimination insofar as it implicates and prohibits meaningful access to justice.

## **B. Violations of Rights Related to Physical Integrity and Freedom from Violence**

The American Convention and the Convention of Belém do Pará set forth several provisions aimed at ensuring that women and girls live a life free of violence at the hands of State and non-State actors alike. For example, Articles 4 and 5 of the American Convention protect the rights to life and “physical, mental and moral integrity,” explicitly prohibiting acts of torture and other inhuman treatment. This Commission and the Inter-American Court have taken an expansive view of the right to life, guaranteeing not just arbitrary deprivation of life but also requiring the State to take all necessary measures to protect and preserve the right to a life with dignity.<sup>33</sup> Article 7 of the Convention of Belém do Pará further codifies and provides depth to the State’s obligation to prevent, punish and redress violence against women both in the public and private spheres.

Sexual violence against women and girls in Haiti, often accompanied by threats, attempted murder, and other terrorizing treatment, violates each of these provisions. The injuries inflicted cause death or grave injury and have also resulted in infecting victims with HIV. Sexual violence has also resulted in severe psychological trauma, leading to suicide or suicidal ideation and paralyzing fear. Indeed, it is well established that rape—even a single occurrence—constitutes an act of torture for its severe physical and psychological effects. It can have deleterious effects not just on the victim “but also her family or community.”<sup>34</sup> As the Special Rapporteur on Torture has stated: “[r]ape is a particularly base attack against human dignity.”<sup>35</sup>

There is no safety in Haiti as gangs spread their influence in the country: women and girls have been raped on their way to work, school, marketplaces and in their own homes.<sup>36</sup> Many victims have also received threats of retaliation from their attackers and fear they will return to carry out those threats so have been forcibly displaced as a result. The Haitian government has not only failed in its duty to protect women and girls from SGBV, it has been complicit.

While Haiti saw some signs of progress in at least some respects in the arena of women’s rights during brief periods of democracy over the last several decades—including in the years immediately following the earthquake—any such progress has since been erased. Haiti is completely derelict in its duties to protect Haiti’s women and girls especially, as described elsewhere, those who are displaced and otherwise marginalized.

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<sup>33</sup> I/A Court H.R., *Campo Alogodnero: Claudia Ivette Gonzalez, Esmerelda Herrera Monreal and Luara Berenice Ramos Monarrez*, Cases Nos. 12.496, 12.497 and 12.498, Application of Nov. 4, 2007.

<sup>34</sup> *Raquel Martín de Mejía v. Peru*, Case 10.970, Inter-Am. C.H.R., Report No. 5/96, OEA/Ser.L/V/II.91 Doc. 7 at 157 (1996).

<sup>35</sup> *Methods of Work of the Special Rapporteur on Torture*, ¶ 580 (1994) U.N. Doc. U.N./e/CN.4/1994/31.

<sup>36</sup> BINUH/OHCHR Report on Sexual Violence, *supra* note 10; see also RNDDH Report on SGBV in Cité Soleil, *supra* note 7.

### C. Violations of Rights of the Family and Children’s Rights

Inter-American norms recognize the fundamental nature of the family unit to society and the special protections due to children. The failure of the state to protect families against heinous assaults directed at women and girls that intentionally and wantonly destroy family units violates Article 17 of the American Convention, which provides: “[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the state.” As a result of the inadequate protection of the family, family members (including children) have been witness to the violent acts of sexual violence described above. Thus, in addition to the harms experienced by the victim in the form of physical and mental anguish caused by the assault, there is likewise psychological damage and other pain caused to the victim’s family members.<sup>37</sup> Moreover, the stigma of such experiences has interfered with victims’ relationships with their families.<sup>38</sup>

Further, children are entitled to special protection under Article 19 of the American Convention given their “condition as a minor on the part of his family, society, and the state.” The Convention of Belém do Pará in Article 9 also recognizes age as a special vulnerability factor that must be considered by a State when designing interventions. Moreover, the Convention on the Rights of the Child—which the Inter-American Court on Human Rights has determined forms part of the “international corpus juris” to be considered by this body in understanding the scope of Article 19<sup>39</sup>—demands States take measures to ensure children are “treated with humanity” and that all decisions concerning children account for their best interests.<sup>40</sup> Adult women are not the only victims of these heinous acts of violence; many young girls throughout Haiti have also suffered from sexual violence. Victims as young as ten have been documented.<sup>41</sup> The government of Haiti has entirely failed to protect Haitian children, and its failure to protect the family has prevented families from protecting their children, too.

### D. Violations of Rights to an Effective Remedy and Government Transparency

Together, the American Convention (as interpreted) and the Convention of Belém do Pará (Article 7) require that the Haitian government take—without delay—several actions to prevent violence against women and girls. This includes not only condemning such violence but also establishing strategies for comprehensive protections and strengthening institutions to provide effective responses to cases of violence. Where prevention efforts fail, the State must act with due diligence to investigate, punish, and redress the violence.

Article 9 of the Convention of Belém do Pará makes clear that when designing interventions, State parties “shall take special account of the vulnerability of women . . . subjected to violence while pregnant or who are disabled, of minor age, elderly, socio-economically disadvantaged, affected by

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<sup>37</sup> RNDDH Report on SGBV in Cité Soleil, *supra* note 7.

<sup>38</sup> BAI/IJDH/KOFAVIV Report on GBV in Haiti, *supra* note 3.

<sup>39</sup> *Ana, Beatriz and Cecelia Gonzalez Perez v. Mexico*, Case 11.565, Inter-Am. C.H.R., Report No. 53/01, OEA/Ser.L/V/II.111, Doc. 20 rev. at 1097 (2000).

<sup>40</sup> *Id.*

<sup>41</sup> BINUH/OHCHR Report on Sexual Violence, *supra* note 10.



armed conflict or deprived of their freedom.”<sup>42</sup> In other words, the Convention demands an intersectional approach. However, as described above, the Haitian government has no meaningful approach to eradicating gender-based violence; approaches that take any “special consideration” of the plight of women and girls facing discrimination based on any other intersecting status appears even more beyond reach.

In Haiti, as acknowledged by the UN, “impunity for sexual violence crimes remains the norm.”<sup>43</sup> And this culture of impunity sends a strong signal to perpetrators that the violence will be tolerated. Moreover, victims of such crimes are reluctant to report them out of fear of stigmatization or retaliation.

In any event, the government does not publicly provide statistics or other information about its interventions to measure effectiveness as several of the undersigned Petitioners have emphasized in other forums.<sup>44</sup> Article 8(f) of the Convention of Belém do Pará explicitly requires that States “ensure research and gathering of statistics and other relevant information” that will help it “assess the effectiveness of measures” to then in turn “formulate and implement the necessary changes” to eradicate violence. The Haitian government cannot hide behind the lack of relevant data for evaluating its human rights compliance; indeed, the failure to collect and make public this information itself violates the State’s obligations.

#### **E. Violations of Economic, Social, and Cultural Rights**

Under Article 26 of the American Convention, the Haitian government must “adopt measures, both internally and through international cooperation [to progressively achieve] the full realization” of its citizens’ economic, social and cultural rights. As delineated throughout this submission, and in the extensive reporting by brave advocates on the ground in Haiti, the government of Haiti is failing in this regard. Rather, violence in Haiti has only gotten worse, preventing women and girls from accessing basic necessities for survival that has only made women only more susceptible to violence.

Article 8 of the Convention of Belém do Pará similarly requires States to progressively undertake specific measures, including programs to promote awareness, education, and support for women who are subject to sexual violence. While some programs exist, as reported elsewhere, they are under-resourced and in need of development.<sup>45</sup> Specifically, in the realm of public health, support for women is fragile. Gang presence has made it increasingly difficult for healthcare providers to provide medical care for victims of sexual violence.<sup>46</sup>

Importantly, the progressive realization of the economic, social, and cultural rights of Haitian women and girls entail obligations for the Haitian State and through “international cooperation.”<sup>47</sup> The Haitian government has failed women and girls as has the international community, which

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<sup>42</sup> Convention of Belém do Pará, Art. 9.

<sup>43</sup> BINUH/OHCHR Report on Sexual Violence, *supra* note 10.

<sup>44</sup> WGDAGW Report, *supra* note 24.

<sup>45</sup> BINUH/OHCHR Report on Sexual Violence, *supra* note 10.

<sup>46</sup> *See, e.g.*, WGDAGW Report, *supra* note 24.

<sup>47</sup> American Convention, Art. 26.

eschews grassroots Haitian voices and continues to legitimize an illegitimate regime.

#### **F. Violations Rights to Participation in Public Life and Decisionmaking**

Haitian women and girls are entitled to legitimate, meaningful participation in their government under both the American Convention (Article 23) and the Convention of Belém do Pará (Article 4(j)). This includes the fundamental right to vote and select a representative government in genuine elections. And, as set forth above, this right is among the most indispensable and pressing to ensure any lasting positive change in the country. But, notably, it also covers the opportunity for women to engage in decisionmaking in public policies.<sup>48</sup> The Commission rightly centered this right in its grant of precautionary measures to displaced women in 2010, directing the government (and by extension international agencies leading relief efforts) to include grassroots women's groups in conversations regarding security in the camps. Exclusion of the voices of women and girls at the proverbial table not only makes for ineffective policies, it contravenes established human rights norms. Several of the undersigned petitioners have written extensively about the exclusion of women's participation in leadership and its impacts, which we draw the Commission's attention to.<sup>49</sup>

### **III. CONCLUSION**

The Haitian government has failed to meet its obligations to respect, protect, and fulfill the rights of women and girls to live a life free of sexual violence and receive reparation where their rights have been violated. It has ignored directives by this Commission to take specific action to protect women in particularly vulnerable circumstances, including the precautionary measures issued in the wake of the 2010 earthquake. While the immediate years following the earthquake saw some signs of progress for women and girls in some respects, any such advances have since been lost through the misrule described above and a more general failure to prioritize women's needs or put women in decisionmaking roles with genuine authority and budget. Subsequent natural disasters and the structural economic and social challenges that are the legacy of colonialism and extractive foreign interventions are also relevant factors. The conclusions of the U.N. Human Rights Council following its recent Universal Periodic Review of Haiti's human rights compliance highlight the lack of adequate responses to sexual violence despite the government's awareness of its widespread occurrence.<sup>50</sup>

Haiti's ratification of numerous international human rights instruments, in addition to Haiti's own constitution, which provides for the incorporation of those rights, explicitly require it protect the rights of women and girls. Yet today, notwithstanding the progressive obligations imposed by these instruments, Haiti's women and girls are at heightened risk of brutal violence and have fewer protections, resources, and opportunities. This Commission has a clear mandate to act on their behalf by demanding that all States honor related obligations and implementing immediate measures to encourage, monitor, and strengthen corresponding interventions.

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<sup>48</sup> Inter-Am. Comm'n H.R., *The Road to Substantive Democracy: Women's Political Participation in the Americas*, OEA/Ser.L/V/II. Doc.79, paras. 20-25 (April 18, 2011).

<sup>49</sup> See, e.g., WGDAGW Report, *supra* note 24.

<sup>50</sup> U.N. General Assembly, Human Rights Council, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21, A/HRC/WG.6/40/HTI/1* (January 4, 2022), available from <https://www.ohchr.org/en/hr-bodies/upr/ht-index>.

Considering the longstanding and well-publicized nature of this problem, and the Haitian government's evident inability to take any meaningful action whatsoever to meet its human rights obligations to women and girls, the undersigned respectfully request the swift, decisive, and tangible action by the Inter-American Commission in this matter. Petitioners propose several such measures as set out below.

#### **IV. PETITIONERS' REQUESTS TO THE COMMISSION**

The facts set out above establish that the grave conditions in Haiti violate the American Convention and the Convention of Belém do Pará, among other international human rights instruments that impose binding obligations on Haiti and fall within the purview of this Commission. Urgent action is needed on the part of the Commission to prevent further irreparable harm to Haiti's women and girls and to ensure the realization of their human rights. For the foregoing reasons, Petitioners respectfully request the Commission:

1. Issue a public statement acknowledging the dire situation facing Haitian women and girls and directing the Haitian government to do the following:
  - a. Strengthen the capacity of the Haitian police to reduce widespread insecurity and protect women and girls;
  - b. Build and strengthen the capacity of Haiti's judiciary to support and protect victims, especially those from marginalized backgrounds, including by confronting corruption and safeguarding competence and ethics within the judiciary, enforcing laws against gender-based violence, and taking due care with victim safety through appropriate notifications;
  - c. Direct and empower Haiti's judiciary to investigate the massive human rights violations and corruption that continue to take place;
  - d. Reduce the use of illegal and arbitrary preventive detention against women and girls;
  - e. Ensure women's equal participation in leadership and decision-making roles across all levels of government;
  - f. Center the specific needs of women and girls across all government policies and collect gender-disaggregated data;
  - g. Provide critical services for victims of SGBV, including reproductive care, psychosocial support, and access to livelihoods;
  - h. Support and empower women's rights organizations, including those focused on women's empowerment and broad policy advocacy to support, protect, and empower Haiti's women and girls.
2. Conduct a fact-finding in loco visit to Haiti to investigate its human rights situation, especially as it affects women and girls, with a focus on engagement with civil society and grassroots organizations, especially those comprised of and representing individuals from marginalized communities.
3. Document and issue a public report about the situation of women and girls in Haiti, including especially the incidence and causes of sexual violence directed at women and girls, as well as the underlying structural inequalities affecting their home and public lives, including but not

limited to political participation, economic access and opportunities, and socio-cultural status. The preparation of the report must include discussions with and considerations of women and girls with further marginalizing identities and grassroots women's organizations. Further, all future reports by the Commission should require a dedicated focus on the situation of Haiti's women and girls.

4. Extend and expand precautionary measures MC 340/10 on behalf of women and girls at risk of sexual violence as recently requested by petitioners in that case. And, in light of the ineffective implementation of the existing measures and the broader situation facing Haitian women and girls in Haiti, request—pursuant to articles 25 and 76 of the Commission's Rules of Procedure—that the Inter-American Court adopt provisional measures to avoid further irreparable harm to Haitian women and girls.
5. Issue a public statement (i) directing all countries within the Organization of American States (OAS) to comply with their obligations to respect the rights of the Haitian people to democracy and self-determination; (ii) acknowledging that no advancement can be made on substantive human rights in Haiti until the underlying governance crisis is addressed, which can be accomplished only through Haitian-led solutions free from foreign interference; and (iii) directing all countries within the OAS to desist from actions to prop up Haiti's illegitimate, corrupt, and repressive de facto government at the expense of Haiti's pro-democracy movement.
6. Ensure that all Commission communications and meetings are accessible to Haitians, including those from marginalized backgrounds by providing Haitian Creole language materials and interpretation as relevant.

Inter-American Commission on Human Rights 186th Period of Sessions

APPENDICES AND ANNOTATED BIBLIOGRAPHY  
HEARING ON WIDESPREAD SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS IN HAITI

Hearing Held on March 8, 2023 | 8:45 AM

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## **APPENDIX A**

### **Request for Thematic Hearing on Widespread Sexual Violence Against Women and Girls in Haiti**

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 186<sup>th</sup> 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 186<sup>th</sup> 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.<sup>51</sup> The proposed hearing would shed light on the rapidly deteriorating situation for women and girls in Haiti and propose appropriate responses.

This request is made by a coalition of partners including Haiti-based *Bureau des Avocats Internationaux* (BAI), *Komisyon Fanm Viktim Pou Viktim* (KOFVIV), *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.<sup>52</sup> 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

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<sup>51</sup> 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).

<sup>52</sup> Inter-Amer. Comm'n H.R., [The Right of Women in Haiti to Be Free From Violence and Discrimination](#), OEA/Ser.L/V/II (10 Mar. 2009).

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."<sup>53</sup>

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.<sup>54</sup>

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.<sup>55</sup> 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

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<sup>53</sup> *Id.* at para. 166 (emphasis added).

<sup>54</sup> *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, KOFATIV, 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).

<sup>55</sup> 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).



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.<sup>56</sup> 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.<sup>57</sup>

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 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.<sup>58</sup> 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.<sup>59</sup> After the assassination of then-president Jovenel Moïse in July 2021, Ariel

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<sup>56</sup> See generally IJDH, BAI, KOFIVIV, [Joint Submission to the Universal Periodic Review](#) (2021).

<sup>57</sup> See, e.g., [Haiti 'Ransom' Project](#), The New York Times (Nov. 16, 2022).

<sup>58</sup> 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 & KOFIVIV, 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).

<sup>59</sup> See, e.g., Brian Concannon, [Biden must stop propping up the old guard in Haiti](#), Responsible Statecraft (Nov. 12, 2021).

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.<sup>60</sup>

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. 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. KOFVIV 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.<sup>61</sup> 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-

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<sup>60</sup> The National Human Rights Defense Network (RNDDH), [Massacre in Cité Soleil: Chilling Stories of Women and Girls Victims of Gang Rape](#) (Aug. 16, 2022).

<sup>61</sup> Jess DiPierro Obert, [Surge in use of rape against women and rivals by Haiti gangs](#), *The New Humanitarian* (Nov. 14, 2022).

based violence and impediments to solutions, most notably discrimination against women and girls, especially 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](mailto:bookeybl@uchastings.edu).

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

Sincerely,

Mario Joseph  
Bureau des Avocats Internationaux  
Port-au-Prince, Haiti

Malya Villard-Appolon  
Komisyon Fanm Viktim pou Viktim  
Port-au-Prince, Haiti

Pascale Solages  
Nègès Mawon  
Port-au-Prince, Haiti

Rosy Auguste Ducena  
Réseau National de Défense des Droits Humains  
Port-au-Prince, Haiti

Carine Jocelyn  
Haitian Women's Collective  
New York, NY, USA

Blaine Bookey  
Peter Habib  
Center for Gender & Refugee Studies  
San Francisco, CA, USA

Alexandra Filippova  
Brian Concannon  
Institute for Justice & Democracy in Haiti  
Boston, MA, USA

Lisa Davis  
CUNY School of Law, Human Rights and Gender Justice Clinic  
New York, NY, USA

Lauren Dasse  
MADRE  
New York, NY, USA

## **APPENDIX B**

### **Letter to the Commission Regarding the Ongoing Need for Precautionary Measures Addressing Sexual Violence Against Displaced Women and Girls in Haiti**

*[OMITTED]*

## **APPENDIX C**

### **Annotated Bibliography with Linked Materials**

- I. Civil Society Reports**
- II. United Nations and Inter-Governmental Sources**
- III. News Articles**

## I. CIVIL SOCIETY REPORTS

- A. Tirana Hassan, *World Report 2023: Haiti, Events of 2022*, Human Rights Watch (2023), <https://www.hrw.org/world-report/2023/country-chapters/haiti>.

