

October 7, 2022

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Via email 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; 415-703-8202) or Alexandra Filippova (sasha@ijdh.org; 925-997-0171).

Sincerely,

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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).
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NUMBER 7

CMI BRIEF

JUNE 2020



Photo: Marianne Tøraasen

Women's status in Haiti ten years after the earthquake

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Ten years ago, on January 12, at 16:53 in the afternoon, a magnitude 7.0 earthquake struck Haiti. The country was left in shambles. So was the women's movement. Three of its most prominent leaders lost their lives in the earthquake, and the implementation of gender policies came to a halt. This CMI Brief explores the challenges facing the women's cause in Haiti after the earthquake and provides recommendations for how to get it back on track.

Rebuilding a fragile state

The epicenter of the earthquake on January 12, 2010, was only about ten miles southwest of the overcrowded capital Port-au-Prince, causing catastrophic damage. The earthquake reportedly killed over 230 000 people, though estimates vary greatly. More than 300 000 people were injured and 1.3 million became homeless (Haiti Equality Collective, 2010). Around 1300 internally displaced person (IDP) camps were set up as a temporary solution. The earthquake devastated Haiti's frail infrastructure and worsened already inadequate access to basic social services and security. As much as one-third of Haiti's civil servants died – the earthquake happened in the afternoon as many were preparing to leave work – and several government buildings collapsed, including the presidential palace and the parliament. Schools, hospitals, offices, and the UN mission headquarters also disappeared in the rubble (Duramy, 2011).

The Haitian state was poorly prepared for handling the consequences of the earthquake, and the international community stepped in providing around 9 billion USD in relief and rebuilding efforts. However, much of the money was never delivered. Millions of dollars were actual debt relief, and millions more were given to the UN or NGOs. The Haitian government received less than 1 per cent of the money spent. Foreign governments deemed it “too corrupt” for direct budget support, which could have helped rebuild strong, well-funded institutions (Katz, 2013).

Furthermore, the post-disaster needs assessment (PDNA), which defined the actions needed for the reconstruction of Haiti after the earthquake, have also been heavily criticized. Haitian civil society was completely excluded from the process, including women's rights organizations (Lamour, 2020).

Not a gender-neutral disaster

The Haitian women's movement lost a generation when three of its most prominent leaders, Myriam Merlet, Magalie Marcelin and Anne Marie Coriolan, were killed in the earthquake in January 2010. These three women had been central in the rebuilding of the women's movement after the fall of the father and son duo Francois “Papa Doc” and Jean-Claude “Baby Doc” Duvalier's dictatorship in 1986 (Nasaw, 2010), and founded three of the most important women's rights organizations in Haiti (Enfomn¹, Kay Fanm² and SOFA³). Merlet and Coriolan were top advisors to the Ministry of Women's Rights. All three women and their organizations were instrumental in developing the first law to criminalize rape in 2005, which until then had been considered “an offense against morals” (Jagannath, 2011, p. 10).

What was left of the women's movement was excluded from participating in the assessment process following the earthquake. Both the international community and the Haitian government have been criticized for failing to take the gendered effects of natural disasters into account when responding to the earthquake, and for ignoring Haitian women's particular needs post-disaster (Alam, Applebaum and Mawby, 2016). Research shows that disasters tend to exacerbate existing social preconditions. Since women are more often socioeconomically disadvantaged than men, they become more vulnerable to the consequences of such disasters (Wiest, Mocellin

and Motsisi, 1994). Women were already struggling in Haiti before the earthquake, being subject to systemic gender discrimination and higher rates of poverty and violence. For instance, 60% of female-headed households had been living in extreme poverty before the earthquake (IMF, 2008), and most women work in the informal sector. Income disparities are striking, and women earn less than half of men's wages (Haiti Equality Collective, 2010). The period following the earthquake also saw a dramatic increase in gender-based violence, especially in the internally displaced person (IDP) camps that were set up (Jagannath, 2011, p. 5).

As a response to the lack of gender perspective in the reconstruction framework, international and Haitian women's organisations created their own Gender Shadow Report of the post-disaster needs assessment (PDNA). It is likely that the expertise and experience of the Haitian women's movement could have helped taking a more holistic approach to the women's cause in Haiti. In fact, Haitian feminists have criticized the international community for sidelining the national women's movement's long-term work and rather overfund short-term projects under the pretext of urgency in post-earthquake Haiti (Lamour, 2020).

Gender-based violence on the agenda

On the rare occasions that gender was addressed after the earthquake, most of the focus was on responding to

sexual and gender-based violence. Gender-based violence (GBV) is not a new phenomenon in Haiti. Many Haitian women and girls were sexually assaulted by American soldiers during the US occupation (Renda, 2001), and rape was later used as a political tool during the Duvalier dictatorship and in the unstable political climate that followed (Duramy, 2014). However, after the earthquake gender-based violence increased dramatically. Women and girls became targets of sexual violence and exploitations in the chaotic and unsafe internally displaced person (IDP) camps. Overcrowded camps that lacked safe accommodation and sanitary facilities for women and girls, combined with poor lighting at night and a lack of police forces that patrolled the camps, made women extra vulnerable for rape. Reports also show that girls often had to trade sex to secure food and refuge (Duramy, 2011).

Advocacy on both the international and national level have drawn attention to the issue of gender-based violence, and Haitian grassroots organizations have raised awareness among women about their rights and encouraged reporting of cases of sexual violence in IDP camps. Some positive developments have come out of this, as “cases of gender-based violence, and rape specifically, are increasingly making their way onto the courts’ dockets, and the demand for legal recourse has risen among women survivors of sexual violence” (Jagannath, 2011, 29). Still, such initiatives have been criticized for being mostly reactive, rather than focusing on preventing gender-based violence in Haiti. Further, an inadequate justice system and widespread impunity still hampers the fight against gender-based violence in Haiti (Alam, Applebaum and Mawby, 2016).

Underrepresentation of women in decision-making roles

The Gender Shadow report states that in the post-disaster needs assessment (PDNA) women have been “left out of the equation when it comes to rebuilding the country’s judicial, administrative, legislative and democratic systems” (Haiti Equality Collective, 2010, p. 3). The numbers are telling: Just 11,5 per cent of the judiciary and 3 per cent of the parliament are currently filled by women. This places Haiti at a disappointing 187th position out of 190 countries in terms of women’s political representation (IPU, 2020), and well below its Latin-American and Caribbean neighbors in terms of women’s judicial representation. The Haitian women’s movement has long pushed for better representation of women in decision-making roles. This led to the adoption of a constitutional amendment from 2012 which stipulates that 30 per cent of all public positions are reserved for women. However, implementation legislation is still



One of Haiti’s few women judges in front of the appeal’s court in Port-au-Prince. The court building was destroyed in the earthquake, and ten years later, the court is still located on temporary premises. Photo: Marianne Tøraasen

lacking. There is no penalty for non-compliance and the gender quota remains largely ineffective.

Some positive developments have taken place recently on a local level. An electoral decree in 2015 helped fully implement the 30 per cent gender quota for voting lists for municipal and local elections in 2015-2016, boosting women’s local representation. This event is however a tempered success. It shows that there is a substantial pool of women politicians who are willing and ready to contribute to the development of Haiti, and who may challenge the patriarchal party structure in Haiti if only given the chance. However, since the local quota was mandated through decree, it will not be applied to future elections without legislative action (Bardall, 2018).

In today’s political climate, such legislative action may take a while. Even though the Haitian state has adopted several gender equality policies since the earthquake, it has proved hard to actually implement such policies. Legal reform is known to be extremely slow in Haiti, as bills go through a complex process involving the executive, the legislature and the judiciary, often leading to complications. Many gender-related laws have been initiated by the severely underfunded Ministry of the Status of Women and Women’s Rights (MCFDF) but are still pending (UN, 2014). Furthermore, the 2010 earthquake disrupted ongoing State programs and projects related to gender equality as the earthquake diverted all energy to emergency assistance. Weak political institutions and numerous government changes can also help explain why gender policy initiatives have been delayed (UN, 2014). Furthermore, during the past couple of years, Haiti has been facing skyrocketing inflation, fuel and food shortages, paralyzing political protests and corruption allegations against the sitting president. Unfortunately, we can expect this to further hamper initiatives to create a more gender equal society.

Conclusion

Haiti is still recovering ten years after the devastating earthquake on January 12, 2010. Haitian women have long been politically, socially and economically marginalized, and were disproportionately affected by this natural disaster. Still, the international community and the Haitian government largely failed to include a gender perspective in the reconstruction work, and Haitian women's organizations were excluded from the process. The focus was mainly on combatting the upsurge in gender-based violence witnessed in the internally displaced person (IDP) camps. Despite the formal adoption of some women-friendly policies like gender quotas, Haiti remains among the poorest-performing countries in the world in terms of women's representation. Weak institutions and an unstable political climate complicate real implementation of women-friendly policies. Haiti's neglect of gender equality may have serious consequences for the development of the country: "...gender inequality in educational, health and labor outcomes can undermine economic development (particularly by stifling human capital formation and affecting fertility) and certainly undermines human development by disempowering women and minimizing women's roles within society" (Padgett and Warnecke, 2011, p. 529). Although the Haitian women's movement lost three of its most prominent leaders in the earthquake, Haitian women are continuing their fight to improve their living and working conditions. However, as stated by Haitian feminist Marie Franz Joachim: "Feminists necessarily need legitimate interlocutors and operational institutions to advance their cause and formulate related proposals", which is currently missing in Haiti. In order to improve women's conditions in Haiti, donors must cooperate closely with Haitian women's groups. Acknowledging and building on the long-term work of Haitian feminist voices may help take a more holistic approach to the women's cause. When it comes to combatting gender-based violence, the focus should be both preventive and reactive. It is also important to strengthen the capacity of Haitian state institutions. A well-functioning judiciary is vital in the fight against gender-based violence. Solid state institutions are also important for the actual implementation of women-friendly policies, such as the 30% gender quota.

Notes

¹ Merlet established Enfofam, an organization that "raises awareness about women through media, collects stories and works to honor their names" (Ravitz, 2010). Among their work are efforts to name streets after important Haitian women.

² Marcelin established Kay Fanm which deals with domestic violence and offers services and shelter to women. They also work with microcredit loans to women working in markets.

³ Coriolan established SOFA (Solidarite Fanm Ayisyen), an advocacy and services organization focusing on women's health, women's political participation, women's poverty and violence against women.

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B

Republic of Haiti

Submission to the United Nations Human Rights Council

Universal Periodic Review
40th Session of the UPR Working Group
(January – February 2022)

Gender-Based Violence in Haiti

Submitted by:

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Endorsed by:

Gender Action (<https://genderaction.org/>)
Haitian Women's Collective (<https://thehwc.org/>)

Bureau des Avocats Internationaux (BAI): Founded in 1995, BAI is a Haiti-based constitutional and human rights law office that advances the Haitian people's struggle for justice and democracy. BAI has helped victims prosecute human rights cases, trained Haitian lawyers, and spoken out on justice issues. BAI works with its U.S.-based solidarity partner, the Institute for Justice and Democracy in Haiti, to advocate, litigate, build constituencies, and nurture networks to create systemic pathways to justice for marginalized Haitians and to hold international human rights violators accountable.

Institute for Justice & Democracy in Haiti (IJDH): Founded in 2004, IJDH is a U.S.-based human rights non-profit organization that advances recognition of and accountability for human rights in Haiti in partnership with its Haiti-based sister organization, *Bureau des Avocats Internationaux* (BAI). IJDH and BAI bring together litigation, advocacy, training, and grassroots solidarity to tackle injustice and its root causes.

Komisyon Fanm Viktim pou Viktim (KOFAVIV) (The Commission of Women Victims for Victims): Founded in 2004, the *Komisyon Fanm Viktim pou Viktim* (KOFAVIV) (Commission of Women Victims for Victims) is a group of Haitian women survivors of political rape working to help new women victims from poor neighborhoods of Port-au-Prince. They provide medical care and support for all women victims without discrimination.

UPR Report: Gender-Based Violence in Haiti

Submitted by: The *Bureau des Avocats Internationaux* (**BAI**); Institute for Justice & Democracy in Haiti (**IJDH**); *Komisyon Fanm Viktim pou Viktim* (**KOFAVIV**) (Commission of Women Victims for Victims)

Endorsed by: Gender Action; the Haitian Women's Collective

I. Executive Summary

1. This report is submitted on behalf of the *Bureau des Avocats Internationaux* (**BAI**), the Institute for Justice & Democracy in Haiti (**IJDH**), and the *Komisyon Fanm Viktim pou Viktim* (**KOFAVIV**) (Commission of Women Victims for Victims) to provide an overview of Haiti's continuing challenges in complying with its human rights obligations relating to the protection of women and girls from gender-based violence (**GBV**).

2. Haiti has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (**CEDAW**)¹ and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (**Belém do Pará Convention** or **BDPC**),² in addition to numerous other human rights instruments relevant to the rights of women and girls. Under CEDAW Article 2, Haiti is obligated to eliminate all forms of discrimination against women and girls. The UN Committee on CEDAW (**CEDAW Committee**) has clarified that this requires eliminating GBV using all available state means, including legislative, judicial, and administrative actions, such as national and local programs, as well as measures targeted at eradicating “prejudices, stereotypes and practices that are the root cause of gender-based violence against women.”³ Delays in implementation cannot be justified on any grounds, whether “economic, cultural, or religious,”⁴ and failure to ensure access to justice for GBV crimes is itself a human rights violation.⁵ The BDPC likewise obligates Haiti to eradicate, prevent, and punish GBV, including by acting to prevent such crimes, enacting corresponding laws, and punishing guilty parties, as well as working to provide related resources and counteract underlying prejudices.⁶ Further, the International Covenant on Civil and Political Rights obligates states parties like Haiti to ensure equal protection under the law regardless of sex (Art. 2(1)), to provide access to judicial remedies for violations of rights (Art. 2(3)); and to secure the right to life (Art. 6(1)).⁷ Under Article 276 of Haiti's constitution, these human rights treaty obligations are part of Haiti's national laws and supersede any contrary provisions.⁸

3. In spite of undertaking these obligations, Haiti is far from ensuring meaningful protections and equality for its women and girls. GBV remains rampant. The submitting organizations have not perceived any positive change with respect to the prevalence of violence, harassment, and other harms directed at women and girls, including historic discrimination and harmful gender norms. Both the rates of violence and the harmful attitudes and practices that drive and enable GBV remain consistent, and may be increasing given the current climate of insecurity. Haiti has done little to intercede. (Section II). Likewise, although there have been some marginal improvements, Haiti's state practices, laws, and institutions dedicated to preventing and addressing GBV remain weak and fall well short of its human rights obligations. Indeed, by failing to ensure access to justice for GBV crimes, Haiti is committing separate human rights violations.⁹ (Section III).

4. Notably, in addition to the substantive lapses in meeting its human rights obligations, Haiti is also procedurally out of compliance with CEDAW: Haiti has for more than three years failed to respond to requests for additional information on implementation made by the CEDAW Committee during its last review cycle,¹⁰ and has yet to submit its state party report, which was due in March 2020, for the current cycle.¹¹ Haiti has also significantly underperformed in implementing recommendations from the last UPR cycle that it supported on this subject.¹²

II. Violence, Harassment, and other Harms Directed at Haiti's Women and Girls

5. Haiti has continued to fail to adequately protect its women and girls from GBV since the last UPR review, in violation of its above-described obligations and contrary to the recommendations Haiti supported during the last UPR cycle.¹³ Haiti's women have historically faced violence; discriminatory and patriarchal social norms; and marginalization in employment, education, politics, and other public spaces and social institutions. Rape and other forms of sexual violence have also been used as weapons of political intimidation. Reports of GBV surged in the wake of the 2010 earthquakes, especially in displacement camps, where lack of security, desperation, and power inequality created an enabling environment for assaults, as well as pressures on women and girls to sell their bodies in return for food and other necessities.¹⁴ Recent political instability and natural disasters in Haiti have further exacerbated these longstanding vulnerabilities and the government has taken insufficient measures to address both the historic and contemporary drivers of GBV and gender inequality.

6. GBV data is scarce, but consistently indicates high rates of violence directed at women and girls. There is direct evidence that over half and as many as 70 percent of Haiti's women and girls have experienced at least some form of GBV. A regional study conducted in 2002 found that 54 percent of women accessing health services reported having experienced forced sex in their lifetimes.¹⁵ A 2008 UNICEF survey found that over 70 percent of Haitian women had been victims of GBV, with girls the most frequently abused.¹⁶ The latest national study, conducted in 2016-2017 among women and girls ages 15 to 49, concluded that more than one in three women and girls in Haiti (34%) experience either physical or sexual violence in their lifetimes.¹⁷ Notably, the survey considered only sexual and physical violence (including domestic), but not other forms of GBV, such as harassment or economic violence. An as yet unpublished 2019 study by community health organization Zanmi Lasante – the most recent analysis available to the submitting organizations – found that 54.6 percent of female respondents in the regions examined had experienced some form of GBV in the past twelve months, with the incidence as high as 75.8 percent in some communities. Prevalence statistics generally undercount the actual rate of GBV directed against women and girls in Haiti, including because GBV is chronically underreported due to stigma and shame, fear of reprisals, access, lack of education about rights,¹⁸ and – perhaps most significantly – mistrust in Haiti's judicial system,¹⁹ which too often fails survivors.

7. GBV affects a large number of adolescent girls.²⁰ A 2012 national study found that more than 25 percent of respondents aged 18-24 reported that they had experienced nonconsensual sexual relations prior to reaching the age of 18 and that almost two-thirds of respondents had experienced physical violence at home as minors.²¹ According to a social worker who runs community GBV programming, girls are at risk for a variety of factors. These include girls' small size and corresponding inability to protect themselves; challenges of supervision where parents have to leave in order to work; the large and multi-generational nature of Haitian households, where older members of the extended family can sometimes prey on girls; and what the social

worker described as a harmful social belief that younger women are more desirable as sexual partners. In addition, lack of resources sometimes leads girls to accept abuse in return for things they need or want. The risk of both sexual and physical violence is particularly high for girls who work as domestic servants. The practice of *restaveks* in Haiti envisions children from poor backgrounds staying with wealthier, usually urban, families and helping with house chores in return for schooling. In reality, it is more like child slavery, including because the hosts rarely meet their promise to send the *restavek* children to school, force the children to work long hours, and do not adequately feed them.²²

8. One of the drivers for GBV is a permissive attitude among individuals and communities regarding violence directed towards women and girls, especially within families and intimate relationships, along with generalized objectification of girls and women. Survivors of violence often experience shame, self-blame, and internalized pressure to reconcile with or protect their abuser. Survivors of sexual violence are also often blamed and stigmatized, or pressured into silence when they report the abuse or attempt to seek legal recourse.²³ The Office of Citizen Protection (**OPC**) – the government’s human rights ombudsman office – has noted that rape is not considered a crime in some communities, especially in rural areas.²⁴ Physical violence is common within families and is often considered by the community and the police alike to be a private matter.²⁵ Women largely stay silent about such abuse, including because many rely on male partners for income and support of their children and have no alternatives. Community healthcare workers report that many survivors feel that they deserve the violence they experience. Many Haitian women consider a husband to be justified in hitting his wife under certain circumstances, including if he is dissatisfied with food or if she refuses sex.²⁶ One dynamic described by local advocates is that reporting becomes less likely when women know their abusers. If it is an intimate partner, they may fear his retaliation or loss of financial support, or feel pressure to preserve the family. Outside of intimate relationships, women are sometimes pressured by their assailants’ families or social connections; abusers connected with gangs or police are especially adept at intimidating survivors into silence. The particularly high rates of insecurity over the last two years²⁷ have exacerbated this dynamic even more.

9. In addition to sexual and physical violence, sexual harassment, and economic and emotional violence are highly prevalent. Elements of sexual harassment are “woven into the fabric of daily life” in Haiti.²⁸ There are numerous allegations of sexual harassment against women and girls involving high-profile government officials²⁹ and prominent public figures.³⁰ In a 2016 study, one third of female respondents reported being forced to sleep with their supervisors at least once in their lifetimes.³¹ Girls experience harassment and sexual assault from their teachers and coaches. For example, teachers will sometimes assert that girls failed examinations in order to pressure them into sexual relationships.³² Accountability is rare. In 2020, the International Federation of Football Association (**FIFA**) imposed a lifetime ban on the former head of the Haitian Football Federation for the rape and sexual assault of at least 14 players, some of whom were under 18.³³ There has been no formal legal sanction in Haiti. The abuse of unequal power is especially difficult to address in situations where the adolescents are no longer minors.

10. Haiti is currently experiencing catastrophic levels of insecurity and political instability.³⁴ These have – in conjunction with the COVID-19 pandemic – further increased violence directed against women and girls. According to ActionAid Haiti, “[w]omen and girls in Haiti are facing a rising tide of violence, femicide and kidnappings,” with the situation “deteriorating quickly as the

political crisis escalates and economic turmoil continues as communities battle the Covid-19 pandemic.”³⁵ While there is no systematic data, the UN and other observers have made clear that women and children are some of the worst affected by the prevailing state of insecurity.³⁶ UNICEF’s regional director opined that “[c]hildren and women in Haiti are no longer simply the victims of criminal gangs – they are increasingly becoming their targets.”³⁷ Women and girls also face additional risks of GBV if kidnapped. Recent examples like the following abound.

