

February 26, 2024

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Inter-American Commission on Human Rights

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Via email and delivered by hand

**RE: Update on Widespread Sexual Violence against Women and Girls in Haiti**

This letter is intended to update the Commission regarding widespread, unaddressed, and worsening sexual violence directed against women and girls in Haiti, which is taking place against an ongoing and ever-deepening complex crisis; and to provide a causal analysis and recommendations. The undersigned organizations<sup>1</sup> renew our assessment that the situation in Haiti constitutes, *inter alia*, a violation of the rights of Haitian women and girls to nondiscrimination and equal protection of the law, physical integrity and freedom from violence, effective remedy and government transparency, and participation in public life and decisionmaking; as well as a violation of the rights of children, the family, and of economic, social and cultural rights. Equally, the situation constitutes a violation of Haitian rights to self-determination and representative democratic government. The de facto government of Haiti is failing in its responsibility to protect and is instead complicit in deepening and prolonging Haiti's crisis, including its sexual violence dimensions. The international response has been deeply inadequate and is in some cases impeding sustainable solutions.

This letter follows on to the submitting organizations' previous engagement with the Commission on the urgent question of widespread sexual violence against Haitian women and girls, most recently, our March 8, 2023 hearing before the Commission during its 186<sup>th</sup> Period of Sessions, related written filings,<sup>2</sup> and communication relating to the Commission's Precautionary Measures no. MC-340-10 (concerning women and girls victims of sexual violence living in 22 displacement camps). As such, this update incorporates in their entirety and directs the Commission's attention to the following materials:

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<sup>1</sup> The submitting organizations are all Haiti-based and solidarity civil society organizations with long-standing engagement on the question of women's rights and gender-based violence (GBV), as well as human rights and democracy in Haiti more generally. Each was also involved in the thematic hearing on widespread sexual violence against women and girls in Haiti at the Commission's 186<sup>th</sup> Period of Sessions.

<sup>2</sup> All related written submissions, as well as videos of the proceedings and related side event are available on the Institute for Justice in Democracy in Haiti (IJDH) website, at IJDH: *IACHR Public Hearing on Widespread Sexual Violence Against Women and Girls* (Mar. 8, 2023), [https://www.ijdh.org/ijdh\\_events/iachr-public-hearing-on-widespread-sexual-violence-against-women-and-girls-in-haiti/](https://www.ijdh.org/ijdh_events/iachr-public-hearing-on-widespread-sexual-violence-against-women-and-girls-in-haiti/) (last visited Feb. 23, 2024).

1. Submitting organizations' **comprehensive written submission** accompanying their oral presentation to the Commission at its 186<sup>th</sup> Period of Sessions, appended hereto as **Annex A** and available at <https://www.ijdh.org/wp-content/uploads/2023/04/IACHR-Haiti-SGBV-Combined.pdf> (recommendations on pages 2-3);
2. **Remarks by civil society** prepared in connection with the March 8, 2023 hearing on widespread violence against women and girls in Haiti held at its 186<sup>th</sup> Period of Sessions, appended hereto as **Annex B** and available at [https://docs.google.com/document/d/1Kssj9TqDqz82W\\_V5C9PDYKbVjgnA-rWH/edit](https://docs.google.com/document/d/1Kssj9TqDqz82W_V5C9PDYKbVjgnA-rWH/edit); and
3. **Letter of October 7, 2022 updating the Commission regarding Precautionary Measures no. MC-340-10**, appended hereto as **Annex C** and available at <https://cgrs.uchastings.edu/sites/default/files/MC%20340-10%20Letter%20Response%20with%20Attachments%20FINAL%20submitted.pdf> (recommendations on pages 11-12).

The submitting organizations are deeply concerned about the lack of material responsive action with respect to the urgent needs of Haitian women and girls that they highlighted during the Commission's 186<sup>th</sup> Period of Sessions a year ago. We are likewise concerned that we have had no further communication and have observed no corrective action with respect to Precautionary Measures no. MC-340-10, notwithstanding submitted evidence that the Measures have been unimplemented and ineffective, even as the current crisis renders the Commission's protections for displaced women and girls all the more imperative and in need of expansion. The submitting organizations note with appreciation the Commission's recent statement of February 21, 2024,<sup>3</sup> wherein the Commission (i) expresses concern regarding the ongoing crisis, including its sexual violence dimensions; (ii) recognizes its political dimensions; and (iii) calls for responsive action that centers human rights, Haitian sovereignty and self-determination, participatory engagement, and the restoration of institutional competence and the social compact, along with humanitarian and development assistance. But far more is needed.

**We ask the Commission to take urgent, substantive, and creative responsive action to help stem what is an ongoing and worsening human rights catastrophe.** The letter proceeds as follows. Section I explains the nature of Haiti's ongoing governance crisis, which enables and exacerbates ongoing human rights violations against Haitian women and girls, and which must be addressed in order to prevent and confront such harms. Section II provides the Commission with updates from the past year concerning the grave and pervasive nature of sexual violence and related gendered harms directed at women and girls, including deeply inadequate support for survivors and chronic impunity. We include specific recommendations at the end of the letter (Section III). An annotated bibliography with the most relevant reports and news from the past year is appended hereto as Annex D.

