

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

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

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

INTRODUCTION

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

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

RECOMMENDATIONS

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

We provide the following specific recommendations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The deep governance crisis constitutes an unconstitutional interruption of Haiti’s democratic regime. It emerged in the wake of the 2010 earthquake and deteriorated as Haiti’s democratic institutions, including the judiciary, were progressively dismantled through the misrule of the Pati Ayisyen Tèt Kale (PHTK)—itself put in power through a flawed elections process pushed through by foreign actors—and affiliated individuals. After the assassination of then-president Jovenel Moïse in July 2021, Ariel Henry was installed by international actors as the de facto head of state. His regime is further entrenching corruption and state capture by individuals associated with the PHTK, and is at best complicit, if not directly involved, in the widespread killings, torture, and rape of civilians by gangs.⁷ Throughout, the international community and especially the United States government have persisted in supporting and propping up these actors, in spite of their direct culpability in Haiti’s crisis and contrary to the principles of democratic self-determination enshrined in the Inter-American system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹³ RNDDH Report on SGBV in Cité Soleil, *supra* note 7.

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

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

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

Displaced Haitian women and girls—including those originally displaced in 2010—face persistent and intensifying plight. In multiple interviews conducted by Petitioning organization and Haiti’s oldest public interest law firm the Bureau des Avocats Internationaux (BAI), for example, persons displaced by massacres in Martissant¹⁴ described seeing women and girls raped, beaten, burned, and killed, or experienced such violence themselves. Displaced women and girls risk violence when engaging in necessary activities like searching for food and water, seeking medical care, or trying to work.

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

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

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

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

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

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

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

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

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

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

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

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

¹⁶ OCHA Report on Social Unrest, *supra* note 5.

¹⁷ ['Catastrophic' hunger recorded in Haiti for first time, UN warns](#), UN News (Oct. 14, 2022).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

rights to which she is entitled.²⁸

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

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

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

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

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

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

²⁸ Convention of Belém do Pará, Art. 4-6.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Further, children are entitled to special protection under Article 19 of the American Convention given their “condition as a minor on the part of his family, society, and the state.” The Convention of Belém do Pará in Article 9 also recognizes age as a special vulnerability factor that must be considered by a State when designing interventions. Moreover, the Convention on the Rights of the Child—which the Inter-American Court on Human Rights has determined forms part of the “international corpus juris” to be considered by this body in understanding the scope of Article 19³⁹—demands States take measures to ensure children are “treated with humanity” and that all decisions concerning children account for their best interests.⁴⁰ Adult women are not the only victims of these heinous acts of violence; many young girls throughout Haiti have also suffered from sexual violence. Victims as young as ten have been documented.⁴¹ The government of Haiti has entirely failed to protect Haitian children, and its failure to protect the family has prevented families from protecting their children, too.

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

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

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

³⁷ RNDDH Report on SGBV in Cité Soleil, *supra* note 7.

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

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

⁴⁰ *Id.*

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

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

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

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

E. Violations of Economic, Social, and Cultural Rights

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

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

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

⁴² Convention of Belém do Pará, Art. 9.

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

⁴⁴ WGDAGW Report, *supra* note 24.

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

⁴⁶ *See, e.g.*, WGDAGW Report, *supra* note 24.

⁴⁷ American Convention, Art. 26.

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

F. Violations Rights to Participation in Public Life and Decisionmaking

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

III. CONCLUSION

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

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

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

⁴⁹ See, e.g., WGDAGW Report, *supra* note 24.