- a. Evelyne Sincere was drugged and kidnapped on October 29, 2020. The student was found dead four days later, her body partially naked with signs of sexual assault and dumped in a trash heap.³⁸
- b. On April 7, 2021, Guerline Joseph, a police officer, was kidnapped on her way to work and held for three days, during which she was tortured.³⁹
- c. On December 6, 2021, Magdala Louis was kidnapped and held for a day. Her assailants tortured her, including by beating her face and feet, burning her hair, and threatening her with death.⁴⁰

The Ministry for the Status of Women and Women’s Rights raised alarm regarding rising femicides in 2021.⁴¹ Multiple women’s shelters were set on fire by armed gangs in Port-au-Prince.⁴² According to one analysis, GBV incidents increased by 377 percent in 2020.⁴³

11. The general atmosphere of insecurity has also restricted the availability and accessibility of GBV support services, with survivors of GBV unable or unwilling to seek much-needed care.⁴⁴ The likelihood of seeking police help and accountability are lower still: there are already formal indications that even as instances of GBV reported to healthcare providers have significantly increased, reporting to the police has declined.⁴⁵ As in the wake of the 2010 earthquake, the precarious situation also leaves women and girls vulnerable to sexual exploitation and abuse when seeking necessities.⁴⁶ Further, the situation has forced women’s rights groups to stop trainings and other activities, with advocates reporting that women fear speaking out publicly.

12. The prevalence of GBV in Haiti reflects women and girls’ unequal status in Haitian society more generally. Girls are less likely to be educated than boys and face greater barriers in entering the formal economy or securing collateral for credit.⁴⁷ These and other constraints on women’s ability to earn an independent living often place them in a position of financial dependence on men,⁴⁸ and thus further feed patriarchal and discriminatory stereotypes while deepening vulnerabilities to sexual exploitation and abuse. Women further bear the burden of supporting children, with men often refusing to provide financial assistance for their offspring if separated from their mother, creating added barriers to women reporting or leaving abusers.⁴⁹ Women are also under-represented in positions of power, including in public office,⁵⁰ among judicial actors and the police,⁵¹ and in the formal economy.⁵² No material progress has been made in spite of Haiti’s support for corresponding recommendations.⁵³ Indeed, Haiti has one of the lowest rates of women’s political representation in the world.⁵⁴ Women have less access to funding when running for public office, face discriminatory stereotypes, and were sometimes discouraged from participating by violent means.⁵⁵ In spite of participation quotas, there were only four women in Haiti’s last functioning parliament. Current insecurity means that without special measures, women will be left out of the political process yet again.

III. Inadequate Laws and Institutional Protections

13. Haiti's current legal framework and institutions fall woefully short of its obligations to address the above-described challenges by promulgating laws and regulations, providing trainings, and deploying government resources to protect women and girls from GBV.⁵⁶ Haiti's constitution, in addition to expressly domesticating Haiti's human rights obligations, does explicitly provide for a government that respects "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";⁵⁷ provides that political and civil rights are enjoyed "regardless of sex or marital status";⁵⁸ 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."⁵⁹ In 2012, the Constitution was further 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"⁶⁰ and in elections.⁶¹ As can be seen from the discussion above, however, these legal protections and the nondiscrimination requirements envisioned by these provisions are not substantively met. Further, government entities charged with related mandates, like the Ministry on the Status of Women, lack adequate resources⁶² and are perceived by at least some advocates as ineffectual and disengaged. Fewer than 10 percent of police officers are women⁶³ in spite of the constitutional quota requiring that a minimum of 30 percent of public offices be held by women. Women are likewise under-represented among prosecutors and judges, as well as in political and executive offices.

14. In one particularly egregious example of how Haiti is failing to protect its women and girls from GBV, at least nine women and one girl being detained at the civil prison of Gonaïves were gang-raped during a November 2019 prison mutiny over poor conditions.⁶⁴ At least eight of the ten were being held in pretrial detention at the time, meaning that no judgment had been rendered against them. A discussion of the related violations of human rights associated with Haiti's prison conditions and outrageous rates of pretrial detention⁶⁵ are beyond the scope of this submission. However, it is clear that Haiti is failing to consider risks of GBV to women in implementing its prison policies. The submitting organizations are not aware of any accountability for these crimes by either the prison authorities who permitted them to happen or the perpetrators themselves, and, as of November 21, 2019, all were still being held.

15. Haiti's legislature has made no progress in implementing recommendations Haiti supported during the last UPR cycle directed at improving its legislation,⁶⁶ likewise violating Haiti's obligations to adequately resource and prioritize efforts to address gender inequality and GBV under CEDAW and the Belém do Pará Convention. In general, as noted by the CEDAW Committee, Haiti's legislative process is slow and characterized by "frequent and very long delays in the promulgation of a series of laws affecting women's rights." In spite of corresponding commitments, 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.⁶⁷ Haiti's penal code dates back to 1835 and has not been adapted to contemporary legal treatment of GBV. Rape was only added as a standalone crime, rather than a crime of "indecent assault," by a 2005 ministerial decree. In any case, the penal code still fails to define elements of rape or address consent, which have made it extremely difficult to prosecute.⁶⁸ It also does not acknowledge rape within a marriage. Anecdotally, advocates report that certain judges refuse to acknowledge rape within marriage as a form of sexual violence, let alone a crime, and are resistant

to corresponding trainings. There are no provisions on domestic violence or sexual harassment, and abortion is illegal in all circumstances.⁶⁹

16. In June of 2020, the late President Moïse issued a decree dramatically revising Haiti's penal code, to go into effect on June 24, 2022.⁷⁰ Haiti's constitution – which recognizes the separation of government powers⁷¹ – does not permit the Executive to legislate in this manner, and the decree has been criticized as a gross abuse of power that undermines the rule of law in Haiti.⁷² Haiti's Parliament was dissolved in January 2020 due to a failure to hold elections and therefore has been unable to address the decree. It is noteworthy that a revised penal code and a violence against women law had been drafted under the leadership of the Ministry on the Status of Women and Women's Rights and with feedback from women's groups at the time of the last UPR review, but was never taken up by Parliament.

17. If effectuated, the penal code decree would dramatically transform Haiti's criminal laws. Some of the substantive changes envisioned are much-needed and would shift Haiti's criminal laws closer to meeting its international human rights obligations. For example, the decree sets out a clearer definition of rape with reference to consent⁷³ and includes an explicit prohibition on spousal sexual assault.⁷⁴ It also includes extensive provisions regarding sexual harassment,⁷⁵ legalizes abortion up to the twelfth week of pregnancy, and carves out allowances for the termination of pregnancies resulting from rape or incest, or in cases where the physical or mental health of the woman is in danger.⁷⁶ If enacted and implemented, such changes would significantly improve Haiti's current legal protections for women and girls. It is deeply troubling, however, that they are being put forward through an extralegal decree. In addition to general concerns this process raises regarding the balance of government powers, democratic integrity, and the rule of law,⁷⁷ it also carries the potential to create questions regarding the legitimacy of any laws thus promulgated and thereby undermine their effectiveness.

18. Patriarchal and discriminatory stereotypes remain prevalent in Haiti and, as described in Section II, there is a permissive attitude towards GBV at individual and community levels. Haiti has failed to implement adequate measures to confront such social biases, in spite of supporting corresponding recommendations during the last cycle⁷⁸ and, in some instances, is responsible for perpetuating them. For example, the current holder of the OPC mandate – which includes an emphasis on promoting women's rights⁷⁹ – has been accused of domestic violence, but has nevertheless remained in office with no inquiry.⁸⁰ This is only one example of men remaining in high government office in spite of allegations of assault and even rape.⁸¹ In 2020, the current Minister of Culture used his public platform to attack feminist organizations for demanding more information regarding allegations of sexual assault involving the director of the National Library of Haiti,⁸² adding to a culture of silence, intimidation, and impunity.

19. There have been some improvements in using the existing legal mechanisms for preventing and addressing GBV, but they remain weak and are further undercut by pervasive discrimination, especially in more rural areas. Advocates observe that police officers who have received GBV training have improved their performance in terms of interacting with survivors reporting GBV, although it is not clear whether this is the case outside of the capital and whether the current crisis has resulted in backsliding. Civil society initiatives like BAI's Rape Accountability and Prevention Program created to respond to the surge of GBV in the wake of the 2010 earthquake have improved women's knowledge of their legal rights and worked to compel existing legal mechanisms to actually work as intended on behalf of survivors.⁸³ BAI and a network of women's organizations

like KOFAVIV have been working alongside survivors to ensure that claims are appropriately filed, investigated, and prosecuted by government officials. In some cases, they have represented survivors wishing to participate as civil parties to criminal prosecution.

20. On the whole, however, progress in ensuring that the criminal justice system and accompanying government services adequately investigate and address GBV has been limited and slow. There are now more GBV investigations and prosecutions, but they focus mostly on the rape of minors, (as opposed to other forms of GBV). Prosecutions remain the exception rather than rule, and convictions are few. Rates are especially low for adult women survivors. In BAI's experience, in Port au Prince, fewer than 70 percent of complaints led to an arrest, and 40 percent of those arrested were set free before the completion of judicial proceedings, leaving survivors at risk. The rates are likely to be far worse farther from the capital. Domestic violence is rarely addressed unless the survivor is severely harmed or killed.⁸⁴ A UN Integrated Office in Haiti (BINUH) investigation in the Grand-Anse Department revealed that of the 126 GBV complaints made in 2020 (that number, in turn, likely to be a fraction of actionable incidence of violence),⁸⁵ only 46 had resulted in judicial inquiries and none had gone to trial. BINUH concluded that similar or worse dynamics play out across the rest of Haiti.⁸⁶ This is likewise the perspective of the submitting organizations. In one particularly egregious instance of lax prosecution, a pastor was acquitted of assaulting a 14-year-old girl in spite of DNA evidence confirming he had fathered the resulting child.⁸⁷

21. At a more granular level, every aspect of Haiti's legal mechanisms for addressing GBV falls far short of its human rights obligations. While Haiti's police now have a dedicated GBV unit,⁸⁸ it is understaffed and has only three offices, all in or near the capital.⁸⁹ As noted above, police have improved with respect to receiving claims of GBV following programs aimed at training. However, police and judicial investigators generally lack resources to investigate GBV crimes and their respective investigations are often deficient and lengthy as a consequence.⁹⁰ 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. The process is usually opaque for survivors, who rarely receive information. Evidence-gathering in GBV cases is further impeded by a lack of forensic skills and equipment,⁹¹ including infrastructure for storing forensic evidence, which hampers proceedings in an already weak system that suffers from politicization and corruption. The OPC has acknowledged that prosecutors often fail to adequately investigate and indict GBV cases and that in at least some parts of the country, allegations of GBV are discounted by officials responsible for protecting women and girls.⁹² Individuals accused of serious crimes are often released without any meaningful process or accountability, especially where they have connections to members of the judiciary or the political elite, or are able to pay bribes.⁹³ The government office responsible for supervising judicial conduct and discipline has largely failed to intervene to confront such practices.⁹⁴

22. Haiti's justice system does not effectively support survivors of GBV and has elements that seem intended to exclude survivors, especially those without means, from seeking or obtaining justice. As a practical reality, GBV prosecutions require survivors to obtain medical certificates. Such certificates are not legally mandatory and should not be dispositive, as in some cases there is no physical evidence of forced penetration. Nevertheless, in practice, survivors who do not have medical certificates are unable to proceed with their cases and the certificates thus pose a significant barrier to accountability by forcing recently traumatized women and girls to undertake

additional steps and associated expenses in order to seek justice. According to advocates, women also face challenges in obtaining the medical certificates at the point of care, including because doctors are sometimes absent and certificates must be obtained within 72 hours. Survivors likewise struggle to obtain treatment for any sexually transmitted infections and pregnancies resulting from assaults. In general, male accounts are privileged over female ones with respect to consent,⁹⁵ such that prosecutions are virtually impossible in the absence of external evidence of force. One way in which this dynamic may be observed is that reporting GBV is especially fraught for adult women. Judges are more likely to question whether women consented than in cases involving young girls. Further, unlike younger girls, adult women are more likely to be subjected to shaming, assumptions of promiscuity, and expectations of submitting to family pressures. Indeed, in BAI's experience adult women are far more likely to have difficulties with the police in filing a complaint. They are also less likely to succeed in obtaining a judgment.

23. Moreover, while Haitian law provides for survivors to be able to act as civil parties to criminal cases – and seek civil compensation alongside criminal remedies – in reality, survivors of GBV rarely do so. There are several reasons. In addition to limited legal advocacy resources (BAI is one of the few organizations that provide *pro bono* legal services to survivors of GBV), the testimony of survivors who participate as civil parties is discounted by courts, thus making it more difficult to obtain a conviction in a case where the survivor chooses to participate as a civil party. Further, 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. This means that survivors, who are usually without means, must expend significant funds to have even the opportunity to collect restitution awarded to them by a court of law from their abuser. The continued existence of such practices is a flagrant impediment to justice and a violation of Haiti's human rights obligations.⁹⁶ As a practical reality, the submitting organizations are not aware of any cases where damages awarded to survivors in connection with a GBV conviction were paid.

24. Finally, Haiti lacks sufficient social support services for survivors of GBV⁹⁷ and government actors often fail to take meaningful care to protect survivors who step forward from retaliation or further harm. There are no government shelters, although a few are run by women's groups. In fact, when survivors approach the government, including the Ministry on the Status of Women and Women's Rights, the government refers them to women's support organizations like KOFAVIV. Similarly, any psychological or legal services for survivors are provided by advocacy organizations and not the government. Medical providers are often closed at night, which presents a further barrier to survivors receiving necessary care.⁹⁸ Further, the process of attempting to seek out justice is prohibitively expensive, especially in rural areas⁹⁹ or otherwise challenging due to familial obligations.¹⁰⁰ No government services exist to alleviate the burden. In combination with the judicial dysfunction described above, this serves as a major barrier for survivors to leave abusers or to step forward and complain. In addition, the social and economic marginalization of women gives rise to compounding challenges in pursuing accountability for GBV. Survivors are often pressured by families and communities to stay silent because of their relationship with the offender or reservations of parents or guardians about bringing a case.¹⁰¹ Families of perpetrators will sometimes threaten survivors or negotiate with their families to avoid or force the withdrawal of legal complaints.¹⁰² Such pressures are compounded by survivors' financial dependence on those relationships in a judicial system that has few resources to offer them.

25. Especially in light of these major failures of Haiti's judicial sector to provide accountability for GBV, it is concerning that Haiti has not implemented the recommendations it supported to ratify the Optional Protocol to CEDAW.¹⁰³

IV. Recommendations

- 1) Reform or enact laws to ensure protections against GBV for women and girls in line with Haiti's human rights obligations, including especially providing a modern definition of rape grounded in consent, criminalizing domestic violence and sexual harassment, and legalizing abortion to respect the bodily autonomy of women and girls. Such changes must be enacted in a constitutional manner.
- 2) Enact and implement legislation protecting the equality of women and girls and requiring affirmative investments to that end.
- 3) Establish and implement policies and programs to combat harmful or unequal stereotypes regarding women and girls and attitudes normalizing GBV. Invest in resources for survivors to help them confront internalized prejudice.
- 4) Implement policies and programs directed at supporting GBV survivors, including shelters, know-your-rights trainings, psychological and medical support, livelihood programs, and support resources for navigating the justice system. Consider creating and funding survivor advocate offices.
- 5) Provide trainings to all judicial actors, including police, on trauma-sensitive and thorough investigation and prosecution of GBV, including especially in areas outside of the capital. Ensure that the police and judiciary receive training and resources to conduct modern forensic investigations of GBV cases, including infrastructure for storing underlying materials.
- 6) Invest in women's economic and political empowerment, including by implementing programs targeted at promoting women's livelihoods and related skills; setting and meeting higher quotas for women's participation in public positions of authority, including elected office; and ensuring nondiscriminatory educational, hiring, and workplace practices.
- 7) Enact and implement laws and policies requiring fathers to provide parental support to their children, regardless of marital status.
- 8) Track statistics concerning rates of GBV and women's participation and representation in elected office, government positions, and other key metrics. Implement policies encouraging hiring more women in top positions.
- 9) Submit the CEDAW report due March 2020; implement recommendations arising from the last UPR and CEDAW cycles relating to GBV.
- 10) Ratify the Optional Protocol to CEDAW.

¹ Convention on the Elimination of All Forms of Discrimination Against Women, signed July 1, 1980, ratified July 20, 1981 [hereinafter **CEDAW**].

² The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, signed June 9, 1994, ratified April, 7, 1997 [hereinafter **Belém do Pará Convention** or **BDPC**].

³ See CEDAW Committee, *General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*, UN Doc. CEDAW/C/GC/35, ¶ 26 (July 14, 2017), https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf [hereinafter **General Recommendation No. 35**]. The CEDAW Committee concluded in its General Recommendation No. 35 that “[g]ender-based violence against women constitutes discrimination against women under article 1 and therefore engages all of the obligations in the Convention.” *Id.* at ¶ 21. Thus, CEDAW’s Article 2 “establishes that the overarching obligation of States parties is to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including gender-based violence against women.” *Id.* The Committee further specified that these obligations concern “all areas of State action, including legislative, executive and judicial branches” and requires “the adoption and implementation of measures to eradicate prejudices, stereotypes and practices that are the root cause of gender-based violence against women. *Id.* at ¶ 26. See also *id.* at ¶ 1 (establishing that “discrimination against women – as defined in article 1 of the Convention – includes gender-based violence, that is, ‘violence which is directed against a woman because she is a woman or that affects women disproportionately’, and, as such, is a violation of their human rights.”); *id.* at ¶ 19 (recognizing “gender-based violence against women to be rooted in gender-related factors such as the ideology of men’s entitlement and privilege over women, social norms regarding masculinity, the need to assert male control or power, enforce gender roles, or prevent, discourage or punish what is considered to be unacceptable female behavior”); *id.* at ¶ 14 (“Gender-based violence against women is also affected by political, economic and social crises, civil unrest, humanitarian emergencies, natural disasters, destruction or degradation of natural resources”); *id.* at ¶ 23 (“States parties are responsible for preventing these acts or omissions by their own organs and agents – including through training and the adoption, implementation and monitoring of legal provisions, administrative regulations and codes of conduct – and to investigate, prosecute and apply appropriate legal or disciplinary sanctions as well as provide reparation in all cases of gender-based violence against women, including those constituting international crimes, as well as in cases of failure, negligence or omission on the part of public authorities.”); *id.* at ¶ 24(a–b) (providing fact patterns where States will be responsible for acts and omissions of non-state actors responsible for gender-based violence against women). See also CEDAW art. 2.

⁴ General Recommendation No. 35 at ¶ 21.

⁵ See General Recommendation No. 35 at ¶ 24.

⁶ See BDPC, art. 3 (“Every woman has the right to be free from violence in both the public and private spheres.”); art. 7 (obligating States Parties “to pursue, by all appropriate means and without delay, policies to prevent, punish and eradicate” violence against women and to ensure that the State Party’s laws, institutions, and practice provide access to justice for survivors); art. 8 (obligating States Parties to undertake progressive and comprehensive measures to ensure the rights established); art. 5 (codifying State Party agreement that violence against women prevents and nullifies “the free and full exercise of [women’s] civil, political, economic, social and cultural rights” and that State Parties are obligated to provide “the full protection of those rights as embodied in regional and international instruments on human rights”).

⁷ International Covenant on Civil and Political Rights, ratified Feb. 6, 1991, art. 2(1) ; art. 2(3); art. 6(1).

⁸ The Constitution of the Republic of Haiti, art. 276-2 (1987) [hereinafter **Haiti Constitution (1987)**] (“Once international treaties or agreements are approved and ratified in the manner stipulated by the Constitution, they become part of the legislation of the country and abrogate any laws in conflict with them.”).

⁹ See CEDAW art. 2; General Recommendation No. 35 at ¶ 24.

¹⁰ See CEDAW, Letter to the Permanent Representative of Haiti to the United Nations Office at Geneva (Jan. 14, 2019),

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/HTI/INT_CEDAW_FUL_HTI_33436_E.pdf (referencing CEDAW, Concluding observations on the combined eighth and ninth periodic reports of Haiti, UN Doc. CEDAW/C/HTI/CO/8-9, ¶ 58 (Mar. 8, 2016), <https://undocs.org/en/CEDAW/C/HTI/CO/8-9> [hereinafter **CEDAW Concluding Observations**]).

¹¹ See UN Treaty Body Database, *Reporting Status for Haiti*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=HTI&Lang=EN.

