

## IACHR: Study on Women's Access to Justice in Cases of Violence and Discrimination in the Americas and the Caribbean

Country or countries of which information will be provided: Haiti

Name of the organization, collective, or movement: Institute for Justice and Democracy in Haiti (IJDH)

Date submitted: April 11, 2025

For the purposes of this questionnaire, please take into consideration the following conceptual approaches:

- **Violence against women** is understood as any action or conduct based on gender that causes death, harm, or physical, sexual, or psychological suffering to women, in both public and private spheres. This includes femicide/feminicide, physical, sexual, and psychological violence occurring within the family or household, in interpersonal relationships, in the community, at work, in educational institutions, healthcare facilities, or any other setting.
- **Discrimination against women** is defined as any distinction, exclusion, and/or restriction based on sex or gender that has the purpose or effect of impairing or nullifying the recognition, enjoyment, or exercise of their human rights and fundamental freedoms in political, economic, social, cultural, civil, or any other sphere.
- **The gender perspective or approach** is a method of reality analysis that makes visible the differentiated social valuation of individuals based on their assigned or assumed gender, highlighting unequal power relations stemming from these differences. It exposes women's structural inequality and subordination due to gender, dismantles the false premise of inferiority to men, and identifies stereotypes and prejudices that facilitate discrimination based on diverse sexual orientations and gender identities.
- **The intersectional approach** is understood as an analytical tool to examine different vulnerability factors—such as age, ethnic-racial origin, and gender—that, when interacting with other factors, create a specific form of discrimination and vulnerability requiring differentiated measures of prevention, protection, and justice.
- **Access to justice** is defined as the de jure and de facto access to judicial mechanisms and remedies in response to acts of violence, in accordance with international human rights standards. In cases of violence against women, this entails access to simple, prompt, suitable, and impartial legal remedies in a non-discriminatory manner to investigate, sanction, and redress these acts and prevent impunity.
- **Administration of justice** encompasses from the receipt of a complaint or awareness of an incident to the fulfillment of the corresponding reparation. It includes the judiciary (in all its instances, courts, and administrative divisions), the police, and forensic medical

services with national and/or local jurisdiction. It also encompasses traditional and alternative justice systems.

This questionnaire seeks both quantitative and qualitative information from the past five years (2020 to 2024). Reports and evaluations on the subject are encouraged, including charts, statistical, and budgetary data. Geographically, information is invited at national, local, urban, and rural levels, as well as at the state and provincial levels for federal countries. Information on the specific situation of women belonging to groups in situations of greater vulnerability—due to age, ethnic-racial origin, gender identity and expression, sexual orientation, mobility status, disability, and/or socioeconomic status—is also encouraged.

### **1. Provide a detailed description of the current legal, institutional, and public policy framework for preventing, sanctioning, and eradicating gender-based violence and discrimination against women.**

- If possible, please include in your response the main advances, challenges, and best practices regarding: i) the implementation of the described legal, institutional, and public policy framework; ii) addressing legislative gaps in the areas of prevention and protection against violence; and iii) the elimination of discriminatory laws against women.

Haiti's current legal, institutional, and public policy frameworks and practices for addressing both gender-based violence (GBV) and discrimination against women and girls are inadequate, poorly resourced, and largely unimplemented. These legal and policy failures are taking place against a crisis of sexual violence being perpetrated by armed groups against women and girls and baseline endemic rates of GBV and discrimination.

Haiti's legal and policy framework for addressing GBV and discrimination against women is weak. On paper, Haiti's constitution requires "the equity of gender" and assures women "a representation in the instances of power and of decision which must conform to the equality of the sexes and to equity of gender"; provides that political and civil rights are enjoyed "regardless of sex or marital status"; and guarantees the right to "life, health, and respect of the human person for all citizens without distinction, in conformity with the Universal Declaration of the Rights of Man." In 2012, the Constitution was amended to provide that the government must ensure that women represent at least 30 percent "at all levels of national life, notably in the public services" and in elections. The constitution also domesticates international legal protections for women and girls that Haiti has undertaken by ratifying the Convention on the Elimination of All Forms of Discrimination Against Women and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women.

However, Haiti's laws and practices do not reflect these formal obligations. Haiti's penal code dates back to 1835 and has not been adapted to contemporary norms for addressing GBV

and discrimination. For example, it does not criminalize rape, which was introduced as a standalone crime by a 2005 ministerial decree. The penal code and the decree also fail to define elements of rape or address consent, which have made GBV extremely difficult to prosecute. It also does not acknowledge rape within a marriage. There are no provisions on domestic violence or sexual harassment, and abortion is illegal in all circumstances. The enactment of a revised penal code has been repeatedly postponed. Likewise, no progress has been made in adopting a general law on the equality of the sexes and nondiscrimination against women, and discriminatory provisions persist in other laws.