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

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

IV. PETITIONERS' REQUESTS TO THE COMMISSION

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

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

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

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

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

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

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

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APPENDIX A

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

December 12, 2022

Dr. Tania Reneaum Panszi
Executive Secretary
Inter-American Commission on Human Rights
1889 F St. NW
Washington, D.C. 20006

Re: Request for Thematic Hearing on Widespread Sexual Violence Against Women and Girls in Haiti During 186th Period of Sessions of the Inter-American Commission on Human Rights

Honorable Dr. Reneaum Panszi:

Representatives of the undersigned organizations write to respectfully request a thematic hearing concerning **Widespread Sexual Violence Against Women and Girls in Haiti** during the 186th Period of Sessions, in accordance with Article 66 of the Rules of Procedure for the Inter-American Commission on Human Rights. Over the last several months gangs have deployed rape and other sexual violence as a deliberate tool for disrupting the country's social fabric and have done so without any meaningful response by Haiti's government. The human rights disaster facing Haitian women and girls is one of the most pressing in the hemisphere. While sexual violence against women and girls in Haiti has long been an issue of concern for this Honorable Commission, the last public hearing on this subject was in 2019. Human rights conditions have worsened considerably since that time.⁵¹ The proposed hearing would shed light on the rapidly deteriorating situation for women and girls in Haiti and propose appropriate responses.

This request is made by a coalition of partners including Haiti-based *Bureau des Avocats Internationaux* (BAI), *Komisyon Fanm Viktim Pou Viktim* (KOFVIV), *Nègès Mawon*, and *Réseau National de Défense des Droits Humains* (RNDDH). These organizations provide legal and other support services to survivors of sexual violence, document these abhorrent violations at grave risk to their own safety, and fight for policy and social change to address the gender inequality underlying these harms.

I. Engagement by the Commission Would Support Haiti's Women and Girls

In 2009, the Commission issued its first comprehensive report regarding its concern over persistent discrimination as well as rape and other forms of violence directed against women and girls in Haiti.⁵² It laid out the historical context that undergirds deeply rooted social norms and ineffective government structures for addressing gendered violence, including the recognition of these conditions as a direct result of recurring foreign interventions. The Commission also set out the

⁵¹ Institute for Justice and Democracy in Haiti (IJDH), [Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2022](#) (Dec. 2022).

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

state's duties to prevent and eradicate gender-based violence at the hands of the state as well as of private actors. In its report, the Commission recognized some of the progress made after Haiti's transition to democracy in the late 2000s and provided a series of recommendations to improve access to justice, transform the socio-cultural patterns that perpetuate inequalities, and strengthen institutions for more durable change. Of notable salience to this request, the Commission made explicit that its recommendations were applicable both "during times of peace *and* political unrest."⁵³

This engagement by the Commission served as a focal point in efforts to improve policies and programs in Haiti. The Haitian women's movement leveraged the Commission's recommendations as part of their strategy and successfully pushed for policies that were instrumental in beginning to address root patterns of injustice and inequality. The Haitian Ministry of Women's Affairs and other institutions and civil society groups had reforms under way, including a draft comprehensive law on violence against women. However, progress was undermined by the devastating earthquake in 2010, and then subsequently suppressed through aid policies that privileged programmatic interventions over grassroots policy and advocacy efforts.⁵⁴

Tragically, hundreds of thousands of lives were lost in the 2010 earthquake, among them high profile women's rights advocates and leaders in the feminist movement. As is often the case in the wake of a disaster, rates of sexual violence spiked—with displaced women and girls in the most vulnerable position. The exclusion of the voices of grassroots women's leadership from the disaster response exacerbated the situation and thwarted efforts to prevent further occurrences of sexual violence. Several of the undersigned organizations brought these issues to the attention of the Commission through a request for [precautionary measures](#) on behalf of women and girls living in camps for internally displaced persons in Port-au-Prince, Haiti. The Commission [granted](#) the measures, requiring that the government provide appropriate medical and psychological care for victims of sexual violence, effective security measures, and adequate training for public officials, as well as create special units within the police and judiciary to investigate instances of sexual violence and incorporate grassroots women's groups in leadership and policymaking decisions.⁵⁵ The Commission's measures provided a critical blueprint for the state: advocates then had some success working with the Haitian government to advance these priorities despite myriad challenges.