The long-standing political, security, and humanitarian crisis in Haiti continued in 2022. Notable issues include the constitutional crisis, forcible repatriation of Haitian refugees from the United States to Haiti, the fuel crisis, protests, food insecurity, escalating gang violence, and gender-based violence.

- B. Carleton University, *Haiti Fragility Brief 2023* (Jan. 16, 2023).

Patriarchal-colonialist institutions are being held up through violence. Haiti's fragility is multidimensional, impacted by gangsterization and a weak state capacity.

- C. Bureau des Avocats Internationaux & Institute for Justice and Democracy in Haiti, *Human Rights and Rule of Law in Haiti: Key Recent Developments, June through November 2022* (Dec. 2022).

In 2022, the governance crisis has led to a significant increase in gang violence and the rise of rape and other SGBV as a tool of terror. Material conditions, like the deprivation of fuel, breakdown in economic activity, and re-emergence of cholera, also impacted Haitians.

Additional IJDH human rights reports covering May 2019 through June 2022 can be found at <http://www.ijdh.org/news-and-resources/publications/>.

- D. International Crisis Group: Latin America and Caribbean Briefing No. 48, *Haiti's Last Resort: Gangs and the Prospect of Foreign Intervention* (Dec. 14, 2022).

Gangs have used sexual violence against women and other groups to assert power in their neighborhoods. Collective rape is used to intimidate and inflict punishment on women and children as young as ten.

- E. Bureau des Avocats Internationaux, Disaster Law Project, Haitian Women's Collective, Institute for Justice and Democracy in Haiti, & Nègès Mawon, *Women's and girls' human security in the context of poverty and inequality*, Joint Submission to WDAWG (Oct. 2022).

Gender is one of the main risks for poverty in Haiti. Poverty and inequality disproportionately impact the rights of women and girls in Haiti. Poor women and girls face intersectional challenges that make them especially vulnerable to abuse.



- F. Yvon Janvier, [\*The CEDAW, towards the realization of Women's human rights\*](#), Academia (Oct. 2022).

Under CEDAW, states may be “responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence and provide compensation.” States must go beyond ratifying and enacting CEDAW to eliminate violence and discrimination: they must strengthen enforcement mechanisms.

- G. Haiti Response Coalition, [\*US Hands Off Haiti's Democracy\*](#) (most recent Coalition Annual Report released Sept. 2, 2022).

International actors prop up Ariel Henry even as protests against him intensify. Diverse advocates and stakeholders call on the US government to stop its support so a Haitian solution to the crisis can emerge.

- H. Réseau National de Défense des Droits Humains, [\*Massacre in Cité Soleil: Chilling Stories of Women and Girls Victims of Gang Rape\*](#) (Aug. 16, 2022).

Gang violence between rival coalitions erupted in Cité Soleil in July 2022, causing a massacre with numerous reported instances of mass and repeated rape against women and girls. During these attacks, the bodies of women and girls are used as a weapon to harm rivals. More than three hundred people were murdered and more than two hundred homes were destroyed.

- I. Plan International, [\*Pregnant women and girls among those most impacted in Haiti's hunger crisis says Plan International\*](#) (July 20, 2022).

Political, economic, and social instability following Moïse's assassination and the earthquake led to a hunger crisis in Haiti. Both impact those who are most economically vulnerable, specifically women and girls.

- J. Nègès Mawon, The Institute for Justice & Democracy in Haiti & The Global Justice Clinic, [\*Input for SR VAW's Report on Violence Against Women in the Context of the Climate Crisis: Observations on Challenges and Opportunities in Haiti\*](#) (Apr. 2022).

Societal stressors, specifically the climate crisis, leave women vulnerable to harmful acts without hope of recourse. The violence experienced by women and girls, which is exacerbated by the climate crisis, impacts their ability to seek education, adequate livelihoods, and stable homes.

- K. Solidarite Fanm Ayisyèn, The Global Justice Clinic, Bureau des Avocats Internationaux, & The Institute for Justice & Democracy in Haiti, [\*Submission on violence against women and girls in the context of the climate crisis\*](#) (Apr. 2022).

Land grabbing is a source of violence against women and other human rights violations. It has further impoverished women in Haiti, exposed them to multiple forms of violence, and aggravated climate vulnerability.

- L. **Yvon Janvier, *Gender-Based Violence in the Haitian Context*, Academia (Apr. 2022), [https://www.academia.edu/79611249/Inequality\\_Gender\\_Based\\_Violence\\_in\\_Haiti\\_the\\_root\\_causes](https://www.academia.edu/79611249/Inequality_Gender_Based_Violence_in_Haiti_the_root_causes).**

Criminality, natural disasters, and gang violence have worsened the already precarious situation for women in Haiti and prevents them from fully participating in the development of Haitian society. Psychological, social, and institutional structures contribute to and perpetuate SGBV.

- M. **Jake Johnston, *“They Fooled Us,”* Center for Economic and Policy Research (Feb. 7, 2022).**

Ariel Henry is alleged to have been involved in Moïse’s assassination, yet involvement from various US actors indicate Henry’s regime continues to receive support from the US government.

- N. **Bureau des Avocats Internationaux, Institute for Justice and Democracy in Haiti, Alternative Chance, & Réseau National de Défense des Droits Humains, *Submission to the United Nations Human Rights Council: Justice Sector Challenges in Haiti* (2021).**

Chronic impunity and the lack of an independent justice sector have resulted in the systematic violation of the rights to prompt and effective remedies, fair adjudication within the time frame allotted in the law, and to equal protection under the law. These rights are guaranteed by the ICCPR, UDHR, and the ACHR. Since the last UPR, Haiti has regressed with respect to these obligations.

- O. **Brian Concannon, *Biden must stop propping up the old guard in Haiti*, Responsible Statecraft (Nov. 12, 2021).**

The Biden administration’s loyalty to the corrupt PHTK regime perpetuates the governance crisis. Haitians must lead in finding a remedy to this crisis.

- P. **Bureau des Avocats Internationaux & Institute for Justice and Democracy in Haiti, *Human Rights and Rule of Law in Haiti: Key Recent Developments, November 2020 through May 2021* (June 2021).**

After Parliament became defunct in January 2020, then-president Moïse ruled by decree, through which he undertook progressively more authoritarian measures. Municipal electoral offices were allowed to lapse without elections in July 2020 and were filled by executive decree. Despite popular protests, Moïse stayed in office past what Haitian constitutional authorities viewed as his term limit.

- Q. Bureau des Avocats Internationaux, Institute for Justice and Democracy in Haiti, & Komisyon Fanm Viktim pou Viktim, [Submission to the United Nations Human Rights Council: Gender-Based Violence in Haiti](#) (2021).**

Haiti continues to face challenges in complying with its human rights obligations relating to the protection of women and girls against SGBV. Evidence of SGBV against women and girls in Haiti is extensive and pervasive, with most Haitian women and girls experiencing some form during their lifetimes. Most occurs without recourse.

- R. Marianne Tøraasen, [The future of UN policing? The Norway-led Specialized Police Team to combat Sexual and Gender-Based Violence in Haiti 2010-2019](#), CMI Report (2021).**

There has been major backsliding in the Haitian National Police's previous advancements in preventing, investigating, and prosecuting SGBV. The current governance crisis threatens funding and follow-up for the program.

- S. Bureau des Avocats Internationaux & Institute for Justice and Democracy in Haiti, [Written Submission by the Institute for Justice and Democracy in Haiti and the Bureau des Avocats Internationaux for the December 10, 2020 Thematic Hearing Before the Inter-American Commission for Human Rights on the Subject of Impunity for Serious Human Rights Violations and the Lack of Judicial Independence in Haiti](#) (Dec. 2020).**

Impunity and judicial dysfunction are among the drivers for rising violence against women and girls in Haiti. Gangs have also been used to control electoral outcomes in popular neighborhoods. In some instances, civilian massacres have been perpetrated with demonstrated political intent.

- T. Marianne Tøraasen, [Women's status in Haiti ten years after the earthquake](#), CMI Brief (June 2020).**

SGBV increased dramatically after the earthquake in 2010. Interventions have focused on responding to SGBV, sometimes at the expense of proactive long-term advocacy work. Women continue to be underrepresented in positions of public authority and widespread impunity persists.

- U. Komisyon Fanm Viktim pou Viktim, MADRE, International Women's Human Rights Clinic, Center for Gender and Refugee Studies, & Center for Human Rights and Global Justice, [Struggling to Survive: Sexual Exploitation of Displaced Women and Girls in Port-au-Prince, Haiti](#) (2012).**

The ability of women and girls to access opportunities or critical needs is often contingent on using their bodies. This is perpetuated in IDP camps.

## II. UNITED NATIONS AND INTER-GOVERNMENTAL SOURCES

- V. United Nations Office of the High Commissioner, [\*The Population of Cité Soleil in the Grip of Gang Violence: Investigative report on human rights abuses committed by gangs in the zone of Brooklyn from July to December 2022\*](#) (Feb. 10, 2023).

Gang violence and SGBV has run rampant throughout the commune of Cité Soleil. Dozens of women and girls were collectively raped and hundreds were displaced after their homes were destroyed and looted. The alleged perpetrators have not been brought to justice.

- W. United Nations Office of the High Commissioner, [\*UN High Commissioner for Human Rights Volker Türk concludes his official visit to Haiti\*](#) (Feb. 10, 2023).

SGBV has increased dramatically with the rise of gang violence. State authorities have not provided an adequate response in adjudicating perpetrators of sexual violence.

- X. United Nations Integrated Office in Haiti, [\*Report of the Secretary-General\*](#), United Nations Security Council (Jan. 17, 2023).

Since Moïse's assassination, the need to restore democratic processes has never been more urgent. Haiti must enhance its police capacity and criminal justice system, in large part to end the SGBV that women and girls endure. Other nations are urged to stop deportations of Haitians until the human rights crises can be addressed.

- Y. OCHA Services, [\*Haiti: Gender Based Violence\*](#), Humanitarian Response (2022).

An assessment by the UN Office for the Coordination of Humanitarian Affairs (OCHA) found a dramatic increase in SGBV incidents in 2020.

- Z. UN Office for the Coordination of Humanitarian Affairs, [\*Haiti: Impact of social unrest on the humanitarian situation - Flash Update #1\*](#) (Sept. 23, 2022).

Gang control, roadblocks, and spontaneous demonstrations across Haiti have caused considerable unrest. The social unrest has impacted mobility, access to food and water, the fuel supply, and electricity and telecommunications. The situation has forced many humanitarian activities to come to a halt.

- AA. UN Women: Americas and the Caribbean, [\*One year after the earthquake, women in Haiti continue to face severe hardships\*](#) (Aug. 12, 2022).

The increased risk of SGBV forces women to curtail economic and civic activities. This results in women and women-headed households being disproportionately impacted by food insecurity and the financial crisis.

**BB. Human Rights Council: Working Group on the Universal Periodic Review Fortieth Session 24 January – 4 February 2022, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 Haiti](#), United Nations General Assembly (Jan. 4, 2022).**

Services like shelters, medical and psychological support, and legal assistance for SGBV survivors have decreased dramatically.

**CC. OCHA, [Haiti: Displacements due to gang violence in Port-au-Prince: Situation Report No. 4](#) (July 1, 2021).**

Persons displaced by civilian massacres in the Port-au-Prince neighborhood of Martissant described seeing women and girls raped, beaten, burned, and killed. Many experienced such violence themselves.

**DD. UNICEF Haiti Child Protection Section/GBV Program, [Briefing Note: Strategy for Integrating a Gendered Response in Haiti's Cholera Epidemic](#) (Dec. 2, 2010).**

Women and girls are disproportionately impacted by cholera because gender roles influence where and how people spend their time. This can result in different patterns of exposure, disease incidence and outcome, and domestic responsibilities for preventing and responding to cholera.

**EE. Inter-American Commission on Human Rights, [The Right of Women in Haiti to Be Free From Violence and Discrimination](#), OEA/Ser.L/V/II Doc. 64, (Mar. 10, 2009).**

The violence and discrimination against women in Haiti is a fundamental human rights issue.

### III. NEWS ARTICLES

**FF. Brian Concannon, [Enough!](#), The Security Times (Feb. 2023).**

The international community is effectively supporting the unconstitutional PHTK government and must allow Haitians to forge their own path toward democracy.

**GG. Megan Janetsky & Fernanda Pesce, [War for control of Haiti's capital targets women's bodies](#), AP News (Feb. 13, 2023).**

Multiple women in Haiti describe their brutal gang rapes and speak on the pervasive fear that is preventing normal civilian life in Haiti. This fear extends beyond SGBV into various parts of life such as education, work, and traveling within their communities.

**HH.** Sharma Aurélien, [\*Haiti's gang-fueled chaos targets women for sexual violence, domestic abuse\*](#), Miami Herald (Jan. 27, 2023).

In the absence of a functioning government in Haiti, women have increasingly become the targets of domestic abuse and sexual violence.

**II.** Doroty Derat, [\*Forgotten Victims: The Plight of Women in Cité Soleil\*](#), Ayibo Post (Jan. 26, 2023).

A cruel campaign of gang violence left women traumatized and struggling to survive. Survivors of rape have not received support from the Haitian government.

**JJ.** Jillian Kestler-D'Amours, [\*Haiti's sexual violence survivors demand justice\*](#), Al Jazeera (Jan. 25, 2023).

Sexual violence and reported rape cases have surged amid widespread gang killings and kidnappings. The governance crisis exacerbates the situation by weakening state agencies, causing insecurity, and failing to provide paths for accountability.

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

Gangs are weaponizing SGBV to gain and maintain control. The situation for women and girls is becoming more dire and humanitarian groups have difficulty providing services because of the violence.

**LL.** Luke Taylor, [\*Crisis-hit Haiti braces for new cholera outbreak as gangs hamper relief efforts\*](#), The Guardian (Oct. 6, 2022).

Health authorities in Haiti have confirmed rising cases of cholera beginning October 1, 2022. The governance crisis and gang violence have made relief efforts challenging.

**MM.** Luke Taylor, [\*'They have no fear and no mercy': gang rule engulfs Haitian capital\*](#), The Guardian (Sept. 18, 2022).

The Haitian Prime Minister's regime is further entrenching PHTK corruption and is failing to control Haiti's humanitarian emergency.

**NN.** Rafael Bernal, [\*More than 100 groups call on Biden to drop support for Haitian prime minister\*](#), The Hill (Sept. 16, 2022).

A broad coalition of faith and advocacy groups is calling on the Biden administration to cut out support for de facto Haitian Prime Minister Henry. The coalition says Henry's party is at the center of Haiti's deepening political and humanitarian crisis.

**OO.** Monique Clesca, [\*Haitians Have a Solution to Haiti's Crisis\*](#), World Politics Review (Sept. 8, 2022).

The Haitian Prime Minister's regime is further entrenching PHTK corruption and is arguably exacerbating Haiti's humanitarian emergency.

**PP.** Catherine Porter, Constant Méheut, Matt Apuzzo, & Selam Gebrekidan, [\*The Root of Haiti's Misery: Reparations to Enslavers\*](#), The New York Times (May 20, 2022).

Social challenges that are a legacy of French colonialism are relevant factors in the Haitian government's failure to prioritize women's needs.

**QQ.** Selam Gebrekidan, Matt Apuzzo, Catherine Porter, & Constant Méheut, [\*Invade Haiti, Wall Street Urged, The U.S. Obligated\*](#), The New York Times (May 20, 2022).

Social challenges that are a legacy of extractive foreign interventions by US actors are relevant factors in the Haitian government's failure to prioritize women's needs.

**RR.** Arelis R. Hernández & Samantha Schmidt, [\*Search for survivors ongoing after migrant boat sinks near Puerto Rico\*](#), The Washington Post (May 12, 2022).

There is a "feminization of migration" because the social, political, and economic situation in Haiti has disproportionately impacted women. Many displaced women do not qualify for visas, are sexually assaulted by their smugglers, and have experienced violence at home or in their communities.

**SS.** Sophie Cousins, [\*'We are fighting the system': Haiti lawyers taking rape to the courts\*](#), The Guardian (Apr. 18, 2022).

Three female lawyers fighting for justice on behalf of survivors of SGBV struggle to safely attend corrupt courts. The courts are rife with corruption, stigma, and victim blaming.

**TT.** Matt Rivers, Etant Dupain, & Natalie Gallón, [\*Haitian Prime Minister involved in planning the President's assassination, says judge who oversaw case\*](#), CNN (Feb, 8, 2022).

The Haitian Prime Minister's regime is impeding a full investigation of Moïse's assassination.

**UU.** [\*The Ransom: Haiti's Reparations to France\*](#), **The New York Times**  
**(May 23, 2022).**

Haitian material deprivation is impacted by the historical exploitation conducted by colonial powers.

**VV.** Jimmy LaRose, [\*Des propriétaires refusent de louer leur maison aux gens qui fuient l'insécurité de Martissant\*](#), **Ayibo Post (Oct. 20, 2021).**

In the absence of systematic humanitarian assistance, the situation of displaced persons is made even more precarious.

**WW.** Brian Concannon, [\*Supporting Moïse, Washington lost Haitian trust\*](#), **Responsible Statecraft (July 19, 2021).**

The de facto head of state, Ariel Henry, was installed by international actors in the wake of Moïse's assassination.

**XX.** [\*Diego Charles\*](#), **Committee to Protect Journalists (June 29, 2021).**

Haitian journalist Diego Charles was shot and killed by unidentified men riding a motorcycle. Like many political activists and journalists, his murder remains unsolved.

**YY.** Catherine Porter, [\*Haiti Suspends Oxfam Great Britain After Sex Scandal\*](#), **The New York Times (Feb. 22, 2018).**

After a sex scandal by workers from international humanitarian actor Oxfam Great Britain, Haiti suspended the group and launched an investigation into the allegations.