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<sup>3</sup> Press Release, Inter-American Commission on Human Rights, *IACHR expresses concern over the significant upsurge of violence in Haiti* (Feb. 21, 2024), [https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media\\_center/PReleases/2024/039.asp](https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2024/039.asp).

## I. HAITI'S ONGOING GOVERNANCE CRISIS CONTINUES TO ENABLE AND EXACERBATE GRAVE HUMAN RIGHTS VIOLATIONS AGAINST HAITIAN WOMEN AND GIRLS

Haiti remains in a deep and worsening crisis that, even as it has catastrophic security, humanitarian, and economic dimensions, fundamentally revolves around democratic and institutional collapse.<sup>4</sup> Armed groups control large portions of the country, especially in and around the capital, generating a level of violence associated with armed conflicts as they terrorize civilians, overwhelm Haiti's weak and corrupt police force, and fight one another for resources and dominance. The incidence of killings, ostentatiously gruesome violence, kidnappings, and other harms increased significantly in 2023 and continues to rise, with distinct gendered impacts on women and girls. Sexual violence is endemic. Services for survivors are limited and impunity for perpetrators is the norm.

**The regime holding de facto power in Haiti has failed to effectively address Haiti's crisis or to protect the rights of Haitians, and especially of women and girls, in any material way. Instead, it is complicit in creating and is responsible for deepening and perpetuating the crisis. The de facto regime is the latest manifestation of successive governments that deliberately dismantled Haiti's institutions, engaged in corruption, and empowered some of the armed groups at the core of Haiti's insecurity today.<sup>5</sup> There is clear evidence of ongoing government and police collusion with armed groups.<sup>6</sup> The result is a state with no elected officials; a de facto government with no constitutional or other legitimacy; institutions deprived of their ability to protect and advance human rights or offer basic services; pervasive corruption choking off progress towards that goal; infiltration of the Haitian police by armed groups; and chronic, institutionalized impunity.<sup>7</sup> Widespread sexual violence and other forms of gender-based violence (GBV) without recourse are the inevitable consequence of this dynamic and, for the reasons explained below, almost certainly will not be addressed until and unless Haiti's crisis of democracy and governance is resolved.**

All parties say that Haiti needs a transition back to democratic and constitutional government that respects human rights. But the vast majority of Haitian civil society believes that the de facto government is not working towards that goal in good faith. Certainly, despite many promises, no material progress has been made, as noted by the Commission itself in its February 21 statement. Popular opposition to the de facto

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<sup>4</sup> 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>. All previous IJDH Updates are available on the IJDH website, at IJDH, *Publications: Human Rights Updates*, <http://www.ijdh.org/news-and-resources/publications/>; see also Center for Economic and Policy Research (CEPR), *Haiti Relief and Reconstruction Watch*, <https://cepr.net/blog/haiti-relief-reconstruction-watch/> (providing news roundups on Haiti).

<sup>5</sup> See, e.g., Scott Neuman, *Ariel Henry Is Set To Be Haiti's New Prime Minister. Here's What To Know About Him*, NPR (Jul. 20, 2021), <https://www.npr.org/2021/07/20/1018280279/ariel-henry-swearing-in-haiti-new-prime-minister>; 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/>; 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>.

<sup>6</sup> 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>.

<sup>7</sup> *Id.*

government – which it often suppresses through the illegal use of excessive force – continues to grow.<sup>8</sup> Notwithstanding the regime’s many human rights violations, egregious failures in its responsibility to protect, and complicity in the crisis, international actors and especially the U.S. government continue to prop up these illegitimate, corrupt, and repressive actors in a manner that has marginalized and undercut Haitian grassroots democratic mobilization.<sup>9</sup> These actions feed and perpetuate the crisis and constitute a clear violation of the right of Haitians to self-determination and a representative democratic government.

Haiti’s civil society continues to mobilize in support of Haitian rights, including by providing services that the de facto government is failing to provide itself. They do this in spite of life-threatening violence and scarce resources. But the de facto, foreign-supported regime is unable and unwilling to act as a partner in the necessary work of rebuilding Haiti’s institutions, amending its laws, and rebuilding its economy towards the goal of protecting human rights, including preventing and addressing sexual violence and other gendered harms affecting Haitian women and girls. Instead, the de facto regime feeds and perpetuates the crisis. Thus, **no meaningful progress is possible until and unless the question of governance is addressed. And this requires that international actors, and especially the U.S. government, meet their own human rights obligations to respect Haitian rights and sovereignty; stop propping up an illegitimate, corrupt, and repressive regime; and allow Haitians to reclaim their government.**<sup>10</sup> Recourse to ill-designed foreign military interventionism over opposition from Haitian civil society and diaspora is especially troubling and inconsistent with a rights-centered approach to resolving Haiti’s crisis. Underlying objections include an assessment that the proposed intervention will only exacerbate Haiti’s crisis in the long term by further entrenching the actors responsible, as well as concerns that the grave human rights abuses and corresponding lack of

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

<sup>9</sup> For a more extensive discussion, see 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/>.