¹² See Human Rights Council (HRC), Report of the Working Group on the Universal Periodic Review (2016), U.N. Doc. A/HRC/34/14 [hereinafter “2016 UPR Report”], recommendations supported by Haiti: 117.6, 115.20, 115.21,

115.36, 115.66, 115.67, 115.62, 115.68, 115.64, 115.69, 115.60, 115.61, 115.94, 115.84, 115.97, 115.83, 115.86, 115.88, 115.90, 115.85, 115.89, 115.65, 117.24.

¹³ See 2016 UPR Report at 115.83 (“Take additional measures to address all forms of violence against women and girls, including women and girls with disabilities (Georgia)”) (supported by Haiti); *id.* at 115.69 (“Continue its efforts to promote gender equality, including by taking concrete measures to combat the high level of violence against women (Norway)”) (supported by Haiti); *id.* at 115.65 (“Remedy violence against women and girls, including gender and sexual violence, through the implementation of legislation that prevents and criminalises such acts (Canada)”) (supported by Haiti); *id.* at 115.90 (“Adopt and implement efficiently a comprehensive legislation on combating violence against women (Italy)”) (supported by Haiti); *id.* at 115.94 (“Ensure that the police and judiciary are trained to deal impartially with women reporting gender based violence, and that all such complaints are fully investigated and prosecuted (United Kingdom of Great Britain and Northern Ireland)”) (supported by Haiti); *id.* at 115.84 (“Take further appropriate actions to combat gender based violence, discrimination and legalize domestic violence (Mongolia)”) (supported by Haiti); *id.* at 115.97 (“Consider adopting further measures to enhance legal protection to vulnerable groups, including on the issues of gender violence and child labour (Brazil)”) (supported by Haiti); *id.* at 115.86 (“Adopt and effectively implement comprehensive legislation criminalising rape, domestic violence, sexual harassment and other forms of violence (Australia)”) (supported by Haiti); *id.* at 115.85 (“Amend all legislative provisions discriminatory against women and introduce a comprehensive law preventing and combating violence against women and girls, including a definition of rape in line with international standards and the criminalization of marital rape (Czechia)”) (supported by Haiti); *id.* at 115.89 (“Intensify its efforts in protecting the rights of women and promote gender equality by revising legal framework, strengthening law enforcement and supporting victims of domestic violence in their legal process, rehabilitation and reintegration (Thailand)”) (supported by Haiti); *id.* at 115.85 (“Amend all legislative provisions discriminatory against women and introduce a comprehensive law preventing and combating violence against women and girls, including a definition of rape in line with international standards and the criminalization of marital rape (Czechia)”) (supported by Haiti); *id.* 115.91 (“Adopt the existing draft law on combatting violence against women to incorporate the criminalization of marital rape, incest, and sexual harassment (Ireland)”) (supported by Haiti).

¹⁴ See, e.g., Siobhan Morrin, *Survivors of Haiti’s Sexual Violence Crisis Are Finally Making Themselves Seen*, Newsweek (Apr. 19, 2017), <https://www.newsweek.com/2017/04/28/haiti-epidemic-sexual-violence-rape-survivors-crisis-586061.html>; Nicole Phillips, *The vital role of grassroots movements in combatting sexual violence and intimate partner abuse in Haiti*, p. 10, 2014, in *Comparative Perspectives on Gender Violence: Lessons from Efforts Worldwide* (Rashmi Goel and Leigh Goodmark eds., Oxford Publishing 2015) (Annex 1).

¹⁵ See M.C. Smith Fawzi et. al, *Factors associated with forced sex among women accessing health services in rural Haiti: implications for the prevention of HIV infection and other sexually transmitted diseases*, Soc Sci Med 60 (4), (Feb. 2005), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3407680/>.

¹⁶ See Organization of American States, Haiti: Response to questionnaire, OEA/Ser.L/II.7.10, 20 (2008); see also Center for Gender and Refugee Studies (CGRS), Haitian Bridge Alliance (HBA) & Instituto para las Mujeres en la Migración (IMUM), *A Journey of Hope: Haitian Women’s Migration to Tapachula, Mexico*, p. 40 (2021), <https://cgrs.uchastings.edu/sites/default/files/A-Journey-of-Hope-Haitian-Womens-Migration-to%20-Tapachula.pdf> [hereinafter **CGRS, HBA & IMUM, A Journey of Hope**].

¹⁷ See Institut Haïtien de l’Enfance Pétiou-Ville, *Haïti, Haïti Enquête Mortalité, Morbidité et Utilisation des Services (EMMUS-VI 2016-2017)*, p. 392 (July 2018), <https://www.dhsprogram.com/pubs/pdf/FR326/FR326.pdf>.

¹⁸ See, e.g., Médecins Sans Frontières (MSF), *Against Their Will: Sexual and Gender Based Violence Against Young People in Haiti*, p. 7 (2017), <https://www.msf.org/haiti-against-their-will-new-report-sexual-violence> (Annex 2); Chanelle Fox, *Violent Sex: How Gender-Based Violence is Structured in Haiti*, *Healthcare & HIV/AIDS*, 2 Ind. J.L. & Soc. Equality 202, 225 (2013), <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1020&context=ijlse>; Anastasia Moloney, *Sexual violence in Haiti is a public health problem: charity*, Thomson Reuters (July 19, 2017), <https://www.reuters.com/article/us-haiti-sexual-violence-women-idUSKBN1A41T2>; see also CEDAW Concluding Observations at ¶ 21(d)-(f).

¹⁹ Estimates are deeply impacted by who is willing to report abuse, and CEDAW acknowledged in 2016 that gender-based violence in Haiti is underreported because of survivors’ mistrust of the justice system and threats of stigma and retaliation if the crime is reported. See CEDAW Concluding Observations at ¶ 21(e) (“Violence against women is underreported owing to lack of trust in the judges, prosecutors, and police officers, and that mediation and conciliation is excessively resorted to in cases of violence against women.”). See also, e.g., United States Department of the State, *Haiti 2019 Human Rights Report*, p. 19 (2019), <https://www.state.gov/wp-content/uploads/2020/02/HAITI-2019-HUMAN-RIGHTS-REPORT.pdf> [hereinafter **U.S. DOS Haiti 2019 Human Rights Report**].

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- ²⁰ See, e.g., MSF, *Against Their Will: Sexual and Gender Based Violence Against Young People in Haiti*, p. 7 (2017), <https://www.msf.org/haiti-against-their-will-new-report-sexual-violence> (Annex 2) (finding that 83 percent of rape survivors treated at its clinic were under 25 years old, and 57 percent were under 18 years old).
- ²¹ Centers for Disease Control and Prevention, *Violence Against Children in Haiti, Findings From a National Survey*, p. 21 (2012), <https://www.cdc.gov/violenceprevention/pdf/violence-haiti.pdf>; see also Avocats Sans Frontiers Canada, Kay Fanm & OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, p. 17 (2019), https://www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf.
- ²² See, e.g., Leah Gilbert et. al, *The experience of violence against children in domestic servitude in Haiti: Results from the Violence Against Children Survey*, National Center for Biotechnology Information (NCBI), p. 185 (Nov. 4 2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6016389/>; Sarah J. Breyer, *Using the Organization of American States to End the Abuse of Restaveks*, 48 Colum. Human Rights L. Rev. 147, 160 (2016).
- ²³ See, e.g., CGRS, HBA & IMUM, *A Journey of Hope*, p. 24 (“SGBV can be accompanied by stigma in Haitian culture, and women often do not report incidents of abuse to their friends, family members, or law enforcement.”).
- ²⁴ See, e.g., Jean Pharès Jérôme, *Viol : de petits progrès éclipsés par d’énormes défis*, *Le Nouvelliste* (June 25, 2018), <https://lenouvelliste.com/article/189181/viol-de-petits-progres-eclipses-par-denormes-defis>.
- ²⁵ See, e.g., Kenaz Jean Baptise, *Perceptions of Domestic Violence Among Women in the Department of Artibonite, Haiti*, ScholarWorks, pp. 3, 8 (2021), <https://scholarworks.waldenu.edu/cgi/viewcontent.cgi?article=11230&context=dissertations>; Amnesty International, *Don't Turn your Back on Girls: Sexual Violence against Girls in Haiti*, p. 9 (2008), <https://www.amnesty.ie/wp-content/uploads/2016/05/Sexual-Violence-against-Girls-in-Haiti.pdf>; Ministère à la Condition Féminine et aux Droits des Femmes, *Étude Une réponse à la violence faite aux femmes en Haïti. Étude sur la violence domestique et sexuelle en Haïti*, p. 5 (2007), <https://evaw-global-database.unwomen.org>.
- ²⁶ See Institut Haïtien de l’Enfance Pétiion-Ville, *Haïti, Haïti Enquête Mortalité, Morbidité et Utilisation des Services (EMMUS-VI 2016-2017)*, p. 365 (July 2018), <https://www.dhsprogram.com/pubs/pdf/FR326/FR326.pdf> (reporting that just under 17 percent of women in Haiti believe a husband is justified in hitting a spouse under certain circumstances); OECD.Stat, *Gender, Institutions and Development Database (GID-DB)* (2019), <https://stats.oecd.org/Index.aspx?DataSetCode=GIDDB2019> (publishing data from UNICEF’s global databases showing that 58.9 percent of women in Haiti aged 15-49 years old believe a husband to be justified in hitting or beating his wife in certain circumstances); see also OECD Development Centre, *Social Institutions & Gender Index (SIGI): Haiti*, p. 1 (2019), <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/HT.pdf>.
- ²⁷ See *infra* note 34.
- ²⁸ Heartland Alliance International & Initiative pour un Développement Équitable en Haïti, *A Barrier to Work, Life and Rights: Sexual Harassment in Haiti*, p. 5 (Mar. 2016), https://www.heartlandalliance.org/wp-content/uploads/2016/01/HAI_Haiti_Report.pdf.
- ²⁹ For example, Josue Pierre-Louis, who was serving as Minister of Justice, was accused of sexually harassing and raping his assistant, Marie-Danielle Bernardin, in 2012. See Brian Concannon, *A System Put to the Test* (Jan. 23, 2013), www.ijdh.org/2013/01/topics/womens-issues/a-system-put-to-the-test.
- ³⁰ For example, FIFA suspended three Haitian soccer federation officials due to “alleged systematic sexual abuse of young women players.” *FIFA suspends 2 more Haiti officials in sexual abuse inquiry*, The Associated Press (Aug. 20, 2020), <https://www.miamiherald.com/sports/article245104475.html>. In November 2014, seven employees of the Radio Television Nationale d’Haïti (RTNH) submitted a complaint to the Citizen’s Protection Office claiming widespread sexual harassment at their workplace, including by Director General Ernest Harrison himself. Business & Human Rights Resource Centre, *Haiti: Seven employees complain of sexual harassment at Radio Television Nationale d’Haïti* (Dec. 23, 2014), <https://www.business-humanrights.org/en/latest-news/haiti-seven-employees-complain-of-sexual-harassment-at-radio-television-nationale-dhaiti-rtnh/>.
- ³¹ See Heartland Alliance International & Initiative pour un Développement Équitable en Haïti, *A Barrier to Work, Life and Rights: Sexual Harassment in Haiti*, p. 5 (Mar. 2016), https://www.heartlandalliance.org/wp-content/uploads/2016/01/HAI_Haiti_Report.pdf.
- ³² See Laura Lewis, *Un professeur peut-il entretenir une relation intime avec son élève ?*, AyiboPost (May 20, 2021), <https://ayibopost.com/un-professeur-peut-il-entretenir-une-relation-intime-avec-son-eleve/>.
- ³³ See, e.g., Hervia Dorsinville, *Bilan détaillé de la lutte des femmes en Haïti pour 2020*, AyiboPost (Jan. 30, 2021), <https://ayibopost.com/bilan-detaille-de-la-lutte-des-femmes-en-haiti-pour-2020/>; U.S. Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, p. 1, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/>; Human Rights Watch (HRW), *Accountability for Past Abuses Haiti* (Feb. 22, 2021), <https://www.hrw.org/world-report/2021/country-chapters/haiti#d9658f>.

³⁴ See, e.g., IJDH, Human Rights and Rule of Law in Haiti: Key Recent Developments November 2020 to May 2021 (June 2021), pp. 1, 5, <http://www.ijdh.org/wp-content/uploads/2021/06/June-2021-Human-Rights-Update-IJDH.pdf> (Annex 6); IJDH, Human Rights and Rule of Law in Haiti: Key Recent Developments March to October 2020 (Nov. 2020), p. 2, <http://www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation-Mar-Oct-2020-FINAL.pdf> (Annex 7); IJDH, Human Rights and Rule of Law in Haiti: Key Recent Developments, Feb. 2020, p. 3, <http://www.ijdh.org/wp-content/uploads/2020/02/Update-on-Human-Rights-and-Rule-of-Law-Situation-Feb-19-2020.pdf> (Annex 8); IJDH, Haiti at a Crossroads: An Analysis of the Drivers Behind Haiti's Political Crisis (2019), p. 7, <http://www.ijdh.org/wp-content/uploads/2019/05/IJDH-Report-Haiti-at-a-Crossroads-May-2019.pdf> (Annex 9).

³⁵ *Women protest rising violence and political corruption in Haiti*, ActionAid (Mar. 2, 2021), <https://actionaid.org/news/2021/women-protest-rising-violence-and-political-corruption-haiti>.

³⁶ See, e.g., OCHA, Haiti: Displacement in Port-au-Prince Situation Report No. 4, pp. 2,3,4 (July 1, 2021), <https://reliefweb.int/report/haiti/haiti-displacement-port-au-prince-situation-report-no-4-1-july-2021>; OCHA, Haiti: Displacements due to gang violence in Port-au-Prince Situation Report No. 3, p. 7 (June 22, 2021), <https://reliefweb.int/Haiti - Situation Report Nr. 3> [hereinafter **Haiti: Situation Report No. 3**]; OCHA, Haiti: Displacements due to gang violence in Port-au-Prince Situation Report No. 2, pp. 1, 5 (June 14, 2021), <https://reliefweb.Haiti - Situation Report Nr. 2 - Displacements Port-au-Prince> [hereinafter **Haiti: Situation Report No. 2**]; *Haiti-Criminality: Precarious calm in Martissant and Fontamara - The army and the police mobilized to restore order, announces the de facto government* (June 2, 2021), <https://www.alterpresse.org/spip.php?article27082#.YNJTbmhKiM->; Nations Unies Haiti (@UNHaiti), TWITTER (June 10, 2021, 11:41AM), <https://twitter.com/UNHaiti/status/1403014450848882690>.

³⁷ *73 enfants et femmes victimes de la violence des gangs en Haïti, depuis le dernier trimestre de 2020, selon l'Unicef*, AlterPresse (Apr. 16, 2021), <http://www.alterpresse.org/spip.php?article26921#.YH79WuhKiM>.

³⁸ See, e.g., Onz Chéry, *Killer confession, Haitian Times* (Nov. 11, 2020), <https://haitiantimes.com/2020/11/11/killer-confession-three-men-recount-how-they-kidnapped-and-murdered-elysne-sincere/>.

³⁹ See Haiti Libre (Apr. 11, 2021), <https://www.haitilibre.com/en/news-33458-haiti-news-zapping.html>.

⁴⁰ Onz Chéry, *Kidnappers threaten to kill street vendor over \$200K ransom*, Haitian Times (Dec. 8, 2020), <https://haitiantimes.com/2020/12/08/kidnappers-threaten-to-kill-street-vendor-over-200k-ransom/>.

⁴¹ See *Féminicide en Haïti : le MCFDF se dit alarmé et indigné*, Le Nouvelliste (May 12, 2021), <https://lenouvelliste.com/article/228920/feminicide-en-haiti-le-mcfd-se-dit-alarme-et-indigne>; see also Phillerque Hyppolite, *La responsable des programmes à la SOFA était de passage à Chita Pale, le 2 avril dernier. Extraits choisis de cette discussion*, AyiboPost (Apr. 26, 2021), <https://ayibopost.com/chita-pale-des-femmes-victimes-de-kidnapping-et-de-viols-cherchent-de-laide-pour-quitter-haiti-selon-sharma-aurelien/>.

⁴² See Press Release, United Nations Population Fund (UNFPA), *Health care for women displaced by violence in Haiti* (June 18, 2021), <https://reliefweb.int/report/haiti/health-care-women-displaced-violence-haiti>.

⁴³ See OCHA, Haiti: Humanitarian Needs Overview (March 2021), <https://www.humanitarianresponse.info/en/operations/haiti/document/haiti-humanitarian-needs-overview-summary-2021>.

⁴⁴ See Haiti: Situation Report No. 2; Haiti: Situation Report No. 3; *Haiti: Violence puts patients, staff, and medical activities at risk*, Doctors Without Borders (June 11, 2021), <https://www.doctorswithoutborders.org/what-we-do/news-stories/news/haiti-violence-puts-patients-staff-and-medical-activities-risk>.

⁴⁵ UN Secretary General, Report of the Secretary-General on the United Nations Integrated Office in Haiti, UN Doc. S/2021/559, ¶ 21 (June 11, 2021), <https://undocs.org/en/S/2021/559> (“The number of instances of gender-based violence reported by the national health system increased by 19 per cent between January and April, while the police registered a 44 per cent decline in the number of rapes reported, from 56 to 39 cases.”).

⁴⁶ See Haiti: Situation Report No. 2.

⁴⁷ See CGRS, HBA & IMUM, *A Journey of Hope*, p. 39; CEDAW Concluding Observations at ¶¶ 31(b)-(c) 37.21(e).

⁴⁸ See, e.g., CGRS, HBA & IMUM, *A Journey of Hope*, p. 39; *In Haiti, vocational training offers sex workers a way out of violence*, Spotlight Initiative (Oct. 20, 2020), <https://www.spotlightinitiative.org/fr/node/44235>.

⁴⁹ See, e.g., CEDAW Concluding Observations at ¶ 49.

⁵⁰ See, e.g., Sarah Haddjeri, *The Importance Of Education For Girls And Women In Haiti*, NATO ASS'N (Sept. 24, 2019), <https://natoassociation.ca/the-importance-of-education-for-girls-and-women-in-haiti/>; Gabrielle Bardall et al, *Violence Against Women in Elections in Haiti: An IFES Assessment*, USAID (May 2018), https://www.ifes.org/sites/default/files/violence_against_women_in_elections_in_haiti_may_2018.pdf (Annex 3); Marianne Tøraasen, *Women's status in Haiti ten years after the earthquake*, Chr. Michelsen Institute (June 2020), <https://www.cmi.no/publications/7263-womens-status-in-haiti-ten-years-after-the-earthquake> (Annex 4) (“Just 11,5

per cent of the judiciary and 3 per cent of the parliament are currently filled by women. This places Haiti at a disappointing 187th position out of 190 countries in terms of women's political representation (IPU, 2020), and well below its Latin-American and Caribbean neighbors in terms of women's judicial representation.”).

⁵¹ See, e.g., *Haiti - Security: Towards more women in the PNH*, HaitiLibre (June 8, 2018), <https://www.haitilibre.com/en/news-25170-haiti-security-towards-more-women-in-the-pnh.html>; *Haiti-Genre : L'accès des femmes à la justice, un défi à relever, selon le Moufhed*, AlterPresse (Mar. 14, 2019), <http://www.alterpresse.org/spip.php?article24137=#.YOcO0BNKh-V>; Conseil Supérieur du Pouvoir Judiciaire, *Magistrature/Rapport Hommes-Femmes* (2020) <http://www.cspj.ht/index.php/900-magistrature-rapport-hommes-femmes>; Anastasia Moloney, *Haiti police reform crucial to tackling rising crime – ICG*, Thomson Reuters (Sept. 13, 2011), <https://news.trust.org/item/20110913142900-j2nt1/>; see also U.N. Secretary-General, *United Nations Mission for Justice Support in Haiti* (Mar. 1, 2019), https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2019_198_E.pdf.

⁵² See, e.g., Inter-American Development Bank, *Gender and Transport in Haiti: Gender Diagnostic and Gender Action Plan*, p. 11 (2021), <https://publications.iadb.org/publications/english/document/Gender-and-Transport-in-Haiti-Gender-Diagnostic-and-Gender-Action-Plan.pdf> (“[T]hree out of four women are employed in the informal market and in low-wage jobs, such as domestic work, in the agriculture sector, and in the commercialization of agriculture products and manufactured goods.”).

⁵³ See 2016 UPR Report at 115.66 (“Continue strengthening the participation of women in decision making processes (Iraq)”) (supported by Haiti); *id.* at 115.67 (“Establish effective measures to ensure access of women to decision-making positions (Costa Rica)”) (supported by Haiti).

⁵⁴ See Caitlin Hu, *Haiti elections minister teases new gender rule for parliament, says disputed vote will go on*, CNN (Mar. 23, 2021), <https://www.cnn.com/2021/03/23/americas/haiti-elections-minister-intl-latam/index.html>.

⁵⁵ See, e.g., Phyllerique Hyppolite, *Chita Pale | Des femmes victimes de kidnapping et de viols cherchent de l'aide pour quitter Haiti, selon Sharma Aurélien*, AyiboPost (Apr. 26, 2021) <https://ayibopost.com/chita-pale-des-femmes-victimes-de-kidnapping-et-de-viols-cherchent-de-laide-pour-quitter-haiti-selon-sharma-aurelien/>; CGRS, HBA & IMUM, *A Journey of Hope*, p. 40.

