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Gender-Based Violence Against
Haitian Women & Girls in Internal Displacement Camps

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1. This report is submitted by MADRE (an ECOSOC accredited NGO), KOFAVIV FAVILEK, KONAMAVID, Women’s Link Worldwide, the International Women’s Human Rights Clinic, City University of New York School of Law, the Best Practices Policy Project, the Human Rights Clinic, University of Miami School of Law, and the International Human Rights Clinic at the University of Virginia School of Law. It focuses on the epidemic of gender-based violence in internally displaced persons (IDP) camps in post-earthquake Haiti.

I. Background and Context

2. Preventative measures within Haiti’s internally displaced persons (“IDP”) camps are critically lacking. In particular, the following issues exist: lack of adequate lighting; lack of private bathing facilities; lack of tents; and even for those with tents, utter lack of security, and lack of police presence. All of these risk factors have increased dramatically in post-earthquake Haiti, resulting in an epidemic of gender-based violence against Haitian women and girls.

3. Though official statistics are lacking, research demonstrates that after disasters and conflicts, women and children living in IDP camps are especially vulnerable to sexual violence and rape. In Haiti, a University of Michigan survey conducted in March 2010 estimated that three percent of all people in Port-au-Prince had been sexually assaulted since the earthquake; all but one of the respondents surveyed in that study were female and half of the victims were girls under the age of eighteen.¹ Médecins Sans Frontiers reported treating 212 victims of sexual violence in the 5 months following the earthquake.² SOFA, a well-known Haitian women’s health organization, documented 718 cases of gender-based violence against women and girls in its clinics from January to June 2010.³ According to SOFA’s assessment report issued in November, sexual violence targeting women and girls is a growing emergency. The Bureau des Avocats Internationaux (BAI), a public interest law firm in Port-au-Prince currently represents over 70 women and girls in rape cases post-earthquake.

¹University of Michigan/Small Arms, *Assessing Needs After the Quake: Preliminary Findings from a Randomized Survey of Port-au-Prince Households*, Survey (2010).

²Si Médecins Sans Frontiers (MSF) *Emergency Response After the Haiti Earthquake: Choices, Obstacles, Activities and Finance*, (July 2010).

³Solidarite Fanm Ayisyen or Haitian Women’s Solidarity. The 718 cases of violence against women included 114 rapes and 540 cases of physical abuse. SOFA, *Rapport Bilan 10, Cas de Violences Accueillies et Accompagnés Dans Les 21 Centres Douvanjou de la SOFA de Janvier à Juin 2010* (Nov. 2010).

4. Additionally, human rights defenders working with KOFAVIV and other grassroots groups, such as FAVILEK and KONAMAVID have been targeted for violence, including rape, and extortion for their work defending rape victims. This was reported to the UN Human Rights Council in testimony of a Haitian grassroots women's organization leader in June 2010. (See Appendix A testimony to the Human Rights Council by Malya Villard Apollon of KOFAVIV).

5. Examples of documented sexual violence suffered by Haitian women and girls include:

- On October 2, 2010, two men entered the tent of a young girl armed with a stick with nails protruding from one end. Another woman who heard the commotion attempted to intervene, but was frightened away when the men threatened to shoot her. The men beat the victim with their handmade weapon and raped her.
- August 29, 2010, a young woman was kidnapped by five armed men in a truck. Before raping her, they choked her, forcing her to open her mouth, and one of the men bit off her tongue.
- On July 26, 2010, a nineteen-year-old woman was raped by three men when she left her tent to use the outside toilet at night.
- On July 15, 2010, an eighteen-year-old woman sleeping in a tent with her daughter, mother, and thirteen-year-old sister was awoken in the middle of the night by a man armed with a gun and a machete, who then raped her. Later that week, her thirteen-year-old sister was also raped.
- On March 14, 2010, a five-year-old girl was raped and suffers bleeding from vaginal tearing, as well as chronic fever, trouble breathing, stomach pains, and incontinence. A doctor prescribed a multitude of medications but her grandmother, who acts as her guardian, is only able to afford the medication to control the incontinence.

Limited Access to Medical Services

6. Medical services providers are overwhelmed and unable to meet healthcare needs stemming from the assaults. The quality and type of care these women have received has varied depending on the facility and availability of supplies. Some clinics do not offer services such as HIV

prophylaxis or emergency contraception. Women and girls faced prohibitively long waits, and several reported leaving without ever being seen by a doctor.