## ANNEX B

### Testimony of Civil Society Representatives

**Prepared for Thematic Hearing Concerning  
Widespread Sexual Violence Against Women  
and Girls in Haiti at the IACHR 186th Period  
of Sessions (*Fench and English*)**

## Inter-American Commission on Human Rights 186th Period of Sessions

### TESTIMONY OF CIVIL SOCIETY REPRESENTATIVES

#### HEARING ON WIDESPREAD SEXUAL VIOLENCE AGAINST WOMEN AND GIRLS IN HAITI

March 8, 2023 | 8:45 AM

**Peter Habib**

Law Clerk | UC Law San Francisco, Center for Gender & Refugee Studies

**Carine Jocelyn**

Founder and Director | Haiti Women's Collective

**Rosy Auguste Ducena**

Legal Program Manager | Réseau National de Défense des Droits Humains (RNDDH)

**Yvon Janvier**

Professor of Law | École Supérieure Catholique de Droit de Jérémie (ESCDROJ)

**Lucia D. Pascale Solages**

General Coordinator | Nègès Mawon; Founder | Nou Pap Domi

**Marie Kattia Dorestant-Lefruy and Gladys Thermezi**

Rape Accountability and Prevention Project Attorneys | *Bureau des Avocats Internationaux*

**Malya Villard-Appolon and Eramithe Delva**

Founders | *Komisyon Fanm Viktim Pou Viktim (KOFIV)*

**Marie Michelle Monte**

Member | *Komisyon Fanm Viktim Pou Viktim (KOFIV)*

**Peter Habib**

Law Clerk | UC Law San Francisco, Center for Gender & Refugee Studies

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Esteemed Commissioners:

Thank you for the opportunity to bring firsthand insights into the protracted and pervasive sexual violence facing Haitian women and girls. Thank you, also, for providing Kreyol access: ensuring participation of those most affected by this hearing.

We welcome the Commission's attention on Haiti, but are concerned about the failure in its most recent report to consider gender-based violence despite its extensive documentation.

My name is Peter Habib, a Law Clerk at the Center for Gender & Refugee Studies. It is my privilege to introduce four exceptional experts to speak of the acute crises facing Haitian women and girls at this auspicious moment: International Women's Day.

Our distinguished speakers will share insights and offer recommendations to address the unabated and intensifying plight of our Haitian sisters.

We will hear first from Carine Jocelyn, Founder and Director of the Haiti Women's Collective. Then from Rosy Auguste Ducena, Legal Program Manager of *Réseau National de Défense des Droits Humains* (RNDDH); followed by Yvon Janvier, Professor of Law at *École Supérieure Catholique de Droit de Jérémie*; and finally Pascale Solages, Founder of *Nègès Mawon*.

We draw the Commissioners' attention to the written testimony of two Petitioners unable to be present today. KOFIVIV, a grassroots organization led by victims of political rape, and the *Bureau des Avocats Internationaux*, a public interest law firm representing survivors.

The solution to remedying these appalling, ongoing human rights violations lies precisely in the leadership of such Haitian leaders as those before you today. Member States have a duty to champion a Haitian-led rectification of this unfolding tragedy and defer to the self-determination ingrained in grassroots knowledge.

## **Carine Jocelyn**

Founder and Director | Haiti Women's Collective

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Today, on International Women's Day, I present myself as an individual, the Founder of the Haitian Women's Collective, a humanitarian, feminist and daughter of Haiti. In developing my statement, I focused my attention to the IACHR strategic plan- the mission, institutional values, strategic objectives and expected outcomes. This has allowed me to better develop my statement- in reflection of the ongoing crisis in Haiti, with individuals currently living in a daily state of terror, with an absence of justice, and little to no human rights.

Women are increasingly vulnerable living without a functioning state. The state no longer has an elected president, elected prime minister or parliament. Because of this, it cannot uphold the IACHR framework, context values of non-discrimination, vested rights, consistency, equality and inclusion, accessibility or progressiveness. Instead, women, their families, and communities are impacted by over five years of consistently increased, oppressive violence and an unstable government that is no longer able to be accountable for or observant of human rights in the territory. This is visible with the thousands of Haitian residents. Women, some of whom are pregnant, are with their children fleeing in the most dangerous ways to avoid violence.

Without rule of law, women are facing unimaginable circumstances in their lives. The systemic failure of human rights in Haiti has highlighted indivisibility as a value. Violence does not stand alone. It is interrelated and has many facets including:

- Complacency and/or complicity, external racist and discriminatory practices that impact the sovereignty, wealth, human rights, and dignity of the people of Haiti
- Violence when women have little to no participation or decision making power in systems of justice or governance
- Women having little to no access to sexual and reproductive healthcare
- Limited access to education for women and girls
- The absence of economic justice for women to gain autonomy and improve their self-determination
- Physical violence – which you will hear more about today from my colleagues – rape, gang rape, sexual assault, sex trafficking and the sexual harassment of women and girls without impunity

What are the needed solutions?

In the short term, there is a need to reduce harm. There is an immediate need to stop gun trafficking. This is a human rights issue.

Women need access to a functioning, justice system without corruption.

Women who are victims of sexual violence have to have confidence that the system will work for them. Make no mistake, the justice system in Haiti has well-written laws, rules, regulations, and processes. At this time it is not functional. In fact, Supreme Court judges were recently (illegally) appointed by the current defacto prime minister. Those who rape women are given a free pass to continue without any consequences.

There is a need for humanitarian assistance and results-based, increased protection and defense of victims. The history of interventions in Haiti speaks for itself. It is our hope as women, leaders, and those that love Haiti that solutions of fundamental change will address the imbalance of power. Allowing women to live without violence and enjoy their human rights is the end goal. This is, in fact, without question or confusion, the role of the GOH.

Long-term: Institutions and systems such as IACHR should listen to, engage, and bring diverse Haitian women, including poor women living in precarious situations, to the table in a participatory manner to identify solutions to increasing violence. There is an established women and girls movement in Haiti to build on and participate in the recommendations and reinforcement of policies in Haiti. Together with the state, previously established, effective systems and new ideas should be enhanced, strengthened, and led by women.

Thank you.

## **Rosy Auguste Ducena**

Legal Program Manager | Réseau National de Défense des Droits Humains (RNDDH)

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*Mesdames, Messieurs les membres de la Commission Interaméricaine des Droits de l'Homme*

Je m'appelle Rosy Auguste Ducéna. Je milite en Haïti au sein du *Réseau National de Défense des Droits Humains (RNDDH)*.

Merci de nous fournir cette opportunité de vous démontrer jusqu'à quel point notre pays représente un environnement extrêmement dangereux pour nous, femmes et filles Haïtiennes.

*Mesdames, Messieurs, Aux vœux de l'article 1<sup>er</sup> de la Déclaration américaine des droits et devoirs de l'homme « Tout être humain a droit à la vie, à la liberté, à la sécurité et à l'intégrité de sa personne »* Pourtant, sous le regard indifférent des autorités étatiques, nous femmes haïtiennes sommes battues, violées par nos conjoints. Nos filles subissent toutes sortes de sévices sexuels de la part de leurs enseignants, de la part de membres de famille ayant autorité sur elles ou par tout autre homme fréquentant la maison. Aucune protection ne nous est non plus accordée, à nous qui vivons avec une déficience sensorielle, physique ou mentale. En moyenne, 7 d'entre nous sont victimes par jour en Haïti, de violences basées sur le genre.

Dans les quartiers défavorisés, nous évoluons dans la négation de notre droit à un niveau de vie suffisant. Sans accès aux services sociaux de base, nous sommes vulnérabilisées par un Etat qui ne considère pas comme une obligation de réaliser nos droits à l'éducation, à la santé, à un logement décent et au travail.

Depuis 2018, ces quartiers sont le théâtre d'affrontements entre gangs armés qui, sous le couvert de luttes hégémoniques, défendent des intérêts politiques, électoralistes et économiques. Lors de ces affrontements, nous sommes assassinées au même titre que les hommes. De plus, nous sommes aussi victimes de viols collectifs.

- La Saline, novembre 2018, 11 d'entre nous ont été violées
- Cité Soleil, juillet 2020, 18 d'entre nous ont été violées
- Plaine du Cul-de-sac, avril 2022, 19 d'entre nous ont été violées dont 17 ont par la suite été exécutées
- Cité Soleil, juillet 2022, 53 d'entre nous ont été violées
- Village Nouailles, octobre 2022, 4 d'entre nous ont été violées
- Source Matelas, novembre 2022, 32 d'entre nous ont été violées.

Ces victimes ne sont pas exhaustives. Mais, chacune de leur histoire prouve que nos corps sont un véritable champ de bataille. Les chefs de gangs armés estiment comme leur prérogative, le droit de nous utiliser à leur guise parce que nous vivons dans leur fief, de telle sorte que lorsque nous sommes violées par les membres de gangs rivaux, il s'agit d'une défaite pour les premiers et d'une victoire pour les autres.

Lorsque nous sommes amenées à nous déplacer en raison de ces conflits armés, nous sommes poursuivies sur les places publiques où nous nous réfugions, pour encore et encore être violées. Nous sommes aussi violées sur les routes nationales, à même le bitume, au vu et au su de tous.

Nous nous retrouvons aussi parmi les 10 personnes enlevées chaque jour en moyenne en Haïti, pour être non seulement séquestrées contre rançon, mais aussi violées ou menacées d'être violées avec tellement de détails que souvent, nous vivons l'agression sans même encore la subir.

*Mesdames, Messieurs,* Sur tout le territoire national, il n'existe qu'une seule prison pour femmes et filles. Dans les autres 18 prisons fonctionnelles du pays, la séparation des détenus-es ne se fait que par cellules. Conséquemment, nous restons accessibles aux hommes détenus qui nous invectivent, nous menacent de nous mettre la main dessus et nous violent à chaque mutinerie, à chaque tentative d'évasion et même à chaque évasion.

Ceci a été enregistré à 2 reprises à la prison civile des Gonaïves, un espace qui n'a de prison que le nom mais où 11 et 17 d'entre nous ont respectivement été violées en novembre 2019 et janvier 2023, avec la complicité passive des autorités affectées à la sécurité de cette prison.

Au 27 février 2023, 85.5 % d'entre nous, incarcérées, sont en attente de jugement contre 82.6 % des hommes et garçons en situation de détention préventive comme nous. Et, en violation de l'article 25 de la déclaration américaine des droits et devoirs de l'Homme qui précise que « *Tout individu a droit à un traitement humain au cours de sa détention* », nous n'avons pas de récréation, pas d'accès aux produits d'hygiène nécessaire ou aux soins médicaux en fonction de nos besoins. Nos cellules très peu éclairées, ne sont pas aérées. Nous sommes exposées aux maladies contagieuses comme la galle, la gratelle, la tuberculose et, pire que tout, nous passons jusqu'à 15 ans en prison, sans être jugées.

*Mesdames, Messieurs,* Contrairement à l'article 3 de la *Convention de Belem do para* qui précise que « *La femme a le droit de vivre dans un climat libre de violence...* », l'horreur des femmes et des filles Haïtiennes est quotidienne.

Et, c'est parce qu'Haïti représente un espace extrêmement dangereux pour nous que, par devant vous aujourd'hui, nous sollicitons que vous recommandiez à l'Etat haïtien de tout mettre en œuvre en vue de:

- Renforcer les capacités de la police haïtienne, dans le but de réduire l'insécurité généralisée et de protéger les femmes et les filles;
- Porter l'appareil judiciaire haïtien à enquêter sur les violations massives de droits humains perpétrées continuellement en Haïti;
- Réduire la détention préventive illégale et arbitraire des femmes et des filles.

Nous en profitons pour solliciter de la commission une visite in loco en vue de prendre connaissance de la situation des Droits Humains en général et celle des personnes privées de liberté en Haïti, en particulier.

Merci. Je reste disponible pour vos questions et remarques.



**Yvon Janvier**

Professor of Law | *École Supérieure Catholique de Droit de Jérémie (ESCDROJ)*

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Chers membres de la Commission,

Mes prédécesseurs l'ont déjà souligné à votre attention, Haïti a l'un des taux les plus élevés de violence basée sur le genre dans le monde. Selon des rapports combinés, sur chaque dix femmes et filles haïtiennes, 3 à 4 subissent une forme de violence dans leur vie.

Toutefois, pour ma part, je voudrais attirer votre attention sur les VBG à l'égard des femmes et des filles, facilitée surtout par la faiblesse et la corruption du système judiciaire haïtien. Cependant, sans négliger les autres catégories de victimes, mon plaidoyer met l'accent sur ces femmes et filles déjà discriminées, stigmatisées, marginalisées, en raison de leur condition économique précaire. Je parle de ces filles et femmes des bidonvilles et des milieux ruraux, lesquelles, en plus d'être privées des services sociaux de base, se voient refuser un accès équitable à la justice en Haïti. Pour illustrer mes propos, je prends des cas documentés dans l'une des régions du pays où je travaille comme avocat, le département de la Grand'Anse, avec pour ville principale Jérémie.

Un rapport, pourtant non exhaustif, produit en Janvier 2023 par la chaîne de protection dans le susdit département, a documenté 149 cas de viols pour l'année 2022. Au nombre des victimes, on compte 16 femmes entre 18 ans et plus et 131 filles, entre 3 et 17 ans, soit 89% sont des mineures. Au nombre de ces cas figurent des victimes que nous avons assistées légalement. C'est le cas d'une jeune adolescente violée dans la ville de Corail par 14 jeunes garçons et dont le seul ayant été appréhendé par la justice a été ensuite libéré sans jugement. C'est aussi le cas de cette mineure, violée dans la ville de Dame-Marie par un homme marié et dont les images a envahi les réseaux sociaux. C'est encore le cas de cette jeune femme, violée avec sa mère, à la faveur de la nuit par des hommes armés et masqués. Malgré des plaintes formelles et des dénonciations, la justice haïtienne est restée passive, paralysée par trois handicaps majeurs : la corruption, l'inefficacité et le manque de ressources alloué au secteur par l'Etat haïtien. Il en résulte un faible taux de poursuites et de condamnations des auteurs, créant ainsi à travers le pays une culture d'impunité qui tend à normaliser l'inacceptable. Maintenant, ces femmes et ces filles sont livrées à la merci des gangs armés. Cela constitue une preuve supplémentaire de la nécessité d'une action urgente et efficace pour mettre fin à la violence à l'égard des femmes et des filles en Haïti.

Or, suivant les engagements de l'État auprès des systèmes Interaméricain et Onusien, la sécurité de ces victimes devrait être assurée par les instruments internationaux des droits de l'homme dont, en particulier, ceux disponibles au niveau du système Interaméricain des droits de l'homme. Au regard de ces instruments, le gouvernement haïtien a la responsabilité de garantir que les femmes et les filles puissent vivre libres de violence et de discrimination, et de tenir les auteurs responsables de leurs actes.

Aussi demandons-nous à la Commission d'exhorter l'Etat haïtien à prendre des mesures immédiates pour renforcer le système judiciaire, augmenter les ressources pour les services de soutien aux survivantes, et mettre en place des mesures globales pour prévenir et répondre à la violence à l'égard des femmes et des filles. Enfin, nous appelons la Commission à surveiller de près, via son Rapporteur Spécial, la situation en Haïti et, éventuellement, à tenir le gouvernement responsable des violences exercées sur les femmes et les filles en vertu de la violation par l'Etat haïtien du principe de « diligence raisonnable » du droit international destiné à protéger les droits de l'homme. Mes collègues et moi, nous nous tenons aux côtés des femmes et des filles d'Haïti qui subissent la violence et demandons justice et réparation pour toutes les survivantes.

## Lucia D. Pascale Solages

General Coordinator | Nègès Mawon; Founder | Nou Pap Domi

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Il ne faut pas isoler les réalités des femmes du contexte global que vit Haïti aujourd'hui. Ces réalités sont les conséquences directes des politiques antiféministes appliquées en Haïti, renforcées par la mauvaise gouvernance, l'affaiblissement des institutions, la corruption et l'impunité. Elles sont les conséquences de la politique étrangère de la communauté internationale qui continue à soutenir des dirigeants qui travaillent à la destruction du peuple haïtien. Haïti est actuellement confronté à un niveau de violence et d'insécurité sans précédent comme l'ont mentionné mes collègues.

Entre mai 2022 et mars 2023, uniquement NÈGÈS MAWON, l'organisation féministe que je représente, a reçu sur quatre zones contrôlées par des gangs armés : La Saline, Cité Soleil, Saint-Martin et Bel-Air 652 cas de femmes et filles victimes de viols individuels et viols collectifs de. Sur ces cas de référencements, on compte 9 femmes qui ont été assassinées, 14 femmes sont tombées enceintes à la suite de leur viol, 8 femmes ont eu des complications à la suite d'avortements non-sécurisés après leurs viols et 19 ont contracté une infection sexuellement transmissible.

Kathiana, 33 ans, mère de 3 enfants qui a subi un viol collectif et contracté la syphilis. Dont la fille de 9 ans a elle aussi subi un viol collectif en sa présence.

Jenny, 26 ans, qui a subi un viol collectif à la suite duquel elle est tombée enceinte. Jenny a eu un avortement non-sécurisé qui lui a occasionné des complications sévères puisque l'avortement est toujours criminalisé en Haïti. Elle ne pourra plus jamais avoir d'enfants.

Jesula, kidnappée, séquestrée, battue et violée pendant plusieurs jours avant que ses deux cousines ne soient assassinées en sa présence et leurs corps jetés aux ordures.

Des milliers de femmes sont déplacées dans leur propre pays pour échapper aux gangs ou mirent vers d'autres pays, ce qui les expose encore plus à la violence, à l'exploitation, à la discrimination et à la pauvreté. Par exemple, nous avons vu le traitement inhumain subi par des femmes enceintes en République Dominicaine et sur les frontières des Etats-Unis.