⁵⁶ See, e.g., CEDAW art. 2 & General Recommendation No. 35 at ¶¶ 23, 24; BDPC art. 7, 8.

⁵⁷ Haiti Constitution (1987), preamble (“To assure to 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.”).

⁵⁸ *Id.*, art. 17 (“All Haitians, regardless of sex or marital status, who have attained twenty-one years of age may exercise their political and civil rights if they meet the other conditions prescribed by the Constitution and by law.”).

⁵⁹ *Id.*, art. 19 (“The State has the absolute obligation to guarantee 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.”).

⁶⁰ Haiti 1987 Amended Constitution (2012), art. 17-1 (“The principle of the quota of at least thirty percent (30%) of women is recognized at all levels of national life, notably in the public services”).

⁶¹ *Id.*, art. 31-1-1 (“Any law concerning the Political Parties must reserve in its structures and in its mechanisms of functioning a treatment in conformity with the principle of the quota of at least thirty percent (30%) of women as expressed in Article 17-1.”).

⁶² See Phyllerique Hyppolite, *La responsable des programmes à la SOFA était de passage à Chita Pale, le 2 avril dernier. Extraits choisis de cette discussion*, AyiboPost (Apr. 26, 2021), <https://ayibopost.com/chita-pale-des-femmes-victimes-de-kidnapping-et-de-viols-cherchent-de-laide-pour-quitter-haiti-selon-sharma-aurelien/>.

⁶³ See *Les Experts et les Autorités Soulignent l'Importance d'Augmenter le Taux de Femmes Policières dans la PNH*, MINUJUSTH (May 10, 2019), <https://minujusth.unmissions.org/les-experts-et-les-autorit%C3%A9s-soulignent-l'importance-d'augmenter-le-taux-de-femmes-polici%C3%A8res-dans-la>.

⁶⁴ See, e.g., National Network for the Defense of Human Rights & Haitian Women's Solidarity, *Report on the mutiny followed by the collective rape of detainees at the Gonaïves civil Prison* (Nov. 21, 2019), <https://web.rnddh.org/the-rnddh-and-the-sofa-present-their-report-on-the-mutiny-followed-by-the-collective-rape-of-detainees-at-the-gonaives-civil-prison/?lang=en> (Annex 5).

⁶⁵ See generally *UN warns increased lengthy pre-trial detention in Haiti*, Prensa Latina (Apr. 6, 2021) <https://www.plenglish.com/index.php?o=rn&id=66019>.

⁶⁶ See 2016 UPR Report at 115.86 (“Adopt and effectively implement comprehensive legislation criminalising rape, domestic violence, sexual harassment and other forms of violence (Australia)”) (supported by Haiti); *id.* at 115.90 (“Adopt and implement efficiently a comprehensive legislation on combating violence against women (Italy)”) (supported by Haiti); *id.* at 115.85 (“Amend all legislative provisions discriminatory against women and introduce a comprehensive law preventing and combating violence against women and girls, including a definition of rape in line with international standards and the criminalization of marital rape (Czechia)”) (supported by Haiti); *id.* at 115.89

(“Remedy violence against women and girls, including gender and sexual violence, through the implementation of legislation that prevents and criminalises such acts (Canada)”) (supported by Haiti); *id.* at 115.65 (“Intensify its efforts in protecting the rights of women and promote gender equality by revising legal framework, strengthening law enforcement and supporting victims of domestic violence in their legal process, rehabilitation and reintegration (Thailand)”) (supported by Haiti).

⁶⁷ See CEDAW Concluding Observations at ¶ 9 (“However, the Committee is concerned that these efforts have not yielded concrete results owing to a lack of consistent and coordinated actions, and inadequate financial, technical and human resources. It also notes the slowness of the legislative process and the frequent and very long delays in the promulgation of a series of laws affecting women’s rights.”), 11 (“The Committee is concerned that despite an undertaking by the State party (CEDAW/C/HTI/CO/7, para. 11) to adopt a law on equality of women and men and non-discrimination against women, this has not yet been done. It is further concerned about the persistence of discriminatory provisions in a number of laws including the out-dated Criminal and Civil Codes. The Committee is also concerned about the absence of a clear time frame for the adoption of pending draft laws that have an impact on the enjoyment of women’s rights”).

⁶⁸ See Haitian Penal Code, art. 279.

⁶⁹ See *id.*, art. 262; see also Agathe Logeart, *A Wretched Journey into Haiti’s Clandestine Abortion Trade*, WorldCrunch (Aug. 10, 2014), <http://www.worldcrunch.com/world-affairs/a-wretched-journey-into-haiti-039-s-clandestine-abortion-trade/clandestine-abortions-illegal-mortality/c1s17171/>.

⁷⁰ Projet de loi portant nouveau code penal, art. 1035.

⁷¹ See Haiti Constitution (1987), art. 59 (“Citizens delegate the exercise of national sovereignty to three (3) powers of government: 1. the Legislative Power; 2. the Executive Power; 3. the Judicial Power.”).

⁷² See, e.g., Hervia Dorsinville, *Bilan détaillé de la lutte des femmes en Haïti pour 2020*, AyiboPost (Jan. 30, 2021) <https://ayibopost.com/bilan-detaille-de-la-lutte-des-femmes-en-haiti-pour-2020/>; Winnie Hugot Gabriel, «*Le président commet une usurpation de pouvoirs préjudiciables aux valeurs républicaines*», *estime le barreau de Port-au-Prince* (Nov. 17, 2020), <https://lenouvelliste.com/article/223270/le-president-commet-une-usurpation-de-pouvoirs-prejudiciables-aux-valeurs-republicaines-estime-le-barreau-de-port-au-prince>; Jacqueline Charles, *Slew of presidential decrees have some wondering if Haiti is on the road to dictatorship* (Dec. 21, 2020) <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article247954080.html>; *Haiti's president defends record at UN, US slams 'rule by decree'*, France24 (Feb. 23, 2021), <https://www.france24.com/en/live-news/20210222-haiti-s-president-defends-record-at-un-us-slams-rule-by-decree>.

⁷³ Projet de loi portant nouveau code penal, art. 297 (“Any act of sexual penetration, of whatever nature, committed on a person without their consent, by violence, constraint, menace, or surprise is rape”); *id.*, art. 309 (explaining that the accused cannot offer a defense of believing that the victim had consented if that belief resulted from voluntary impairment of the victim’s faculties, from recklessness or willful blindness, or failure to take reasonable steps to ascertain consent; outlining circumstances in which consent cannot be freely given).

⁷⁴ *Id.*, art. 296 (“Rape and other sexual assaults are established when they have been imposed on the victim in the circumstances outlined by the present section, whatever the nature of the relations existing between the aggressor and the victim, including whether they are united by marriage or live in cohabitation.”).

⁷⁵ *Id.*, art. 308 (“Abuse of authority to harass others by giving orders, making threats, coercing or exerting severe pressure in order to obtain favors of a sexual nature is punishable...”), *id.* art 312 (“The fact of harassing others by repeated acts the object or effect of which is to worsen the conditions of work likely to infringe their rights and dignity, to alter his physical or mental health or to compromise his professional future, is punishable by imprisonment of six (6) months to one (1) year and a fine of 10,000 gourdes to 25,000 gourds.”).

⁷⁶ *Id.*, art. 328 (“The interruption of a pregnancy without the free and clear consent of the pregnant woman, or beyond twelve (12) weeks, or in disregard of the requirements of medical science, is punishable by imprisonment for five (5) to seven (7) years and a fine of 50,000 to 100,000 gourdes. Whoever, outside the requirements of medical science, by food, drink, medicine or other means, causes the abortion of a pregnant woman without her consent, is subject to the same penalties. The penalty is the same if the abortion is caused by physical violence. Doctors, surgeons, other health officers and pharmacists who have prescribed or administered these means, will be subject to the same penalties if the abortion has been carried out as a result. There is no offense when the pregnancy is the result of rape or incest or when the physical or mental health of the woman is in danger.”).

⁷⁷ See, e.g., *Politique: La Fédération des barreaux d’Haïti exige le retrait des décrets présidentiels*, AlterPresse (July 27, 2020), <https://www.alterpresse.org/spip.php?article25951#.YNpZEBNKh-U> (the Haitian Bar Federation calling on President Moïse to rescind his decrees because they are not within his constitutional powers); Elco Saint Amand, *Billet de la rédaction – Le Décret du 24 juin 2020 sur le Code Pénal, une ineptie juridique et politique!*, Rezo Nòdwès

(July 9, 2020), <https://rezonodwes.com/2020/07/09/billet-de-la-redaction-le-decret-du-24-juin-2020-sur-le-code-penal-une-ineptie-juridique-et-politique/#o>.

⁷⁸ See 2016 UPR Report at 117.24 (“Design and implement a series of measures to combat discriminatory stereotypes, including stereotypes based on gender (Croatia)”) (supported by Haiti); *id.* at 115.61 (“Tackle negative attitudes related to gender and discrimination against women through human rights training of law enforcement and judicial bodies’ agents (Colombia)”) (supported by Haiti); *see also id.* at 115.94 (“Ensure that the police and judiciary are trained to deal impartially with women reporting gender based violence, and that all such complaints are fully investigated and prosecuted (United Kingdom of Great Britain and Northern Ireland)”) (supported by Haiti); *id.* at 115.84 (“Take further appropriate actions to combat gender based violence, discrimination and legalize domestic violence (Mongolia)”) (supported by Haiti).

⁷⁹ See Haiti Constitution (1987), art. 207 (“In the exercise of its functions, it will pay a special attention to the complaints presented by women, particularly in that relating to the discriminations and the aggressions of which they may be victims notably in their work.”).

⁸⁰ See « *Batteur de femme* » selon SOFA, Renan Hédouville nommé chef de l’OPC, Loop Haiti (Oct. 28, 2017), <https://www.loophaiti.com/content/batteur-de-femme-selon-sofa-renan-hedouville-nomme-chef-de-lopc>.

⁸¹ See, e.g., Phillerique Hyppolite, *Chita Pale | Des femmes victimes de kidnapping et de viols cherchent de l’aide pour quitter Haïti, selon Sharma Aurélien*, AyiboPost (Apr. 26, 2021), <https://ayibopost.com/chita-pale-des-femmes-victimes-de-kidnapping-et-de-viols-cherchent-de-laide-pour-quitter-haiti-selon-sharma-aurelien/>; Valéry Daudier, *Josué Pierre-Louis retrouve son sommeil sans passer devant la justice*, Le Nouvelliste (Jan. 28, 2013), <https://lenouvelliste.com/article/112995/josue-pierre-louis-retrouve-son-sommeil-sans-passer-devant-la-justice>.

⁸² See Hervia Dorsinville, *Bilan détaillé de la lutte des femmes en Haïti pour 2020*, AyiboPost (Jan. 30, 2021), <https://ayibopost.com/bilan-detaille-de-la-lutte-des-femmes-en-haiti-pour-2020/>; *see also Les féministes d’Haïti répondent à une « diatribe machiste et antiféministe » du ministre de la culture*, Pradel Henriquez, AlterPresse (Sep. 18, 2020), <https://www.alterpresse.org/spip.php?article26170#.YNtHpRNKjEZ>.

⁸³ See further, e.g., *Viol : de petits progrès éclipsés par d’énormes défis*, Le Nouvelliste (June 25, 2018), <https://lenouvelliste.com/article/189181/viol-de-petits-progres-eclipses-par-denormes-defis>; Nicole Phillips, *The vital role of grassroots movements in combatting sexual violence and intimate partner abuse in Haiti*, 2014, p. 10 in *Comparative Perspectives on Gender Violence: Lessons from Efforts Worldwide* (Rashmi Goel and Leigh Goodmark eds., Oxford Publishing 2015) (**Annex 1**).

⁸⁴ CGRS, HBA & IMUM, *A Journey of Hope*, p. 40; Nicole Phillips, *The Vital Role of Grassroots Movements in Combatting Sexual Violence and Intimate Partner Abuse in Haiti*, in *Comparative Perspectives on Gender Violence: Lessons from Efforts Worldwide* (Rashmi Goel and Leigh Goodmark eds., Oxford Publishing 2015) (**Annex 1**).

⁸⁵ See *supra* notes 18-19 and associated text.

⁸⁶ UN Secretary General, Report of the Secretary-General on the United Nations Integrated Office in Haiti, UN Doc. S/2021/559, para. 21 (June 11, 2021), <https://undocs.org/en/S/2021/559>.

⁸⁷ U.S. DOS Haiti 2019 Human Rights Report, p. 19; *Haiti - FLASH : Amazing release of a Haitian Pastor accused of rape*, HaitiLibre (July 18, 2019) <https://www.haitilibre.com/en/news-28272-haiti-flash-amazing-release-of-a-haitian-pastor-accused-of-rape.html>.

⁸⁸ See, e.g., *What’s happening today in Port au Prince?*, UNPOL (Oct. 8, 2018), <https://police.un.org/en/whats-happening-today-port-au-prince>.

⁸⁹ U.S. DOS Haiti 2019 Human Rights Report, p. 23.

⁹⁰ See, e.g., Benedetta Faedi, *NOTE: The Double Weakness of Girls: Discrimination and Sexual Violence in Haiti*, 44 *Stan. J. Intl’L.* 147, 189-190 (Winter, 2008); Shannon D. Lankenau, *Note: Toward Effective Access to Justice in Haiti: Eliminating the Medical Certificate Requirement in Rape Prosecutions*, 64 *Hastings L.J.* 1759, 1769 (August 2013).

⁹¹ See, e.g., *Viol: de petits progrès éclipsés par d’énormes défis*, Le Nouvelliste (June 25, 2018), <https://lenouvelliste.com/article/189181/viol-de-petits-progres-eclipses-par-denormes-defis>; Marianne Toraasen, *The long fight against impunity for gender-based violence in Haiti*, CMI (2019), <https://www.cmi.no/publications/6875-the-long-fight-against-impunity-for-gender-based-violence-in-haiti>.

⁹² *Viol : de petits progrès éclipsés par d’énormes défis*, Le Nouvelliste (June 25, 2018), <https://lenouvelliste.com/article/189181/viol-de-petits-progres-eclipses-par-denormes-defis>

⁹³ See, e.g., Samuel Celiné, *Le commissaire du gouvernement tout puissant de Jérémie*, AyiboPost (May 1, 2021), <https://ayibopost.com/le-commissaire-du-gouvernement-tout-puissant-de-jeremie/>; Oibrillant Damus, *Les viols en Haïti : aspects psychologiques et sociologiques des crimes sexuels*, *Etudes caribéennes*, ¶ 3 (Apr. 2019), <https://journals.openedition.org/etudescaribeennes/15478>.

⁹⁴ See, e.g., Samuel Celiné, *Le commissaire du gouvernement tout puissant de Jérémie*, AyiboPost (May 1, 2021), <https://ayibopost.com/le-commissaire-du-gouvernement-tout-puissant-de-jeremie/>.

⁹⁵ See Athena Kolbe and Robert Muggah, *Haiti's Silenced Victims*, N.Y. Times (Dec. 8 2012), https://www.nytimes.com/2012/12/09/opinion/sunday/haitis-silenced-victims.html?_r=0.

⁹⁶ See CBDP, Art 7(g) (“Establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies.”); General Recommendation No. 35 at ¶ 33 (“Ensure that sexual assault, including rape is characterised as a crime against women’s right to personal security and their physical, sexual and psychological integrity. Ensure that the definition of sexual crimes, including marital and acquaintance/date rape is based on lack of freely given consent, and takes account of coercive circumstances. Any time limitations, where they exist, should prioritise the interests of the victims/survivors and give consideration to circumstances hindering their capacity to report the violence suffered to competent services/authorities.”).

⁹⁷ See, e.g., MSF, *Against Their Will: Sexual and Gender Based Violence Against Young People in Haiti* (2017), <https://www.msf.org/haiti-against-their-will-new-report-sexual-violence> (Annex 2); see also Jean Pharès Jérôme, *Viol : de petits progrès éclipsés par d’énormes défis*, Le Nouvelliste (Jun. 25, 2018), <https://lenouvelliste.com/article/189181/viol-de-petits-progres-eclipses-par-denormes-defis>.

⁹⁸ See MSF, *Against Their Will: Sexual and Gender Based Violence Against Young People in Haiti* (2017), p. 13, <https://www.msf.org/haiti-against-their-will-new-report-sexual-violence> (Annex 2).

⁹⁹ See, e.g., Hervia Dorsinville, *74 adolescentes enceintes dans huit écoles à Beaumont*, AyiboPost (Nov. 8, 2020), <https://ayibopost.com/74-adolescentes-enceintes-dans-huit-ecoles-a-beaumont/>.

¹⁰⁰ See, e.g., U.S. DOS Haiti 2019 Human Rights Report, (2019), p. 19.

¹⁰¹ See, e.g., Hervia Dorsinville, *74 adolescentes enceintes dans huit écoles à Beaumont*, AyiboPost (Nov. 8, 2020), <https://ayibopost.com/74-adolescentes-enceintes-dans-huit-ecoles-a-beaumont/>; see also CEDAW Concluding Observations at ¶ 13 (“The Committee is concerned about the numerous obstacles women and girls face in gaining access to justice, particularly in cases of gender-based violence and abuse, including linguistic barriers, economic factors, a dysfunctional judiciary, lack of awareness of rights and reticence to file complaints because of fear of social stigma and prejudices, relationship with the offender, reservations of parents or guardians, and financial dependence of the victim. The Committee is also concerned about the lack of measures taken by the State party to eliminate those obstacles and CEDAW/C/HTI/CO/8-9 16-03718 5/17 to ensure the independence, professionalism and gender sensitivity of law enforcement professionals, including judges, prosecutors and the police. The Committee is further concerned that the State-sponsored legal aid system is limited in its outreach, and that legal aid is provided only to a minimal extent by civil society organizations.”).

¹⁰² See, e.g., Hervia Dorsinville, *74 adolescentes enceintes dans huit écoles à Beaumont*, AyiboPost (Nov. 8, 2020), <https://ayibopost.com/74-adolescentes-enceintes-dans-huit-ecoles-a-beaumont/>; Jean Pharès Jérôme, *Viol : de petits progrès éclipsés par d’énormes défis*, Le Nouvelliste (June 25, 2018), <https://lenouvelliste.com/article/189181/viol-de-petits-progres-eclipses-par-denormes-defis>.

¹⁰³ See 2016 UPR Report at 117.6 (“Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as well as the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Croatia)”) (supported by Haiti); *id.* at 115.20 (“Implement, strictly, the Convention on the Elimination of All Forms of Discrimination against Women and accede to its Optional Protocol (Ghana)”) (supported by Haiti); *id.* at 115.21 (“Sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and take all appropriate legislative measures (Netherlands)”) (supported by Haiti).

C

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

Submitting Organizations:

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

* * *

Social Marginalization Drives Greater Environmental Harms

The Caribbean is highly vulnerable to environmental change and climate disaster.² Haiti is rendered additionally vulnerable to the climate crisis by the poverty, ecological degradation, and social instability³ that are the legacies of enslavement, colonialism, racism, and foreign interference.⁴ Haiti's women and girls are – for some of the same reasons – subject to high rates of sexual and gender-based violence and to deeply rooted discrimination and harmful gender norms, which both drive and are reinforced by the violence.⁵ As the Special Rapporteur has acknowledged, such inequality can itself constitute institutional and structural violence that maintains women in subordinate positions within their families, communities, economy, and the broader society;⁶ it is therefore likewise considered in this submission.