As further discussed in the section below, the situation of women and girls in Haiti is dire and getting worse without any effective response. The Commission recently requested that the Petitioners who had been granted the precautionary measures described above provide information regarding the continuing need for such measures in light of the ongoing risk of sexual violence to the beneficiaries. As the Petitioners, some of who are undersigned to this request, [reported](#) to the Commission in October, while Haiti saw some signs of progress in at least some respects in the arena of women's

⁵³ *Id.* at para. 166 (emphasis added).

⁵⁴ *Bureau des Avocats Internationaux* (BAI), Disaster Law Project, Haitian Women's Collective (HWC), IJDH, *Nègès Mawon*, [Joint Submission](#) to the UN Working group on discrimination against women and girls for forthcoming report on "Human Security of Women and Girls in the Context of Poverty and Inequality" (Oct. 2022); *see also* BAI, KOFATIV, IJDH, Center for Gender & Refugee Studies (CGRS), CUNY School of Law - Human Rights and Gender Justice Clinic, MADRE, [RE: MC 340/10 – Situation of women and girl victims of sexual violence in Haiti](#) (Oct. 7, 2022).

⁵⁵ Precautionary Measures re Women and Girls Residing in 22 Camps for Internally Displaced Persons in Port-au-Prince, Haiti, Inter-Am. Comm'n H.R., PM 340/10 (Dec. 22, 2010).

rights in the years immediately following the earthquake, any such progress has since been erased. Haiti failed to maintain or implement adequate measures as ordered by the Commission to prevent and address sexual violence and other forms of gender-based harms and, in the current crisis, is completely derelict in its duties to protect Haiti's women and girls, especially those who are displaced and otherwise marginalized.⁵⁶ Subsequent natural disasters and the structural economic and social challenges that are the legacies of colonialism and extractive foreign interventions in Haiti are also relevant factors underlying the failures that have permitted the violence to continue unabated.⁵⁷

A thematic hearing would offer the Commission an opportunity to build on its work with respect to these measures and the recent update in order to engage more comprehensively on the subject of sexual violence affecting Haiti's women and girls. As it did in the past, the Commission's attention can bring much-needed focus to this important topic, offer a medium for identifying effective solution, and serve as impetus and a mobilizing anchor for supporting the work of Haiti's feminist movement that is fighting to address and prevent sexual violence against women and girls alongside its causes.

II. The Grave Crises Facing Haiti's Women and Girls Merit a Thematic Hearing

Conditions in Haiti have only worsened for women and girls since the earthquake and especially in the present humanitarian emergency, which has been marked by unprecedented gang violence, widespread hunger, a severe decrease in the availability of health and other critical services, a collapse of education, and dwindling access to economic opportunities. Women and girls suffer disproportionately due to the pre-existing social inequalities and systematized discrimination as identified by the Commission in previous communications.⁵⁸ The Haitian government actively contributes to the conditions generating the humanitarian emergency, as discussed below, and has failed to take meaningful measures to reduce harm to vulnerable women and girls. Petitioners in the above-referenced case have requested that the Commission not only extend its 2010 precautionary measures, but expand them to cover—among other things—a broader cross-section of Haitian women and girls at grave risk of sexual violence.

The deep governance crisis facing Haiti now constitutes a profound unconstitutional interruption of Haiti's democratic regime. Described in detail in several publications by the undersigned organizations, the present crisis emerged in the wake of the 2010 earthquake and deteriorated as Haiti's democratic institutions, including the judiciary, were progressively dismantled through the misrule of the *Pati Ayisyen Tèt Kale* (PHTK) and affiliated individuals, all with the support of the international community.⁵⁹ After the assassination of then-president Jovenel Moïse in July 2021, Ariel