7. Women also report a lack of privacy and limited access to female healthcare providers. Medical certificates are not routinely provided and several victims were unaware of the importance of the certificates in documenting rape for domestic prosecution and their right to request them.⁴ Additionally, media has reported a dramatic increase in pregnancies inside the camps, women lack access to proper pre-natal care and abortion services.⁵

Lack of Adequate Security in the Camps or Police Response

8. Haitian National Police (HNP) are reported to rarely patrol inside the IDP camps or respond when victims report being raped. Many victims have said they are afraid to report sexual violence to the police because of the lack of police response, threats of retaliation made by the attacker, and embarrassment due to the general social stigma associated with rape.

9. The overwhelming majority of rapes in Haiti post-earthquake have gone unpunished and the Haitian government and international community have not effectively deployed their resources to provide adequate protection. Furthermore, the Haitian government has only begun to prosecute a fraction of these cases. These domestic prosecutions progress through the system only because of tireless advocacy by Haitian human rights lawyers and their partners who diligently work with police, prosecutors and judges to end the climate of impunity. In cases where the police have made arrests, suspects are often released as a result of poor investigations.

10. However, the government of Haiti is facing constrained capacity resulting in part from international policies that pre-date the earthquake, only recently issued a strategic plan for housing for the estimated 1-1.3 million residents of some 1,000 IDP camps. The plan will not be implemented for months, if not years. Quite simply, there is no end in sight for the dangerous conditions in which Haitian women and girls live.

⁴It should be noted that the requirement of medical certificates for verification of rapes is discriminatory. However submitters of this report recognize that the absence of certificates can lead to lack of prosecution of a rape cases.

⁵See for example, NTN 24. Se triplica la tasa de embarazos en campamentos de desplazados en Haití. Oct. 19, 2010.

II. UN and Regional Response to the Epidemic of Sexual and Gender-Based Violence

11. On October 14, 2010 the UN Security Council recommended that MINUSTAH pay particular attention in providing adequate protection to the needs of Haitians, specifically internally displaced women, including through joint community policing in camps, strengthening mechanisms to address sexual and gender-based violence and promoting and protecting the rights of women as set out in Security Council resolutions 1325, 1888 and 1889. The Security Council stated, “combating criminality and sexual and gender-based violence, and putting an end to impunity are essential to ensuring the rule of law and security in Haiti.”⁶

12. Several UN Special Rapporteurs and Representatives have also called attention to the sexual violence against Haiti’s displaced women as an issue that must be addressed by the international community. In an October 2010 speech to the UN General Assembly, Rashida Manjoo, the UN Special Rapporteur on Violence Against Women, its Causes and Consequences, highlighted the disproportionate vulnerabilities of women in post-disaster settings and their increased risk of violence. She specifically cited the sexual violence faced by Haitian women and girls in the displacement camps.⁷

13. That same month, Walter Kälin, then UNSpecial Representative to the Secretary-General on the Human Rights of Internally Displaced Persons, linked pre-existing vulnerabilities of “violence and exploitation” with the post-disaster occurrence of sexual violence in Haiti’s camps.⁸ Mr. Kälin drew attention to “important levels of rape and gang-rape and also domestic violence in the camps, which [women’s groups] identified to be problems that are growing in number and brutality.”

14. On October 21, 2010, attorneys and grassroots groups submitted a Request for Precautionary Measures to the Inter-American Commission on Human Rights (IACHR).⁹ The petition called on

⁶ Press Release, Security Council, Renewing Haiti Mission Mandate in Resolution 1944 (2010), Looks to Review of Situation After Pending Elections, New Government, UN Doc. SC/10054 (Oct. 14, 2010).

⁷ Statement by Rashida Manjoo Special Rapporteur on Violence Against Women, Its Causes and Consequences at the 65th Session of the General Assembly Third Committee (Oct. 11, 2010).

⁸ Walter Kälin, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Human Rights of Internally Displaced Persons in Haiti: Memorandum Based on a Working Visit to Port-au-Prince (12–16 Oct. 2010), ¶ 32.

⁹ Attorneys and grassroots groups who filed the petition include KOFIV, KONAMAVID, and FAVILEK, MADRE, the International Women’s Human Rights (IWHR) Clinic at the City University of New York (CUNY)

both the government of Haiti and international actors to take immediate action in ensuring security, lighting and access to medical care in camps, as well as meaningful participation by grassroots women's groups in planning sessions for addressing gender-based violence in displacement camps. Advocates asked the IACHR to grant the request as an urgent measure to address the multiple acts of sexual violence women in the displacement camps are facing.

15. On December 22, the IACHR issued a decision in favor of the petitioners, highlighting the importance of respecting international human rights obligations at all times, specifically non-derogable rights, as well as the rights of the most vulnerable populations including women and girl victims of sexual violence (See Appendix B). The IACHR's decision includes the following legally binding recommendations:

A. Ensure medical and psychological care is provided in locations available to victims of sexual abuse of 22 camps for those internally displaced. This precautionary measures decision, in particular, ensures that there be:

- a. privacy during examinations;
- b. availability of female medical staff members, with a cultural sensitivity and experience with victims of sexual violence;
- c. issuance of medical certificates;
- d. HIV prophylaxis, and;
- e. emergency contraception.