Les femmes haïtiennes sont également durement touchées par la crise économique actuelle, qui les frappe de manière disproportionnée. Avec une inflation de plus de 30%, une augmentation de 128% du prix du carburant l'année dernière et l'impossibilité pour les femmes du secteur commercial informel de circuler librement dans le pays pour leurs activités génératrices de revenus, les femmes haïtiennes sont de plus en plus pauvres, alors qu'elles ont la charge toutes seules de plus de 60% des familles monoparentales. Cette crise économique rend les femmes encore plus vulnérables, plus exposées à la violence dans un contexte où elles avaient déjà moins accès aux ressources et aux opportunités.

Dans ce contexte de crise, les femmes ont de moins en moins accès aux services qui leur sont essentiels: éducation, justice, protection mais principalement les soins de santé sexuelle et reproductive, alors que le taux de mortalité maternelle et infantile en Haïti est le plus élevé de la région Amérique latine et Caraïbes.

Les femmes ont vu aussi les acquis des luttes pour leurs droits en tant que citoyennes diminuer drastiquement. La participation des femmes dans la politique est de plus en plus difficile dans ce climat de violence, de corruption et d'érosion de la démocratie. Ainsi la militante politique et féministe Antoinette Duclair a été assassinée en juin 2021, des activistes comme moi sont obligées de quitter Haïti pour protéger leurs vies et celle de leurs proches.

La situation critique des femmes haïtiennes que je viens de décrire exige des actions urgentes tant de la part du Gouvernement Haïtien que de votre part au niveau de la Commission, c'est pourquoi nous vous faisons les recommandations suivantes:

- Une visite in loco du Rapporteur Spécial sur les Violences basées sur le Genre en Haïti;
- Une enquête spécifique sur les violences faites aux femmes en Haïti et la publication d'un rapport y relatif;
- L'élargissement des mesures conservatoires prises en 2010 en faveur des femmes haïtiennes à toutes les victimes enregistrées depuis cette période et le transfert du dossier d'Haïti à la Cour Américaine des Droits de l'Homme; et
- Des mesures de la Commission pour exiger de l'État Haïtien la mise en œuvre des conventions et outils interaméricains pour la protection des femmes et filles haïtiennes, ratifiés par Haïti.

## **Marie Kattia Dorestant-Lefruy and Gladys Thermezi**

Rape Accountability and Prevention Project Attorneys | *Bureau des Avocats Internationaux*

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*The full video in Haitian Creole, with English subtitles, is available here:*

<https://youtu.be/XGd4OK88HSQ>

DORESTANT: My name is Marie Kattia Dorestant. I am joined by Maitre Gladys Thermezi. We are both women lawyers working at the Bureau des Avocats Internationaux (BAI), which is a law firm that works hand-in-hand with IJDH, the Institute for Justice and Democracy in Haiti, which, for over twelve years, has worked on a legal assistance project for women and girls who are victims of rape in Haiti.

In the course of this work, we have observed over the past three years that many women have endured rape by armed gangs as a result of the insecurity that has overtaken the country. Many girls have been raped by their fathers — what is known as incest — which we know is not penalized in our justice system in Haiti. It is considered a mere aggravating factor for the aggressor, because he has authority over the victim, according to Article 280 of the Haitian Penal Code, annotated by Patrick Pierre-Louis and Menard Pierre-Louis. Even though the justice system is practically paralyzed due to the sociopolitical problems Haiti is facing, that doesn't stop BAI from accompanying the victims to court to seek justice and reparations.

THERMEZI: As Ms. Dorestant just explained, BAI faces major problems with the justice system in Haiti. The victims have difficulty getting justice and reparations, and the perpetrators are at all levels of society: they are in the victims' homes, their schools, their churches, and all sectors of social and political life.

In 2017, BAI found itself faced with a huge conspiracy within the Haitian justice system, where a father was raping his daughter who was only 8 years old. She was being raped by that perpetrator, who was a high-ranking state employee. When the victim decided to speak, her mother brought a complaint to the DCPJ and the Port-au-Prince prosecutor's office. The prosecutor to whom the case was referred issued an order for the perpetrator to be brought to him, and he was arrested on March 13, 2017. The prosecutor ordered the case to go to the investigating judge's office for investigation. After hearing the victim, the investigating judge, who decided the case, dismissed the case in favor of the accused. On June 11, 2018, the prosecutors notified the victim via the Bureau des Avocats Internationaux, which is the designated place for the victim to receive documents. The prosecutor's office didn't even give the victim a chance. That same day they released the aggressor because he had a lot of influence in the government.

That victim isn't the only one who has endured those kinds of violations. There are many others whose rights have been violated. They bring a complaint to the justice system only for the justice system to turn its back on them in favor of the perpetrator. That's not to mention the

armed gangs that have taken the courts hostage. In the lower court of Port-au-Prince, the victims' lawyers cannot appear. It's the same for the court in Croix-des-Bouquets. This means that people who have already been victimized can't get justice or reparations. In the case of the victim I described, there was an appeal. But until now, she still hasn't gotten justice, and this is a source of a lot of fear and anxiety.

DORESTANT: In that sense, the Bureau des Avocats Internationaux and the victims are faced with a great dilemma: insecurity is taking over the country and women and girls continue to be raped by armed gangs. They can't leave their neighborhoods to make complaints against their attackers. Many courts aren't functioning because armed gangs have taken them hostage. Moreover, there are many corrupt judges who are selling justice to people with influence.

## **Malya Villard-Appolon and Eramithe Delva**

Founders | *Komisyon Fanm Viktim Pou Viktim* (KOFAVIV)

*Komisyon Fanm Viktim Pou Viktim* (KOFAVIV) (Commission of Women Victims for Victims) is an organization formed in 1994 by Haitian women who were victims of sexual violence. The organization became official on March 8, 2004, despite all the ill-treatment faced by the women. KOFAVIV continues to do everything possible to help women in their fight against all acts of violence against women and girls. I (Malya Villard) joined the struggle because I am also a victim, even though there was no plan, and I had no money. I work closely and always stand with the victims as the leader of KOFAVIV, no matter their poor backgrounds. Victims help other victims by sharing the little money they have. Now, it is hard to see a solution for us because no one talks about what is happening in Haiti. We are asking the international community to help us urgently; we women and girls in Haiti can no longer be hungry and afraid. It is too much for us. They kill our husbands in front of us; they rape us, and many bandits attack us. There is no hospital; there is nowhere that can file a complaint. We continue to deliver even though the event exceeds us. Please help Haitian women and girls by hearing their voices.

## **Marie Michelle Monte**

Member | *Komisyon Fanm Viktim Pou Viktim* (KOFAVIV)

Greetings to all the international organizations and other individuals that will listen to this testimony.

My name is Marie Michelle Monte. I am a longtime member of KOFAVIV. I was the former acting executive secretary of KOFAVIV and former acting national coordinator of the organization.

I am speaking on behalf of KOFAVIV and all the victims of gang violence because I, too, am a victim of gang violence in Croix-des-Bouquets.

Life is getting worse every day in Croix-des-Bouquets. I used to live there. I remember the day I gave birth to my first child, there were shootings everywhere in the neighborhood. On the way to the hospital, we had to pay the gangs to allow us to pass. Croix-des-Bouquets had been a quiet town, and then suddenly the gangs duplicated at a speed that we had never seen before. Every time a gang member was killed, 10 more appeared.

During my pregnancy with my second child, I experienced my worst nightmare: my husband and I had to run with our small child to save our lives. Gangs were chasing everyone that was trying to leave the neighborhood and set fire to any houses left behind. They destroyed entire homes, including belongings. The day that I gave birth to my second child, March 21, 2022, gangs were operating all over the neighborhood. I wasn't aware, but when I stepped outside, I saw a woman running with her child and her husband. I panicked and started to run, too. That day, when I got to the hospital, if I hadn't had a cesarean right away, both my baby and I would not have made it. Because of my strenuous running, my womb was gravely affected.

A few days after I gave birth, gang members knocked at my door. We opened it for them. If not for God, I wouldn't be alive today. They shot inside of the house. We were lucky that the bullet hit a cement bag. My husband was not home at the time. I was in the house with my two babies, a female friend of mine, and her child. « They raped all of us ». (Woman Crying...) It was really difficult for us to experience that moment. After being victims of these atrocities, they forced us to leave our house. My husband was away that day. Despite everything that happened to us, we have nowhere or no one to complain to. I continue to suffer because I'm living in the street with my kids. Our only option is to shelter at the KOFAVIV office, but this area also is completely controlled by gangs.

This life is hell! I'm not the only one that is living in this condition. There are several other KOFAVIV members that were shot. There were members of the organization that were murdered that we had to leave because we didn't have access to pick up the bodies. When there is a shooting, everyone is trying to escape to save their lives, and those that fall in the line of fire are left behind. There are others that are living with bullets inside their body. One of our members, Miss Deslourdes Joseph, and many more are still living with a bullet inside of them. For those living in Haiti, your days are counted. You're not living, you're just breathing. The life that I'm living with my kids. . . I'm crashing at one person's house then another's. And it's very difficult for families to let you stay with them because life is so expensive, food is expensive, and there is no water.

It's very humiliating! That's why we're calling for the international community to come to our rescue. Because the situation has never been this bad, I don't have the right words to describe this. I don't know how I could explain it in a way that one could understand how difficult life is for us.

The country is under the control of gangs. There is no safe place. We can't go to the countryside. Everyone in Martissant has left the area. Croix-des-Bouquets is isolated. They kidnap, they beat, they rape, they kill. And for those that can't pay their ransom, after they rape the women, they kill them. Their bodies are not even given to the families for burial. Our life is over in Haiti, we're asking the international community to have mercy on us.



## ANNEX C

**Letter of October 7, 2022 Updating the  
IACHR Re Precautionary Measures no.  
MC-340-10 (Concerning Women and  
Girls Victims of Sexual Violence Living in  
22 Displacement Camps)**

October 7, 2022

Dr. Tania Reneaum Panszi  
IACHR Executive Secretary  
Inter-American Commission on Human Rights  
Organization of American States  
1889 F Street N.W.  
Washington, D.C. 20006

Via email [cidhdenuncias@oas.org](mailto:cidhdenuncias@oas.org)

**RE: MC 340/10 – Situation of women and girl victims of sexual violence in Haiti**

Honorable Dr. Reneaum Panszi:

Following the devastation that befell Haiti in the wake of the January 2010 earthquake, the Inter-American Commission on Human Rights (“IACHR” or the “Commission”) granted precautionary measures (the “Precautionary Measures”) pursuant to a petition submitted on behalf of women and girls living in twenty-two camps for internally displaced persons (“IDPs”) in Port-au-Prince, Haiti (“Petitioners”). The Precautionary Measures require: (i) appropriate medical and psychological care; (ii) effective security measures; (iii) adequate training for public officials responding to instances of sexual violence; (iv) the creation of special units within the police and judiciary to investigate instances of sexual violence; and (v) the inclusion of grassroots women’s groups in leadership and policy making related to confronting and preventing sexual violence. In the years immediately after the earthquake, Petitioners provided information to the Commission regarding the continued need for implementation of the Precautionary Measures. However, the security situation in Haiti has declined precipitously, especially for women and girls. Political instability paired with multiple natural disasters have increased the number of IDPs in Port-au-Prince and elsewhere in the country who are vulnerable to sexual and gender-based violence (“SGBV”).

The Commission recently requested that Petitioners provide information regarding the ongoing need for the Precautionary Measures in light of the ongoing risk of sexual violence to the beneficiaries. As the contents of this letter and attached reports demonstrate, the need for the Precautionary Measures is as urgent now as it was in 2010. In fact, even more expansive measures are imperative to confront SGBV. Petitioners hope to shed light on the persistent and intensifying plight facing Haitian women and girls today—including those originally displaced by the earthquake in 2010—and provide insights into a number of issues regarding the lack of government response to SGBV perpetrated with impunity.

Section I of this letter describes Haiti’s current governance crisis, which must be addressed if the country is to have any hope of meeting its human rights obligations to protect women and girls. Section II documents unrelenting SGBV against women and girls and the weak or nonexistent government structures—even though they were required by the Precautionary Measures—for protecting and supporting survivors and especially IDPs. Section III then looks specifically at the Precautionary Measures and their status of implementation (or lack thereof). In conclusion,

Section IV offers recommendations, calling on the Commission to extend and expand the Measures awarded in 2010 given the immediate, irreparable harms facing displaced women and girls in Haiti.

A French translation of this letter is forthcoming.

**I. HAITI'S ACUTE GOVERNANCE CRISIS HAS EXACERBATED ONGOING HUMAN RIGHTS VIOLATIONS AND DETERIORATING CONDITIONS FOR WOMEN AND GIRLS, AND MUST BE ADDRESSED IMMEDIATELY TO PREVENT AGAINST FURTHER ABUSES**

The situation of the beneficiaries of the Precautionary Measures and that of similarly situated persons, as well as broader SGBV issues in Haiti, can only be understood in the context of Haiti's current acute governance crisis. This urgent situation both drives and impedes a resolution to the resulting humanitarian and human rights emergency that is once again placing Haiti's women and girls at risk of the types of harm and discrimination addressed by the Precautionary Measures.

Haiti is experiencing a long-standing and intensifying [humanitarian emergency](#), which includes 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, because of pre-existing social inequalities and systematized discrimination described further below, suffer disproportionately. For example, escalating insecurity and gangsterization of public spaces have [increased](#) levels of SGBV experienced by Haitian women and girls. These issues also disproportionately deprive women of critical services and impede their ability to participate in public life: the increased risk of SGBV forces women to curtail economic and civic activities which—in combination with [pre-existing economic and social marginalization](#)—leaves women and women-headed households [disproportionately impacted](#) by food insecurity and the financial crisis. These factors have contributed to the [“feminization of migration,”](#) with a higher number of women and girls fleeing Haiti alone only to be met with [inhumane, racist immigration policies](#) in the United States and elsewhere.

The deep governance crisis facing Haiti at present constitutes a profound unconstitutional interruption of Haiti's democratic regime. It 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. During this period, no elections have been held on time or fairly. Gangs [have been used](#) to control electoral turnout and outcomes in popular neighborhoods, and a number of civilian massacres have been [perpetrated with impunity](#) and, at least in some instances, with [demonstrated political intent](#). Parliament became defunct in January 2020, leaving then-president Jovenel Moïse to rule by decree, through which he [undertook](#) progressively more authoritarian measures. Municipal electoral offices were allowed to lapse without elections in July 2020 and were filled by executive decree. Moïse stayed in office past what Haitian constitutional authorities viewed was his term limit and in spite of popular protests. He was assassinated in July 2021; like the killings of many other Haitians, including political activists and [journalists](#), his murder remains unsolved. The present de facto head of state, Ariel Henry, was [installed](#) by international actors in the wake of the assassination. He is alleged to have been [involved](#) in the

assassination and his regime is [impeding](#) a full investigation. The regime is also further entrenching PHTK corruption and [failing to control](#)—and arguably [exacerbating](#)—Haiti’s humanitarian emergency. [Reports indicate](#) that state authorities continue to turn a blind eye to the killing of civilians by gangs and may be directly involved as accomplices. At minimum, government authorities are allowing state equipment to be used by the direct perpetrators and failing to act to stop the killings or provide victims with assistance.

International actors have nevertheless continued to [prop up Henry](#) as protests against him intensify. Such actions are complicit in provoking and prolonging Haiti’s catastrophic situation and thus impede a Haitian-led solution: the only viable resolution to the crises wracking Haiti. It is the opinion of the undersigned organizations, as well as [many](#) Haitian activists, human rights observers, community leaders and organizers, civil society, religious groups, feminist organizations, [and others](#), that such foreign intervention, however well intentioned, must stop in order to resolve Haiti’s governance crisis. In turn, unless governance is resolved, and Haitians restore the social compact and institutions necessary for enjoying the elected, accountable, participatory government to which they are entitled under the Inter-American system, meaningful progress on SGBV, as well as hunger, health, education, and security is impossible.

The undersigned organizations and other experts have reported in detail on these issues and have repeatedly called on the United States and other countries, as well as international bodies, to support Haitian-led efforts to put aside the illegitimate, corrupt, and repressive de facto government in order to allow Haitians to implement a transition toward stability and a democratically elected government. Further details can be found in the reports annexed to this letter.

## **II. UPDATE ON SGBV DIRECTED AT HAITIAN WOMEN AND GIRLS, ESPECIALLY THOSE IN SITUATIONS OF DISPLACEMENT**

This section provides a brief overview of the situation of Haitian women and girls with respect to SGBV, which serves as critical context for the specific updates requested by the IACHR set forth in Section III. We urge the Commission to closely review the annexed reports, which provide more information. We note further that there is little systematic data collection on SGBV in Haiti, especially in situations of displacement. A number of women’s, human rights, grassroots, and humanitarian groups, as well as a few reporters nevertheless courageously provide reports on specific events that allow us to make the below observations. The undersigned *Bureau des Avocats Internationaux* (“BAI”) has also conducted its own interviews with individuals displaced in some of the civilian massacres referenced above and gathers information as part of its [Rape Accountability and Prevention Project](#), which provides legal services to survivors of sexual violence. More information is badly needed and we strongly urge the Commission to consider a comprehensive inquiry into the crisis of SGBV levied against women and girls in Haiti, as well as the underlying driving legacies of enslavement and colonialism.

### **A. SGBV is pervasive and rising, with evidence of increasingly brutal forms**

As explained above, the government keeps little systematic data on SGBV directed against women and girls in Haiti. But all [available evidence indicates](#) it is extensive and pervasive, with many Haitian women and girls experiencing some form of SGBV in their lifetimes, largely

without recourse. Girls and young women are some of the most affected, although stigma and other factors like threats and social pressure against reporting may mask the rates of violence directed at adult women, especially within marriage, as Haiti's laws still do not recognize spousal rape or domestic violence. More broadly, stigmatization of survivors; normalization of SGBV, especially as a legacy of brutal enslavement; social pressure or threats; and the general lack of resources and effective recourse for survivors described below drive up incidence and suppress reporting rates, such that the prevalence of SGBV in Haiti is almost certainly higher than most reports suggest.

There are indications that SGBV rose further still in recent years due to the COVID pandemic, deteriorating economic conditions, natural disasters (especially the August 2021 earthquakes and tropical storm), and the increasingly catastrophic security situation—all of which have also increased displacement. Human rights organizations, women's groups, and journalists have been reporting that, especially in Port-au-Prince, rates of SGBV have increased dramatically. They report that 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 in front of family members. The pervasive insecurity and risk of violence are forcing women and girls to flee in large numbers, which in turn exposes them to further vulnerabilities associated with displacement.