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

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

Climate-Related Violence Against Haitian Women and Girls

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

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

- Climate-related displacement is a major driver of VAW, as displacement conditions like inadequate security, especially around sleeping and sanitation spaces, and insufficient lighting¹⁸ increase vulnerability to physical violence. This pattern persists today: there were numerous instances of rape, sexual harassment, and resulting pregnancies in the Gabion and Papa Numa displacement camps created following the August 2021 earthquake and tropical storm, with many minors among the victims. Even when not resulting in formal displacement, the destruction of homes, neighborhoods, and family structures from climate events leaves women and girls with fewer protections and more vulnerability to violence.¹⁹ As a result of poor infrastructure, governance, and planning, many displacement situations in Haiti become long-term and rebuilding is limited and incomplete,²⁰ leaving women and girls in harm's way. The informal settlement of Canaan, for example, started as inadequate temporary shelters for vulnerable Haitians essentially left out of the disaster response; lack of planning and support left individuals to try to improve their living conditions on an ad hoc basis. The resulting sprawling community was for years outside of state control, with effectively no services, and was highly dangerous for women and girls.
- Unequal access to financial security and livelihoods is a major driver of worse climate crisis outcomes for women and girls, as well as of VAW. Economic marginalization leaves Haitian women at greater risk of harm and less able to recover. They are generally relegated to the informal economy, which is more vulnerable to climate impacts.²¹ Similarly, as increasing desertification (both due to logging and climate-driven changes to rainfall patterns) in Haiti has reduced the amount of farmable land and thus increased land competition, women's predominance in small-scale farming for personal consumption and exclusion from larger, irrigated farming operations renders them more vulnerable even to small climate shifts, subject to competition-related violence, and less able to access resources that might increase their resilience.²² Haiti's Madan Sara – female produce sellers who interface between rural farmers and markets in bigger communities, and are critical in supporting small-scale agriculture and community access to food – are illustrative. Climate change-driven disruptions of Haitian agriculture impair their supplies. Road disruptions and increased lawlessness in the wake of disasters expose them to high risks of violence or preclude them from work altogether, causing a chain of personal and community harms. Further, even though women represent 44 percent of Haiti's agricultural workforce, their specific needs are not adequately considered. More generally, Haitian women earn less than men for equivalent work, have less access to credit, and – including as a consequence – have fewer assets than men.²³ In combination,

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

- Sexual exploitation and abuse, like violence, increase as a product of the climate crisis. Haitian women in general face a great deal of workplace harassment and an expectation that they trade sexual favors for access to livelihoods, necessities, and security.²⁶ Such exploitation increases, especially in displacement contexts, as men with authority over resources – leadership roles where men are over-represented even as women are excluded²⁷ – force women and girls to trade their bodies in return for badly-needed assistance. Pregnancies often result, with women and girls burdened with the entirety of the resulting parental responsibilities and other related challenges. Aid workers²⁸ and UN peacekeepers²⁹ were among the offenders in the wake of the 2010 earthquake in Haiti. UN failure to provide accessible methods for recourse remains an ongoing injustice.³⁰
- Disasters further tend to divert resources towards immediate humanitarian relief and away from longer-standing efforts relating to VAW and women’s equality³¹ that are critical for confronting structural violence against women and girls. This results in sidelining women’s empowerment efforts and backsliding towards inequality and patriarchal systems that ultimately compound women’s vulnerability to climate change and resulting VAW. Climate disasters likewise generally disrupt existing infrastructure – like judicial recourse and survivor support – for confronting VAW.
- Gender inequality, if not adequately considered in recovery planning and response, can create recovery traps for women and girls that leave them further behind and more vulnerable to VAW and climate impacts. For example, post-disaster rebuilding and livelihood efforts that focus on rubble removal and construction privilege able-bodied men. Insecurity can prevent women from participating in some activities, delaying their recovery. Women and girls also have greater community responsibilities, like family care, carrying water, and cooking, all of which increase in the wake of disasters.³² This is largely unrecognized – and unpaid – labor that leaves women and girls with fewer opportunities to recover or to participate in community decision-making. Communities can thereby regress into old power dynamics and patterns of hierarchy that harm women. Finally, gender-sensitive disaster planning must consider women’s intersecting identities, especially with respect to economic status and class. Aid workers may find it easiest to work with more educated women who speak their language, but this leaves out the perspectives of more vulnerable – and representative – women from lower socio-economic backgrounds. Conversely, including local organizations without ensuring women’s participation can leave women’s voices out, as Haitian women and girls are often most marginalized in their own communities due to harmful cultural stereotypes and expectations about women’s roles in leadership.

Women and Girls Are Powerful Climate Resources

It is critical not to reduce women and girls to vulnerable objects of the climate crisis; they are first and foremost powerful resources for confronting it. Women's involvement in disaster preparedness and response management in the Caribbean has demonstrably reduced harm for their entire communities; women also create more inclusive dynamics³³ that serve to better protect all vulnerable individuals. Haitian women actively coordinated newly formed displaced communities, helping to identify and recruit camp residents to protect against VAW; they also effectively pushed for collective food access adapted to local market dynamics³⁴ such as the needs of Madan Sara. Women make such contributions despite experiencing higher barriers to recovery, having fewer resources to leverage, and taking on additional burdens of protecting children, the elderly, and other vulnerable people.³⁵

Recommendations

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

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

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

Several of the reports cited herein contain further excellent recommendations.³⁸

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

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

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

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

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

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

⁷ See ECLAC Report at 19.

⁸ *Id.* at 22.

⁹ *Id.* at 24.

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

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

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

¹³ See ECLAC Report at 38-39.

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

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

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

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

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

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

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

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

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

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

²³ *See* UPR Gender-Based Violence Submission at 4.

²⁴ *See, e.g., id.*

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

²⁶ UPR Gender-Based Violence Submission at 3.

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

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

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

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

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

³² *See* 2010 Earthquake Shadow Report at 35.

³³ *See* ECLAC Report at 68.

³⁴ *See* 2010 Earthquake Shadow Report at 9.

³⁵ *Id.*

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

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

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

D

This report was prepared by OCHA Haiti with support from humanitarian partners. It contains the latest available information as of 22 September 2022.

HIGHLIGHTS

- Since 12 September 2022, Haiti has been rocked by at times violent protests that have paralyzed the country, including the activities of humanitarian partners.
- Roadblocks have sprung up across the streets of major cities, affecting mobility and limiting access to food and water. The fuel supply crisis has worsened and is severely disrupting electricity and telecommunications.
- After grinding to a halt over the last week, economic activity is slowly picking up again. Looting and attempted ransacking of businesses and attacks on public buildings have been reported in several cities across the country, including the Port-au-Prince Metropolitan Area (PAPMA), Les Cayes, Port-de-Paix, Gonaïves and Jérémie.
- Humanitarian partners have also reported looting of storage warehouses and attempted break-ins at their facilities.
- While the situation has forced many humanitarian activities to come to a halt, the needs of the Haitian population are worsening and the living conditions of the most vulnerable are deteriorating, particularly in the IDP sites in the PAPMA.
- The current crisis is further exacerbating humanitarian access challenges across the country. Access is a key priority to ensure that humanitarian actors can reach vulnerable populations to provide assistance.
- Coordination among UN entities and with humanitarian partners not only enables better identification of the impacts on vulnerable populations but also opportunities for immediate response as soon as the security situation permits.



Map Sources: ESRI, UNCS, The Times Atlas of the World.
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations. Map created in Sep 2013.

SITUATION OVERVIEW

Since the end of July 2022, Haiti has been experiencing social protests that have gradually gained momentum, often paralyzing activity in major provincial cities for a few hours or even days at a time, until reaching an alarming peak across the country on 12 September.

Insecurity, the rising cost of living and the fuel distribution crisis remain at the heart of these protests.

In recent years, the humanitarian situation in Haiti has deteriorated amid growing insecurity. Since June 2021, gang control in the Port-au-Prince Metropolitan Area (PAPMA) has expanded significantly. In a context of widespread insecurity, the population finds itself trapped in the midst of intense clashes in violence-stricken neighbourhoods or unable to move freely to the capital as main roads remain under gang control. Access to vulnerable populations continues to be affected, a persistent challenge over the past year that has severely hindered the delivery of humanitarian assistance to communities in southern Haiti devastated by the earthquake on 14 August 2021.

The current situation has prompted a slowdown in the country's economic activity, spurring a fourth consecutive year of recession. However, it is the current fuel crisis that appears to be driving public discontent. In fact, fuel issues have been one of the main triggers for several protests in Haiti, including the *Peyi Lok* crisis in 2019.

On 11 September 2022, Prime Minister Ariel Henry issued a series of statements, including an announcement on the elimination of fuel subsidies, which will effectively raise prices at the pump.

The following day, on 12 September, demonstrators set up roadblocks across major cities. While the country witnessed considerable civil unrest in August, the speed and intensity at which these events unfolded took both the public and humanitarian organizations by surprise.

The entire country remains paralyzed by roadblocks and spontaneous demonstrations. Cars near these roadblocks are being shot at and gunfire regularly rings out in the streets of cities. Many businesses remain closed, as looting and attempted ransacking of businesses as well as attacks on private and public buildings have been reported in several cities across the country, including Port-au-Prince, Gonaïves and Jérémie.

Despite the presence of tankers ready to deliver fuel, workers at the Varreux port, the main distribution hub in the capital, remain unable to reach the site to unload shipments. Meanwhile, trucks have not been able to leave the terminal to

distribute fuel to retail gas stations since 12 September. Gang activity remains at the heart of the fuel supply crisis. Beyond the roadblocks that have drastically limited movement for more than a week, access to the port continues to be prevented by gang activity that frequently blocks roads and access to terminals.

Nevertheless, formal and informal economic activities slowly resumed in the metropolitan area on 21 and 22 September.

IMPACT ON THE HUMANITARIAN ENVIRONMENT

The ongoing situation is significantly affecting the population's access to basic services, exacerbating vulnerabilities and severely hindering the activities of humanitarian partners.

While the latter are facing serious restrictions in implementing activities, the 2022 Humanitarian Response Plan for Haiti, which aims to provide assistance to 2.5 million people, is less than a third funded. Given the current deterioration in living conditions, partners fear that the situation of the most vulnerable will only worsen. The Haitian Center for Support and Solidarity (CHES), which operates in the Ouest, Nippes and Sud departments, reports that people who were previously self-sufficient have become vulnerable and will require humanitarian assistance.

Impact on basic services

Electricity

Nearly 86 per cent of the electricity produced in the country is dependent on petroleum products. While the country was already experiencing difficulties in the supply and distribution of fuel, the blockage of the Varreux fuel terminal threatens the country's capacity to generate electricity, which is currently running on reserves. Electricity rationing is widespread, with supplies not exceeding a few hours per day at most. This situation is having a considerable impact on water supplies and telecommunications throughout the country.

Telecommunications

After more than a week now without topping up on fuel, Haiti's telecommunication services are beginning to falter. Some areas are losing network coverage on a regular basis and the problem seems to be getting worse by the day.

Water

The availability of drinking water in the coming days and weeks is a pressing concern. On 17 September, the National Directorate for Drinking Water Supply and Sanitation (DINEPA) called for the establishment of a humanitarian corridor to allow its staff to safely reach their workplaces and ensure the proper functioning of water supply systems. Given the volatility of the current situation and the critical shortage of fuel, DINEPA is concerned that it will not be able to operate its pumping stations and provide potable water for the country, especially in PAPMA and other major cities. OCHA has contacted DINEPA and is currently working to identify ways in which the UN can provide support to help ensure that the distribution of potable water continues.

Education

The difficulties in financing children's schooling, combined with virtual impossibility of ensuring their safety, had already forced the Government to postpone the start of the school year – initially scheduled to start on 5 September – to 3 October 2022. In addition, just 15 days before the start of the new school year, many schools have been looted.

Terre des Hommes, which operates in the Nord, Ouest, Grand'Anse, Sud and Sud-Est departments, indicates that the families of minors in foster care are finding it increasingly more difficult to acquire essential goods and school supplies ahead of the new school year.

Health

While access to health services is hampered by limitations on movement, medical facilities could also be affected by fluctuations in water and electricity supplies.

Epidemiological surveillance continues throughout the country, given the high risk of epidemics, including measles and polio. PAHO/WHO continues to review alerts, although it faces challenges due to security issues and fuel shortages. The response to an outbreak of anthrax in livestock, which also spread to several people, is ongoing in the Grand'Anse department. Three rounds of catch-up vaccinations and vitamin A supplementation among children in PAPMA are scheduled to begin by the end of September, but could be affected by the current situation.

Doctors of the World (MdM) Argentina's contacts in the field report a growing emergency in the commune of Cité Soleil and Bas Delmas linked to a pre-existing epidemic of scabies (Sarcoptosis), which, due to sedentariness and the harsh weather conditions associated with Tropical Storm Fiona, is spreading rapidly among households seeking help.

UN entities are supporting the maternity ward at the University Hospital of Peace with equipment and supplies for enhanced management of obstetric complications. The UNAIDS Office and the Joint Team on HIV are supporting the Ministry of Public Health and Population (MSPP) with a rapid analysis on the continuity of antiretroviral treatment. In the Ouest, Sud and Grand'Anse departments, 72,507 people living with HIV are currently on treatment, 63 per cent of whom 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.

Cash

For several months, the Haitian population, especially outside the capital, has faced difficulties withdrawing cash from banks. In fact, with the expansion of gang activity, the secure transportation of cash has become extremely difficult and expensive. During the first week of social unrest, banks chose to remain closed and several were the targets of looting. While freedom of movement has been severely hampered, a lack of cash is also affecting the population as they try to replenish and resume economic activities.

Impact on internally displaced people (IDPs)

Lack of access to basic services and humanitarian assistance

While difficulties in accessing basic services compound the vulnerabilities of the entire population, IOM says that the already-precarious living conditions of populations displaced by the August 2021 earthquake in the country's southern departments and those displaced by gang-related violence, mainly in PAPMA, have significantly deteriorated, especially for 6,830 households living in makeshift sites (according to the DTM data for August 2022).

Due to blockades and debris scattered across roads, partners and their suppliers (i.e., water tankers) are having difficulty reaching target beneficiaries for water, sanitation, food and health care. Populations living in sites that have become inaccessible due to the deteriorating security situation are now even more isolated and vulnerable.

The 835 households still living in displacement sites established after the August 2021 earthquake in the southern part of the country, who were supposed to get cash assistance to facilitate their relocation, now find themselves unable to receive cash transfers. These vulnerable families, already affected by the rising cost of living and supply shortages, are now even more vulnerable as they have been left with virtually no means to pay for goods or services.

Solidarité International reports that 36 makeshift displacement sites in PAPMA, which were already suffering from a lack of assistance, have received almost no assistance since 12 September, particularly at the Plaza Hugo Chavez (300 households) and Monfort Institute (2,000 households) sites.

Water and sanitation

The lack of potable water is a major concern due to limitations in supply and access to the sites. Although Solidarité International was able to make water service deliveries on 19 and 20 September, potable water at the Hugo Chavez site has been completely cut off for six days. In addition, the irregularity in the supply of water services can also trigger other health-related problems, with skin diseases already being reported at the Hugo Chavez site. The regular emptying of latrines also remains a challenge in a context of severely limited access. In order to ensure waste management at the site, partners are considering solutions that will help keep the site clean, such as launching cash-for-work activities to help prevent the situation from becoming catastrophic.

Shelter and food security

At the largest IDP site in PAPMA, the Monfort Institute, the consequences for the population could be disastrous. In fact, on 18 August, a multi-sectoral assessment of the Monfort Institute site conducted by the Task Force for the Coordination and Management of IDP Sites in PAPMP revealed that the site was already overcrowded, with displaced people living in makeshift shelters often made of non-permeable and fire-prone materials, or in the school, which remains an open and unsegregated space. The food situation was worrisome due to insufficient and undiversified food, which led the displaced population to resort to negative coping strategies, including reducing the number of meals they consumed, prioritizing children's food needs, borrowing food and begging. In addition to the lack of functional sanitation facilities and drinking water, there is a general lack of hygiene products, including feminine hygiene products.

Protection and GBV

In this context, 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 sexual and gender-based violence (SGBV). Prior to 12 September, the Hugo Chavez site had 95 pregnant women, 13 of whom have since given birth, including five on-site (i.e., without access to health care before being transferred to a hospital) and eight in hospitals.

In addition, repatriated migrants are unable to reach their intended destination and have virtually no means to meet their basic needs for shelter, food or clothing. IOM, who is working to meet these needs, says that such needs were not present before the unfolding crisis.

Impact on operations

Most humanitarian partners have been forced to cease all field activities. Many have reorganized their assistance delivery modalities to provide at least minimal assistance to the populations targeted by the humanitarian response. Some have taken the opportunity to move forward with administrative follow-up on projects. In many cases, they have activated Business Continuity Plans.

However, many have reported difficulties accessing banking services and several areas of the country, including the capital, face serious communication problems. Mobile phone and internet service providers are unable to maintain network connectivity, which affects partners' remote working capacities. The situation is also increasing operational costs, further straining the budget allocated to humanitarian activities.

Looting of humanitarian stocks

Although the protests and social demands are not directed at humanitarian partners, they have not escaped the violence. Partners regularly face security threats amidst civil unrest across the country, with several incidents having been reported, including looting. For instance, in Port-de-Paix, the Departmental Emergency Operations Center (COUD) was looted. In Gonaïves, among other places, the COUD and the warehouses of several humanitarian organizations, including Caritas and WFP, were attacked and their pre-positioned stocks stolen. Protesters took some 1,400 tons of WFP food for school feeding programmes and Haiti's most vulnerable families and children, and set fire to offices adjacent to the warehouse. However, staff were not directly targeted. Also in Gonaïves, some 2,000 IOM's non-food kits (NFIs) were stolen from the WFP warehouse. Protesters also looted the warehouse of the NGO Caritas and attacked the UNOPS Office. In Jérémie, violent attempts to loot warehouses were reported by GOAL and confirmed by ACTED, CRS and CARE. The UNDP Office there was also looted. WFP also reported looting in Les Cayes on 21 September. In Port-au-Prince, individuals threw stones and attempted to break into the UNOPS Office, while a UNDP vehicle was vandalized in Pétiion-Ville, a neighborhood in the capital.

On 7 September, armed individuals had already looted the Grand'Anse COUD, emptying it of all of its pre-positioned contingency stocks and equipment.

Logistics challenges

Humanitarian organizations, which are also suffering due to shortages, have very limited fuel supplies. Indeed, those who had contingency stocks resorted to using them, especially during August, without being able to replenish them afterward. Humanitarian partners can normally count on the support of WFP, which has fuel reserves available to support humanitarian response efforts. However, the amount of fuel provided by WFP to partners in August exceeded the total amount for the past seven months, with reserves dwindling to just 50 per cent of storage capacity by the end of August. Given the difficulties in replenishing fuel stocks, WFP has been forced to implement a system that prioritizes supplies for operational activities and emergency response.

With respect to logistics and transportation, the United Nations Humanitarian Air Service (UNHAS) is operational despite recurring funding challenges. However, the sea transport service provided by WFP to allow for the pre-deployment of staff and the pre-positioning of stocks has been suspended due to the volatile security situation in port areas. In addition, national roads 1 and 2 connecting the capital to the north and south of the country remain blocked.

Disaster Preparedness and Response

On 20 September, Haitian authorities lifted the yellow alert for the country following the passage of Hurricane Fiona. However, information on the possible impacts of heavy rainfall and high winds in the north and north-east of the country is not yet available. UN agencies and humanitarian partners have consolidated the latest available information on emergency stocks and remain on standby, ready to support rapid post-disaster assessments and response.

In addition, Haiti remains on alert due to the potential formation of another tropical depression in the region over the coming days.

As the Atlantic hurricane season reaches its peak, humanitarian partners are stressing the need to restock supplies, especially those that have been looted, in order to be prepared to respond in the event of a potential disaster.

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***Massacre in Cité Soleil:
Chilling Stories of Women and Girls Victims of Gang Rape***

August 16, 2022

I. INTRODUCTION

1. At the dawn of July 7, 2022, a new war broke out in Cité Soleil between the armed gangs belonging to the two (2) rival coalitions, G-9 an Fanmi e Alye and G-Pèp, led respectively by Jimmy CHERIZIER alias Barbecue and Gabriel JEAN PIERRE alias Ti Gabriel or Gabo.
2. During the massacre that followed, many cases of abuse were committed, including several instances of mass and repeated rape, perpetrated against women and girls, with a great deal of violence.
3. This report focuses on survivors of registered sexual assaults. Its purpose is, on the one hand, to denounce these assaults and, on the other hand, to make available to the judicial police and judicial authorities, precise information relating to the circumstances in which they were committed.

II. REVIEW OF FACTS

4. From July 7 to 17, 2022, the G-9 Fanmi e Alye attacked the neighborhood of Nan Brooklyn, headed by Gabriel JEAN PIERRE aka Ti Gabriel himself head of the G-Pèp. The objective of this attack is to rally this fief to the G-9 Fanmi e Alye who already controls two (2) of the three (3) large blocks of Cité Soleil, namely Bélékou and Boston respectively led by armed gang leaders Iscard ANDRICE and Mathias SAINTIL.
5. The violence of the clashes that were then recorded showed that armed gangs are becoming increasingly bloody in their intervention strategies.
6. In addition, from the beginning of the attacks, the victim population denounced the provision to the armed bandits of the G-9 Fanmi e Alye, of several heavy equipment's from the National Equipment Center (CNE), an agency of the State and the Ministry of Public Works Transport and Communication. This equipment was used to excavate a passage to the

stronghold of Gabriel JEAN PIERRE who, along with his armed gang, has been resisting the repeated attacks of the G-9 Fanmi e Alye since 2018.

7. It should be noted, however, that the head of the CNE Logistics Service, Dawin LAPLANTE, met with the RNDDH and argued that the CNE's heavy vehicles were stolen by the armed bandits. The bandits, not having been able to handle the equipment, kidnapped Daniel JOSEPH, operator of heavy machinery of the institution, in order, at first, to recover the corpses of the armed gang led by Mathias SAINTIL. A second time, Daniel JOSEPH was kidnapped again by another group of armed gangs led by Tyson SAMEDI still known as Tyson JORDAN, to demolish the houses. While manipulating the machines and destroying the houses, he was shot several times and died.