The Ministries of Public Health and Population, the Status of Women and Women's Rights, and Justice and Public Security have a national [plan](#) to combat violence against women, including sexual violence, by 2027. This plan has as the coordination mechanism the [Gender-Based Violence \(GBV\) sub-cluster](#). However, government entities charged with GBV-related mandates, like the Ministry on the Status of Women, generally lack adequate resources and are perceived by many advocates as ineffectual and disengaged. They are also under-resourced: only [0.12%](#) of the 2023-2024 national budget was allocated to the Ministry on the Status and Rights of Women in Haiti (MCFDF). A dedicated GBV unit was created within Haiti's national police and had a positive impact on the investigation and prosecution of sexual crimes against women. However, it has largely atrophied due to lack of funding and prioritization. Police and judicial investigators generally lack resources to investigate GBV crimes and their respective investigations are often deficient and lengthy as a consequence. Police investigations and the separate judicial investigations, which under law must take less than three months, in practice take one to two years each to complete if they happen at all.

Critically, women remain [significantly underrepresented](#) across public offices, including police, judiciary, political, and executive offices. Haiti's transitional government has [persisted](#) in this pattern in spite of [extensive advocacy](#). It is closely related to and exacerbated by a policy failure to prioritize the distinct needs of girls and a failure to confront the culture and practice of discrimination against women and girls. Examples include sexual harassment in public spaces ranging from school to employment and political engagement. Unaddressed gendered political violence compounds these challenges.

Key sources:

1. [Joint Universal Periodic Review Submission: Gender-Based Violence in Haiti](#)
2. [Joint Report to the Inter-American Commission on Human Rights \(IACHR\) Connecting Sexual Violence in Haiti to Repressive, US-Supported Regime](#)
3. [Joint Report Responding to UN Inquiry Regarding Poverty-Linked Harms to Haitian Women and Girls](#)
4. [IACHR Public Hearing on Widespread Sexual Violence Against Women and Girls in Haiti](#) (citing additional sources)

5. [Submission to the IACHR on Widespread Sexual Violence against Women and Girls in Haiti](#)
6. [Policy Framework for an Effective and Equitable](#)
7. [Haitian Times Op Ed – Where are the women?](#)
8. [The New Humanitarian Op Ed – What Haiti’s political transition should be doing for Haiti’s women – and isn’t](#)
9. [Open Letter to the Transitional Government Demanding that it Respect the Constitutional and Human Rights of Haiti’s Women and Girls by Centering Those Rights in Transitional Government Policies and Appointments](#)
10. [Open Letter to Transitional Government Demanding Urgent Action on Gender Based Violence Affecting Haiti’s Women and Girls](#)
11. [Open Letter to Demand Action for Haiti’s Women and Girls From the New Presidential Transitional Council \(TPC\) President](#)
12. [CSW Parallel Event: Advancing the Rights of Haitian Women and Girls](#)
13. [Human Rights and the Rule of Law in Haiti: Key Recent Developments](#)

**2. Describe the institutional process victims of gender-based violence and/or discrimination must follow to access available judicial remedies for the protection of their rights. Please specify the legal, institutional, geographical, linguistic, cultural, economic, or other challenges they may face in accessing these remedies and/or continuing initiated judicial processes.**

- Where possible, include information on:
  - The main advances, challenges, and best practices in: i) access to information on judicial remedies and victim support services available to women experiencing violence; ii) access to comprehensive victim support services; and iii) granting and implementation of protective measures in cases of gender-based violence.
  - The primary factors identified that discourage reporting or continuing a judicial process for incidents of gender-based violence against women.

Access to judicial remedies for victims of GBV and discrimination is significantly hindered by a range of systemic challenges. These barriers fundamentally revolve around the dysfunction within the [justice sector](#), escalating insecurity, the stigma surrounding reporting GBV and discrimination, and the fundamental orientation of Haiti’s justice system away from making accountability available to the most vulnerable and poor.

The justice sector suffers from a chronic shortage of resources, insufficient staffing, and frequent strikes by judicial staff. The justice system receives less than 1% of the government budget, further limiting its ability to function effectively. Corruption and a lack of judicial independence contribute to a pervasive culture of impunity, rendering accountability for violence

rare, and impunity for perpetrators the norm. Widespread insecurity across Haiti has further limited court operations. Even when courts are technically functional, judicial staff often cannot reach them due to the unsafe environment. Judicial actors, including judges and prosecutors, are frequently threatened, harassed, and subjected to violence by gangs with almost complete impunity, further crippling the justice system's ability to function independently.