<sup>10</sup> This reflects the analysis and urgent demand of some of Haiti’s most prominent human rights organizations. See, e.g., 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, rights-based response to Haiti’s crisis] should be multifaceted and **explicitly seek to avoid the harms caused by past, abusive international interventions. 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.**”) (emphasis added).

accountability of past interventions will be repeated.<sup>11</sup> **We urge the Commission to use its authorities to compel a change in these policies, which are incompatible with regionally and globally accepted principles of human rights.**

## II. HAITI'S WOMEN AND GIRLS CONTINUE TO EXPERIENCE BRUTAL AND WIDESPREAD SEXUAL VIOLENCE AND RELATED HUMAN RIGHTS VIOLATIONS

### a. Updates on the nature and incidence of sexual and gender-based violence in Haiti

The situation of women and girls in Haiti has further deteriorated over the past year. As noted by the Commission in its statement of February 21, armed groups continue to use sexual violence against women and girls as a deliberate and central tactic for seizing and controlling power and extorting money. The underlying harms include rape, frequently by multiple assailants; sexual slavery; torture; physical and psychological violence; public degradation; forced recruitment; and coerced and exploitative sexual relationships.<sup>12</sup> Attacks by members of armed groups are deliberately gruesome – women, both old and very young, are being raped by multiple men in front of their families and sometimes killed or forced to watch their loved ones executed alongside the sexual assault. With some regularity the perpetrators film

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<sup>11</sup> See, e.g., 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/) (ten Haitian civil society organizations emphasizing **past interventions**’ “consistent track record of harming civilians with no accountability” and the “troubling record of improper use of force by state actors and an ongoing cholera outbreak in Kenya” and articulating that “[f]oreign military action in partnership with the de facto regime, regardless of how narrowly targeted, will only entrench the de facto regime’s power . . . , perpetuate the patterns of state capture and impunity leading to profound misery and insecurity in Haiti and reduce space for Haitian civil society and pro-democracy organizers, making it more difficult for the Haitian people to reclaim our rights and democracy”) (emphasis added); 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/) (arguing that intervention would “betray Haitians’ centuries-long struggle for democracy and sovereignty” and highlighting **widespread opposition to the intervention from Haitian civil society, who “have issued statements, spoken out in the media, and done anything else we could to let the world know that the intervention is designed to prop up the unconstitutional, corrupt and repressive de facto government and stifle legitimate dissent”**) (emphasis added); 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> (the United State’s largest network of Haitian-American elected officials and FANM in Action writing that “[a]ny military intervention supporting Haiti’s corrupt, repressive, unelected regime will likely exacerbate its current political crisis to a catastrophic one . . . [and] will further entrench the regime, deepening Haiti’s political crisis while generating significant civilian casualties and migration pressure”) (emphasis added); 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/> (reporting that at least 60 Haitian organizations and individuals signed a letter to the African Union rejecting the proposed Kenya-led force).

<sup>12</sup> “In a neighborhood attack, a gang member can suddenly decide that a woman is his wife or his girlfriend and that he wants to have sex with her . . . . And many times, to survive, the women have to accept.” 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> (quoting undersigned Pascale Solages of *Nègès Mawon*).



the assaults and even circulate those videos on social media. **The goal is to terrorize women, girls, and their communities, and to restrict their ability to live fully embodied lives. And it is working.**

Importantly, the continuing rise in sexual violence perpetrated by armed groups is happening alongside high levels of other forms of GBV, including domestic, family, and community violence (including sexual); sex trafficking; and sexual exploitation and abuse. Examples of sexual exploitation and abuse include commercial sex catering to foreign tourists and foreign non-governmental organization workers with girls as young as 14; sex extorted to pay for migration-related costs for women and girls seeking to flee Haiti; and “survival sex,” a term for sex extorted – sometimes by humanitarian relief workers and sometimes through family pressures – in return for basic necessities like food and shelter. Women’s unequal status in society alongside deep poverty and lack of social safety nets, both reflecting government failures to protect and advance Haitian human rights, underlie the dynamic. All of these are also challenges that predate the crisis.<sup>13</sup>

Haitian women and girls experience these harms every moment, without meaningful recourse or support. There is no comprehensive data, but the incidence observed by the submitting organizations and other entities working to support survivors is overwhelming and rising. Even so, it is clear that these numbers are significant undercounts, including because survivors often do not report abuse or seek care due to stigma, fear of reprisal, and a sense of futility derived from inadequate resources and mistrust for Haiti’s judicial system. Areas under armed group control are especially dangerous for women and girls, but also highly inaccessible to outside observers and inescapable for the survivors, suggesting that the gap between reported and actual incidence of sexual violence may be especially high for those communities. Subject to this systematic undercounting, the following are some recent findings that offer the Commission a quantitative measure of the scale of sexual violence directed at Haitian women and girls at this time:

1. Evidence that sexual violence has increased over the past year is overwhelming. The UN High Commissioner for Human Rights-appointed expert on the situation of human rights in Haiti (OHCHR Expert) reports civil society findings that cases of sexual violence have doubled between May of 2022 and May of 2023.<sup>14</sup> A preliminary assessment by Doctors Without Borders (MSF) indicated that it increased support for survivors of sexual and intimate partner violence by 42%.<sup>15</sup> A representative for the Association for the Promotion of the Haitian Family

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<sup>13</sup> For example, 68% of respondents to a recent RNDDH survey thought that “even in times of peace, women and girls are frequently raped by the armed bandits who control their neighborhood.” An accompanying expectation of impunity was near-universal: 94% of respondents said that “victims of rape, even in times of peace, cannot easily press charges against their attackers.” 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>; see also generally 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) (describing a long-standing pattern of high rates of GBV and analyzing causes).

<sup>14</sup> UN Human Rights Council (HRC), *Findings of the appointed expert on the situation of human rights in Haiti*, (Sep. 25 2023), <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F54%2F79&Language=E&DeviceType=Desktop&LangRequested=False>.

<sup>15</sup> Wildlore 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/>.

(PROFAMIL), a leading provider of sexual and reproductive health care and education in Haiti, said that they had observed a 377% increase in incidence of GBV from prior years.<sup>16</sup> Evidence is likewise mounting that incidence is continuing to rise yet further in 2024.

2. A 2022 study of sexual violence in a Port-au-Prince commune under armed group control (Cité Soleil)<sup>17</sup> found that 80% of the 591 women and girls who participated in the study had experienced one or more forms of GBV, with 43% among them experiencing one or more form of sexual violence. A large number of those who experienced sexual violence had experienced it in the past year (2022), indicating a strong link between these harms and the failure to control armed groups. Further, in light of point (1) above, the incidence *since* 2022 is therefore almost certainly far higher than even these extreme numbers.
3. A survey of 300 individuals in the Port-au-Prince neighborhoods of Carrefour-Feuilles, Cité Soleil and Bel-Air conducted in July to November of 2023 by undersigned human rights organization National Human Rights Defense Network (RNDDH) found that 34% of the women respondents had been raped and that 72% of all respondents reported cases of rape against women and girls during attacks and massacres by armed groups.<sup>18</sup> A May-June 2023 survey of 800 women and girls in two armed group-controlled areas of Port-au-Prince by Haitian feminist organization *Marijàn*<sup>19</sup> found that 63% of respondents had been forced to relocate from Cité Soleil and Canaan due to violence, 20% had been victims of rape, and 17% had experienced some other form of physical violence. Per Plan International, one in four teenage girls in Haiti is affected by sexual violence.<sup>20</sup>
4. Even though many survivors are often unable or unwilling to report sexual violence or seek care, organizations providing resources describe an astronomical demand. The undersigned Haitian

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<sup>16</sup> 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) (in Haitian Creole, French, and English).

<sup>17</sup> 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>.

<sup>18</sup> 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>.

<sup>19</sup> *Marijàn, Échos Rapport - Violence Basée sur le Genre - Juin 2023* (June 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). See also *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%CC%80N.pdf> (in French); Press Release, International Rescue Committee (IRC), *Haitian women and girls bear the brunt of the escalating violence, warns IRC during 16 Days of Activism against Gender-Based Violence campaign* (Dec. 4, 2023), <https://www.rescue.org/press-release/haitian-women-and-girls-bear-brunt-escalating-violence-warns-irc-during-16-days>.

<sup>20</sup> 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).

feminist organization *Nègès Mawon* responded to 383 cases of physical and sexual violence between January and October 2023 in areas controlled by armed groups.<sup>21</sup> This reflects only a fraction of survivors they believe to be in need of assistance. **One MSF clinic treating survivors of sexual violence reported receiving 400 new cases every month as of October 2023,**<sup>22</sup> and MSF's preliminary assessment is that it supported more than 3,700 survivors of sexual and intimate partner violence in 2023.<sup>23</sup> The UN Population Fund (UNFPA) recorded 16,470 incidents of GBV in 2022, while a partner focused on adolescents and HIV recorded 949 cases of sexual violence. By the middle of the year, UNFPA jointly with multiple partners implementing GBV-focused programs was projecting that 506,000 individuals would require GBV services in 2023.<sup>24</sup>

5. While the incidence of sexual violence is generally considered to be highest in and around Port-au-Prince and, increasingly, in the adjacent Artibonite Department, women and girls are experiencing high levels of sexual violence and other forms of GBV everywhere in Haiti. In its annual report, Haitian anti-human trafficking organization *L'Initiative Départementale Contre la Traite et le Trafic des Enfants* (IDETTE) identified 155 cases of rape and 26 cases of attempted rape in 2023 in selected communities of the Grand'Anse Department.<sup>25</sup> Partners in Health (PIH) assesses, in what they explicitly state is an undercount, that in the past year alone, 30% of women experienced sexual violence, 20% experienced physical violence, and 40% experienced intimate partner violence in the Central Plateau and the Artibonite Department.<sup>26</sup>

#### **b. Linked gendered harms**

The impact on women and girls of the above-described violence goes beyond the direct harms and has a number of additional gendered consequences that violate the human rights of Haitian women and girls.