8. The result of this massacre is not yet definitive – since the RNDDH continues to receive information about acts that affect the life and physical and psychological integrity of citizens – is already very heavy:

- More than three hundred (300) people were murdered. Most of the bodies were charred. To date, the RNDDH has been able to meet with the relatives of two hundred and forty-eight (248) of the murdered victims;
- At least twenty-two (22) people were injured by gunfire or stabbing;
- At least fifty-two (52) women and girls who have been victims of mass and repeated rape with whom the RNDDH has spoken;
- At least two hundred and ten (210) houses were destroyed by the heavy machinery of the CNE and the Ministry of Public Works Transport and Communication. Most of them were later set on fire by the armed bandits of the G-9 Fanmi e Alye.

III. REGISTERED VICTIMS OF SEXUAL ASSAULT

9. As noted above, of the many cases of sexual assault between July 7 and 17, 2022, the RNDDH was able to identify fifty-two (52) and speak with survivors. Here are the stories they shared:

10. On July 7, 2022, E.P. born September 29, 1998, a soft drink merchant, left her home to go about her business. Arriving at the Crossroads of Death, she was captured by several armed hooded bandits. They dragged her to Dèyè Mi, stole her money, and then raped her one after the other;

11. On July 7, 2022, M.M.J. aged forty-seven (47) was at home with her children at Projet Drouillard, Bloc K, when at least seven (7) armed and hooded bandits broke into her home. They hit her. Her eldest son, who was twenty-six (26) years old, tried to stop them. He was beaten violently. His other two (2) children, aged fifteen (15) and nine (9) years respectively, were also bullied. Three (3) of the bandits raped M.M.J. in the presence of her children;
12. On July 7, 2022, G.F., born on August 28, 1983, was at her home in Soleil 17 preparing to go to a relative in Bois Neuf when armed bandits invaded her home and raped her in the presence of her little boy. Since then, she has been bleeding profusely and suffering from atrocious stomach pains. She also claims to have become an insomniac;
13. On July 7, 2022, N.H., born on June 28, 1985, mother of five (5) children, went to Simon Pelé with her spouse Frantz ODISSON to buy some goods. Arrived in Dèyè Mi, N.H. was raped by at least six (6) armed bandits in the presence of her spouse. After raping her one after the other with much violence, they forced her to attend the execution of her spouse;
14. On July 7, 2022, I.C., born on January 1, 1967, and mother of five (5) children, was accompanied by five (5) other women who, like her, were trying to flee the clashes in Cité Soleil. Along the way, they were surprised by armed bandits who beat them severely before raping them with much violence. For resisting, I.C. was also repeatedly slapped;
15. On July 7, 2022, A.C. born March 20, 1984, was at her home in Soleil 17 when armed bandits stormed the area. Three (3) of his children had time to escape. She was trying to recover her youngest child, who was three (3) years old when seven (7) hooded gunmen broke into the house. One of the bandits punched her violently in the abdomen because she did not want him to touch her. Four (4) of them raped her. The child who kept crying was stabbed in the back. Subsequently, A.C. was ordered to leave. She went with her bleeding child to a health center in Cité Soleil;
16. On July 7, 2022, E.V., born on April 5, 1992, and mother of three (3) children was on her way to work when she arrived in Dèyè Mi, she was abducted by at least six (6) armed bandits who drove her to an abandoned place. They then mistreated her before raping her one after the other. Afterward, they asked her to run. They couldn't, so they shot at her. She was hit with two (2) bullets, one of which grazed her right posterior and the other lodged at her right hip; she had to undergo surgery to remove the bullet from her hip;
17. On July 7, 2022, K.F., thirty (30) years old, was at home with her three (3) daughters when gunmen snuck in and asked her to deliver the gunmen she was hiding. After searching her house and finding no one, they raped K.F. and then set fire to her home;

18. On July 7, 2022, bandits broke into the home of R.E. twenty-six (26) years old and mother of three (3) children. Three (3) of them raped her. She was slapped several times and blood clots were noticed in her right eye;

19. On July 7, 2022, M.A.R. Minor born on June 2, 2008, along with her two (2) younger brothers, was taken to the Shalom public square in Soleil 17 by their mother. On July 8, 2022, M.A.R. was raped by armed bandits, in the absence of her mother who had gone to get food;

20. On July 8, 2022, E.P., twenty-four (24) years old, barricaded herself at her home in Bloc L, Cité Soleil when three (3) armed and hooded men knocked on her door, threatening to set her on fire if she did not open. Her three (3) year old daughter, who was crying and begging the bandits not to kill her mother, was rushed. For her part, E.P. was threatened and insulted before being raped by one of the bandits, in the presence of her daughter;

21. On July 8, 2022, A-M.J., born on April 20, 1978, was fleeing armed clashes when she was intercepted on the road to Site Katon, between Soleil 9 and 17, by an armed bandit. She was raped;

22. On July 8, 2022, E.J. born on February 1, 2002, fled Cité Soleil when she arrived in Dèyè Mi, she was intercepted by four (4) armed bandits. They took her to an abandoned area and asked her a set of questions about her relationship with the gang leader operating at Projet Drouillard and named Ronald. Throughout the question-and-answer session, she was threatened and beaten several times. Subsequently, she was raped with much violence by the bandits, to the point of falling into syncope. When she woke up, she realized that it was night and that she was at the Carrefour de la Mort located not far from Bois Neuf. It was there that she learned that she had been rescued by another woman who had also been taken to the field abandoned to be raped. E.J. is five (5) months pregnant;

23. On July 8, 2022, G.P-L, born December 12, 1977, and mother of two (2) children was at her home in the Bois Neuf neighborhood of Cité Soleil. That day, armed bandits broke into her home, beat her, mistreated her, humiliated her, and raped her with much violence. Later, they set the house on fire. Today, G.P-L. suffers from headaches and tingling. She has also become insomniac since the events;

24. On July 8, 2022, R.V. thirty-six (36) years old was at her home in Soleil 9 with her spouse David HENRY and four (4) children when armed bandits invaded the area. They left the house to flee. Her spouse was shot in the head and his body was taken away. For her part, R.V. hid with her seven (7) year old son in an old, abandoned house. Three (3) heavily armed and hooded men followed them. They beat up R.V., before raping her in turn, in the presence of her son;

25. On July 8, 2022, D.A. aged twenty-six (26) was sleeping at her home at Soleil 17 b, Shalom area, Sou Tè, with her spouse Dodly LAFLEUR and her two (2) children aged five (5) and six (6) months respectively. Around 4:00 in the morning, several armed and hooded men broke the door and broke into the house. They killed D.A.'s spouse with a bullet to the head and one of them put his hand on her mouth to prevent her from screaming while accusing her of being the spouse of Gabriel JEAN PIERRE aka Ti Gabriel. Subsequently, four (4) of the bandits raped her. And her life was saved only because one of the bandits – among those who had not raped her – asked the others not to kill her. She took refuge with her children in Vanity Square but after the tragedy, her five (5) year old daughter who witnessed the murder of her father and the collective rape of her mother, does not stop crying and asking for her father;

26. On July 8, 2022, twenty-nine (29) year old R.G.C.A. was about to flee her home at Soleil 17 with her three (3) children when two (2) armed bandits intercepted her. She was raped with a lot of violence, in the presence of her children. Since this aggression, she has had huge blood losses;

27. On July 8, 2022, forty (40) year-old A.P. was returning home to Soleil 9 in a transit van after her commercial activities downtown. Not far from Dèyè Mi, armed bandits stopped the van and ordered the driver to leave the passengers on the spot and turn back. All the men on board were murdered and burned. All the women, including A.P., were raped several times. They were also stripped of their assets before being allowed to continue their journey;

28. On July 8, 2022, E.D. born on November 11, 1987, and mother of five (5) children was raped at her home in Projet Drouillard by several armed bandits. She had stopped counting from her third attacker. Today, the victim claims to have difficulty standing;

29. On July 8, 2022, at approximately 5 a.m., armed bandits entered the home of W.B. born on February 10, 1997, and mother of three (3) children. They slapped her several times, executed her spouse Claudy CHARLES in her presence, and raped her before setting her house on fire;

30. On July 8, 2022, M-A.N.'s thirty-eight (38) year-old home with four (4) children was set on fire in Sou Tè, Cité Soleil. Her children were taken in by a family member and, for her part, she took refuge in a man who lives in Projet Drouillard and who was willing to take her in. She stayed there for two (2) days during which she was raped by the man in question. On the third day, she took advantage of her attacker's absence to escape;

31. On July 8, 2022, B.P. nineteen (19) years old, a boiler merchant, went downtown. Having been informed of the worsening situation in Cité Soleil, she wanted to find her two (2) year old daughter and her three (3) month old little boy left under the supervision of a loved one. Arriving in Dèyè Mi, she was kidnapped by armed bandits who kidnapped her for three (3)

days during which she was repeatedly raped and threatened to death. Eventually, she was released;

32. On July 8, 2022, in Sou Tè, armed bandits searched several houses in search of Gabriel JEAN PIERRE aka Ti Gabriel. Five (5) of them, hooded, broke into the house of M-A.A. thirty-three (33) years old and mother of two (2) children. They beat her and her children before raping her in their presence;

33. On July 8, 2022, J.C., thirty-two (32) years old, was fleeing with her four (4) children when armed men intercepted her at Soleil 9, not far from her home, tearing her clothes before raping her;

34. On July 8, 2022, S.J.C. born on May 4, 1995, lived in Rue Ecclesiaste, Sou Tè, Soleil 17, was trying to escape when she encountered armed and hooded men in a corridor near her home. Two (2) of them raped her before ordering her to leave;

35. On July 8, 2022, M.J. born on June 8, 1995, was returning home to Sou Tè, Soleil 17 when she arrived at the threshold of her house, she was greeted by armed bandits who chased her inside. She then noticed the corpse of her spouse Mario AUGUSTIN lying on the ground. The bandits ripped her clothes off and slapped her repeatedly. Three (3) of them raped her. She suffers from severe vaginal pain and has great difficulty sitting and sitting;

36. On July 8, 2022, C.P. born February 26, 1999, was at her home in Soleil 9 with her three (3) year old daughter when several armed and hooded men invaded her home. They slapped her and two (2) of them raped her. Then they told her to flee with her little girl, putting her two (2) hands-on her head;

37. On July 8, 2022, Mr.F-A. born on May 30, 1988, was at home with her children when several armed and hooded men returned to her home. They punched her in the face, touching her right eye. She was later raped by at least three (3) of the bandits. Since then, she sees trouble, suffers from itching and profuse vaginal discharge;

38. On July 8, 2022, K.B. born on January 30, 1983, fled Bois Neuf and took refuge with relatives in Sou Tè because her house was burned down on July 7, 2022. On the evening of July 8, 2022, K.B. was abducted by three (3) armed bandits who took her to an old house. They accused her of being the spouse of Gabriel JEAN PIERRE aka Ti Gabriel. To punish her, they raped her in turn. K.B. is the mother of a young man who is twenty-three (23) years old and believes that his attackers could have been her own sons;

39. On July 8, 2022, D.S., born on February 16, 1998, was at her home in Soleil 9 with her ten (10) month old baby, when around 4:00 a.m., armed bandits suddenly appeared in her house and, without telling her anything, began to tear her clothes. She tried to resist but, it did not

serve much because she was raped by three (3) armed bandits. Since then, D.S. has been suffering from atrocious headaches;

40. On July 8, 2022, C.T., born February 21, 1987, four (4) months pregnant, was at her home in Soleil 9, with her two (2) year old daughter when armed bandits broke into her door and entered her home. She was raped with a lot of violence in the presence of her little girl. Since then, the baby she carries does not move as much as before, she suffers from atrocious pain in the lower abdomen and hardly walks;

41. On July 9, 2022, J.D. twenty-two (22) years old, mother of a nine (9) month old boy, was raped by three (3) armed men. She had gone that day to get food from her relatives in Cité Militaire. When she returned home to Projet Drouillard, she and four (4) other women who accompanied her were surprised by armed bandits who beat them up before raping them one after the other. Since then, J.D. suffers from vaginal discharge;

42. On July 9, 2022, N.A. born on June 24, 1996, was at her home in Projet Drouillard, Bloc L 131, with her concubine and her son when armed bandits, hooded, returned home. Some of them took her spouse Gérald JACQUES. Four (4) others stayed at the scene and raped her in turn. Since then, she has not seen her spouse;

43. On July 8, 2022, F.A., born on December 1, 1995, fleeing Linthau 2, Cité Soleil, took refuge in the public square of Hugo CHAVEZ. On the evening of July 9, 2022, she was raped by two (2) armed bandits who broke into the square. Before raping her, they accused her of being the spouse of Gabriel JEAN PIERRE aka Ti Gabriel;

44. On the evening of July 9, 2022, F. O., born on April 22, 1987, was raped by three (3) armed men in the Hugo CHAVEZ Public Square in the presence of his four (4) children aged eighteen (18), fifteen (15), eight (8) and four (4) years respectively. His attackers also wanted to rape his fifteen (15) year old daughter. He's one of them who, after hearing F.O.'s pleadings, objected, arguing that he also had a sister;

45. On July 9, 2022, N.B., thirty (30) years old, two (2) months pregnant, and mother of four (4) children, was raped in Dèyè Mi. She tried to resist what got her to be violently slapped by her attacker. She says that since then she suffers from itching;

46. On July 9, 2022, J.P., born on June 8, 1981, mother of five (5) children including two (2) daughters, fled Soleil 9 and took refuge in the Hugo Chavez public square. Around 9 pm, armed men broke into the square and raped several women including J.P. Those who tried to resist were severely beaten and threatened to death;

47. On July 9, 2022, D.E. twenty-one (21) years old was at her home at Projet Drouillard, Bloc M, with her children and her spouse Mackenly BEAUPLAN, when five (5) armed and hooded bandits knocked on their door. They threatened to set the house on fire if they did not open.

Two (2) of them raped D.E. in the presence of her spouse and children. Because he begged the armed bandits not to touch the victim again, Mackenly BEAUPLAN was shot in the foot. Subsequently, the three (3) other bandits raped D.E. Then, they left with Mackenly BEAUPLAN. D.E. has never seen him since. Today, D.E. regrets having opened the door of her house and claims that she would have preferred to burn alive rather than to have suffered what she went through;

48. On July 9, 2022, R.E.S-C. born on December 14, 1979, was alone at her home in Projet Drouillard when several armed individuals entered her home, and beat her up before tearing her clothes, and raping her, one after the other. She can't tell how many bandits assaulted her. Upon her husband's return, who had left early in the morning to go about his business, she had to tell him the facts;

49. On the evening of July 9, 2022, G.C. born on October 23, 1991, was at her home in Sou Tè, Soleil 17 when armed and hooded men entered the house. They beat her violently in the presence of her twelve (12) year old son who was slapped several times for crying. Two (2) of the bandits raped G.C. in the presence of her son. Since then, she has been bleeding;

50. On July 10, 2022, P.C. born October 8, 1998, and mother of three (3) children was in Dèyè Mi when she was intercepted by armed bandits and raped. She lost her spouse Demelet SAINTILUS and her two (2) year old granddaughter Sherlanda JOSEPH on July 8, 2022. They had been laid to death. However, she had to go and get food for her two (2) other children who were besieged and would starve at home. Since the collective sexual assaults suffered, she is sick and has become insomniac;

51. On the evening of July 10, 2022, E.M., born on April 7, 1992, and the mother of a two (2) year old girl, was at her home in Projet Drouillard when several armed individuals knocked on her door, ordering her to open. As soon as she opened the door, they jumped on her and began to rape her in turn and several times;

52. On July 11, 2022, M.Y.D. forty-three (43) years old, having learned that her spouse Mèrilord DERUSME was killed in Dèyè Mi the day before, on July 10, 2022, went there to recover the corpse. Upon arrival, she was met by three (3) hooded gunmen who slapped her and raped her. She had not found the corpse of her spouse;

53. On July 11, 2022, J.L. thirty-four (34) years old, seven (7) months pregnant and her spouse Jean Mary PIERRE went out to buy food and water for their children. On their return, around sixteen (16) hours, they met in Dèyè Mi, armed individuals. Some took Jean Mary PIERRE and others took her to an old, isolated house in Terre Noire. J.L. was beaten with a stick and slapped several times during an interrogation session, during which she was questioned about her relationship with Gabriel JEAN PIERRE aka Ti Gabriel or Gabo. Accused of lying, she was raped by four (4) of the bandits and then ordered to run;

54. On July 11, 2022, after spending several days, locked in her home with her six (6) year old daughter, J.P., twenty-seven (27) years old, had gone out to get water and food. When she arrived in Dèyè Mi, she was raped and then kidnapped by her attackers for three (3) days. When she was released, she went to the Lanp Health Center in Cité Soleil;

55. On the evening of July 12, 2022, M.M. born on August 26, 1992, was raped by armed bandits while she was in the gallery of a private's house, located in Sou Tè. M.M. had been sleeping there for a few days, her house having been burned down on July 7, 2022, by armed bandits. Since then, M.M. suffers from atrocious stomach pains;

56. On July 12, 2022, G.S., thirty-five (35) years old, and three (3) other women accompanying her, were in Dèyè Mi when they were raped by armed bandits. G.S. had left her two (2) boys at home to get food because their area had been under siege since July 7, 2022. The only man who accompanied them, whose name she does not know, was murdered by armed bandits;

57. On July 14, 2022, around four (4) o'clock in the morning, C.M.S.S., born on May 10, 1984, a walking vendor of bananas, was on her way with several other passers-by to go to her activities. An armed bandit pretended to help them cross the area safely. All along the way, he asked C.M.S.S. about her relations with Gabriel JEAN PIERRE. Arriving at the Carrefour de La Mort, several other bandits who were in ambush fired into the air, forcing passers-by to stop. The person who asked C.M.S.S., then told him that he thought she was lying. And, to punish her, he dragged her to Dèyè Mi where he raped her with much violence. Throughout the attack, the bandit never stopped threatening to kill her if she dared to scream. Today, she fears having caught a sexually transmitted disease or having become pregnant;

58. On July 15, 2022, at approximately 3 p.m., M.N. twenty (20) years old at home with her mother and her younger brothers at Projet Drouillard, opposite Bois Neuf, when three (3) heavily armed and hooded men knocked on her door and asked for the door to be opened. Two (2) of them entered the house while the other remained in front of the door, to keep watch. One of the bandits pushed M.N. who fell to the ground and began to rape her. Her mother, who suffers from reduced mobility, was beaten by the bandits for begging them not to touch her daughter. M.N. was raped by the two (2) gunmen who entered her home in the presence of her mother and brothers;

59. On July 16, 2022, R-M.A., born on December 31, 1987, tried to return home with several people who, like her, had fled Cité Soleil and spent three (3) days in the streets. Arriving in Dèyè Mi, R M.A. and the other women who accompanied her were all beaten and raped. They were later forced to yell "Aba Ti Gabriel, Viv G-9" to be allowed to return home;

60. On July 16, 2022, L.L. who is nineteen (19) years old and the mother of a nine (9) month old girl, went out to buy a candle to light her home. On her way back, she was intercepted by two (2) armed bandits who raped her in turn. L.L. had left the girl asleep, alone at home;

61. On July 17, 2022, J.T., born on October 3, 1995, had left her daughters at home at Projet Drouillard, Bloc H, with her mother. In the afternoon she was unable to return home due to the tense situation in the area and the fact that the roads were again barricaded. J.T. took refuge in an animal park not far from Dèyè Mi, to spend the night. She was in the company of several other people who were also trying to get home. J.T. was sleeping under a trailer when she was raped in turn by three (3) individuals who immobilized her and put her hand on her mouth.

IV. COMMENTS AND RECOMMENDATIONS

62. From July 7 to 17, 2022, in this new war recorded in Cité Soleil, once again, no one was spared. While most of the men met by the armed bandits were murdered, the women and girls were systematically raped, beaten, and humiliated.

63. The stories in this report reveal that of the fifty-two (52) women and girls who have been victims of gang rape and repeated rape, met by the RNDDH:

- One (1) minor has been identified. She is fourteen (14) years old.
- Twelve (12) survivors are between the ages of eighteen (18) and twenty-five (25);
- Thirty-eight (38) survivors are between the ages of twenty-six (26) and forty-nine (49);
- One (1) survivor is fifty-five (55) years old.

64. In addition, twenty (20) of the victims were raped in the presence of their offspring and one (1) in the presence of their parents. Two (2) other victims were raped in the presence of their spouses.

65. Six (6) victims attended the execution of their spouse before being raped in turn and four (4) others were raped despite their pregnancy.

66. Fourteen (14) of the victims were raped at Dèyè Mi.

67. No abuser used protection, and most victims were unable to get to the hospital within the seventy-two (72) hours recommended by doctors for antiretroviral prophylaxis. The reasons are numerous: inability to move because of the clashes, sequestration of the victims by their aggressors, lack of knowledge about the subject, fear of prophylaxis for having already followed it, etc.

68. Many people who have witnessed the mass rapes of their loved ones, met by the RNDDH, are nourishing a feeling of guilt, believing that they should have intervened to avoid such an atrocity, even if it means losing their lives. Many survivors also regret being alive.