An assessment by the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) found a [377 percent](#) increase of SGBV incidents in 2020. A [recent report](#) by top Haitian human rights observer the *Réseau National de Défense des Droits Humains* (“RNDDH”) on a multi-day gang battle in July 2022 found that the number of SGBV victims increased “exponentially.” The report verified numerous instances of gang rape and other abuses, including where women and girls tried to flee to public spaces for safety. In multiple interviews conducted by the BAI, persons displaced by last year's [civilian massacres](#) in the Port-au-Prince neighborhood of Martissant described seeing women and girls raped, beaten, burned, and killed, or experienced such violence themselves. Interviewed IDPs further noted the risk of violence faced by women and girls when engaging in necessary activities like searching for food and water, seeking medical care, or trying to work.

Members of undersigned *Komisyon Fanm Viktim pou Viktim* (“KOFAVIV,” the Commission of Women Victims for Victims) have suffered from displacements (including from the Martissant, Grand Ravine, Fontamara, and Cite Soleil neighborhoods of Port-au-Prince), murder, brutal sexual assault, kidnapping, assault (with several members shot—one of whom still has a bullet in her back), lack of access to healthcare, and a consistent inability to obtain food and clean water. Accounts shared by others with the undersigned organizations reflect equivalent patterns throughout Haiti and especially in Port-au-Prince.

High rates of SGBV, including pervasive sexual harassment at school, work, and other public spaces, as well as economic and psychological violence, reflect and are driven by women's unequal status in Haitian society and corresponding institutionalized discrimination, which jointly further reflect the legacies of brutal enslavement practices. Women face greater challenges in accessing economic inputs like credit, make less money for equal work, receive less education, and are severely underrepresented in positions of power and authority, as well as in decision-making roles across institutions. They also face social discrimination in the form of

harmful stereotypes, disproportionate burdens of unpaid domestic and caretaking labor, and normalization of such discrimination and resulting violence. When women attempt to participate in political and economic spaces, they face not only discrimination and fewer resources, but also active threats, harassment, and violence. Oftentimes the ability of women and girls to access opportunities or critical needs is contingent on trading away their bodies, a dynamic that has been shamefully [perpetuated](#) in IDP camps and by [international humanitarian actors](#), as discussed below.

Collectively, these trends make it more difficult for women to achieve economic independence and build resilience to violence or broader societal stressors especially when they [cause displacement](#), and leave them vulnerable to harmful acts without hope of recourse. It is for this reason that gender-sensitive responses are necessary in confronting displacement and other humanitarian emergencies. Failure to center the special needs and vulnerabilities of women and girls not only risks leaving them out of the benefits of the recovery process, but also further entrenches the very inequalities that make women and girls more vulnerable and less resilient to harms. Nevertheless, Haitian women have [continued to fight to advance their rights](#) and require the Commission to enforce and extend its Precautionary Measures to support their efforts.

#### **B. There is a lack of adequate support and resources for survivors of SGBV**

The government of Haiti has failed to take adequate measures to prevent and address SGBV and is completely derelict in its duties in the current crisis as the harms and the displacement of women and girls increase. In the wake of the 2010 earthquake, there was a significant focus on and some improvement in providing judicial recourse to survivors, including specialized police units, corresponding training for judicial actors, and support for organizations working to provide care and resources to survivors (*see* Section III). On the whole, human rights observers and advocates reported that Haitian women and girls were consequently better able to seek judicial recourse if they experienced rape, alongside a material increase in the prosecution of such crimes. However, [especially since 2019](#), prosecutions have become increasingly rare and there has been significant backsliding in terms of specialized care and support for survivors. Further, whatever advancements existed, they largely did not touch SGBV beyond rape and left significant protection gaps for survivors, especially in rural areas.

Beyond such limited and dissipating judicial gains, the government has provided effectively no resources for SGBV survivors. Although some services—like shelters, medical and psychological support, and legal assistance—have been offered by women’s and other human rights or humanitarian organizations, such resources have [dwindled](#) dramatically. Insecurity has impeded even the function of Doctors Without Borders (*Medecins Sans Frontieres*), which elsewhere successfully operates in active war zones. Women’s organizations and dedicated services have suffered, both because they have been deliberately targeted and because women—and their critical work—are disproportionately vulnerable to violence and economic harms. For example, women’s shelters have been [set on fire](#) by gangs. Women’s rights activists experience targeted threats and harassment, and the government fails to offer protection. Survivors are also increasingly unable or unwilling to seek assistance as the availability of resources becomes less certain and the risks of leaving safe spaces increase. When survivors—especially individuals experiencing displacement—do seek help, it is not available or results in further abuse. As RNDDH [reported](#), in the wake of the July 2022 atrocities, survivors were unable to obtain

support or protection from the government and could not access hospitals to receive prophylactic treatment against potential transmission of sexual infections or pregnancy.

Further, there has been a failure to advance the broader gender justice movement in Haiti, which is necessary to prevent and build resilience to SGBV. Interventions have focused on responding to SGBV, sometimes [at the expense of](#) long-term advocacy work. One of the few advancements, a constitutional amendment mandating that women hold at least 30 percent of public offices, has not been implemented in a meaningful way and women remain severely [underrepresented](#) in positions of public authority. In spite of the Commission's corresponding Precautionary Measure 5, the post-earthquake recovery and subsequent humanitarian response have failed to adequately mainstream gender considerations or to put women—particularly women from grassroots organizations and marginalized backgrounds—in policy- and decision-making roles. As a consequence of excluding women from post-earthquake recovery, failing to mainstream gender considerations, and neglecting to invest in long-term advocacy, pre-existing discrimination and inequality have become [further entrenched](#).

### **C. Humanitarian assistance has been deeply inadequate even as needs increase**

As described in more detail in Section III, the harms, risks, and shortfalls acknowledged by the Precautionary Measures have not been effectively addressed since their issuance in 2010. For example, the displacement camps created in the wake of the August 2021 earthquakes and tropical storm in Haiti's south exhibited many of the very failings that the Precautionary Measures were intended to address, and numerous instances of rape, sexual harassment, and resulting pregnancies were [reported](#). The displacement camp in the Carrefour sports center of Port-au-Prince—where according to the U.S. Department of State, 60 percent of displaced persons were women or girls—lacked sufficient security measures and adequate resources and hygiene. The undersigned organizations are further aware of serious allegations of systematic sexual exploitation and abuse by individuals charged with running the camp or distributing resources, as well as resulting pregnancies. Individuals interviewed by the BAI further described inhumane and degrading conditions at the Carrefour sports center displacement site, including grossly inadequate security measures; lack of sanitation and hygiene; difficulties accessing food, medical care, and electricity; and inability to attend school. Conditions have deteriorated as humanitarian organizations had to stop working; many interviewees faulted the government both for the underlying crisis and for its failure to provide any assistance.

For all its flaws, the undersigned organizations are also concerned that the Carrefour center, which appears to have been the only sizable IDP camp in the Port-au-Prince area, has apparently been closed with no replacement. As the humanitarian disaster in the Port-au-Prince area has deepened in recent months, increasing flows of displaced persons are left with no safe place to go. The undersigned organizations are aware of instances where groups of women and children displaced by acute violence have been unable to receive assistance or information about where and how they might receive aid. The situation of displaced persons is made further precarious in the absence of systematic humanitarian assistance by [stigma](#) attached to individuals fleeing neighborhoods associated with particular gangs, such as Martissant and Fontamara.

In its [September 2022 update](#), OCHA describes the deteriorating humanitarian landscape as well as the tremendous challenges faced by humanitarian actors in delivering assistance given the

current crisis. It identifies 6,830 households living in “makeshift” sites in the Port-au-Prince area with increasingly impeded access to basic needs like water, food, sanitation, and health care. An observer on the ground reports horrifying conditions at one of the sites listed by OCHA as a makeshift IDP site: Plaza Hugo Chavez. More generally, there are reports that there are no humanitarian relief points, and that women and children displaced by violence are often unable to receive any support and are fleeing to the countryside or other unsafe, under-resourced places around Port-au-Prince. OCHA’s reporting does not offer a clear exposition of the humanitarian infrastructure deployed to meet what is overwhelming need and significant displacement due to violence, other than to note that the 2022 Humanitarian Response Plan for Haiti is less than a third funded.

Notably the Caribbean hurricane season is just beginning. Worse still, health authorities in Haiti have confirmed [rising](#) cases of cholera starting on October 1, with [at least seven](#) known deaths. The finding is especially grave as accessibility to clean water is becoming [dire](#). One of the main providers of potable water is [reported](#) to be shutting down, filtration systems are not running, and the supply of portable filters or chlorine tabs is severely limited and may be especially difficult for women and girls to access, particularly given the present fuel shortage.

**III. THE HAITIAN GOVERNMENT HAS FAILED TO COMPLY WITH THE COMMISSION’S ORDERS, WHICH ARE STILL NECESSARY TO PREVENT AND RESPOND TO SEXUAL VIOLENCE AGAINST DISPLACED WOMEN AND GIRLS**

By any metric, the Haitian government has failed to implement the Precautionary Measures required by the Commission. While the immediate years following the 2010 earthquake saw minimal signs of progress in some respects, any such advances have been stymied by the misrule described above and a more general failure to prioritize women’s needs or put women in decision-making roles with genuine authority and budget. Subsequent natural disasters and the structural economic and social challenges that are [the legacy of colonialism](#) and [extractive foreign interventions](#) are also relevant factors. The [conclusions](#) of the U.N. Human Rights Council following its recent Universal Periodic Review of Haiti’s human rights compliance highlight the lack of adequate responses to sexual violence despite the government’s awareness of its widespread occurrence.

We describe the status of each of the Precautionary Measures to the best of our knowledge. As mentioned above, a deeper analysis is hampered by the lack of available data and the difficulty obtaining information from individuals operating on the ground in light of the daily emergencies occasioned by present political violence and its attendant effects.

Measure 1	Assurer que des soins médicaux et psychologiques soient fournis dans des endroits accessibles aux victimes de violence sexuelles des 22 camps de déplacés internes objet de cette mesure conservatoires. En particulier, assurer: a. la privacité pendant les examens; b. a disponibilité de membres de personnel médical féminin, possédant une sensibilité culturelle ainsi que de l'expérience avec des victimes de violence sexuelle; c. l'expédition de certificats médicaux; d. la prophylaxie HIV; et e. la contraception d'urgence.
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Organizations that have traditionally supported displaced persons and survivors of sexual violence have limited resources and do not receive support from the Haitian government, which does not fill the gap. The recent [report by RNDDH](#) found that women and girls who were systematically raped, beaten, and humiliated during a multi-day gang war in Cité Soleil were unable to obtain appropriate medical care. Most women were unable to get to the hospital within the recommended time frame (three days) for effective HIV prophylaxis. Furthermore, the act of seeking necessary medical care itself brings with it the threat of SGBV, compounding a cycle of violence and medical neglect. Individuals interviewed by the BAI, for example, emphasized the risk of violence faced by women and girls when attempting to seek medical care or engage in other essential activities. The interviewees consistently expressed an inability to access needed healthcare. The situation has been made worse by recent closures of hospitals due to the gas shortage.

Women’s access to healthcare is threatened by limitations on movement and also in attacks against medical facilities themselves. While access to reliable data remains elusive, [OCHA’s September 2022 report](#) notes that epidemiological surveillance efforts continue as a result of Haiti’s ongoing high risk of epidemics. Specifically, the report describes the threat to lifesaving HIV treatment due to the current crisis and insecurity. The effects would fall disproportionately on women, as 63% of the 72,507 people living with HIV and on treatment in the Ouest, Sud and Grand'Anse departments are women. “In the West department alone, treatment for 51,303 people could be interrupted due to the current situation, with serious consequences for mother-to-child transmission, increased HIV infections, drug resistance, morbidity and mortality.” The government thus continues to fail to ensure that virtually any necessary medical care is available to survivors of SGBV.

Further, as noted above, the Haitian Ministry of Health [confirmed](#) a new outbreak of cholera on October 1, a result of the [lack of improvement](#) in Haiti’s water, sanitation, and hygiene (“WASH”) systems since the introduction of cholera to Haiti by U.N. peacekeepers in 2010. Despite [promising](#) to improve Haiti’s WASH infrastructure and provide reparations to victims of the epidemic, the U.N. has failed to do so, leaving victims without compensation and the island vulnerable to another epidemic. Women and girls are [disproportionately impacted](#) by cholera, due in part to their responsibility for the bulk of domestic work involved in preventing and responding to cholera.

Measure 2	Implémenter des mesures de sécurité effectives dans les 22 camps, en particulier, assurer l’éclairage public, un patrouillage adéquat autour et à l’intérieur des camps, et un plus grand nombre de forces de sécurité féminines dans les patrouilles et dans les commissariats de police à proximité des camps.
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Despite widespread knowledge of increased levels of sexual violence following disasters (in Haiti and around the world), neither the Haitian government nor the U.N. have put in place clear policies and procedures or allocated adequate resources to ensure security for IDPs. [OCHA’s recent report](#) regarding the humanitarian crisis in Haiti lays bare the repeated failure to protect displaced women and girls in Haiti: “In this context [of displacement due to violence in the capital], women and girls are particularly vulnerable. In the Hugo Chavez and Monfort sites,

partners have highlighted the lack of lighting and risk mitigation measures against [SGBV].” A local observer described the Hugo Chavez site as individuals simply lying on the ground under tarps, reminiscent of dead bodies.

The BAI’s interviews with IDPs reveal inhumane, insecure, and unsafe conditions at the Carrefour sports center displacement site. Interviewees consistently noted that conditions have only deteriorated since humanitarian organizations were forced to stop working, and that they fear for their lives. Many described being afraid to leave the confines of the center due to patrolling gangs outside. Interviewees also described a total lack of privacy and a reliance on the center’s civil protection agents who themselves are known to commit acts of SGBV and assault against IDPs. It is not clear when Plaza Hugo Chavez became a “site” based on OCHA’s assessment, but we note that it was the location where multiple women were gang-raped in July.

The security paucity is not only a problem in Port-au-Prince, but also in other situations of displacement in the country. For example, many people were displaced in the Sud department in and around Les Cayes after a devastating earthquake in August 2021. A humanitarian worker we spoke with has documented several cases of sexual violence in IDP camps in and around in Les Cayes and laments the absence of a security presence even after more than a year has passed since the disaster. Furthermore, OCHA [reports](#) that “repatriated migrants are unable to reach their intended destination and have virtually no means to meet their basic needs for shelter, food, or clothing,” which further exacerbates the vulnerability of women and girls to SGBV.

Measure 3	Assurer que les agents publics chargés de répondre aux incidents de violence sexuelle reçoivent des formations leur permettant de répondre adéquatement aux plaintes de violence sexuelle ainsi que d’adopter des mesures de sécurité.
Measure 4	Promouvoir la création d’unités spéciales au sein de la police judiciaire et du Ministère Public chargées de l’enquête des cas de viol et d’autres formes de violence à l’égard des femmes et des jeunes filles.

In the wake of the 2010 earthquake, some efforts were made to build the capacity of Haitian police and other actors in the justice system to combat and respond to SGBV, including through targeted training and specialized units. But any progress was minimal and has since been altogether erased. For instance, a Norwegian-led specialized police team (“SPT”) was deployed to build the capacity of the Haitian National Police (“HNP”) to combat and investigate SGBV. A primary method of doing so was via training programs. The first iteration of the [SGBV project](#) trained over one thousand HNP officers between 2010-2014 on issues of SGBV and integrated a one-week training course on SGBV for new cadets at the HNP School. The second iteration of the project (2015-2019) aimed to further develop methods of investigating SGBV cases and training. In total, it is reported that the SPT training program reached 1,744 participants in the two SGBV programs, 583 participants through international workshops, and 6,976 cadets at the policy school between 2010-2019. However, the unit and the training programs it implemented have been terminated, which has effectively nullified any progress it made. Further, and critically, there was a large outflow of officers from the police due to instability.

These programs no longer exist and, in fact, may have even negatively affected the long-term development of an effective SGBV response in the HNP. These special programs did not have a sustained impact on HNP capacity and attention to SGBV issues over the long-term because the SGBV initiatives were [dependent](#) on foreign support. As foreign support waned, those programs ended, and the SGBV programs were not integrated into mainstream HNP priorities. The Norwegian program has been referred to as “the future of UN policing,” but it does not appear to have led to effectiveness in the HNP’s current response to SGBV. In fact, we are not aware of any SGBV workshops or similar trainings conducted since 2019 due to [lack of funding](#) and ongoing political instability. While there has been renewed attention to recruitment in response to the escalating insecurity, it is not clear what, if any, training or special attention is given to victims of sexual violence.

Measure 5	Assurer que les groupes de femmes de base aient pleine participation et leadership dans la planification et l’exécution des politiques et pratiques destinées au combat et à la prévention de la violence sexuelle et d’autres formes de violence dans les camps.
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Following the Commission’s issuance of the Precautionary Measures, leaders with prominent women’s rights organizations (many of whom joined the Petition requesting these Precautionary Measures) were invited to attend the U.N.-led working groups leading earthquake recovery efforts. However, these meetings were still frequently held in English or French and without adequate Haitian Creole interpretation to ensure meaningful participation by those who, like most Haitians, speak only Creole.

As Petitioners reported to the Commission in 2013, after KOFAVIV opened its rape crisis hotline, the government also began referring victims to KOFAVIV and engaging in some cooperation to provide support to victims. But we are not aware of the government engaging in cooperation efforts presently.

The undersigned organizations are not aware of any attempts at present to include the voices of grassroots organizations in decision-making structures. Further, as noted above, there was a systematic programming bias in favor of the important work of responding to SGBV that took place. Insufficient attention and resources have been directed to supporting the advocacy and policy work of countering discrimination against women and promoting gender justice, which are critical to preventing SGBV and building resilience for women and girls.

#### **IV. RECOMMENDATIONS TO THE COMMISSION**

The submitting organizations express their gratitude for the Commission’s continued interest in the plight of Haitian women and girls. And we would welcome the opportunity to support the Commission’s work to hold the Haitian government and other states in the hemisphere accountable for their obligations to prevent, punish, and redress persistent SGBV as outlined in this letter.