B. Implement effective security measures in the 22 camps, in particular, provide street lighting, an adequate patrolling in and around the camps, and a greater number of female security forces in police patrols in the camps and in police stations in proximity to the camps;

C. Ensure that public officials responsible for responding to incidents of sexual violence receive training enabling them to respond adequately to complaints of sexual violence and to adopt safety measures;

D. Establish special units within the police and the Public Ministry investigating cases of rape and other forms of violence against women and girls, and;

E. Ensure that grassroots women's groups have full participation and leadership in planning and implementing policies and practices to combat and prevent sexual violence and other forms of violence in the camps.

III. Exclusion of Grassroots Organizations from Participation in Addressing Sexual Violence

16. In violation of its obligations under international human rights law the UN Gender Based Violence (GBV) Sub-Cluster¹⁰ has excluded Haitian grassroots women's groups from meaningful participation in the coordination efforts to address and prevent sexual violence in Port-au-Prince IDP camps. Since the earthquake, the role of the UN GBV Sub-Cluster has been to track what remains of Haiti's human resources and momentum of the Concertation Nationale, and to "support and build on prior activities."¹¹

17. This exclusion of grassroots voices violates international law and standards requiring such participation, including the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women ("Belém do Pará"), UN Security Council Resolution 1325 and the UN Guiding Principles on Internal Displacement. Moreover, the IACHR requested that the government of Haiti ensure that Haitian grassroots women's groups have full participation and leadership in planning and implementing responses to GBV. However, grassroots women groups operating within displacement camps continue to be excluded in post-disaster needs assessments and in the planning of activities designed to mitigate such violence.

18. As further evidence of this exclusion, in December 2010, the UN GBV Sub-Cluster released its list of strategies for 2011 for combating gender-based violence in Haiti, a simplistic two-page summary of objectives and goals (See Appendix C). Unfortunately there is still no specific mention of including grassroots women's organizations in meaningful participation in the coordination of efforts to address and prevent sexual violence in Port-au-Prince IDP camps, as mandated by international law.

¹⁰The UN Gender-Based Violence Sub-Cluster in Haiti (the "GBV Sub-Cluster") is coordinated by UNFPA and includes UN and NGO membership as well as Ministries of the government of Haiti. The Sub-Cluster takes the lead on addressing gender-based violence in complex emergencies, natural disasters and other such situations.

¹¹"Haiti Response Must Address Needs of Women and Girls," Haiti Earthquake 2010. *One Response*. June 2010.

19. In response to this, in February 2011 the Haitian Minister on the Rights of Women (Women's Ministry), in a written letter to UNFPA, called on the GBV Sub-Cluster to include participation by grassroots women's groups living and operating within the IDP camps as well as to collaborate with the Women's Ministry on its activities (See Appendix D).

20. Despite this request by the Women's Ministry, the GBV Sub-Cluster Coordinator still refuses to include Haitian grassroots women's groups to meaningfully participate in the planning and implementation of activities designed to address sexual violence in the displacement camps. Nor has the UN GBV Sub-Cluster followed its obligation under international law and in respect of Haiti's state sovereignty to consult with the Women's Ministry on activities involving mapping the issue of gender-based violence in the camps and resources available for victims. This continued exclusion by Sub-Cluster leadership not only violates its obligations under international human rights law but also undermines strategies to combat gender-based violence.

IV. Conclusion

21. Building and strengthening the rule of law is fundamental to sustaining peace and security for societies emerging from disasters. Haiti's transition from disaster creates a unique opportunity to adopt strategies and policies for the establishment of the rule of law and the promotion of gender equality and gender justice within key areas relating to the legislative process and law enforcement.

22. In recent decades, the Haitian women's movement has achieved considerable success, including the creation of the Women's Ministry. However, the January 12, 2010 earthquake put women and girls at an increased risk of rape by the collapse of social infrastructures, the erosion of family and community networks and inequitable access to social services. Disasters and conflicts women and children living in displacement camps are especially vulnerable to sexual violence.

23. The IACHR's December 22, 2010 recommendations, combined with the long-term recommendations outlined in the IACHR's 2009 report on Haiti¹² provide a comprehensive

¹² Inter-American Commission on Human Rights, Report on Haiti, "The Right of Women in Haiti to be Free from Violence and Discrimination." (2009).

roadmap for addressing and preventing gender-based violence and related discrimination against women and girls in Haiti.

