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Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”: Implementation of strategic objectives and action in critical areas of concern, and further actions and initiatives

Statement submitted by International Gay and Lesbian Human Rights Commission (IGLHRC) and MADRE, non-governmental organizations in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* E/CN.6/2012/1.

Statement Concerning the Empowerment of Rural Women and Their Role in Poverty and Hunger Eradication, Development and Current Challenges in Haiti¹

Violence against women in Haiti presents the greatest challenge to the empowerment and participation of women in society. Entrenched social norms both perpetuate and justify discrimination and violence against women and deprive women of a multitude of legal rights that men enjoy. Violence occurs in both rural and urban environments, and in many forms including physical, sexual, and psychological. In particular, domestic and sexual violence occur with alarming frequency. Haiti's complete ban on abortion has also resulted in physical and emotional hardship for women who have become pregnant as a result of sexual violence. Moreover, human rights defenders are targeted for violence, including rape and extortion, for their work defending victims and promoting women's rights.

Empowerment of women is central to the Government of Haiti's obligation to eliminate violence against women. Economic empowerment will allow women to overcome patriarchal hierarchies that facilitate and encourage violence. Moreover, legal empowerment will increase access to justice to combat impunity, which has reinforced aggressors' perception that they can inflict violence without punishment. As stressed by the UN Special Rapporteur on Violence Against Women, the broader agenda for women's empowerment must integrate and prioritize efforts to combat violence against women.

¹ Submitted by MADRE and the International Gay and Lesbian Human Rights Commission (IGLHRC) – nongovernmental organizations with ECOSOC Consultative Status – in collaboration with KOFAVIV (*Komisyon Fanm Victim Pou Victim*), the Center for Gender & Refugee Studies (CGRS), SOFA Bureau of Abricots (*Solidarite Fanm Ayisyen de Abricots*), École Supérieure Catholique de Droit de Jérémie, and the Bureau des Avocats Internationaux (BAI).

In December 2010, the Inter-American Commission on Human Rights recognized that sexual violence against displaced women and girls is a serious problem in Haiti. The Commission issued a groundbreaking decision requesting that the Government of Haiti take urgent measures to address sexual violence, including increased security patrols, improved lighting in the camps, adequate medical care, legal accountability, and participation and leadership of grassroots women's groups in anti-violence policies and practices. UN Special Rapporteurs and the Independent Expert on Haiti have echoed the Commission's calls.

Haitian women and girls are disproportionately susceptible to social inequities, discrimination and violence because of limitations on their access to economic and other resources. Many women have been left alone with the burden of caring for their own families, including increased numbers of orphans who come under their care, due to inequalities in the criminal justice system that leave men to languish in prison for years without seeing a judge.

Economic hardship has forced women and girls to engage in sexual exchange to provide basic necessities for themselves and their families, including food, and pay for education. In November 2011, a delegation of lawyers investigated the issue, interviewing several young women (ages 18-24) engaged in sexual exchange, as well as government officials and civil society actors.² Girls from rural regions attending schools in cities are particularly vulnerable

² The delegation was coordinated by MADRE, KOFAVIV, the International Women's Human Rights Clinic, CUNY School of Law, the Global Justice Clinic, NYU School of Law, and CGRS, UC Hastings College of the Law.

to exploitation. Rural communities cite that adolescent and teenage girls who leave their homes to attend school in major cities frequently return to their villages pregnant. In addition, interviews of rural and urban women conducted by a public health consultant in August 2011 revealed that women who are willing to exchange sexual favours may be more likely to obtain employment, receive higher pay, or better located positions.

A legal framework for addressing discrimination and violence against women exists in Haiti. The Haitian Constitution guarantees equality and other fundamental human rights. Further, Haiti has ratified treaties including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belém do Pará). The Government of Haiti is also in the process of finalizing draft legislation establishing rights and protections for women victims of violence and seeks to amend Haiti's civil and penal codes related to violence against women. Although the language of the draft text does not explicitly legalize abortion, it appears to recognize that abortion is legal in some instances.

Notwithstanding these developments, the failure to empower women to engage with the legal system, and society more generally will hinder implementation of the new law.

Numerous barriers prevent effective implementation of laws associated with violence against women. Victims often face discriminatory attitudes, distrust and minimization by police and prosecutors. Although there are some organizations that provide legal representation for victims of sexual violence, there are many women and girls that do not have awareness of, or access to

legal representation and services. If a woman is unrepresented, her case is most likely not pursued due to disorganization, and corruption, which plague the justice system. Furthermore, the lack of training among police and prosecutors leads to confusion and lost opportunities for women and girls to build a viable case before evidence is lost. When acts of sexual and other violence against women are perpetrated by acquaintances (as is often the case in rural areas), cases are ignored as domestic issues to be settled by the family outside the justice system.

Haitian women and girls often file complaints at great risk to their personal safety. Even for those with counsel, the system is unwieldy and long. Prolonged delays put women and girls who are living in close proximity to their aggressors in danger. There is a lack of long-term safe shelters to house victims during the legal process. In addition, while some accused attackers are arrested, many accused are released shortly after arrest, especially in cases where the victim has no legal representation.

Although a medical certificate is not technically mandatory under Haitian law, in practice, officials in the Haitian justice system consider it a requirement for pursuing complaints of sexual violence. This reinforces the belief in the justice system that women's testimony is inherently untrustworthy. In addition, women face substantial barriers to obtaining a medical certificate. Women living in remote areas must travel significant distances to a hospital. Even if a woman is able to get to the hospital, it may be closed due to a strike or lack of electricity. Moreover, in many cases, even the best medical exam will not produce any relevant evidence. Additionally, the lack of a uniform medical certificate across institutions has posed an obstacle.

In some instances, the prosecutors' office has turned away victims because their medical certificates did not provide enough detail. In sum, the persistence of violence against women is intrinsically linked to social norms that condone it and impunity that results when existent laws are not enforced.

We respectfully urge the Commission on the Status of Women to recommend that the Government of Haiti:

1. Implement the decision of the Inter-American Commission on Human Rights calling on the Government of Haiti to take urgent measures to prevent and protect displaced women and girls from sexual violence.
2. Adopt legislation to address sexual and gender-based violence that complies with international standards and incorporates recommendations from civil society, including a provision that amends the law to allow for abortion, at the very least, in cases of rape or incest, or where the mental or physical health of the mother is in danger.
3. Support the growth of the Women's Ministry, while simultaneously promoting the evolution of the MCFDF to be more inclusive of the ideas, opinions and participation of Haitian grassroots women's organizations.

4. Undertake efforts to combat impunity for violence against women by allocating sufficient resources to conduct criminal investigations, harmonizing the medical certificate process, holding all actors in the justice system accountable, and implementing special protections for human rights defenders.

5. Facilitate the ability of women to leave abusive relationships by increasing services available to victims of domestic violence, including safe shelters and economic assistance, and encouraging criminal prosecutions where warranted.

6. Consult and engage civil society throughout the country and seek input on efforts to decentralize resources and power to rural areas to build a stronger and more equitable society.

7. Adopt measures that better protect human rights, including improved collaboration between the government, the UN, and grassroots women's organizations.