There are many longer-term measures that Haiti must take to fully realize women’s human rights in the country, including law reforms that have been stalled, and support for the gender justice

and equality movement in Haiti. But such actions will take time and a stabilized government to achieve. In the meantime, there are immediate steps to prevent irreparable harm to women and girls facing heightened risk of sexual violence. To that end, Petitioners request the Commission take the following actions:

- **Extend its original Precautionary Measures** in this case. Moreover, given the dynamic situations of displacement in light of ongoing political upheaval and natural disasters, Petitioners further request that **the measures be expanded to cover all women and girls living in situations of displacement** in Port-au-Prince or Haiti more broadly—whether or not in a formal settlement as identified in the original request. As described in this letter, these measures are still desperately needed and the Haitian government has yet to comply.
- **Extend and expand Measure 5** to ensure that (i) women who represent impacted communities are included in all stages of response efforts, and (ii) the needs of women and girls are central to all programs and policy planning, especially with respect to those impacting security, livelihoods, political participation, and health. Given the continued failure to implement this measure, additional guidance on the part of the Commission would be useful, such as in providing detail on the level of consultation and inclusion required to ensure responses reflect local realities.
- **Issue a new measure directing the de facto government of Haiti to urgently return Haiti to a status of constitutional, democratic order** through elections that are inclusive, fair, and to the greatest extent possible consistent with Haiti’s Constitution, as well as consistent with the rights of the Haitian people under the Charter of the Organization of American States (“OAS”), the American Convention on Human Rights, and the Inter-American Democratic Charter. The measure should further direct all State Members of the OAS to (i) desist from interfering with the right of the Haitian people to self-determination by supporting the illegitimate, corrupt, and lawless de facto government at the expense of locally-driven solutions, (ii) instead to fully fund necessary humanitarian programs consistent with the obligations and values of the Inter-American human rights system, and (iii) act consistently with their obligations under Section IV of the Inter-American Democratic Charter.
- **Issue a new measure directing the Haitian government to collect and publicly disseminate data** regarding instances of SGBV, state responses from all relevant agencies, resources available to survivors from the government, and resources and responses deployed by actors outside of the government. Further, all government-collected data should be disaggregated by gender and publicly reported.
- **Issue a new measure requesting an assessment and regular reporting from the Haitian government** regarding the status of implementation of these measures to better understand the scope of the violations and guide the Haitian government and cooperating states in addressing this crisis of sexual violence against displaced women and girls that has recurred many times over since 2010.

Petitioners remain hopeful and anticipate positive continued work alongside the Commission and the government of Haiti to implement Precautionary Measures 340/10 and any additional appropriate measures the Commission adopts. Should you have any questions regarding this letter, please contact Blaine Bookey ([bookeybl@uchastings.edu](mailto:bookeybl@uchastings.edu); 415-703-8202) or Alexandra Filippova ([sasha@ijdh.org](mailto:sasha@ijdh.org); 925-997-0171).

Sincerely,

Mario Joseph  
*Bureau des Avocats Internationaux* (“BAI”)

Malya Villard-Appolon  
*Komisyon Fanm Viktim pou Viktim* (“KOFIVIV”)

Alexandra Filippova  
Kristina Fried  
Brian Concannon  
Institute for Justice & Democracy in Haiti (“IJDH”)

Blaine Bookey  
Peter Habib  
Center for Gender & Refugee Studies (“CGRS”)

Lisa Davis  
CUNY School of Law, Human Rights and Gender Justice Clinic

J.M. Kirby  
MADRE

## APPENDICES

### Selected Recent Reports Regarding SGBV in Haiti:

- A. CMI, [Women's status in Haiti ten years after the earthquake](#) (2020).
- B. IJDH, BAI, KOFAVIV, [Submission to the Universal Periodic Review](#) (2022).
- C. Nègès Mawon, IJDH, GJC, [Input for the Special Rapporteur on Violence against Women](#) (2022).
- D. OCHA, [Haiti: Impact of social unrest on the humanitarian situation - Flesh Update #1](#) (2022).
- E. RNDDH, [Massacre in Cité Soleil: Chilling Stories of Women and Girls Victims of Gang Rape](#) (2022).
- F. SOFA, CHRGI, IJDH, [Submission on violence against women and girls in the context of the climate crisis](#) (2022).

***[COPIES OF ABOVE-LISTED APPENDICES  
OMITTED]***

## **ANNEX D**

### **Annotated Bibliography of Selected Linked Materials**

- I. Civil Society Reports and Statements**
- II. United Nations Materials**
- III. News Articles**

## I. Civil Society Reports and Statements

- A. **National Human Rights Defense Network (RNDDH), *Carrefour-Feuilles, Cité Soleil and Bel-Air: areas plagued by recurring armed violence and a population destroyed but forgotten* (Feb. 20, 2024),**  
<https://web.rnddh.org/carrefour-feuilles-cite-soleil-and-bel-air-areas-plagued-by-recurring-armed-violence-and-a-population-destroyed-but-forgotten/?lang=en>.

Report by prominent Haitian human rights organization RNDDH regarding findings from a survey of 300 residents of Carrefour-Feuilles, Cité Soleil and Bel-Air neighborhoods of Port-au-Prince focused on impacts of armed actor violence, with recommendations.

- B. **Center for Economic and Policy Research (CEPR), *Haiti News Round-Ups*, available at CEPR, *Haiti Relief & Reconstruction Watch*,**  
<https://cepr.net/blog/haiti-relief-reconstruction-watch/>.

Periodic news round-ups covering the situation in Haiti.

- C. ***Organisation pour le Développement Integral du Dondon (ODID), Statement from ODID: Urgent Call for Government Action to Curb Gang Violence and End Normalization of Violence Against Women in Haiti* (Feb. 2024). (Annex F)**

ODID statement prepared in contemplation of this letter to the Commission reporting on the experience of survivors of sexual violence and the challenges of providing direct services; identifying urgent needs; and offering recommendations.

- D. **Romain Le Cour Grandmaison et al., Global Initiative Against Transnational Organized Crime (GI-TOC), *A critical moment - Haiti's gang crisis and international responses* (Feb. 2024),**  
<https://globalinitiative.net/wp-content/uploads/2024/02/Romain-Le-Cour-Grandmaison-A-na-Paula-Oliveira-and-Matt-Herbert-A-critical-moment-Haitis-gang-crisis-and-international-responses-GI-TOC-February-2024.pdf>.

Report by experts associated with international organization GI-TOC documenting the deterioration of Haiti's security situation in 2023 and early 2024, analyzing the nature and evolution of Haiti's armed groups, and identifying material challenges for the proposed foreign military intervention into Haiti.

- E. ***L'Initiative Départementale Contre la Traite et le Trafic des Enfants (IDETTE), Rapport annuel sur les violences faites aux femmes et aux filles dans le département de la Grand'Anse* (Jan. 8, 2024) (original French accompanied by informal translation into English). (Annex E)**

Annual report of Haitian anti-human trafficking organization describing violence directed at women and girls and accompanying impunity in Haiti's southern Grand'Anse Department, and offering recommendations.



- F. (1) Institute for Justice and Democracy in Haiti (IJDH), *Human Rights and the Rule of Law in Haiti: Key Recent Developments - June through November 2023* (Dec. 2023), <https://www.ijdh.org/wp-content/uploads/2023/12/IJDH-HRU-Dec.-2023-12.11-FINAL.pdf>

(2) Institute for Justice and Democracy in Haiti (IJDH), *Human Rights and the Rule of Law in Haiti: Key Recent Developments - December 2022 through May 2023* (Jun. 2023), [https://www.ijdh.org/wp-content/uploads/2023/08/HRU-June-2023-FINAL\\_updated-8.14.pdf](https://www.ijdh.org/wp-content/uploads/2023/08/HRU-June-2023-FINAL_updated-8.14.pdf).

Biannual updates on Haiti's human rights situation collectively covering December 2022 through December 2023. Updates detail, among other things, violations of rights to life and security of the person, sexual violence against women and girls, the lack of equal rights and protections for women and girls, and government failures to prevent and address these harms.

Additional IJDH human rights reports going back to May 2019 can be found at IJDH, *Publications: Human Rights Updates*, <http://www.ijdh.org/news-and-resources/publications/>.

- G. *Nègès Mawon, Droits des femmes, des filles et des minorités sexuelles en Haïti : rapport sur les violences enregistrées de janvier à octobre 2023* (Nov. 2023), <https://www.negesmawon.org/wp-content/uploads/2023/12/RAPPORT-VIOLENCES-NEG-ES-MAWON.pdf> (in French).

Report of prominent Haitian feminist organization *Nègès Mawon* concerning the situation of women, girls, and sexual minorities in Haiti for the period of January through October 2023, reflecting inputs from thirteen human rights organizations and a government ministry across ten Departments. Findings include catastrophic levels of GBV against women, girls, and sexual minorities; lack of accountability and government services, and recommendations for urgent action.

- H. Diana Paz Garcia, *Gender Sensitivity is Critical to Haiti's Security Solution* (Nov. 9, 2023), <https://theglobalamericans.org/gender-sensitivity-is-critical-to-haitis-security-solution/>.

Analysis by U.S.-based think tank emphasizing that any intervention to respond to Haiti's crisis must go beyond statements concerning gendered harms and include "tangible measures for response, management, and mitigation" for gender-based violence, including especially at the hands of international actors. The inclusion of women at all levels of planning, decision-making, and leadership is imperative.

- I. National Human Rights Defense Network (RNDDH) et al., *Crise sécuritaire et situation des personnes déplacées internes en Haïti - Plaidoyer pour une réponse étatique adéquate* (Oct. 2023), [https://web.rnddh.org/wp-content/uploads/2023/10/1-RNDDH.ASFC-Rapport\\_DeplaceesInternes\\_Haiti\\_AJULIH\\_13Oct2023.pdf](https://web.rnddh.org/wp-content/uploads/2023/10/1-RNDDH.ASFC-Rapport_DeplaceesInternes_Haiti_AJULIH_13Oct2023.pdf) (in French).

Report by prominent Haitian human rights organization RNDDH and strategic litigators CALSDH, along with Lawyers Without Borders - Canada (ASFC) presenting first-hand

information on forced internal displacement in Haiti occurring as a result of large-scale violence perpetrated by armed groups and chronic government failures of protection and accountability. The report, *inter alia*, highlights the failures of the de facto government to adequately respond to Haiti's multidimensional crisis and to protect and support displaced individuals, and offers recommendations.

- J. National Haitian-American Elected Officials Network (NHAEON) & FANM in Action, *Letter to President Biden and Secretary Blinken* (Sep. 22, 2023), <https://www.ijdh.org/wp-content/uploads/2023/09/NHAEON-and-FANM-in-Action-to-Biden-Administration-Letter-Final-Amended.pdf>.**

Letter of Haitian-American elected officials and community nonprofit organization FANM in Action demanding that the U.S. government stop propping up the de facto government of Haiti and opposing the proposed armed intervention into Haiti as likely to “further entrench the regime, deepening Haiti’s political crisis while generating significant civilian casualties and migration pressure.”

- K. Haitian Women’s Collective (HWC), *HWC Webinar: Reflecting on Sexual & Reproductive Health in Haiti: Achievements & Prospects* (Sep. 21, 2023), [https://www.youtube.com/watch?v=k0HWm\\_LoUDQ](https://www.youtube.com/watch?v=k0HWm_LoUDQ) (video in Haitian Creole, French, and English without interpretation).**

Recording of webinar hosted by the HWC with speakers from Haiti-based service providers discussing topics relating to women’s reproductive health in Haiti.

- L. Bureau des Avocats Internationaux (BAI) et al., *Open Letter by Haitian Civil Society Organizations and Defenders of Human Rights to Warn African Countries Against the Harms of an Illegitimate Foreign Intervention in Haiti Planned by Imperialist Nations* (Aug. 21, 2023), [https://www.ijdh.org/open\\_letters/lettre-ouverte-des-organisations-de-la-societe-civile-haitienne-et-defense-des-droits-humains-pour-une-mise-en-garde-des-pays-africains-contre-les-mefaits-dune-intervention-etrangere-illegitime-en-h/](https://www.ijdh.org/open_letters/lettre-ouverte-des-organisations-de-la-societe-civile-haitienne-et-defense-des-droits-humains-pour-une-mise-en-garde-des-pays-africains-contre-les-mefaits-dune-intervention-etrangere-illegitime-en-h/).**

Open letter by ten Haitian civil society organizations warning against any illegitimate foreign intervention in Haiti as likely to become “another costly and foreign act of interference that fails to bring about sustained stability for Haitians and instead further cements the rule of a group of anti-democratic, exploitative actors”; and urging that if the international community “is serious about wanting to protect human rights in Haiti and help restore security there, it must first stop supporting puppet governments and give Haitians the necessary space to put in place a legitimate and competent transitional government.”

- M. Bureau des Avocats Internationaux (BAI) et al., *Urgent Civil Society Appeal for a Rights-Based International Response to the Crisis in Haiti* (Jun. 12, 2023), <https://www.ijdh.org/wp-content/uploads/2023/06/12062023-Haiti-Civil-Society-Declaration-ENG-version.pdf>.**

Urgent appeal by some of Haiti's most prominent human rights organizations for a rights-based international response to Haiti's crisis, emphasizing in particular that "an essential first step is to stop propping up the set of actors who created the crises facing the country, including those currently in power" and offering recommendations for effective and rights-based actions.

- N. (1) *Marijàn, Échos rapport - Violence Basée sur le Genre - Juin 2023 (Jun. 2023)*, [https://img1.wsimg.com/blobby/go/26ef5187-0ccb-472d-9fc3-5d7ec25ed84e/MARIJA%CC%80N\\_RAPPORTE%CC%81CHOS\\_Juin2023.pdf](https://img1.wsimg.com/blobby/go/26ef5187-0ccb-472d-9fc3-5d7ec25ed84e/MARIJA%CC%80N_RAPPORTE%CC%81CHOS_Juin2023.pdf) (in French).

(2) *Marijàn, Échos rapport - Violence Basée sur le Genre - Mai 2023 (May 2023)*, <https://img1.wsimg.com/blobby/go/26ef5187-0ccb-472d-9fc3-5d7ec25ed84e/VBG-%C3%89CHOS-MAI%202023-MARIJ%C3%80N.pdf> (in French).

May and June reports by Haitian women's rights and service-providing organization *Marijàn* concerning the situation of women and girls in Haiti with respect to gender-based violence, most notably findings from a survey of 800 women and girls in two armed group-controlled areas of Port-au-Prince (Cité-Soleil and Canaan) and recommendations.

- O. **Partners in Health (PIH)**, *Addressing Gender-Based Violence in Haiti (May 12, 2023)*, <https://www.pih.org/article/addressing-gender-based-violence-haiti>.

Post by PIH affiliates in Haiti and Canada about a joint program that seeks to help victims of sexual violence in Haiti through direct care, counseling, and advocating for systemic change to improve their lives so they can be free of violence. The post includes anecdotal information regarding incidence of harm and underlying rivers, along with approaches for addressing both.

- P. **Global Initiative Against Transnational Organized Crime (GI-TOC)**, *Gang control and security vacuums - assessing gender-based violence in Cité Soleil, Haiti (May 2023)*, <https://globalinitiative.net/wp-content/uploads/2023/05/Gang-control-and-security-vacuums.-Assessing-gender-based-violence-in-Cite%CC%81-Soleil-Haiti.-May2023.v2.pdf>.

Briefing paper by international organization GI-TOC on the nature and incidence of gender-based violence in Haiti, focused primarily on findings from surveys of 591 women and girls living in and around the Port-au-Prince neighborhood Cité Soleil.

- Q. **Plan International**, *Analyse rapide de genre en Haïti - crise humanitaire dans le département du Nord-Est d'Haïti (Communes de Fort-Liberté, Ferrier et Capotille) (Mar. 2023)*, <https://plan-international.org/uploads/sites/67/2023/06/Rapid-Gender-Analysis-Haiti-Full-Report-FRA.pdf> (in French).

Report by Haitian affiliate of international development and humanitarian organization regarding gendered impacts of Haiti's crisis in the North-East Department based on responses from 374 individuals, finding a variety of distinct challenges and harms experienced by women and girls, accompanied by recommendations.

- R. **Bureau des Avocats Internationaux (BAI), *BAI Letter to CARICOM Regarding Proposed International Intervention in Haiti* (Nov. 4, 2022),**  
[https://www.ijdh.org/open\\_letters/bai-letter-to-caricom-regarding-proposed-international-intervention-in-haiti/](https://www.ijdh.org/open_letters/bai-letter-to-caricom-regarding-proposed-international-intervention-in-haiti/).

Letter by prominent Haitian human rights law office BAI to the Secretary-General of the Caribbean Community (CARICOM) explaining that any support for the proposed armed intervention into Haiti would violate CARICOM principles and urging the organization to “insist that the international community stop supporting an unconstitutional, imposed regime, and allow Haitians to find a democratic, sustainable solution to [Haiti’s] political crisis.”

- S. **Bureau des Avocats Internationaux (BAI) et al., *Submission to the United Nations Human Rights Council: Gender-Based Violence in Haiti* (2021),**  
[https://ijdh.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti\\_UPR-Submission\\_EN-1.pdf](https://ijdh.org/wp-content/uploads/2021/12/Gender-Based-Violence-in-Haiti_UPR-Submission_EN-1.pdf).

Submission by several human rights organizations to the Human Rights Council in connection with its Universal Periodic Review for Haiti on the subject of gender-based violence in Haiti, linking it to broader gender inequality and proposing recommendations.

## II. United Nations Materials

- T. **United Nations Population Fund (UNFPA), *Crisis in Haiti, GBV Sub-Cluster Situation Brief - Women & Girls 16 Days of Activism campaign 2023* (Nov. 30, 2023),**  
<https://reliefweb.int/report/haiti/crisis-haiti-gbv-sub-cluster-situation-brief-women-girls-16-days-activism-campaign-2023>.

Short briefing note summarizing information on incidence of and increases in gender-based violence in Haiti alongside disrupted and inadequate services.