69. At this stage, the RNDDH considers it its duty to recall that, with each armed attack in deprived neighborhoods, it is the most vulnerable people who are the first victims' children,

women and girls, the elderly, persons with reduced mobility and persons with sensory disabilities.

70. During these bloody events, the bodies of women and girls are often used as weapons of war, to reach the rival group. And precisely, several of the survivors met during this investigation testified that they were subjected to interrogation before being raped as punishment by the armed bandits who accused them of maintaining privileged relations with the gang leader Gabriel JEAN PIERRE aka Ti Gabriel.

71. Numerous rapes were recorded during the sixteen (16) massacres and armed attacks carried out from 2018 to 2022 and documented by the RNDDH. However, during the Cité Soleil incident recorded from July 7 to 17, 2022, the number of victims of sexual assault increased exponentially.

72. The RNDDH continues to denounce the ease of access of the G-9, Fanmi e Alye, to state equipment. The RNDDH stresses the sense that during the massacre in Cité Soleil subject of this report, heavy machinery of the CNE and the Ministry of Public Works Transport and Communication were made available to the G-9 years Fanmi e Alye who also benefits from the protection of certain specialized units of the National Police of Haiti (PNH).

73. In addition, the RNDDH recalls that on August 11, 2005, a decree on the regime of sexual assaults and criminalizing rape, was adopted. It sentences from ten (10) years to life for any person involved in a rape case and considers the aggravating factors of the victim's age, the authority of the aggressor in relation to the victim, or complicity with other aggressors, in the commission of that crime.

74. From 2006 to 2019, many efforts have been made to crack down on sexual crimes. For this period, at least six hundred and eighty-nine (689) individuals were convicted by the Haitian judiciary, an average of forty-nine (49) convictions per year.

75. However, since 2019, sexual assault trials have become increasingly rare. And it is precisely this rarefaction of hearings for sexual crimes that, by enshrining the systematization of impunity, leads the bandits to engage in cases of collective and repeated rape, without fear of being prosecuted and convicted, in accordance with the Law.

76. Finally, the RNDDH once again condemns the passivity of the state authorities, who, by turning a blind eye to the massacres and armed attacks in deprived neighborhoods and the abuses committed there, continue to be accomplices of armed bandits. They have never done anything to stop these bloody events. Victims do not receive any form of assistance. Worse, the executioners of the Haitian population are now very powerful in the political coalition currently in power. By this behavior, the state authorities only prove the degree of their contempt for the life of the Haitian population.

77. Based on all the above, the RNDDH recommends that State authorities:

- Provide medical and psychosocial assistance to victims of collective and repeated rape and their loved ones;
- Prosecute and punish all individuals involved in the mass and repeated rape of Cité Soleil survivors.

F

Submission on violence against women and girls in the context of the climate crisis

Submitting Organizations

Solidarite Fanm Ayisyèn (Haitian Women’s Solidarity – SOFA) is a Haitian feminist organization of approximately 10,000 members nationwide, 80% of whom are peasant women.¹ For thirty-six years SOFA has addressed gender-based violence, women’s participation in decision making bodies, women’s health and autonomy, and environmental questions from the perspective of equality and the protection and respect of women’s rights.

The Global Justice Clinic (GJC) at New York University School of Law works with social movements and community partners to prevent, challenge, and redress human rights violations stemming from contemporary structures of global injustice. GJC has worked on human rights issues in Haiti since its founding.²

The Institute for Justice & Democracy in Haiti is a U.S.-based solidarity organization partnered with Haiti-based *Bureau des Avocats Internationaux*, working to bring Haitians’ struggles for human rights to the international stage.

¹ Structure, Solidarité des Femmes Haïtiennes (SOFA), <https://sofahaiti.org/site/administration-et-structure/> (last visited Mar. 27, 2022). The women self-identify as “peasant women” (femmes paysannes) who work in agriculture, and as a way to symbolize their struggle against oppression.

² Statements of the Global Justice Clinic do not purport to represent the views of NYU, if any.

Introduction

This submission outlines how land grabbing is a source of violence against women and other human rights violations. It presents an emblematic land grab in Savane Diane, Haiti. The land grab, which occurred in 2020, was characterized by the violent taking of SOFA's land, which was used to train women in agro-ecology and to encourage their economic autonomy. It has further impoverished women in the area, exposed them to multiple forms of violence, and aggravated climate vulnerability.

Land grabs,³ the climate crisis, and violence against women in Haiti are connected phenomena. The climate crisis and accompanying resource scarcity will likely fuel increases in land grabbing. Land grabs may also worsen climate impacts, partially because land grabs are often instituted to replace environmentally sustainable local farming practices with agro-industrial monocultures that degrade the environment.⁴ Women are more vulnerable to⁵ and disproportionately impacted by land grabs.⁶

³ Giulia Parola, *The Dangerous Rise of Land Grabbing Through Climate Change Mitigation Policies: the Examples of Biofuel and REDD+*, 12 REVISTA DE ESTUDOS CONSTITUCIONAIS, HERMENÊUTICA E TEORIA DO DIREITO 568, 568 (2021), <https://www.scilit.net/article/088f5ad9fd0dbb7f2696f254955dddbeb>; KATE DOOLEY ET AL., MISSING PATHWAYS TO 1.5°C: THE ROLE OF THE LAND SECTOR IN AMBITIOUS CLIMATE ACTION 1–2 (Climate Land Ambition And Rights Alliance (CLARA) 2018), https://static1.squarespace.com/static/610ffde0dd5c39015edc6873/t/6149416b255ef35c1a852f04/1632190830409/MissingPathwaysCLARAreport_2018r2.pdf;

Fredrick Mugira & Annika McGinnis, *Land Grabbing Worsens Climate Change*, PULITZER CTR. (Jan. 10, 2019), <https://pulitzercenter.org/stories/land-grabbing-worsens-climate-change>.

⁴ For example, greater consciousness of climate change and the importance of mitigation techniques such as the use of green energies has led to increases in international investment in land in the Global South. Biofuel production requires a significant amount of water and is a main impetus for land deals in certain countries in Africa. Kihwan Seo & Natalia Rodriguez, *Land Grab, Food Security and Climate Change: A Vicious Circle in the Global South*, in HUMAN AND SOCIAL DIMENSIONS OF CLIMATE 165, 170–71 (Netra Chhetri ed., 2012). See also Maria Cristina Rulli, Antonio Saviore, & Paolo D'Odorico, *Global land and Water Grabbing*, 110 PNAS 892, 892 (2013), <https://www.pnas.org/doi/10.1073/pnas.1213163110>.

⁵ MICHAEL LEVIEN, GENDER AND LAND DISPOSSESSION: A COMPARATIVE ANALYSIS 3 (UN Women 2017), <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2017/Gender-and-land-dispossession-a-comparative-analysis-en.pdf>. See also Steve Lundeberg, *Touted as 'Development,' Land Grabs Hurt Local Communities, and Women Most of All*, OREGON STATE UNIV. (June 10, 2019), <https://today.oregonstate.edu/news/touted-%E2%80%98development%E2%80%99-land-grabs-hurt-local-communities-and-women-most-all>; Beverly Bell, *Women Farmers and Land Grabs in Haiti: An Interview With Iderle Brénus*, TRUTHOUT (Feb. 17, 2016), <https://truthout.org/articles/women-farmers-and-land-grabs-in-haiti-an-interview-with-iderle-brenus/>.

⁶ See Kaori Izumi, *Gender-based Violence and Property Grabbing in Africa: A Denial of Women's Liberty and Security*, 15 GENDER & DEV. 11, 11–12 (2007), https://www.tandfonline.com/doi/pdf/10.1080/13552070601178823?casa_token=JJuwamVxO-wAAAAA:-vqYi4UHZ91NfAE7oGDq2qcrT_MaTf5_a_5F-9JKP1r98ALeSHao7TrXBsnrvjSrCG1I889QuCOVmq; TAYLOR LIGHTMAN, DISPOSSESSED: EXPLORING THE FACTORS THAT ENABLE POST-DISASTER LAND GRABS 38 (Lund University 2020), <https://lup.lub.lu.se/luur/download?func=downloadFile&recordId=9020098&fileId=9020811> (“[D]ata suggests that in ... Haiti, women faced a disproportionate burden of the land grab. The quantitative data suggests that countries that experienced post-disaster land grabbing, on average, had greater levels of gender

Land grabs against women are often accompanied by violence and should themselves be considered gendered violence.⁷

Haitian Women's Rights in the Context of the Climate Crisis

Climate Disorder in Haiti⁸

Haiti is one of the world's most climate vulnerable countries.⁹ The climate crisis is already intensifying hurricanes and other extreme weather events,¹⁰ devastating lives and livelihoods. Droughts are longer and more severe, and rains are shorter and heavier, leading to landslides, torrential debris flows, and soil liquefaction.¹¹

inequality.”); see also Abby Waldorf, *When Land gets Grabbed, do Women get Sidelined?*, THRIVE (2013), <https://wle.cgiar.org/thrive/2013/06/03/when-land-gets-grabbed-do-women-get-sidelined>.

⁷ See CEDAW, *General Comment No. 34: Sec. IV(G)*, 4 Mar. 2016, C/GC/34, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf at 16–20.

⁸ SOFA and several other Haitian organizations often use the term “climate disorder” rather than “climate change” to capture the profoundly negative and destabilizing impacts of the climate crisis.

⁹ *Global Climate Risk Index*, GERMAN WATCH, <https://www.germanwatch.org/sites/germanwatch.org/files/2021-01/cris-2021-table-10-countries-most-affected-from-2000-to-2019.jpg> (last visited Mar. 7, 2022). See also *Rapidly Assessing the Impact of Hurricane Matthew in Haiti*, THE WORLD BANK (Oct. 20, 2017), <https://www.worldbank.org/en/results/2017/10/20/rapidly-assessing-the-impact-of-hurricane-matthew-in-haiti>.

¹⁰ Christina M. Patricola & Michael F. Wehner, *Anthropogenic Influences on Major Tropical Cyclone Events*, 563 NATURE 339–345 (2018); BHAWAN SINGH & MARC COHEN, OXFAM, CLIMATE CHANGE RESILIENCE: THE CASE OF HAITI, OXFAM RESEARCH REPORT 10 (Oxfam Mar. 2014), <http://www.oxfam.org/sites/www.oxfam.org/files/rr-climate-change-resilience-haiti-260314-en.pdf>; UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP), BUREAU FOR CRISIS PREVENTION AND RECOVERY (BCPR), CLIMATE RISK MANAGEMENT FOR WATER AND AGRICULTURE IN THE DOMINICAN REPUBLIC: FOCUS ON THE YAQUE DEL SUR BASIN 8 (2014), https://www.iisd.org/system/files/publications/crm_dom_republic.pdf.

¹¹ ABEL CENTELLA ARTOLA ET AL., LA SEQUÍA METEOROLÓGICA Y AGRÍCOLA EN LA REPÚBLICA DE CUBA Y LA REPÚBLICA DOMINICANA 13–17 (UNDP 2007), http://www.cu.undp.org/content/dam/cuba/docs/libro_sequia.pdf; Maurizio Tiepolo & Maurizio Bacci, *Tracking climate change vulnerability at municipal level in rural Haiti using open data*, RENEWING LOCAL PLANNING TO FACE CLIMATE CHANGE IN THE TROPICS 103–131, 6.3 (Maurizio Tiepolo, Alessandro Pezzoli, & Vieri Tarchiani eds., 2017); MICHAEL A. TAYLOR ET AL., HAITI: HISTORICAL AND FUTURE CLIMATIC CHANGES 54 (Inter-American Development Bank 2015), <https://publications.iadb.org/publications/english/document/Haiti-Historical-and-Future-Climate-Changes.pdf>.

Climate disorder in Haiti¹² disproportionately impacts marginalized rural farming communities. Farmers can no longer predict when it will rain or when to plant.¹³ Crops are failing, fueling impoverishment and displacement, and undermining food sovereignty. Farmers are forced to abandon the land, moving to urban centers or abroad.¹⁴ Climate disorder is causing particular harms to Haitian women, including making them more vulnerable to gender-based violence.

The Gendered Impacts of Climate Disorder

Haitian women and girls face unequal burdens from climate disorder.¹⁵ As the CEDAW Committee has underscored, the climate crisis exacerbates existing gender inequalities.¹⁶ Gendered economic

¹² Haiti's climate vulnerability today has been shaped by historical and contemporary systems of injustice: colonialism, racism, extractivism and state failure. Deforestation, for instance, has significantly reduced climate resilience in Haiti, as trees are important for mitigating damage from flooding, landslides, and mudslides. Widespread deforestation began under French colonization, to create the plantations that made Haiti France's most profitable colony. After enslaved people led a successful revolution to claim Haiti's independence in 1804, France refused to recognize Haitian sovereignty unless the government of Haiti agreed to pay a debt for "material losses," including the loss of enslaved people. To pay the debt, equivalent to \$20 billion in today's dollars, Haiti felled and exported some of its most valuable trees. Deforestation persisted under the U.S. occupation of Haiti in 1915-1934. It persists today as many rural Haitians, effectively abandoned by the state, clear land for agriculture in order to meet their basic needs. See Inger Andersen, *From Heatwaves to Rising Seas: How Trees Defend Us*, U.N. ENVTL. PROGRAMME (Sept. 11, 2019), <https://www.unep.org/news-and-stories/opinion/heatwaves-rising-seas-how-trees-defend-us>; GLOBAL JUSTICE CLINIC & HAITI JUSTICE INITIATIVE, BYEN KONTE, MAL KALKILE? HUMAN RIGHTS AND ENVIRONMENTAL RISKS OF GOLD MINING IN HAITI 24, 33, https://chrgj.org/wp-content/uploads/2016/09/byen_konte_mal_kalkile_human_rights_and_environmental_risks_of_gold_mining_in_haiti.pdf; UNEP, THE HAITI SUSTAINABLE ENERGY PROGRAMME: INCREASING ENERGY ACCESS IN HAITI AND SUPPORTING NEW SOLUTIONS TO ENERGY POVERTY 5 (2015), <https://wedocs.unep.org/handle/20.500.11822/17742>; John Dale Zach Lea, *Charcoal Is Not the Cause of Haiti's Deforestation*, HAITI LIBERTÉ (Jan. 25, 2017), <https://haitiliberte.com/charcoal-is-not-the-cause-of-haitis-deforestation/#:~:text=Charcoal%20supplies%2075%25%20of%20energy,mountain%20insides%20inappropriate%20for%20such%20crops.>

¹³ SINGH & COHEN, *supra* note 10, at 10; CLIMATE RISK MANAGEMENT FOR WATER AND AGRICULTURE IN THE DOMINICAN REPUBLIC, *supra* note 10, at 8.

¹⁴ Discussions with SOFA, PAPDA (Plateforme Haïtienne de Plaidoyer pour un Développement Alternatif), and MPP (Mouvman Peyizan Papay).

¹⁵ See CEDAW, *General Comment No. 37*, 7 Feb. 2018, C/GC/37, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf at 3; *Statement of the CEDAW Committee on Gender and Climate Change*, CEDAW (2009), <https://www.wedo.org/wp-content/uploads/statementofthecedawcommitteeongenderandclimatechange.pdf>; Balgis Osman-Elasha, *Women...In The Shadow of Climate Change*, UN CHRONICLE, <https://www.un.org/en/chronicle/article/womenin-shadow-climate-change> (last visited on Mar. 27, 2022).

¹⁶ CEDAW, *General Comment No. 37*, 7 Feb. 2018, C/GC/37, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf at 3; *Statement of the CEDAW Committee on Gender and Climate Change*, CEDAW (2009), <https://www.wedo.org/wp-content/uploads/statementofthecedawcommitteeongenderandclimatechange.pdf>. See generally OXFAM INTERNATIONAL, POSITION PAPER ON GENDER JUSTICE AND THE EXTRACTIVE INDUSTRIES (Oxfam Mar. 2017), https://s3.amazonaws.com/oxfam-us/www/static/media/files/EI_and_GJ_position_paper_v.15_FINAL_03202017_green_Kenny.pdf; Osman-Elasha, *supra* note 16; Joe McCarthy, *Understanding Why Climate Change Impacts Women More than Men*, GLOBAL CITIZEN (Mar. 5, 2020), <https://www.globalcitizen.org/en/content/how-climate-change-affects-women/>; see also U.N. High Commissioner for Human Rights, *Summary of the Panel Discussion on Women's Rights and Climate Change: Climate Action, Good Practices and Lessons Learned*, ¶1–10, U.N. Doc. A/HRC/42/26 (July 24, 2019), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/225/17/PDF/G1922517.pdf?OpenElement>.

inequalities result in women facing higher levels of poverty, land insecurity, vulnerability to the environmental effects of a changing climate, and gender-based violence.¹⁷

Gender inequality in Haiti makes women more vulnerable to violations of their economic and social rights and more burdened by environmental rights violations. They are less likely to have access to formal work opportunities and education.¹⁸ They face barriers to equal participation in political and social decision-making processes. Rural women face financial insecurity, with rural female-headed households substantially poorer than male-headed households.¹⁹ Women are primarily responsible for gendered activities such as water-bearing and feeding the family.²⁰ They are thus particularly vulnerable to the impacts of extreme weather events, and less able to adapt to and withstand economic shocks caused by climate disorder.²¹ Women are also particularly vulnerable in situations of climate-induced displacement.²²

Gender and Land Grabbing

¹⁷ See CEDAW, *General Comment No. 37*, 7 Feb. 2018, C/GC/37, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf at 3-4; Anik Gevers, Tina Musuya & Paul Bukuluki, *Why Climate Change Fuels Violence Against Women*, UNDP (Jan. 28, 2020), <https://www.undp.org/blog/why-climate-change-fuels-violence-against-women>; VALUE FOR WOMEN, STUDY OF THE IMPACTS OF CLIMATE CHANGE ON THE WOMEN AND MEN OF THE CARIBBEAN. PILOT PROGRAMME FOR CLIMATE RESILIENCE COUNTRIES 10, 35 (Inter-American Development Bank Dec. 2020), https://www.climateinvestmentfunds.org/sites/cif_enc/files/knowledge-documents/study-of-the-impacts-of-climate-change-on-the-women-and-men-in-the-caribbean-pilot-programme-for-climate-resilience-countries.pdf; UN WOMENWATCH, FACT SHEET: WOMEN, GENDER EQUALITY AND CLIMATE CHANGE 1–2 (2009), https://www.un.org/womenwatch/feature/climate_change/downloads/Women_and_Climate_Change_Factsheet.pdf.

¹⁸ ACCOUNTABILITY COUNSEL, WOMEN & GIRLS IGNORED CARACOL INDUSTRIAL PARK 3, https://www.accountabilitycounsel.org/wp-content/uploads/2017/10/Haiti_Brochure_Gender.pdf (last visited on Mar. 27, 2022).

²⁰ See ANNE-CHRISTINE D’ADESKY ET AL. THE HAITI GENDER SHADOW REPORT: ENSURING HAITIAN WOMEN’S PARTICIPATION AND LEADERSHIP AT ALL STAGES OF NATIONAL RELIEF AND RECONSTRUCTION 35 (Elise Young et al. eds., Haiti Equality Collective 2010), <https://www.genderaction.org/publications/2010/gsr.pdf>. See also PEDRO BRAUM, FLAVIA DALMASO AND FEDERICO NEIBURG, RELATIONS BETWEEN MEN AND WOMEN IN LOW-INCOME DISTRICTS OF PORT-AU-PRINCE 8-9 (Viva Rio June 30, 2014), <https://reliefweb.int/sites/reliefweb.int/files/resources/Gender%20Rapport%20OK.pdf>.

²¹ See *Climate Adaptation and Saltwater Intrusion*, U.S. EPA, <https://www.epa.gov/arc-x/climate-adaptation-and-saltwater-intrusion> (last updated on May 26, 2021); see also Curtis Petzoldt, et. al, *Climate Change Effects on Insects and Pathogens* 10, NY STATE IPM PROGRAM, <https://www.panna.org/sites/default/files/CC%20insects&pests.pdf> (last visited Mar. 7, 2022) (stating that “[i]ncreased temperature could increase pest insect populations”); Lennart Olsson, et. al, *Land Degradation, in CLIMATE CHANGE AND LAND: AN IPCC SPECIAL REPORT ON CLIMATE CHANGE, DESERTIFICATION, LAND DEGRADATION, SUSTAINABLE LAND MANAGEMENT, FOOD SECURITY, AND GREENHOUSE GAS FLUXES IN TERRESTRIAL ECOSYSTEMS* 347–48 (2019), https://www.ipcc.ch/site/assets/uploads/sites/4/2019/11/07_Chapter-4.pdf.

²² *Crises in Haiti Leave Women and Girls ever More Vulnerable*, UNITED NATIONS POPULATION FUND (July 29, 2021), <https://www.unfpa.org/news/crises-haiti-leave-women-and-girls-ever-more-vulnerable> (stating that “[m]ore than 4 million Haitians – 60 per cent of them women and girls – will need emergency assistance this year. Last year, gender-based violence cases spiked 377 per cent with 6,500 exposed to sexual violence in the coming months. Nearly 5,000 internally displaced persons are at risk of sexually-transmitted infections (STIs) including HIV/AIDS. In the next three months, 15 per cent of the anticipated 1,000 deliveries are likely to have complications, increasing the risk of maternal death.”).