##### *(i) Restrictions on public life, livelihoods, and travel*

Omnipresent gendered violence restricts the ability of women and girls to operate in public spaces, travel, and participate in income-generating activities. Women in transit, especially between areas controlled by different armed groups, are at a heightened risk of sexual violence, including because women who are kidnapped are likely to be raped (sometimes as a means of securing a higher ransom). Thus, women, who are often the family breadwinners, are forced to make difficult choices between safety and their ability to

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<sup>21</sup> For additional information about their work, see *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-NEGES-MAWON.pdf> (in French).

<sup>22</sup> Christopher Newton, *The Many Violences Afflicting Haitians*, InSight Crime (Oct. 25, 2023), <https://insightcrime.org/news/many-violences-afflicting-haitians/>.

<sup>23</sup> 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/>.

<sup>24</sup> United Nations Population Fund (UNFPA), *Addressing Gender Based Violence in Haiti* (June 2023), <https://reliefweb.int/report/haiti/addressing-gender-based-violence-haiti-june-2023>.

<sup>25</sup> 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) (appended hereto as Annex E with an informal translation into English).

<sup>26</sup> Partners in Health (PIH), *Addressing Gender-Based Violence in Haiti* (May 12, 2023), <https://www.pih.org/article/addressing-gender-based-violence-haiti>.



live fully embodied lives – or even just obtain food and critical medical care. This is equally significant with respect to livelihoods. Female food sellers critical to the food distribution chain, known as *Madan Sara*, are regularly raped, kidnapped, and robbed, for example. In addition to harming the women themselves, the resulting disruption of *Madan Sara* activities exacerbates Haiti’s food crisis by further limiting the supply of food available for purchase at a time when millions of Haitians are starving.

(ii) *Displacement-related harms inconsistent with principles underlying IACHR Precautionary Measures no. MC-340-10*

Women face material gendered harms arising from the significant internal displacement driven by continuing insecurity in Haiti. The International Organization for Migration (IOM) estimates that there were a total of 314,000 displaced persons as of December 2023<sup>27</sup> (almost certainly an undercount), with women and children making up the majority. Historically, and as reflected in the Commission’s grant of Precautionary Measures no. MC-340-10, women and girls have faced significant sexual violence in displacement camp situations in Haiti, in addition to other gender-based harms, including coerced “survival sex.” In a shift from displacement dynamics at the time of the Commission’s 186<sup>th</sup> Period of Sessions, displaced persons now increasingly occupy inadequate and precarious spontaneous displacement sites, rather than staying with host families.<sup>28</sup> **This means that the concerns motivating the Commission’s grant of Precautionary Measures no. MC-340-10 in order to safeguard women and girls in displacement camps from sexual violence are deeply pertinent to this moment and merit extension and expansion.**

The letter of October 7, 2022 submitted to the Commission by several of the undersigned organizations in response to the Commission’s request for updates on the Measures (Annex C) detailed ongoing and related harms and offered several recommendations that were likewise echoed in our materials for the 186<sup>th</sup> Period of Sessions. We incorporate in full that analysis and accompanying recommendations here. Harms and risks have only grown worse. Undersigned Haitian human rights organization RNDDH has found that displacement sites lack lighting, privacy, and security for women and girls, leaving them vulnerable to rape, including by armed groups seeking to punish them for fleeing territories under their control.<sup>29</sup> Further, although there are occasional police patrols near some displacement sites, for the most part, police have no control over these areas, even as they are particularly dangerous for women and girls. Numerous reported cases of rape and attempted rape perpetrated against displaced women and girls serve to underscore this point. Haitian feminist organization *Marijàn* further reports that displaced individuals, including survivors of sexual violence, live in “inhuman conditions” that lack basic necessities like drinking water, sanitation facilities, security, health centers, and access to livelihoods. In combination, this leaves displaced women and girls exposed to abuse and violence, including rape, sexual exploitation,

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<sup>27</sup> International Organization for Migration (IOM), *Situation report - Haiti: January 2024* (Jan. 2024), [https://haiti.iom.int/sites/g/files/tmzbdl1091/files/documents/2024-02/202401\\_sitrep.pdf](https://haiti.iom.int/sites/g/files/tmzbdl1091/files/documents/2024-02/202401_sitrep.pdf).