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

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

⁵⁸ See, e.g., Institute for Justice and Democracy in Haiti (IJDH), [Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2022](#) (2022); IJDH, BAI & KOFIVIV, Submission to the U.N. Human Rights Council, [Gender-Based Violence in Haiti](#) (2021); *Bureau des Avocats Internationaux* (BAI), Disaster Law Project, Haitian Women's Collective (HWC), IJDH, *Nègès Mawon*, [Joint Submission](#) to the UN Working group on discrimination against women and girls for forthcoming report on "[Human Security of Women and Girls in the Context of Poverty and Inequality](#)" (Oct. 2022); OHCHR, [Sexual violence in Port-au-Prince: A weapon used by gangs to instill fear](#) (Oct. 2022); Jess DiPierro Obert, [Surge in use of rape against women and rivals by Haiti gangs](#), The New Humanitarian (Nov. 14, 2022).

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

Henry was installed by international actors as the de facto head of state. His regime is further entrenching PHTK corruption and is at best complicit, if not directly involved, in the widespread killings and torture of civilians by gangs.⁶⁰

Although the Haitian government does not keep systematic data on sexual and gender-based violence against women and girls, all available evidence—including documentation by the undersigned organizations—indicates it is extensive, pervasive, and growing worse. Sexual violence is now being used as a deliberate tool of conflict in increasingly more barbaric forms, with assailants kidnapping, killing, and raping women; sometimes this takes the form of gang rape in front of family members. The RNDDH, for example, has reported on brutal mass rapes perpetrated by gangs against women and girls living in gang-controlled areas. KOFVIV members have directly experienced sexual assaults, kidnappings, and a lack of access to adequate healthcare, food, and clean water. These documented cases present only the tip of the iceberg given recurring problems of underreporting and the inability of organizations to access all affected areas.

There are no safe shelters: women and girls have been raped at makeshift displacement camps in the capital and have faced sexual exploitation and abuse at a now-closed camp for displaced persons.⁶¹ Even as the undersigned organizations offer support and resources to survivors alongside other grassroots organizations, resources are limited and grossly inadequate. The international humanitarian response has been insufficient. This lack of legal, medical, or other humanitarian resources for survivors exacerbates an already precarious situation.

Such violence against women and girls continues to be carried out with complete impunity. It reflects and is enabled by women's fundamentally unequal status in Haitian society and especially their exclusion from political participation and decision-making. Women's shelters have even been set on fire by gangs and feminist activists deliberately targeted—acts underscoring the gendered elements of Haiti's complex crises. The U.N. Human Rights Council recently completed its periodic review of Haiti's human rights compliance; its conclusions highlight the lack of adequate responses to sexual violence despite the government's awareness of its widespread occurrence. More tangible action to support Haitian feminist advocates is desperately needed; a hearing by the Commission would be a helpful measure that could catalyze others.

III. A Thematic Hearing Would Accomplish Several Tangible Objectives

The participating organizations respectfully request a hearing before the Commission to draw attention to the above-described rapidly deteriorating human rights conditions for women and girls in Haiti and develop pointed recommendations to prevent grave harms in the immediate term and lay the foundation for long-term solutions to persistent gender-based discrimination and resulting sexual violence. A thematic hearing would accomplish several objectives: (1) provide updated information regarding the urgent, deteriorating situation for women and girls—in particular their heightened risk of sexual violence as a form of intersectional discrimination, which has grown especially grave in the current crises; (2) offer an assessment as to the drivers of sexual and gender-

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

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

based violence and impediments to solutions, most notably discrimination against women and girls, especially their exclusion from leadership and public debate; and (3) inform the Commission's assessment through the voices of Haitian advocates with deep expertise and lived experience, including of marginalization.