- U. **Joint United Nations Programme on HIV/AIDS (UNAIDS), *Soutenir les femmes et les filles touchées par la violence des gangs en Haïti* (Jun. 23, 2023),**  
[https://www.unaids.org/fr/resources/presscentre/featurestories/2023/june/20230629\\_women-girls-haiti](https://www.unaids.org/fr/resources/presscentre/featurestories/2023/june/20230629_women-girls-haiti) (in French).

Short reporting note concerning impact of Haiti’s crisis on HIV in women and girls and noting a “feminization” of the disease as attacks on women and girls increase, exposing them to infection.

- V. **United Nations Population Fund (UNFPA), *Addressing gender-based violence in Haiti (June 2023)*, (Jun. 23, 2023),**  
<https://reliefweb.int/report/haiti/addressing-gender-based-violence-haiti-june-2023>.

Short report describing surging gender based violence in Haiti, insufficient services, and lack of accountability.

### III. News Articles

- W. Widlore Mérancourt & Amanda Coletta, *'Collective rapes' surge as weapon in Haiti's gang war*, *Washington Post* (Jan. 29, 2024), <https://www.washingtonpost.com/world/2024/01/29/haiti-gang-violence-rape/>.

The use of sexual violence, including collective rape, by armed groups to terrorize and subjugate local populations has surged, according to the UN. Data on sexual violence is scarce and available statistics are likely undercounts due to difficulties accessing gang-controlled areas, inadequate police resources, and fear of stigma and reprisals that discourages victims from reporting.

- X. Jacqueline Charles, *There's no more room in Haiti's prisons. Where would Kenyan-led force put gang leaders?*, *Miami Herald* (Jan. 25, 2024), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article284661950.html>.

The lack of adequate dedicated prison facilities for women exacerbates incarcerated women's vulnerability to violence, including sexual. Deplorable prison conditions more generally raise serious questions about how any international force could detain anyone humanely.

- Y. Tibisay Zea, *In Haiti, sexual violence is devastating women and girls*, *The World* (Jan. 18, 2024), <https://theworld.org/stories/2024-01-18/haiti-sexual-violence-devastating-women-and-girls>.

Armed groups are using sexual violence against women, including collective rape and sexual slavery, as a weapon of war. They attack women systematically and with complete impunity. Haitian organizations advocating for women's rights and offering medical, psycho-social, legal, and economic resources to victims operate without government support and under constant threat of attack from armed groups.

- Z. Christopher Newton, *The Many Violences Afflicting Haitians*, *InSight Crime* (Oct. 25, 2023), <https://insightcrime.org/news/many-violences-afflicting-haitians/>.

A Médecins Sans Frontières (MSF) clinic treating survivors of sexual violence reported receiving 400 new cases every month as of October 2023. Any statistics on the incidence of sexual violence are likely severe undercounts, as sexual violence often goes underreported and pervasive insecurity impedes access to care.

- AA. Francklyn B Geffrard, *Des organisations politiques, sociales et personnalités haïtiennes opposées à tout déploiement de force multinationale en Haïti...*, *Rhinews* (Aug. 12, 2023), <https://www.rhinews.com/actualites/des-organisations-politiques-sociales-et-personnalites-haitiennes-opposees-a-tout-deploiement-de-force-multinationale-en-haiti/> (in French).

At least 60 Haitian organizations and individuals signed a letter to the African Union rejecting the Kenyan-led force and calling for African solidarity with Haitians.

**BB. Brian Concannon, *Biden Must Stop Propping Up the Old Guard in Haiti*, Responsible Statecraft (Nov. 12, 2021),**  
<https://responsiblestatecraft.org/2021/11/12/how-biden-can-support-democracy-in-haiti/>.

Executive Director of U.S.-based solidarity organization IJDH writes that international support for the same set of actors who dismantled Haiti's democratic structures and accountability mechanisms is at the root of the country's current challenges; and that Haitians want the international community to stop picking winners and losers in Haiti, including by desisting from propping up in place the current illegitimate de facto government.

**CC. Pierre Espérance, *Wrong US Call - Haiti Needs a Credible Transitional Government* (Jul. 22, 2021),**  
<https://www.justsecurity.org/77552/wrong-us-call-haiti-needs-a-credible-transitional-government/>.

Executive Director of prominent Haitian human rights organization RNDDH writes that the de facto government is not what Haitians want or need to get their country back on track, and calls on the U.S. government to instead support broad-based civil society mobilization toward a democratic transition.

## ANNEX E

*L'Initiative Départementale Contre la Traite et le Trafic des Enfants (IDETTE), Rapport annuel sur les violences faites aux femmes et aux filles dans le département de la Grand'Anse [Annual Report on Violence Against Women and Girls in the Grand'Anse Department] (Jan. 8, 2024)*  
*(original French followed by informal translation into English)*

Jérémie 8 Janvier 2024

RP-V-ID-08124

**Initiative Départementale contre la Traite et le Trafic des Enfants (IDETTE)**  
**Rapport annuel sur les violences faites aux femmes et aux filles dans le département de la Grand 'Anse**

**(Du 1<sup>er</sup> Janvier au 31 Décembre 2023)**

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**1- Sommaire**

- 1- La violence à l'égard des femmes et des filles est inacceptable et indigne. Elle entrave les efforts en faveur de l'égalité, du développement et de la paix. L'Organisation des Nations –Unies (ONU), s'engage depuis des décennies à combattre ce phénomène social. A cet effet, elle décide de nommer dans sa résolution 1994/45 un Rapporteur spécial sur la violence contre les femmes et les filles. Ce nouveau mécanisme indépendant de défenses des droits humains est chargé d'éliminer la violence contre les femmes à travers le monde, il est également une étape importante dans le mouvement mondial de défense des droits des femmes. Cependant, malgré ces efforts au niveau planétaire les femmes et les filles continuent de faire face à des actes de violences de toutes sortes. En Haïti, la violence à l'égard des femmes et des filles est monnaie courante. Le département de la Grand 'Anse n'est pas épargné par ce fléau.
- 2- Dans la Commune de Pestel, un cas de viol collectif a été enregistré, les agresseurs ont pris le malin plaisir de filmer la scène du viol et ont publié la vidéo sur les réseaux sociaux. Un professeur d'école dénommé « **Philippe Decossa** » est accusé d'avoir violé son élève de 15 ans, et ceci ce n'est pas son premier coup d'essai, car il avait déjà violé une autre fillette dans la 5eme section de Dichity.
- 3- A Beaumont dans une localité située au centre, un individu a attaqué deux (2) femmes à l'aide son machette puis les a violées par la suite.
- 4- *En date du 12 juin 2023, une fillette âgée 12 ans été violée par le sieur Ovenold Félix âgé de 31*



*ans dans la Commune de Beaumont ;*

*Suite ce crime odieux, le sieur Ovenold Felix a été arrêté et conduit au Commissariat de Duchity sous un mandat de dépôt émis par le Juge de Paix Titulaire de Beaumont Me.Arnold Baptiste ;*

*Selon les documents dont disposent l'IDETTE, le Juge de Paix susdit a délibérément qualifié cette infraction de voies de fait, cependant, nous savons pertinemment que le viol est réprimé par le décret du 6 juillet 2005 modifiant le régime des agressions sexuelles; et tout ceci dans le but de faciliter la négociation pécuniaire entre les parents de la victime et le présumé agresseur ;*

*Le juge Arnold Baptiste a reçu la somme de dix mille gourdes (10, 000 Gdes) pour son rôle de facilitateur dans cette triste négociation, sur un montant de cinquante mille gourdes (50,000 Gdes) versé par le présumé agresseur ;*

*Ces cas documentés suscités, c'est le fruit du Travail du Groupe de Travail pour la Protection des Enfants (GTPE) dont l'IDETTE est membre et avec à l'effort inconditionnel de la Brigade de la Protection des Mineurs (BPM et de l'institut du Bien-Etre Sociales et de Recherches IBESR).*

**Il faut rappeler aussi que beaucoup de personnalités publiques, politiques sont souvent accusées de violences sexuelles. Mais toutefois, ces gens circulent librement sans être inquiétés. A quand la fin de l'impunité à Jérémie ? C'est pourquoi, l'IDETTE a choisi de présenter des rapports annuels afin d'attirer l'attention des autorités sur la monte vertigineuse de ce fléau dans le département de la Grand 'Anse.**

## **II- Méthodologie**

- 1- Ce rapport est soumis en vertu de la mission de l'**Initiative Départementale Contre la Traite et le Trafic des Enfants (IDETTE)** en tant qu'une organisation spécialisée dans le domaine des droits humains notamment les droits des enfants, appelle à ce que les acteurs étatiques et non-étatiques du pays s'impliquent d'avantage, en faisant de la **lutte contre les violences faites aux femmes et aux filles une priorité systématique dans une politique intégrée impliquant tous les niveaux de pouvoir en étroite collaboration avec les organisations de droits humains du pays de façon à changer en profondeur les pratiques et adapter au mieux les moyens disponibles.**
- 2- L'**Initiative Départementale Contre la Traite et le Trafic des Enfants (IDETTE)**, avec le support technique de l'**IBESR, MCFDF, la fondation Julia et Jade, MOFEDGA et les Espaces sûr supporter par l'UNFPA.** Ces institutions ont reçu et mené plusieurs entretiens avec des victimes, des témoins d'incidents survenus de Janvier à Décembre 2023, ainsi qu'avec des prestataires de services, des organisations communautaires, des organisations non gouvernementales nationales et internationales, et des représentants de l'État haïtien, afin de vérifier les abus documentés dans ce rapport.

- 3- Les plaintes et les entretiens avec les victimes et les témoins ont été menés individuellement et de manière confidentielle pour ne pas compromettre leur sécurité. Les noms des victimes ne sont pas insérés pour préserver leur identité et celle de leur famille. Toutes autres informations pouvant conduire à l'identification des sources ont également été changés pour ne pas causer davantage de préjudices.
- 4- Les allégations reçues ont été vérifiées et corroborées par le témoignage de sources indépendantes et crédibles. Les institutions se sont appuyées sur le critère des « motifs raisonnables de croire » pour établir les faits et les violations des droits de l'homme.

### III- Contexte

- 1- En général, la société haïtienne est basée sur la domination masculine et la masculinité hégémonique, qui voient le corps de la femme comme étant un « objet » à posséder et à contrôler par tous les moyens par le sexe masculin. La violence contre les femmes et les filles en Haïti est profondément ancrée dans les normes et traditions culturelles, ainsi que dans les conditions sociales, économiques et politiques.
- 2- Les normes sociétales relatives au genre jouent indiscutablement un rôle dans le recours des violences sexuelles. Celles-ci sont l'expression d'un rapport de domination d'un individu sur un autre à travers un acte à caractère sexuel, commis sans consentement. Elles représentent une atteinte aux droits fondamentaux, à la dignité, à la sécurité, à l'intégrité physique ainsi qu'à l'intégrité psychologique, et entraîne des répercussions sérieuses chez les individus qui la subissent. Les violences sexuelles, employées au pluriel, englobent un éventail d'actes dont le harcèlement verbal, l'exploitation sexuelle, les agressions sexuelles et les abus sexuels. Le terme violences à caractère sexuel est également utilisé par plusieurs organismes féministes afin de mettre l'accent sur le caractère violent du phénomène, plutôt que sur le moyen utilisé, soit la sexualité.
- 3- Selon la convention interaméricaine sur la prévention, la sanction et l'élimination de la violence contre la femme (CONVENTION DE BELEM DO PARA) ratifiée et entrée en vigueur par Haïti, le 03 avril 1996 et le décret du 6 juillet 2005 modifiant le régime d'agression sexuelle qualifient les violences sexuelles comme un crime. En prenant en compte des données fournies par EMMUS -V<sup>6</sup>, les femmes et les filles représentent la majeure partie des victimes en Haïti. La littérature met en lumière la diversité des victimes, mettant en exergue que personne n'est à l'abri des violences sexuelles. Elle affecte les personnes de tous les milieux socioéconomiques, de différentes origines, de niveaux d'éducation variés, d'expressions de genre et d'orientations sexuelles diverses, etc..

- 4- A cet effet, depuis 2018, l'**Initiative Départementale Contre la Traite et le Trafic des Enfants (IDETTE)** démontre une forte volonté de mieux prévenir et combattre toutes les formes de violences basées sur le genre, et plus particulièrement les violences sexuelles. À la lumière de l'importance que revêtent les relations de pouvoir dans le phénomène des violences sexuelles et considérant la nature spécifique des organisations de défenses des droits humains. L'**IDETTE** décide comme d'habitude chaque début d'année de soumettre son rapport annuel sur les violences faites aux femmes et aux filles dans le département de la Grand'Anse afin que les autorités puissent agir vite face à ce fléau.

#### IV- Mode opératoire des acteurs judiciaires

- 1- Depuis plusieurs années, la justice à Jérémie est très décriée, la libération spectaculaire du pasteur Onold Petit accusé d'avoir violé une fillette de 14 ans en 2017 à Grand -Vincent démontre clairement l'état critique du système judiciaire dans cette juridiction. Plusieurs autres dossiers comme celui-ci sont traités pour l'argent ou sur la base d'un clan politique. La corruption et l'impunité se sont érigées en règle dans le département de la Grand 'Anse.
- 2- Certains autorités judiciaires font fi de la Charte fondamentale, des conventions et protocoles relatifs aux droits humains ratifiés par Haïti dont la Convention de Belem Do Para la Convention relative aux droits de l'enfant ainsi que les lois qu'elles sont supposées respecter et faire respecter dont le Code d'Instruction Criminelle, le Code Pénale décret du 06 juillet 2005 modifiant le régime d'agression sexuelle pour ne citer que cela. Dans la juridiction de Jérémie, les textes précités sont mis en veilleuse par les autorités judiciaires soit pour soutirer de l'argent ou pour satisfaire un clan politique.

##### 1- La police judiciaire

**Négociation de cas de viol dans certains commissariats et sous commissariats.**

En matière d'agression sexuelle, on ne saurait parler d'entente entre la victime et où ses parents avec le présumé agresseur. Tandis que dans certains commissariats et sous commissariats du département de la Grand'Anse les policiers se sont érigés en médiateurs entre la victime et le présumé agresseur. Ces négociations se font en coulisse, et certains parents préfèrent négocier avec les présumés agresseurs au lieu de porter l'affaire en justice. (ex : Dans plusieurs communes quand une fille est violée, les parents demandent en moyenne soit 50 à 100,000 gourdes, un bœuf, des porcs comme dédommagements puis l'affaire est close).

Certains policiers ont même tendance à ne pas exécuter les mandants émis contre certains présumés agresseurs notoires de la Communauté.

### Les Tribunaux de paix

Les personnes gardes à vue dans les commissariats sont en majorité placées sous la responsabilité d'un Juge de Paix. Dans la réalité, des gens peuvent passer plus d'une semaine a ce niveau-la afin de faciliter les négociations avec les parents des victimes. Si aucun résultat n'est trouvé, c'est à ce moment le Juge de Paix va déférer le dossier au Parquet de Jérémie. On a constaté certaines améliorations dans les communes de Corail, des Roseaux et d'Anse d' Hainault.

### Le parquet

- 1- Selon la loi, le Commissaire du Gouvernement est chargé de la recherche et la poursuite de tous les délits ou crimes dont la connaissance appartient aux tribunaux jugeant au correctionnel ou au criminel. Cependant, le parquet de Jérémie est administré par un homme sexiste qui refuse d'entendre parler de droits des femmes et des enfants. De plus, ce Parquet fonctionne sous les directives des politiciens.
- 2- Les agresseurs bénéficient très souvent de la faveur de ce prétendu magistrat debout, les victimes subissent souvent des pressions psychologique, verbales, morales et même physiques en venant porter plainte auprès de ce fameux Commissaire. A titre de rappel, Ce fameux Andre Marie Pyram avait mis en garde à vue une fillette de trois (3) ans ainsi que sa maman qui venait réclamer les vingt (20) mois de pension alimentaire que due son père.
- 3- Plusieurs organismes de défenses des droits humains dont l'IDETTE ont déposés plusieurs plaintes contre le Commissaire Andre Mary Pyram, le Ministère de la Justice de la Sécurité Publique n'a jamais donné suite à ces correspondances qui condamnent le comportement inacceptable et indigne de ce magistrat dans le dossier de viol.
- 4- Voici une liste non exhaustive de présumés violeurs libérés sans être jugé par ce fameux commissaire :
  - 1- Claude Frédérique (accusé d'avoir violé et mis enceinte la fillette de sa femme âgé de 14 ans, dans la commune de Dame Marie,
  - 2- Maxon Clerjour (accusé d'avoir violé une fillette de 16 ans dans la Commune des Abricots,
  - 3- Richecarde Charles (accusé d'avoir violé une mineure, a Jérémie)

4- Kesnel Philippe (accusé d'avoir violé une mineure, dans la Commune de Jérémie)

5-Luc Mara (accusé de viol et d'association de malfaiteurs à Dame Marie,

6-kenel César (accusé d'avoir violé et abusé sexuellement cinq fillettes d'une seule famille dans la commune de Bonbon) malgré son dossier était déjà dans le cabinet d'instruction.

### Le Cabinet d'Instruction

Les dossiers des justiciables traînent en longueur au cabinet d'instruction, pour les Quatorze (14) communes du département de la Grand 'Anse, il y a un seul juge d'instruction est à la fois le Doyen ai du Tribunal de Première Instance de Jérémie.

### Conclusion et recommandation.

Depuis 2018, l'Initiative Départementale contre la traite et le Trafic des Enfants (IDETTE) publie son rapport annuel sur les cas de violence sexuelle sur les filles et femmes du département de la Grand 'Anse dans le but de lancer un cri d'alarme sur la montée de la violence sexuelle dans ce département.

En 2023, cette violence a atteint des niveaux sans précédent, les données disponibles ont fait état de cent trente-neuf (139) cas de viols, dont dix-neuf (19) tentatives de viols sur mineurs et seize (16) cas de viols , sept(7) tentatives de viol sur les femmes. Soit un total de Cent cinquante-cinq (155) cas de viols et vingt-six (26) tentatives de viols sur femmes et filles.