<sup>28</sup> For more information about the factors behind the shift, see IOM, *As Displacement Soars, Haiti Requires USD 21 Million for Emergency Shelter, Protection Services* (Oct. 10, 2023), <https://www.iom.int/news/displacement-soars-haiti-requires-usd-21-million-emergency-shelter-protection-services#:~:text=Global-.As%20Displacement%20Soars%2C%20Haiti%20Requires%20USD%2021%20Million%20for%20Emergency.%3A%20Giles%20Clarke%20FUNOCHA%202023.>

<sup>29</sup> RNDDH et al., *Crise sécuritaire et situation des personnes déplacées internes en Haiti* (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).

sexual harassment, and forced pregnancy. According to the Haiti Health Network (HHN), most of the pregnancies they see in children in the Grand'Anse Department are among those who have been displaced. Camps are also ill-equipped to weather natural disasters and have a history of flooding. In combination with inadequate sanitation, this means they pose significant health risks for communicable diseases, including cholera (recklessly introduced to Haiti by UN peacekeepers in 2010).<sup>30</sup>

(iii) *Health-related harms*

Lack of access to healthcare manifests as severe gendered harms. Medical care in general has become scarce due to Haiti's crisis, including because violence impedes medical professionals from reaching points of care and severely impedes delivery of critical medicines and medical supplies, which leaves them unavailable or skyrocketing in price and thus out of reach of most Haitians. Overwhelming displacement also creates disproportionate and complex burdens for delivering care in areas hosting survivors. In some cases, armed groups have attacked points of care directly, forcing closures or reduced function. Gendered restrictions on travel make it especially difficult for women and girls to reach this already scarce medical care.

This has impacted pregnant women in particular, as they are often forced to forego prenatal and postnatal care. The HHN reports seeing more complications and rising infant mortality as a consequence; almost certainly maternal mortality is increasing as well. Women are also dying at home because they are unable to reach a hospital to deliver. Even if they do reach a point of care, HHN reports that security-related challenges like last year's fuel crisis mean that sometimes care cannot be provided. For example, during the fuel crisis, pregnant women had to supply fuel for generators necessary for C-sections, with at least one woman dying mid-surgery when the fuel ran out.

These significant gaps in the provision of healthcare critical for women are especially consequential because of the large number of pregnancies resulting from the widespread sexual violence, including among young girls. *Marijàn*, for example, reports receiving one to two women and girls every month who are pregnant after being sexually assaulted. HHN likewise reports many pregnancies, including from gang rapes of young girls. Abortion remains illegal under all circumstances. According to PROFAMIL, 75% of women and girls who nevertheless attempt to terminate unwanted pregnancies do so in unsafe conditions with a high risk of complications that often require life-saving medical interventions (made inaccessible by the crisis). Women and girls who are forced to carry their pregnancies to term confront the life-threatening healthcare gaps described above and are at a heightened risk of deepened poverty, loss of education, and community stigma. The United Nations Programme on HIV/AIDS (UNAIDS) further warns about emerging "feminization of HIV" as a consequence of sexual violence by armed groups who

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<sup>30</sup> *Marijàn, Échos Rapport - Violence Basée sur le Genre - Juin 2023* (June 2023), [https://img1.wsimg.com/blobby/go/26ef5187-0ccb-472d-9fc3-5d7ec25ed84e/MARIJA%CC%80N\\_RAPPORTE%C%81CHOS\\_Juin2023.pdf](https://img1.wsimg.com/blobby/go/26ef5187-0ccb-472d-9fc3-5d7ec25ed84e/MARIJA%CC%80N_RAPPORTE%C%81CHOS_Juin2023.pdf) (in French); *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). See also 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>.

do not use protection.<sup>31</sup> Contraception is scarce in general, leaving women vulnerable to disease and unwanted pregnancies even in consensual relationships. The significant incidence of sexual exploitation and abuse, including survival sex, make the unavailability of contraception especially concerning.

### **c. Lack of services for survivors of sexual violence**

Haitian women and girls who experience GBV, including sexual violence, face significant barriers to accessing critical necessities, including healthcare, psychological support, housing, food, and livelihoods. Services are scarce and overwhelmingly provided by under-resourced Haitian civil society organizations, international humanitarian actors, and other non-governmental organizations.

The de facto government of Haiti has failed completely in its human rights obligations to Haitian women and girls. The OHCHR Expert explicitly called out that, notwithstanding clear reporting regarding urgent needs and the de facto government's stated commitment to tackle sexual violence and gaps in services, it has failed to do so. There are no indications that it is undertaking any material efforts to improve its performance, another example of why advocates view governance as central to the imperative of protecting and supporting Haitian women and girls. As one indicator of the de facto government's ongoing and expected failure, the OHCHR Expert noted that for the last fiscal year, the Institute for Social Welfare and Research, mandated to improve the economic and social living conditions for Haitians and especially children and women, received only 0.04 of the de facto government's budget (amounting to \$1.1 million dollars).<sup>32</sup> Similarly, the undersigned *Nègès Mawon* reports that only 0.12% of the 2023-2024 national budget was allocated to the Ministry on the Status and Rights of Women in Haiti (MCFDF).<sup>33</sup>

The de facto government of Haiti is not the only entity failing Haiti's women and girls, however: the UN's own Office for the High Commissioner for Human Rights (OHCHR) and United Nations Integrated Office in Haiti (BINUH) found that both national and international responses to the widespread sexual violence against Haitian women and girls have been weak and inadequate.