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ("Convention of Belém do Pará"), accompanied by jurisprudence and other recommendations from this Commission, creates a strong regional framework for state obligations to address sexual violence and underlying gender inequality. Article 9 of the Convention of Belém do Pará recognizes the intersectional nature of women's experience of violence: based not only on their gender but also other aspects of their identity, such as race and class. Unpacking the intersecting crises in Haiti to understand the multiple and intersecting vulnerabilities of women and girls to sexual violence is key to developing impactful strategies for enforcing human rights norms in Haiti and beyond. A public hearing would provide an opportunity to share information with the Commission regarding the current deteriorating situation for women and girls and thereby develop an effective, context-specific, and intersectional approach for better vindicating and advancing the rights and protections guaranteed to Haitian women and girls within the Inter-American human right system.

The requesting organizations also welcome the opportunity to engage with the Commission regarding state obligations to address these issues despite any difficulties of operating in an emergency context. The Committee on the Elimination of Discrimination against Women in its General recommendation no. 28 reiterates that state obligations "do not cease in periods of armed conflict or in states of emergency resulting from political events or natural disasters" and that states must "adopt strategies and take measures addressed to the particular needs of women in times of armed conflict and states of emergency." Haiti is facing such challenges in the current political crisis, following on the heels of recurring natural disasters, yet has not taken meaningful steps to secure the fundamental human rights of women and girls.

In this vein, the Commission's precautionary measures in 2010 furnished a blueprint for establishing state priorities in the post-disaster context that met "the particular needs of women" at the time. This guidance proved especially significant in the aftermath of the earthquake to direct limited state resources for the protected individuals. Additional, updated guidance that considers all Haitian women and girls is urgently needed not only to give meaning to Inter-American human rights protections in Haiti, but also to delineate what measures are required of states facing a crisis of such proportions. This critical guidance will support the valiant efforts of the feminist movement on the ground in Haiti who are working to ensure the needs of women and girls are not ignored.

The voices of grassroots leadership and of those most affected by the violence have been excluded from public debate surrounding Haiti's acute governance crisis, which disproportionately impacts poor women and girls. Several of the undersigned organizations are composed of members most impacted by human rights violations and representatives would present their perspective and experiences at the hearing. A hearing before the Commission with these marginalized voices would afford an opportunity to hear their stories and, most importantly, their solutions for better protecting women in the short-term and promoting women's equality over the long-term.

IV. Request

For the foregoing reasons, and in conformance with Article 66 of the Commission's Rules of Procedure, we respectfully request that the Commission:

1. Grant a one-hour hearing in its upcoming Period of Sessions to present updated information regarding the situation for women and girls in Haiti as it pertains to sexual violence against women and girls in Haiti, including testimony by Haitian advocates;
2. Make efforts to ensure the participation of Commissioner Julissa Mantilla, Rapporteur for Women; Commissioner Stuardo Ralón, Rapporteur for Haiti; Commissioner Esmeraldo Arosemena, Rapporteur for Children and Adolescents; and Commissioner Joel Hernández, Rapporteur for Human Rights Defenders; and
3. Timely indicate the day, time, and place for holding a thematic hearing, directing any notices regarding the hearing to bookeybl@uchastings.edu.

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

Sincerely,

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

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

Pascale Solages
Nègès Mawon
Port-au-Prince, Haiti

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

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

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

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

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

Lauren Dasse
MADRE
New York, NY, USA

APPENDIX B

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

October 7, 2022

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

Via email cidhdenuncias@oas.org

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 as 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,

Mario Joseph
Bureau des Avocats Internationaux ("BAI")

Malya Villard-Appolon
Komisyon Fanm Viktim pou Viktim ("KOFVIV")

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

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

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

J.M. Kirby
MADRE

APPENDICES

Selected Recent Reports Regarding SGBV in Haiti:

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

APPENDIX C

Annotated Bibliography with Linked Materials

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

I. CIVIL SOCIETY REPORTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- L. **Yvon Janvier, *Gender-Based Violence in the Haitian Context*, Academia (Apr. 2022), https://www.academia.edu/79611249/Inequality_Gender_Based_Violence_in_Haiti_the_root_causes.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. UNITED NATIONS AND INTER-GOVERNMENTAL SOURCES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. NEWS ARTICLES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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