V. Solutions

24. Sexual violence is greatly deterred when both adequate security and lighting are present in IDP camps. Camps surveyed by KOFAVIV report far lower rates of rape in camps with both a security presence and adequate lighting. Camps with only lighting or only security patrols or neither reported higher incidences of rape. Despite some increases in these services, to date, few camps possess adequate lighting and security necessary to ensure the safety of residents.

25. In order to strengthen respect for human rights in country and foster a strong rule of law it is critical for Haiti to implement the IACHR's Recommendations and accountability mechanisms for human rights violations. In light of Haiti's current crisis, the Women's Ministry should be recognized as a key body in designing strategies to enhance and protect women's rights and in implementing the IACHR's recommendations that provide a clear blueprint for such strategies.

26. To meet its obligations to combat sexual violence and fully implement the IACHR's recommendations, the Government of Haiti needs adequate resources. Yet much of the funding pledged for Haiti by Donor States has still not been released. Of the money released, a large portion has not yet been spent. Moreover, much of the money delivered has gone to international aid agencies, not to Haitian organizations or the Haitian government.

27. Government and civil society actors must be supported in the drafting of a Plan of Action to Address Sexual Violence and Related Gender-Based Discrimination ("Plan of Action") for implementing both the IACHR's short term and long-term recommendations and advocate for the inclusion of this plan in the reconstruction and development plans and policies. The Plan of Action must be designed and framed within the context of Haiti's existing commitments to end gender-based violence and discrimination, from its national laws and policies to regional and international inter-governmental conventions and agreements. This includes establishing new policies or legislative reform that compliments other existing national policies and governmental plans of action or strategies. Finally a Plan of Action must be funded by Donor States.

VI. Recommendations

28. We respectfully request that the Human Rights Council ask UN GBV Sub-Cluster and the Haitian government to implement the recommendations of the IACHR's decision, and to:

A. Ensure that grassroots women's groups have full participation and leadership in planning and implementing policies and practices to combat and prevent sexual violence and other forms of violence in the camps.

B. Support a Plan of Action to address sexual violence and implement the IACHR's recommendations that is collaboratively drafted by Haitian government, key members of UN agencies and other key civil society organizations;

C. Ensure medical and psychological care is provided in locations available to victims of sexual abuse of camps for those internally displaced. This precautionary measures decision, in particular, ensures that there be:

- a. privacy during examinations;
- b. availability of female medical staff members, with a cultural sensitivity and experience with victims of sexual violence;
- c. issuance of medical certificates;
- d. HIV prophylaxis, and;
- e. emergency contraception.

C. Implement effective security measures in displacement camps, in particular, provide street lighting, an adequate patrolling in and around the camps and a greater number of female security forces in police patrols in the camps and in police stations in proximity to the camps;

D. Ensure that public officials responsible for responding to incidents of sexual violence receive training enabling them to respond adequately to complaints of sexual violence and to adopt safety measures;

E. Establish special units within the police and the Public Ministry investigating cases of rape and other forms of violence against women and girls, and;

F. Support initiatives that provide free representation of victims through the civil party mechanism in domestic prosecutions of sexual assault.

APPENDIX A



MADRE
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Results for Women Worldwide

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June 7, 2010

Oral Intervention of Malya Villard-Apollon

1. Council Members, thank you for the opportunity to speak with you today.
2. My name is Malya Villard-Apollon. I am a leader of KOFAVIV, a grassroots women's organization that works with victims of sexual violence. I, myself, have been a victim of rape. We work with several partners including MADRE, the Institute for Justice & Democracy in Haiti and the law firm Morrison & Foerster.
3. Conditions in the displacement camps, following the January 12 earthquake, have greatly exacerbated women's vulnerability to rape.
4. I live in a tent in a camp. I have witnessed violence against women and girls. And, I have also witnessed the completely inadequate government response. KOFAVIV has recorded at least 242 cases of rape since the earthquake. But, we have yet to see a case prosecuted.
5. The violence is occurring in the camps because:
 - a. There is no education around sexuality and women's rights,
 - b. Security is inadequate;
 - c. There is a lack of secure housing;
 - d. And, aid distribution is ineffective and aid agencies fail to consult grassroots groups, which deepens poverty and fosters violence.
6. I respectfully urge the Council recommend that the International Community work with the Government of Haiti to do the following:
 - a. Provide human rights education, including gender sensitivity training for men and police, and know your rights trainings for women;
 - b. Immediately provide security and lighting in the camps;
 - c. Remind donors that the 'UN Guiding Principles on Internal Displacement' implore governments to consult with Haitian women and ensure their participation in decisions that impact their lives;
 - d. And, finally, all member States should condition funding on meeting these basic requirements to uphold women's rights.
7. Voices like mine are often not heard in forums like these, thank you again for your attention.