These challenges are heightened for survivors of GBV. Sexual violence is often trivialized in the justice system, with [very few prosecutions and overly lenient sentences](#) when cases do go to trial. The general distrust in law enforcement further compounds this issue, as some police officers are implicated in perpetrating sexual and gender-based violence, and survivors fear retaliation from law enforcement as well as from gangs or other powerful individuals. This pervasive fear [prevents](#) many survivors from coming forward to report violence or pursue justice.

Moreover, the legal and institutional processes themselves create additional obstacles. For example, survivors of GBV are often required to obtain medical certificates to proceed with a case. While such certificates are not legally mandatory, they are effectively required in practice, as survivors without them are typically unable to continue their cases. This creates an additional barrier for survivors, who are often traumatized, financially constrained, and unable to access medical services within the narrow timeframe required. While survivors can participate in prosecutions of their alleged perpetrators as civil parties to the criminal case, doing so can negatively impact accountability, as the testimony of survivors is often discounted, and they must bear the financial burden of registering their claims and paying court fees to pursue damages. Haitian law requires civil parties to pay a percentage of any damages they are awarded to the courts in order to register the judgment – a requirement for then seeking compensation from the defendant. Such requirements disproportionately affect those without financial means and further discourage survivors from seeking justice.

The risks of retaliation also play a significant role in deterring victims from pursuing judicial remedies. Survivors, witnesses, and judicial officials face threats of violence from those with power and, in the present crisis, from members of armed groups. The lack of government protection and social support services for survivors exacerbates this fear, leaving them vulnerable to further violence and without adequate avenues for seeking safety or justice. While some women's organizations provide shelters and support, the government largely deflects responsibility, referring survivors to non-governmental organizations.

Cultural and societal pressures also significantly hinder survivors' ability to seek justice. Many survivors experience intense shame, self-blame, and a strong societal expectation to reconcile with or protect their abuser. A patriarchal culture normalizes crimes committed by men against women's bodies while simultaneously stigmatizing those subjected to such crimes. Those who report violence are often stigmatized and blamed, and women in particular face tremendous

social pressure to remain silent. This pressure is often compounded when the abuser is an intimate partner, where survivors may fear retaliation or loss of financial support while also facing social pressure to reconcile. For those whose abusers are connected to gangs or law enforcement, the intimidation to remain silent can be even more severe.

Furthermore, economic and geographical barriers make it even more difficult for affected survivors to seek judicial remedies. In rural areas, where resources are already scarce, the cost of pursuing legal action can be prohibitively expensive, and many survivors face additional burdens from familial or social obligations. The absence of government programs to alleviate these financial and logistical challenges further isolates survivors. Moreover, the social and economic marginalization of women often leads to pressures from families or communities to silence survivors in order to protect their relationships with the offender or to avoid the social stigma associated with pursuing legal action.

In sum, the combination of dysfunctional legal processes, pervasive insecurity, widespread stigma, and a lack of social support creates significant barriers to accessing judicial remedies for GBV victims. These obstacles result in a culture of silence and underreporting, with many survivors unable or unwilling to pursue justice due to fear of retaliation, lack of trust in institutions, and economic or social constraints.

In addition to the sources in the question above, please see further here:

1. [Joint UPR Submission re Justice Sector](#)

**3. Provide detailed information on advances, challenges, and best practices in the administration of justice with a gender and intersectional perspective in cases of gender-based violence and/or discrimination against women. This should cover the entire process, from the complaint stage to the execution of the sentence and/or reparations, as applicable.**

- Please include in your response the main advances, challenges, and best practices observed regarding:
  - Investigation, prosecution, and sanctioning of gender-based violence against women with a gender and intersectional perspective;
  - Investigation, prosecution, and sanctioning of women accused of committing crimes;
  - Granting and implementation of comprehensive reparation measures in cases of gender-based violence;
  - Enforcement of sentences or other decisions concluding criminal proceedings in cases of gender-based violence.

- Assessment of facts and evidence, and issuing of rulings, with a gender and intersectional perspective in civil, family, labor, or other non-criminal legal proceedings involving gender-based violence or discrimination against women.

Thoughtful engagement has a proven track record of measurable positive impact on GBV and discrimination against women and girls in Haiti. For example, the creation of a police unit specializing in GBV positively contributed to effective investigation and prosecution of sexual crimes against women in Haiti and improved the experience of survivors. Similarly, programs like the Bureau des Avocats Internationaux's (BAI's) Rape Accountability and Prevention Program (see more [here](#)), which focuses on supporting survivors seeking justice and closely monitor judicial activity in investigating and prosecuting cases, have a demonstrated positive impact on accountability for GBV. Community education around rights and support for grassroots women's organizers by the BAI likewise showed improved outcomes for women and girls in terms of access to justice, community support, and empowerment across different spheres of life.