Constraints on service delivery have also grown worse as Haiti's crisis persists and worsens. Armed group violence and control of roadways, combined with resulting skyrocketing transportation costs, lead to scarcity of key supplies and impede essential staffing. Related challenges, combined with the trauma of the circumstances and subject matter lead to high turnover, especially as many Haitians make the choice to flee the country for their own safety. There is an enormous need for safe shelters as the population of displaced people grows and sexual violence continues to rise. The few existing locations are overcrowded and inadequate. Shelter alternatives like hotels are unaffordable.

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<sup>31</sup> 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).

<sup>32</sup> HRC, *Findings of the appointed expert on the situation of human rights in Haiti* (Sep. 25 2023), <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F54%2F79&Language=E&DeviceType=Desktop&LangRequested=False>.

<sup>33</sup> *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-NEGES-MAWON.pdf> (in French).

It is notable that survivors overwhelmingly emphasize their desire for psychological support and access to livelihoods, as well as opportunities to relocate away from the places where they were attacked (and where their assailants often remain). However, psychological support is effectively nonexistent, except through small Haitian organizations like the undersigned *Nègès Mawon* and a phone line staffed by the Haitian Association of Psychology (AHPSY). There are only approximately 300 mental care providers in a country of 11 million. More generally, the de facto government's failure to provide survivors with psychological support programs reflects its policies that trivialize and dehumanize Haitian lives. Livelihoods support is likewise rarely provided as part of the necessary care for survivors of sexual violence, even though this is a recognized best practice. And, as described in Section II(b)(ii) above, services and support for survivors who determine they must flee are grossly inadequate; instead, women and girls who are displaced face a heightened risk of further victimization.

These failures of care are deeply impactful: the combination of gruesome violence accompanied by stigma and shame, all in the absence of comprehensive services and community education, leave survivors isolated, force them to restrict their public life or flee their communities altogether, and in some cases drive them to attempt or commit suicide. In fact, AHPSY saw a 12% increase in callers contemplating suicide in the months of November and December 2023. Conversely, organizations that provide care, especially care that is comprehensive and accompanied by psychosocial support and community education, observe significant improvements for survivors. **Significantly more such assistance is desperately needed and will make a measurable impact on the ground.**

#### **d. Impunity**

Haiti's justice sector remains broken<sup>34</sup> and is especially inadequate with respect to addressing sexual violence and other gender-based harms. With respect to GBV in particular, impunity remains the norm. Laws applicable to prosecuting sexual violence – already outdated and deeply inadequate – are not respected. Instead, Haiti's justice system often fails to distinguish sexual violence from simple assault, delivers overly lenient sentences, releases individuals arrested for sexual assault prior to trial without safeguards, and otherwise trivializes sexual violence and other gender-based crimes, even in cases of rapes committed against minors that result in pregnancies. Further, although the justice sector is meant to have specialized units for combating GBV, to the extent they exist at all, they serve as a box-checking exercise to appease feminist observers, rather than programs capable of providing an adequate response to sexual violence. This can be seen in their chronic lack of funding, staff with inadequate training for dealing with survivors, lack of decentralized services, and perpetual questions as to whether specialized units are needed at all. Many judicial actors tend to display low levels of knowledge about GBV and retain discriminatory attitudes, including tendencies to blame and revictimize survivors. Corruption

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<sup>34</sup> The system as a whole is “virtually non-functional due to deliberate dismantling of accountability mechanisms by officials, chronic neglect and under-funding, and disruptions caused by the acute insecurity crisis.” Courts often cannot function because they are located in areas under armed group control or are forced to close due to violence or strikes. Corruption and lack of judicial independence further hamper effectiveness. Pretrial detention rates remain extraordinarily high and prison conditions deadly. See 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>. The only women's prison in Haiti is in an area under armed group control. Public officials have failed to keep female inmates safe.

further exacerbates these failings. For example, IDETTE reports<sup>35</sup> that in the Grand'Anse Department, police and prosecutors will be swayed by political pressures and payments to prevent arrest and prosecution of certain perpetrators. A particularly common transaction is for a justice sector representative to serve as a mediator between an assailant and the victim's family for a fee. For example, a judge overseeing a case of rape against a twelve-year-old girl facilitated a financial settlement between the parties and treated the cases as a simple assault after himself receiving a payment.