Land grabbing has long undermined the rights of rural Haitian communities. Since Haiti's independence, powerful families have expropriated land²³ and no system to reliably record land ownership has been established.²⁴ Less than 5% of Haiti's territory is covered in the national property register, and up to two thirds of rural land has no formal property title.²⁵ This increases the vulnerability of citizens to land appropriation by the government or powerful private actors. In recent years land grabbing has increased in rural Haitian communities. An uptick was noted after the devastating 2010 earthquake and during the administration of President Jovenel Moïse.²⁶ Rural communities and their allies note that corrupt politicians often facilitate land grabs and that land is frequently granted to the benefit of foreign companies.²⁷ Globally, women farmers are disproportionately affected by land grabs because of unequal access to and control of land.²⁸ In Haiti, rural women are likewise less likely to hold formal title to land than men.²⁹

Savane Diane: Violent Land Grab Against Rural Women³⁰

Building Climate Resilience in Savane Diane

Savane Diane is an important fertile agricultural and biodiversity zone that spans three of Haiti's ten geographic departments.³¹ In 2018, the Ministry of Agriculture declared the region a priority area to

²³ JEAN CASIMIR, *THE HAITIANS: A DECOLONIAL HISTORY* 46-47 (Laurent Dubois trans., 2020).

²⁴ PETER GIAMPAOLI & MARK FREUDENBERGER, USAID ISSUE BRIEF: LAND TENURE AND PROPERTY RIGHTS IN HAITI (USAID Jan. 2010), <https://www.land-links.org/wp-content/uploads/2016/09/Land-Tenure-and-Property-Rights-in-Haiti-1.pdf>.

²⁵ IADB, *IDB Grants \$27 Million for Haiti Rural Land Tenure Program* (Apr. 25, 2012), <https://www.iadb.org/en/news/news-releases/2012-04-25/support-for-land-tenure-regularization-in-haiti%2C9960.html>.

²⁶ See Widlore Mérancourt, *Vaste Opération de Vol de Terrain dans le Nord-Est*, AYIBOPOST (Dec. 25, 2021), <https://ayibopost.com/vaste-operation-de-vol-de-terrain-dans-le-nord-est/>; GIAMPAOLI & FREUDENBERGER, *supra* note 25. . www.land-links.org/wp-content/uploads/2016/09/Land-Tenure-and-Property-Rights-in-Haiti-1.pdf.

²⁷ Mérancourt, *supra* note 27.

²⁸ Office of the High Commissioner for Human Rights & UN Women, *Realizing Women's Rights to Land and Other Productive Resources 13* (OHCHR & UN Women 2020), <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2020/Realizing-womens-rights-to-land-and-other-productive-resources-2nd-edition-en.pdf>.

²⁹ See *supra* note 20, at 361-62.

³⁰ Existing available information about what occurred in Savane Diane does not provide a full picture. However, this case study attempts to be faithful to the events that transpired as experienced by SOFA members.

³¹ See Capire, *Les Femmes Résistent à l'Accaparement des Terres et à la Zone Franche dans la Région d'Haiti* (Andréia Manfrin Alves, trans.), CAPIRE (Mar. 26, 2021), <https://capiremov.org/fr/experiences/les-femmes-resistent-a-laccaparement-des-terres-et-a-la-zone-franche-dans-la-region-dhaiti/>; Sabine Lamour, *SOFA Protest Note Against the Free Trade Zone Project in Savane Diane*, HAITI WATCH (Feb. 22, 2021), <https://www.haitiwatch.org/home/sofasavannediane-en> (noting that diverse crops are cultivated there like “congo peas, okra, rice, peanuts, sugar cane, millet, moringa, several varieties of fruits, in addition to medicinal plants like moringa, artemisia, among others”); ECOLE MOYENNE DE DEVELOPPEMENT DE HINCHE (EDMH), *INVENTAIRE ET DESCRIPTION DES ZONES AGRO-ÉCOLOGIQUES DE SAVANE DIANE* (EDMH June 2003), https://agriculture.gouv.ht/view/01/IMG/pdf/inventaire_et_description_des_zones_agroecologiques_de_savane_diane.pdf (noting the biodiversity of the area).

promote food self-sufficiency.³² The land in the area was considered State-owned, and many rural families operated small farms there.

In 2016, SOFA opened the feminist organic farm-school, “Délicia Jean,” in Thoman, near Savane Diane, to train women in sustainable farming and support their economic independence.³³ In September 2017, after two years of advocacy, the Ministry of Agriculture granted SOFA, in writing, a total use of 13.75 hectares of land in Savane Diane³⁴ to support the school’s activities.³⁵ The Haitian land agency INARA³⁶ confirmed SOFA’s rights to the land.³⁷ SOFA transformed the land, experimenting with the space to plant crops³⁸ and train 300 farmers, the majority of whom were women. Women also learned about land rights, food sovereignty, and new agricultural practices for climate resilience.³⁹ SOFA donated crops and distributed seeds to its members and nearby organizations to multiply community gardens.

Violent Land Grab

In 2020, SOFA and its members were forcibly displaced from their land in Savane Diane. In May 2020, a former Minister of Agriculture and a local official visited the land and told SOFA that rights to use the property had been transferred and no longer belonged to them. In June 2020, the same local official and a group of approximately 20 men, many armed, destroyed the land’s fencing and beat SOFA members, forcing them to abandon the area.⁴⁰ At least one person went to hospital for leg injuries. SOFA filed a criminal complaint in Saint-Michel and in the civil court of Gonaïves, but to the organization’s knowledge, the judiciary has not acted on it.⁴¹

“They mistreated us, they beat us. Some of us were seriously injured and had to go to hospital.”⁴²

SOFA learned that an agribusiness company was asserting title to the land: Stevia Agro Industries S.A., (“Stevia Industries”), which produces the sweetener, stevia, for export to companies such as

³² Capire, *supra* note 32.

³³ SOFA press note, 23 June 2020 (on file with authors).

³⁴ Both Thoman and Savane Diane are located in the municipality of Saint-Michel de l’Attalaye in Haiti.

³⁵ Lamour, *supra* note 32.

³⁶ INARA stands for *Institut National de la Réforme Agraire*.

³⁷ SOFA press note, *supra* note 34; SOFA letter to the Haitian Minister for Agriculture (on file with author).

³⁸ Including moringa, an important agro-ecological crop.

³⁹ Lamour, *supra* note 32.

⁴⁰ *Id.*; Capire, *supra* note 32; Yves Engler, *Racial Capitalism and the Betrayal of Haiti*, CANADIAN DIMENSION (Feb. 26, 2021), <https://canadiandimension.com/articles/view/racial-capitalism-and-the-betrayal-of-haiti>; SOFA et al., *Note de Presse: Savane Diane Appartient aux Productrices et Producteurs Paysans : Elle n’est ni à Vendre, ni à Concéder à des tiers*, HAITI WATCH (Mar. 4, 2021), <https://www.haitiwatch.org/home/jointsavanediane> [hereinafter *Savane Diane Appartient aux Productrices et Producteurs Paysans*].

⁴¹ Telephone interview with Sharma Aurélien, Executive Director, SOFA (Mar. 25, 2022).

⁴² Video testimony of Esther Jolissant, SOFA municipal secretary (on file with the Global Justice Clinic).

Coca-Cola.⁴³ André Apaid, one of Haiti's most powerful businessmen, controls Stevia Industries.⁴⁴ At the end of 2020, via written memorandum, the Minister of Agriculture suspended the protocol confirming SOFA's rights to the land, citing the "dispute" with Stevia Industries. He did so without any judicial decision regarding rightful ownership of the land and did not similarly require Stevia Industries to halt their activities.⁴⁵

On February 8, 2021, former President Jovenel Moïse declared Savane Diane an agro-industrial free trade zone (ZFASD) to the benefit of Stevia Agro-Industries.⁴⁶ By presidential order, he earmarked 8,600 hectares of Savane Diane — including SOFA's land — to produce stevia and other crops.⁴⁷ According to local residents, the free trade zone includes three large water reservoirs identified by the national water authority, DINEPA, as drinking water for local residents during drought.⁴⁸

*When it comes to climate disorder, one thing that is important to underline is that there were three water catchments in Savane Diane that DINEPA identified as reserves in the event of groundwater depletion...we've lost those water reserves because they have now become Apaid's. Meanwhile, we are in a water crisis,...they expropriated agricultural land that had the most water resources.*⁴⁹

Impacts on Women's Rights and Climate Vulnerability

⁴³ Stevia Agro Industries S.A. has stated explicitly that it hopes to establish a contract with Coca-Cola. See *La Société Stévia Agro-Industrie mise gros sur la Zone Franche de Savane-Diane*, LE NOUVELLISTE (May 5, 2021), <https://lenouvelliste.com/article/228805/la-societe-stevia-agro-industrie-mise-gros-sur-la-zone-franche-de-savane-diane>; *Savane Diane: «La Zone Franche est Créée sur la Propriété Privée de ma Famille et non sur une Propriété Appartenant à l'État Haïtien»*, Explique Louis Déjoie III, LE NOUVELLISTE (Feb. 25, 2021), <https://lenouvelliste.com/article/226755/savane-diane-la-zone-franche-est-creee-sur-la-propriete-privée-de-ma-famille-et-non-sur-une-propriete-appartenant-a-letat-haitien-explique-louis-dejoie-iii>. Stevia Industries SA has also noted that it seeks to produce other crops, in addition to its core focus on Stevia.

⁴⁴ Businessman André Apaid, Jr. controls Stevia Industries, along with the Déjoie family and former Minister of Agriculture Dorcin (who first notified SOFA that they no longer had land rights). Apaid and Louis A. Déjoie III maintain that in 1946, Déjoie's grandfather, Senator Louis Déjoie, purchased the land, but it was later reappropriated by the State. *Zone Franche de Savane-Diane: «L'État n'a pas Donné de Terres ni D'Argent pour le Projet»*, Soutiennent les Responsables, LE NOUVELLISTE (May 5, 2021), <https://lenouvelliste.com/article/228806/zone-franche-de-savane-diane-letat-na-pas-donne-de-terres-ni-dargent-pour-le-projet-soutiennent-les-responsables>; LE NOUVELLISTE (Feb. 25, 2021), *supra* note 44. Stevia Industries sought to meet with SOFA, while asserting its ownership of the land – which SOFA declined, judging it unproductive.

⁴⁵ *Zone franche de Savane-Diane*, LE NOUVELLISTE (May 5, 2021), *supra* note 45; Memorandum from Pierre Flaurus Patrix Severe, Minister of Agriculture, Natural Resources, and Rural Development to SOFA (Aug. 6, 2020) (on file with SOFA).

⁴⁶ Lamour, *supra* note 32. Part of what made the decree controversial is that many people contend that Moïse's five-year term should have ended on February 7, 2021, a day before the ZFASD declaration. He insisted that he had one more year to serve because he did not take office until February 7, 2017, after a year-long delay fraught with allegations of electoral fraud. Rose Delaney, *Dispute over Haiti Presidential Term Triggers Unrest*, BBC (Feb. 15, 2021), <https://www.bbc.com/news/world-latin-america-56069575>; *New Report: Troubling Weaknesses in Electoral System Overshadow Return of Constitutional Rule in Haiti*, HAITI ELECTIONS (Feb. 6, 2017), <http://haitielection2015.blogspot.com/>.

⁴⁷ *La Société Stévia Agro-Industrie mise gros sur la Zone Franche de Savane-Diane*, LE NOUVELLISTE (May 5, 2021), *supra* note 44.

⁴⁸ Interviews conducted by SOFA with affected women, March 2022.

⁴⁹ Video testimony of Esther Jolissant, SOFA municipal secretary (on file with the Global Justice Clinic); interviews conducted by SOFA with affected women, March 2022.

The Savane Diane land grab amounted to gender-based violence against women, in part because the taking of SOFA's land was directed at women farmers as a group. It also made SOFA members and rural women in the area vulnerable to other forms of violence, rights violations, and to climate change. Additionally, the conversion of Savane Diane into an agribusiness free trade zone undermines climate resilience and environmental sustainability.⁵⁰

Women are critical agents in confronting climate disorder. The importance of women's land rights in the context of climate disorder is well recognized.⁵¹ Organizations globally stress that women's land rights and access to agricultural resources are essential to climate resilience.⁵² Numerous multilateral environmental agreements recognize the importance of women's participation in climate responses, including biodiversity-protection and sustainable land use.⁵³ The CEDAW Committee has called for prioritizing the protection of rural women's land use and ownership, rights to food, health, and work⁵⁴ in the context of climate disorder, environmental degradation, and loss of biodiversity. It notes that women are often the first to observe the environmental effects of climate change and to adapt through agricultural practices and land conservation techniques.⁵⁵

⁵⁰ See Engler, *supra* note 41; Coordination Europe-Haiti (CoEH), *CoEH Press Release on the Occasion of the International day of Peasant Struggles – Free zone Project in Savane Diane*, COEH (Apr. 17, 2021), <https://www.coeh.eu/coeh-press-release-on-the-occasion-of-the-international-day-of-peasant-struggles-free-zone-project-in-savane-diane/>.

⁵¹ For example, Article 2 of the Universal Declaration of Human Rights (UDHR) describes the principle of non-discrimination in the enjoyment of the many rights enshrined therein, including the right to property. UN WOMEN, *supra* note 31, at 19; G.A. Res. 217 (III) A, Universal Declaration of Human Rights arts. 2 and 17 (Dec. 10, 1948); International Convention on Economic, Social, and Cultural Rights art. 3, Dec. 16, 1966, 993 U.N.T.S. 3. Article 2 of CEDAW calls on States parties to “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women.” Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13. Article 14.2 obligates states to end discrimination against women's involvement in land development in rural areas. *Id.* Article 15.2 requires States to provide for women's “equal rights to conclude contracts and to administer property.” *Id.* See also Office of the High Commissioner for Human Rights (OHCHR), *Understanding Human Rights and Climate Change: Submission of the Office of the High Commissioner for Human Rights to the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change*, OHCHR (2015), <https://www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf>.

⁵² Martha Merrow, *To Solve the Climate Crisis, Women Must Own More of the World's Land*, CLIMATE X CHANGE (July 21, 2020), <https://climate-xchange.org/2020/07/21/to-solve-the-climate-crisis-women-must-own-more-of-the-worlds-land/#:~:text=The%20Committee%20on%20the%20Elimination,more%20successful%2C%20and%20responsibilities%20and> (noting that “female farmers account for greater harvests and increased food security with secure land rights” and that “when people can make a living on the land, they are not as easily displaced or impoverished when faced with climate impacts, and the land is more resilient to climate change events like droughts and floods”).

⁵³ OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR), UNITED NATIONS ENVIRONMENT PROGRAM (UNEP) & UN WOMEN, HUMAN RIGHTS, THE ENVIRONMENT AND GENDER EQUALITY: KEY MESSAGES 3 (2021), https://www.ohchr.org/Documents/Issues/ClimateChange/materials/Final_HumanRightsEnvironmentGenderEqualityKM.pdf.

⁵⁴ See CEDAW, *General Comment No. 37*, 7 Feb. 2018, C/GC/37, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf at 12.

⁵⁵ *Id.* at 9. The land grab flies in the face of the Haiti's other human rights obligations, including support for the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, which charges States with the responsibility of ensuring that all non-State actors under their regulatory power respect peasants' rights and of guaranteeing peasants' equal access to land and natural resources.

Food Insecurity

The Savane Diane land grab has had compounding consequences. Women students at SOFA's school have been deprived of income-generation and training in agro-ecological methods that support climate resilient agriculture. Numerous other farming families have had gardens destroyed—their sources of food and income. Others, who have not yet been physically displaced have abandoned the land knowing they are not secure there. Residents and Haitian civil society underscore that the Savane Diane industrial development is leading to further impoverishment and food insecurity.⁵⁶

*Giving a rich man land to increase his capital doesn't benefit us. What he produces won't be for the community, they are for export...before, every person could take a little portion to plant rice, Congo peas and other produce. This situation is having severe impacts on us and our families.*⁵⁷

Violence and Sexual Exploitation

In addition to the violence and rights violations inherent in the forcible displacement,⁵⁸ the land grab has left women vulnerable to other forms of violence. Women who have worked for Stevia Industries report that employees sexually harass and exploit them and do not pay them transparently.⁵⁹ Residents who have peacefully protested the land grab have been attacked by men they believe were paid by Stevia Industries.⁶⁰

*The [employees of Stevia] always give women one portion of their money, without telling them why they are withholding the rest. For women to secure work, they have to agree to sleep with two or three men. Even if they agree to do it they have no guarantee they'll secure work.*⁶¹

Climate Vulnerability

The land grab risks degrading the environment and increasing climate vulnerability.⁶² Opponents note that the project will damage the local environment, agriculture, biodiversity, and livestock,⁶³ and

⁵⁶ *Id.*; Interview with affected women in Savane Diane, Haiti (Mar. 2022). See also Coordination Europe-Haiti, *supra* note 51; *Savane Diane Appartient aux Productrices et Producteurs Paysans*, *supra* note 41.

⁵⁷ Interview with affected women in Savane Diane, Haiti (Mar. 2022).

⁵⁸ Forcible ejection constitutes a violation of the right to security of person, as well as human rights that protect against forced displacement including the right of freedom of movement.

⁵⁹ Interview with affected women in Savane Diane, Haiti (Mar. 2022).

⁶⁰ Interview with affected women in Savane Diane, Haiti (Mar. 2022).

⁶¹ Interview with affected women in Savane Diane, Haiti (Mar. 2022).

⁶² The right to a clean, healthy, and sustainable environment is protected under human rights law and Haiti's Constitution. See G.A. Res. 48/13 (Oct. 18, 2021). See also Constitution 2012, art. 253 (Haiti).

⁶³ Lamour, *supra* note 32.

will introduce fertilizers, pesticides, and wasteful water practices into the local environment.⁶⁴ Residents stress the negative impact of the project on access to water. Comparative evidence suggests that monocultural agribusiness practices degrade the environment, diminish biodiversity, and are detrimental to health and economic security.⁶⁵ Monocultures, for example, have been shown to capture less than half the amount of carbon as multiple-species mixtures.⁶⁶

The Need for Stronger Responses

SOFA has consistently called for reparations or land restitution for the women and families displaced from Savane Diane. SOFA and Haitian social movements have also called for greater efforts to defend peasants' access to agricultural land, and land use policies that prioritize agro-ecological farming and rehabilitate the environment.⁶⁷

Despite the devastation caused by land grabbing in Haiti, the phenomenon is sparsely documented and rarely garners attention outside the country.⁶⁸ Yet, as the Savane Diane case illustrates, land grabbing often involves violence against women, and leads to compounding rights violations that expose women to further violence. It also threatens women's climate resilience, and risks deepening environmental degradation and climate vulnerability in Haiti. As such, when directed at women farmers, land grabbing should be considered a form of violence against women in the context of the climate crisis, and must receive increased international scrutiny and condemnation.

⁶⁴ This environmental degradation violates the human rights of those exposed to the environmental harms. See G.A. Res. 64/292, ¶ 1-3 (Aug. 3, 2010) (recognizing the right to water and sanitation); International Covenant on Economic, Social and Cultural Rights, art. 12, Dec. 16, 1966, 993 U.N.T.S. 3 (recognizing the right to health including in “all aspects of environmental and industrial hygiene”); Convention on the Elimination of All Forms of Discrimination against Women, arts. 11(1)(f), 12, and 14(2)(b), Dec. 18, 1979, 1249 U.N.T.S. 13.

⁶⁵ See *Repurposing Agricultural Support to Transform Food Systems*, FOOD AND AGRICULTURE ORGANIZATION OF THE U.N., U.N. DEVELOPMENT PROGRAMME & U.N. ENVIRONMENT PROGRAMME (2021), <https://www.fao.org/3/cb6562en/cb6562en.pdf>. See also *The State of the World's Biodiversity for Food and Agriculture*, FOOD AND AGRICULTURE ORGANIZATION OF THE U.N., 3, (2019), <https://www.fao.org/3/CA3129EN/CA3129EN.pdf>.

⁶⁶ *The State of the World's Biodiversity for Food and Agriculture*, supra note 66, at 19.

⁶⁷ Camille Chalmers, et al., *Final Declaration of the Forum on Agroecology and Food Sovereignty*, YES TO LIFE, NO TO MINING (Oct. 16, 2021), <https://yestolifenotomining.org/latest-news/final-declaration-of-the-forum-on-agro-ecology-and-food-sovereignty/>.

⁶⁸ See generally Comisión Interamericana de Derechos Humanos, *11 ENG/RE Impact of Extractive Industries on Human Rights and Climate Change in the Caribbean*, YOUTUBE (Oct. 27, 2021), <https://www.youtube.com/watch?v=zORVK5msIM&list=PL5QlapyOGhXs1tqDisrgxcQUtf2AaaTc&index=11> (offering more information about land grabs in Haiti).