Mois	Viol Mineurs	T. de viol Mineurs	Viol Majeurs	T. de viol Majeurs
Janvier	16	00	00	02
Fevrier	12	02	02	02
Mars	11	03	00	00
Avril	13	01	02	00
Mai	11	01	01	00
Juin	20	03	03	00
Juillet	14	01	00	03
Aout	09	02	00	00
Septembre	09	02	01	00
Octobre	10	02	03	00
Novembre	10	04	03	00
Décembre	04	00	01	00
<b>Total</b>	<b>139</b>	<b>19</b>	<b>16</b>	<b>7</b>

**NB: Ce sont des cas documentés ou déclarés.**

Ces cas sont répartis comme suit : la commune de Jérémie, Beaumont Corail, Moron, Anse d'Hainault, Chambellan, Dame Marie, Roseaux, Irois, Pestel, Abricots, Bonbon ,Marfranc et Iles caïmites.

### **Recommandations**

Compte tenu de la nécessité de renforcer les réponses de prévention et de protection contre les violences sexuelles faites aux femmes et aux filles perpétrées dans le département de la Grand'Anse, l'IDETTE formule *les recommandations suivantes* :

- *Mise en place d'un mécanisme de prise en charge holistique intégré multisectoriels des survivantes au sein des communautés, et renforcer les mécanismes de référencement et contre référencement entre prestataires locaux dans l'objectif de renforcer le pouvoir et la résilience des survivantes, des parents des survivantes mineures et des communautés ;*
- *Création au parquet de Jérémie d'une cellule femmes et enfants en danger ;*
- *IDETTE réclame une commission d'enquête de Ministère de la Condition Féminine et aux Droits des Femmes (MCFDF) Conseil Supérieur du Pouvoir Judiciaire (CSPJ), Ministère de la Justice de la Sécurité Publique (MJSP) et de l'Office de la Protection du Citoyen (OPC) dans la Grand 'Anse sur le fonctionnement des acteurs judiciaires dans le traitement des agressions sexuelles ;*
- *Formation pour les acteurs judiciaires sur les violences faites aux femmes et aux filles ;*
- *Plaidoyer pour la mise en place du Bureau d'assistance légal (BAL) ;*
- *Organiser une vaste campagne de sensibilisation dans les écoles, les églises, les marchés, etc. pour lutter contre les présumés agresseurs,*
- *Accompagnement des couches vulnérables par le Ministère des Affaires Sociales du Travail*

- **Accompagnement des couches vulnérables par le Ministère des Affaires Sociales du Travail (MAST)**

Construisons ensemble un environnement protecteur pour les filles et les femmes dans la Grand'Anse.



Guillaume Gerald

Coordonnateur de l'IDETTE

Jérémie, January 8, 2024

RP-V-ID-08124

***Initiative Départementale Contre la Traite et le Trafic des Enfants* [Departmental Initiative against Child Smuggling and Trafficking] (IDETTE)**

**Annual report on violence against women and girls in the Grand'Anse department**

**(From January 1 to December 31, 2023)**

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**I- Contents**

- 1- Violence against women and girls is unacceptable and undignified. It undermines efforts to promote equality, development and peace. The United Nations (UN) has committed itself for decades to combating this social phenomenon. To this end, it decided to appoint in resolution 1994/45 a Special Rapporteur on violence against women and girls. This new independent human rights mechanism is charged with eliminating violence against women worldwide, and is also a significant step forward in the global women's rights movement. However, despite these global efforts, women and girls continue to face acts of violence of all kinds. In Haiti, violence against women and girls is widespread. The Grand'Anse department is not spared from this scourge.
- 2- In the Commune of Pestel, a case of gang rape was recorded. The aggressors took perverse pleasure in filming the rape scene and posting the video on social media. A school teacher called "Phillippe Decossa" was accused of raping his 15-year-old student, and this is not his first offence, as he had already raped another girl in the 5th section of Duchity.
- 3- In Beaumont, in a central locality, an individual attacked two (2) women with a machete and then raped them.
- 4- On June 12, 2023, a 12-year-old girl was raped by Mr. Ovenold Félix, age 31, in the Commune of Beaumont;

*Following this heinous crime, Mr. Ovenold Felix was arrested and taken to the Duchity Police*



**IDETTE**



*Station under a detention warrant issued by the Titular Justice of the Peace of Beaumont, Mr. Arnold Baptiste;*

*According to documents available to IDETTE, the above-mentioned Justice of the Peace deliberately qualified this offence as assault, although we are well aware that rape is punishable under the decree of July 6, 2005 modifying the regime of sexual assaults; and all this was done in order to facilitate financial negotiations between the victim's parents and the alleged assailant;*

*Judge Arnold Baptiste received the sum of ten thousand gourdes (10,000 Gdes) for his role as facilitator in this sad negotiation, out of a sum of fifty thousand gourdes (50,000 Gdes) paid by the alleged aggressor;*

*These documented cases are the fruit of the work of the Groupe de Travail pour la Protection des Enfants [Working Group for the Protection of Children] (GTPE), of which IDETTE is a member, and with the unconditional support of the Brigade de la Protection des Mineurs [Minors' Protection Brigade] (BPM) and the Institut du Bien-Être Social et de Recherches [Social Welfare and Research Institute] (IBESR).*

**It should also be remembered that many public figures and politicians are often accused of sexual violence. However, these people walk around freely without being troubled. When will impunity end in Jérémie? This is why IDETTE has chosen to present annual reports in order to draw the authorities' attention to the staggering rise of this scourge in the Grand'Anse department.**

## **II- Methodology**

- 1- This report submitted as part of the mission of the ***Initiative Départementale Contre la Traite et le Trafic des Enfants*** [Departmental Initiative Against Child Smuggling and Trafficking] (IDETTE), as an organization specialized in the field of human rights and children's rights in particular, calls for greater engagement on the part of the country's state and non-state actors, by making the **fight against violence against women and girls a systematic priority in an integrated policy involving all levels of power in close collaboration with the country's human rights organizations, so as to bring about in-depth changes in practices and best adapt the means available.**
- 2- IDETTE, with technical support from IBESR, MCFDF, **Fondation Julia et Jade**, MOFEDGA and **UNFPA-supported Espaces sûrs**. These institutions received and conducted several interviews with victims and witnesses of incidents that occurred from January to December 2023, as well as with service providers, community organizations, national and international non-governmental organizations, and representatives of the Haitian state, in order to verify the abuses documented in this report.



- 3- Complaints and interviews with victims and witnesses were conducted individually and confidentially so as not to compromise their safety. Victims' names have not been included to protect their identity and that of their families. All other information that could lead to the identification of sources has also been changed so as not to cause further harm.
- 4- The allegations received were verified and corroborated by the testimony of independent and credible sources. The institutions used the "reasonable grounds to believe" criterion to establish the facts and the human rights violations.

### **III- Context**

- 1- In general, Haitian society is based on male domination and hegemonic masculinity, which sees the female body as an "object" to be possessed and controlled by all means by the male sex. Violence against women and girls in Haiti is deeply rooted in cultural norms and traditions, as well as in social, economic and political conditions.
- 2- Societal gender norms undoubtedly play a role in the incidence of sexual violence. Sexual violence is the expression of domination by one individual over another through a sexual act committed without consent. It represents an attack on fundamental rights, dignity, security, and physical as well as psychological integrity, and has serious repercussions for the individuals subjected to it. Sexual violence encompasses a range of acts including verbal harassment, sexual exploitation, sexual assault, and sexual abuse. The term "*violences à caractère sexuel*" [violence of a sexual nature] is also used by many feminist organizations to emphasize the violent nature of the phenomenon, rather than the means used, namely sexuality.
- 3- According to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará Convention), ratified by Haiti and entered into force on April 3, 1996, and the July 6, 2005 decree modifying the sexual assault regime, sexual violence is a crime. Based on data provided by EMMUS-V<sup>1</sup>, women and girls account for the majority of victims in Haiti. The literature highlights the diversity of victims, emphasizing that no one is safe from sexual violence. It affects people from all socio-economic backgrounds, of different origins, with varying levels of education, gender expression and sexual orientation, and so on.
- 4- With this in mind, since 2018, IDETTE has demonstrated a strong desire to better prevent and combat all forms of gender-based violence, and sexual violence in particular. In light of the importance of power relations in the phenomenon of sexual violence, and considering the specific nature of human rights organizations, IDETTE has decided, as usual at the start of each

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<sup>1</sup> CAYEMITES, M. ET AL., ENQUETE MORTALITE, MORBIDITE ET UTILISATION DES SERVICES (2012).



year, to submit its annual report on violence against women and girls in the Grand'Anse department, so that the authorities take swift action in the face of this scourge.

#### **IV- Operating procedures of judicial actors**

- 1- For several years, the justice system in Jérémie has been highly criticized, and the spectacular release of Pastor Onold Petit, accused of raping a 14-year-old girl in Grand-Vincent in 2017, clearly demonstrates the critical state of the judicial system in this jurisdiction. Many other cases like this one are handled for money or on the basis of a political clan. Corruption and impunity have become the norm in the Grand'Anse department.**
- 2- Some judicial authorities disregard the Fundamental Charter, the human rights conventions and protocols ratified by Haiti, including the Belém do Pará Convention and the Convention on the Rights of the Child, as well as the laws they are supposed to respect and enforce, including the Code of Criminal Procedure, the Penal Code, and the decree of 6 July 2005 amending the sexual assault regime, to name but a few. In the jurisdiction of Jérémie, the aforementioned texts are set aside by the judicial authorities either to extract money or to satisfy a political clan.**

#### **The judicial police**

**Negotiation of rape cases in certain police stations and sub-stations.**

**In cases of sexual assault, there is no such thing as an agreement between the victim or her parents and the alleged assailant. In some police stations and sub-stations in the Grand'Anse department, however, police officers have set themselves up as mediators between the victim and the alleged assailant. These negotiations take place behind the scenes, and some parents prefer to negotiate with the alleged aggressors rather than take the case to court (for example, in several communes, when a girl is raped, the parents ask for an average of 50 to 100,000 gourdes, an ox or pigs as compensation, and then the case is closed). Some police officers even tend not to execute warrants issued against certain notorious alleged aggressors in the community.**

#### **Les Tribunaux de paix [Peace Courts]**

The majority of people held in police custody are placed under the responsibility of a Justice of the Peace. In reality, people can spend more than a week at this level in order to facilitate negotiations with the victims' parents. If no agreement is reached, then the Justice of



the Peace refers the case to the Prosecutor's Office in Jérémie. There have been some improvements in the communes of Corail, Roseaux and Anse-d'Hainault.

### **The *Parquet* [Office of the Prosecution]**

- 1- By law, the Office of the Prosecution is responsible for investigating and prosecuting all offences or crimes that fall within the jurisdiction of the courts that adjudicate on criminal or correctional matters. However, the Jérémie Office of the Prosecution is run by a sexist man who refuses to consider women's and children's rights. Moreover, this Office of the Prosecution operates under the directives of politicians.**
- 2- Aggressors very often benefit from the favor of this so-called upright magistrate, and victims are often subjected to psychological, verbal, moral and even physical pressure when they come to lodge a complaint with this famous Commissioner. As a reminder, this famous André Marie Pyram had taken into custody a three (3) year old girl and her mother who had come to claim the twenty (20) months of child support owed by her father.**
- 3- Several human rights organizations, including IDETTE, have filed multiple complaints against Commissioner André Marie Pyram, but the Ministry of Justice and Public Security has never acted on these letters condemning the magistrate's unacceptable and undignified behavior in rape cases.**
- 4- Below is a non-exhaustive list of alleged rapists released without trial by this famous commissioner:**
  - 1- Claude Frédérique (accused of raping and impregnating his wife's 14-year-old daughter, in the commune of Dame Marie),**
  - 2- Maxon Clerjour (accused of raping a 16-year-old girl in Commune des Abricots),**
  - 3- Richecarde Charles (accused of raping a minor in Jérémie),**
  - 4- Kesnel Philippe (accused of raping a minor in Jérémie)**
  - 5- Luc Mara (accused of rape and criminal conspiracy in Dame Marie),**
  - 6- Kenel César (accused of raping and sexually abusing five girls from a single family in the commune of Bonbon), despite the fact that his file was already with the *cabinet d'instruction* [chamber of the investigating magistrate].**



**Le Cabinet d'Instruction [Chamber of the Investigating Magistrate]**

Cases are dragging on at the chamber of the investigating magistrate. For the fourteen (14) communes of the Grand'Anse department, there is only one investigating magistrate, who is also the Senior judge of the Jérémie Court of First Instance.

**V- Conclusion and recommendations**

Since 2018, the *Initiative Départementale contre la traite et le Trafic des Enfants* [Departmental Initiative against Child Smuggling and Trafficking] (IDETTE) has published its annual report on cases of sexual violence against girls and women in the Grand'Anse department with the aim of sounding the alarm on the surge in sexual violence in the department.

In 2023, this violence reached unprecedented levels, with available data reporting one hundred and thirty-nine (139) cases of rapes of minors, nineteen (19) cases of attempted rapes of minors, sixteen (16) cases of rapes of women, and seven (7) cases of attempted rapes of women, for a total of one hundred and fifty-five (155) cases of rape and twenty-six (26) attempted rapes of women and girls.

<b>Month</b>	<b>Rapes of Minors</b>	<b>A. Rapes of Minors</b>	<b>Rapes of Adults</b>	<b>A. Rapes of Adults</b>
January	16	00	00	02
February	12	02	02	02
March	11	03	00	00
April	13	01	02	00
May	11	01	01	00
June	20	03	03	00
July	14	01	00	03
August	09	02	00	00
September	09	02	01	00
October	10	02	03	00
November	10	04	03	00
December	04	00	01	00
<b>Total</b>	<b>139</b>	<b>19</b>	<b>16</b>	<b>7</b>

**NB: These are documented or reported cases.**

These cases are distributed as follows: the commune of Jérémie, Beaumont Corail, Moron, Anse-d'Hainault, Chambellan, Dame Marie, Roseaux, Irois, Pestel, Abricots, Bonbon, Marfranc, and



**IDETTE**

Cayemites.

### **Recommendations**

Given the need to strengthen prevention and protection responses to sexual violence against women and girls perpetrated in the Grand'Anse department, IDETTE makes the following recommendations:

- *Establish a holistic, integrated, multi-sectoral mechanism for survivors within communities, and strengthen referral and counter-referral mechanisms between local providers with the aim of empowering and building resilience among survivors, parents of underage survivors, and communities;*
- *Creation of a unit for women and children at risk at the Jérémie Office of the Prosecution;*
- *IDETTE is calling for a commission of inquiry by the Ministry of Women's Affairs and Women's Rights (MCFDF), the Superior Council of the Judiciary (CSPJ), the Ministry of Justice and Public Security (MJSP) and the Office for the Protection of Citizens (OPC) in the Grand'Anse region into the functioning of judicial actors in handling sexual assault cases;*
- *Training for judicial actors on violence against women and girls;*
- *Advocacy for the creation of the Legal Assistance Bureau (BAL);*
- *Organize a vast awareness campaign in schools, churches, markets, etc., to combat alleged aggressors;*
- *Support for vulnerable groups by the Ministry of Social Affairs and Labor (MAST).*

Together, we can build a protective environment for girls and women in Grand'Anse.

*[signature]*

*Guillaume Gerald*

*Coordinator of IDETTE*



**IDETTE**

## ANNEX F

***Organisation pour le Développement Integral du Dondon (ODID), Statement from ODID: Urgent Call for Government Action to Curb Gang Violence and End Normalization of Violence Against Women in Haiti (Feb. 2024)***



**ODID** ORGANISATION POUR LE DÉVELOPPEMENT  
INTEGRAL DU DONDON

## Statement from ODID: Urgent Call for Government Action to Curb Gang Violence and End Normalization of Violence against Women in Haiti\*\*

As gang violence escalates in Haiti, the surge in female victims demands immediate attention and comprehensive aftercare services. Yanick Eveillard, President of ODID, emphasizes the critical need for government intervention to curb gang violence and eliminate the climate that normalizes violence against women.

The increase in violence reveals profound challenges exacerbated by Haiti's volatile socio-economic conditions. Rising violence exposes women and girls to heightened risks, fueling a surge in sexual and domestic violence cases.

Survivors face compounded struggles with limited access to aftercare services, exacerbating mental health issues, economic instability, and resource scarcity, perpetuating cycles of trauma and dependency.

Despite short-term aid, survivors confront formidable obstacles, including the looming threats of retaliation, homelessness, long-term trauma, and economic disempowerment, perpetuating cycles of violence.

Comprehensive services are imperative to address survivors' multifaceted needs, offering a pathway to healing and self-sufficiency beyond immediate assistance.

### Types of Harms:

- Sexual Violence: Women and girls face increased targeting amid escalating gang activities.
- Domestic Violence: The surge in violence intensifies domestic abuse, endangering women's safety and well-being.
- Psychological Trauma: Survivors endure profound emotional distress aggravated by pervasive violence and instability.

### Security Concerns:

- Displacement and Gang Violence: Persistent security issues and gang violence heighten the vulnerability of women and girls, contributing to the normalization of violence.

### Data on Incidence:

- While data may be limited, the surge in gang violence correlates with a rise in gender-based violence incidents, particularly against women and girls.
- Underreporting and limited support services access obscure the full extent of the crisis, necessitating comprehensive data collection and analysis.



#### Limited Resources:

- Resources to address women's urgent needs are scarce. Even temporary services like shelters and psychosocial aid are insufficient, with aftercare services nearly inaccessible for many, hindering recovery.

#### Specific Government Requests:

- Immediate Intervention: Allocate resources for safe houses and aftercare services to combat the gender-based violence crisis.
- Strengthen Legal Protections: Enforce laws safeguarding women's rights and hold perpetrators accountable.
- Comprehensive Support: Increase funding and accessibility to mental health, economic, and social resources for survivors.
- Gang Violence Reduction: Implement strategies to curb gang violence and create a safer environment for women and girls.

#### Observations:

- Escalating violence underscores systemic challenges exacerbated by Haiti's socio-economic conditions, demanding a unified, multi-sectoral response to safeguard women's rights and dignity.
- Limited aftercare access perpetuates trauma and dependency cycles among survivors, necessitating holistic, sustainable support mechanisms.

ODID and similar organizations advocate for women's rights and is committed to providing crucial support services. Yet, sustained government commitment and investment are vital to address gender-based violence root causes and foster a safer, more equitable society for Haitian women and girls.