The vast majority of GBV survivors do not report sexual assault to any government authorities. In addition to a lack of faith in the ability of the system to deliver any support or justice – including for the reasons above – survivors often fear retribution or face family pressures that government authorities are unable or unwilling to confront, if they are not downright complicit. Namely, women and girls contemplating reporting assault by strangers, especially if those strangers are members of armed groups or otherwise connected to power, fear violent reprisals. Women and girls surviving harms at the hands of family, intimate partners, or community members are often pressured by their families not to report through social coercion or in return for financial compensation by the assailant. Payoffs can be as little as 50 to 100,000 gourdes (the equivalent of less than a dollar to approximately \$750), or goods like a cow or pigs. As described above, government officials sometimes facilitate the payoffs. The fact that even where assailants are convicted they often remain in the community because of loopholes or overly lenient sentences exacerbates these barriers to reporting. More frequently, assailants face no consequences at all. There are many examples of figures like pastors and teachers with authority over young girls committing repeated assaults against minors with impunity.

In essence, the current system of (in)justice is such that it is survivors who experience shame, fear, and communal losses in the aftermath of assaults, along with psychological, verbal, and even physical pressure to remain silent; and sometimes have to flee. Lack of popular knowledge about avenues for reporting and legal resources, along with the general inaccessibility of Haiti's judicial system for those from marginalized backgrounds<sup>36</sup> impede accountability further .

### III. RECOMMENDATIONS

The submitting organizations incorporate by reference and renew their previous recommendations to the Commission. They remain entirely relevant and have become yet more urgent. We note with appreciation the Commission's statement of February 21 and its acknowledgment of the gendered and political dimensions of the crisis, along with its call to action. However, that statement falls far short of offering the type of forceful engagement we recommended to the Commission at its 186th Period of Sessions. It is imperative that the Commission use its moral and legal authority to ensure respect for Haitian human

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<sup>35</sup> IDETTE, *Rapport annuel sur les violences faites aux femmes et aux filles dans le département de la Grand 'Anse* (Jan. 8, 2024) (appended hereto as Annex E with an informal translation into English).

<sup>36</sup> For more on this subject, see, for example, BAI et al., *Submission to the United Nations Human Rights Council: Justice Sector Challenges in Haiti* (2021), [https://ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti\\_UPR-Submission\\_EN-1.pdf](https://ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti_UPR-Submission_EN-1.pdf); 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).



rights, including the rights of self-determination and participatory democracy. To that end, the submitting organizations further urge the Commission to swiftly undertake the following:

1. Issue a **public statement** incorporating the following. *First, endorse the above-presented findings of fact and analysis of causes* relating to widespread sexual violence against women and girls in Haiti, **most significantly, the impact of government collapse through state capture that is enabled by foreign support for illegitimate and corrupt rulers**. This includes especially (i) the purposeful violation and breakdown of Haiti's Constitutional framework for elections, constraints on and separations of power, and human rights protections for citizens; and (ii) dismantling of its institutions, especially those dedicated to ensuring democratic government, securing rights to justice and effective remedies, and protecting against corruption. *Second, strongly affirm that no progress can be made with respect to safeguarding and advancing human rights in Haiti until that underlying governance crisis and state capture are addressed*, which can be accomplished only through Haitian-led solutions free from foreign interference. *Third, demand urgent responsive action consistent with that analysis and corresponding recommendations*. In addition, the Commission should consider **convening an independent panel of experts** to build on these findings and identify rights-based remedies.
2. Issue a **public statement and urgent request to Organization of American States (OAS) member states, and especially the United States government**, directing them (i) to **comply with their obligations to respect the rights of the Haitian people to representative democracy and self-determination**; and therefore (ii) 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**. This must include an emphasis that a **rights-based approach to resolving Haiti's crisis does not allow for a foreign military intervention that entrenches in power those actors responsible for the crisis in the first place or violates Haitians' rights to, *inter alia*, sovereignty, security of the person, and effective recourse**. We urge the Commission to consider strong accompanying actions such as **engaging with the OAS Permanent Council in the Commission's advisory capacity on questions of human rights** in order to **ensure that OAS activities are consistent with these principles** and center the Commission's own emphasis on the need for a solution that is participatory; honors Haitians' human rights, including that of self-determination; and restores the social compact.
3. **Extend and expand Precautionary Measures no. MC-340-10 and adopt all available additional measures** to better protect women and girls in displacement situations from sexual violence, including adopting additional precautionary measures and requesting the adoption of provisional measures pursuant to articles 25 and 76 of the Commission's Rules of Procedure. Further, in light of the ineffectiveness of such measures to date and the catastrophic levels of sexual violence being directed against Haitian women and girls, we urge the Commission to **create a special follow up mechanism dedicated to preventing and addressing all sexual violence, paying special attention to vulnerabilities created by displacement**.

We further continue to urge the Commission to ensure that all of its work with respect to Haiti is made accessible to all Haitians by providing Haitian Creole translation and interpretation as relevant.

We thank the Commission for its keen attention and urge it to undertake swift action. Should you have any questions regarding this letter, please contact Alexandra Filippova ([sasha@ijdh.org](mailto:sasha@ijdh.org); 925-997-0171).

Sincerely,

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