However, too often such programs are not adequately and sustainably supported and funded - reflecting failures both of Haiti's government and its international partners. They likewise often fail to reflect the priorities of Haiti's women and girls, to center their leadership, and to take into account intersecting challenges like class. Persistent high rates of GBV and inequality are the result, accompanied by squandering the time of advocates and wasting scarce resources. The following excerpts from the joint submission to a call for inputs by the UN's Working Group on Discrimination against Women and Girls are relevant in full (see further [here](#)):

- **[Response to Question 11]** "In the past, Haiti has successfully implemented programs that advanced the rights of women and tackled poverty, demonstrating that an accountable democratic government invested in promoting human rights is capable of addressing the challenges described above. Between 2000 and 2004, for example, the government supported women's groups that provide material and emotional support to rape survivors, opened 20,000 literacy centers, and expanded health care access for women and girls. A record number of women were elected to public office and appointed to serve in high ranking positions, including as Prime Minister, Minister of Foreign Affairs, and Minister of Finance. Those gains have been largely eroded by foreign interference and domestic power struggles linked to class."
- **[Response to Question 15]** "Haiti has a vibrant women's movement that has successfully mobilized and advocated for legislative action and other interventions to advance the rights of women, girls, and all Haitians. Examples include amending the Constitution to include the gender quota for public office, the 2005 decree that finally criminalized rape,

and the 2014 Law on Paternity, Maternity, and Filiation (enshrining equal parenting rights and obligations). The movement successfully lobbied for the creation of the Ministry of Women's Affairs and Women's Rights, which initially served as an effective platform for strengthening and amplifying advocacy efforts for structural reform and services alike, but has been marginalized through lack of funding and political will. Grassroots women organizers have also often played crucial roles in organizing effective disaster and crisis responses, advocating for policies like better displacement camp protections and special justice sector measures to confront GBV, and providing critical services.

The movement's ability to participate in decision-making was greatly impeded after the 2010 earthquake, partly through tragedy – key leaders were killed – but mostly through the actions of foreign actors and government failures. The international community leveraged extensive resources for earthquake recovery, but most money stayed with foreign organizations, which generally funded local entities only to execute programs. The result was the near-decimation of the women's movement's capacity for advocacy and policy change. Women's organizations could get funding for the important work of providing services to women and girls, but not for the – equally important – work of confronting the underlying structural inequalities through legal, policy, and cultural change. The power imbalance created through the funding dynamic (see also Q11) and international preference for certain kinds of projects has persisted. Further, the international community played a significant role in bringing to power a series of governments associated with the Pati Ayisyen Tèt Kale (PHTK), which exhibited sexism and deprioritized efforts aimed at empowering women and the poor. PHTK-linked regimes have been connected to civilian massacres targeting popular neighborhoods, gross corruption, and a general degradation of rights and services.

There is also a sense among many women's groups in Haiti that international partners often fund initiatives that do not match what Haitians identify as priorities: for example, that UN Women has ignored their urging to prioritize tackling political violence (see Q7) as the path to improve women's political participation and instead focuses on technical training they consider ineffective. An especially pernicious pattern is the frequent request for consultation by international actors without follow-through on incorporating local feedback into the final articulation of priorities, program design, and implementation. Such practices waste the already scarce resources and energy of Haitian organizers, break down trust, and eliminate the benefits of collaboration and dialogue. We also observe consistent failures to prioritize and enable the participation of groups facing greater structural barriers to engagement (including language, literacy, and internet access) and more generally to dedicate adequate resources to surmounting those and other factors impeding women's participation (like lack of time and money)."



- See also response to **Question 9**.

We note the failure to center the specific needs of women and girls and their leadership in government and in Haiti's transition as a further significant challenge, as reflected in the Policy Framework for an Effective and Equitable Transition and related documents provided as resources in Question 1 above.

**4. If non-punitive alternative justice mechanisms exist, describe the main challenges and best practices in addressing gender-based violence, particularly regarding victim protection, access to justice and comprehensive reparation.**

No answer provided.

**5. Provide statistical information from the last five years (2020–2024) on the prevalence of gender-based violence and discrimination against women. For gender-based violence, please include data on various forms of violence, including femicide/feminicide, physical, psychological, sexual, vicarious, and domestic violence, and violence in public spaces. For discrimination, please provide statistics on incidents in areas such as justice, employment, labor, health, and education, among others.**

Please see materials cited in question 1, as well as IJDH's previous Human Rights Updates, available at <https://www.ijdh.org/news-and-resources/publications/>.