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Haiti: Domestic violence and, in particular, the protection, services and recourse offered to women who are victims of domestic violence (2005-2006)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to Kay Fanm, a women's rights organization, violence against women is a serious problem in Haiti (25 Nov. 2005). Domestic violence and [translation] "crimes of passion" are a part of everyday life for Haitian women (AlterPresse 26 Dec. 2005; *ibid.* 25 Nov. 2005). According to the Panos Institute of the Caribbean, more than 395 women were victims of domestic violence in early 2006 in Haiti (17 Apr. 2006). In its report on cases of violence referred to Douvanjou centres in the first half of 2006, another women's rights organization, Solidarity Fanm Ayisyen (Solidarité Fanm Ayisyen, also called Solidarité des femmes haïtiennes or SOFA), notes that most of the women it worked with between January and June 2006-246 women out of a total of 330 (75 percent)-were subjected to some form of domestic violence (July 2006, 7). From January to November 2005, Kay Fanm and two health institutions identified 138 victims of domestic violence (Kay Fanm 25 Nov. 2005).

However, a number of sources mentioned the difficulty of drawing a complete picture of domestic violence in Haiti for various reasons (SOFA July 2006; Kay Fanm 25 Nov. 2005). SOFA states that the data reflect only the cases reported to its reception centres and shelters (July 2006, 3). Kay Fanm indicates that the 2005 data primarily concern the Port-au-Prince area (25 Nov. 2005). According to the Panos Institute of the Caribbean, the extent of domestic violence is not measured because abuse is hidden by the fear and silence of victims (Panos Institute of the Caribbean 17 Apr. 2006).

In terms of legislation, *Country Reports on Human Rights Practices for 2005* reports that under Haitian law, rape and domestic violence are illegal and subject to punishment (US 8 Mar. 2006, Sec. 5). In July 2005, changes concerning acts of sexual assault and [translation] "indecent assault" against women, which were designed to eliminate discrimination against women, were introduced into the Haitian penal code by a decree-law adopted by the Council of Ministers (le conseil des ministres) (AlterPresse 6 Oct. 2005; Haiti Press Network 16 July 2005). The main change with respect to women's rights is that rape is no longer categorized as indecent assault, but rather as sexual assault (Haiti Press Network 16 July 2005). Article 278 of the penal code has been amended as follows: [translation] "Attempted or actual rape or other sexual assault accompanied by violence, threats, surprise or psychological pressure against the victim, whether male or female, is punishable by 10 years of hard labour" (AlterPresse 6 Oct. 2005). From January to June 2006, women also began to report domestic rape (SOFA July 2006, 16). However, despite the adoption of this decree-law, the perpetrators of violent acts against women still go unpunished (Syfia International 3 Feb. 2006). Although SOFA expressed approval when the decree-law was passed, the organization notes in its 2006 report that the law is not yet in force because parliament has not yet approved it (19 Jan. 2006; see also SOFA July 2006, 19).

In general, women who are victims of domestic violence do not lodge complaints against their attackers (Panos Institute of the Caribbean 17 Apr. 2006; Syfia International 3 Feb. 2006). Various reasons are mentioned by the sources consulted by the Research Directorate: women's lack of trust in the judicial system because of male chauvinism and because of the incompetence and corruption that undermine the credibility of Haiti's institutions (Syfia International 3 Feb. 2006); the laxity of the police and justice officials when dealing with complaints of domestic violence (SOFA 16 July 2006, 17; Panos Institute of the Caribbean 17 Apr. 2006; AlterPresse 26 Dec. 2005); and the abuse of power by some police officers who themselves commit acts of domestic violence (SOFA 19 Jan. 2006, 5; Syfia International 3 Feb. 2006).

According to *Country Reports on Human Rights Practices for 2005*, there were no government-sponsored programs that year for women victims of violence (US 8 Mar. 2006, Sec. 5). SOFA states that women victims of violence have sought its assistance, because of the lack of state protection (19 Jan. 2006). SOFA criticizes the ineffectiveness of the Ministry of Women's Conditions and Rights (le ministère à la Condition féminine et aux droits de la femme, MCFDF), which hands over its responsibility for helping women victims of violence to women's rights organizations without granting them funding (July 2006).

In addition to Kay Fanm and SOFA, the Haitian Centre for the Accommodation and Social Reintegration of Women with Marital Difficulties (Centre haïtien d'hébergement et de réintégration sociale des femmes en difficulté matrimoniale, CHRESOF) (*Le Nouvelliste* 16 Dec. 2005) and the Gheskio Centre (Syfia International 3 Feb. 2006)

are organizations that help women victims of violence. On 16 December 2005, the CHRESOF, which has been operating for a decade, organized a [translation] "lecture-forum to raise the Haitian population's awareness of the various types of violence against women" (*Le Nouvelliste* 16 Dec. 2005). According to SOFA, medical institutions are now more readily issuing medical certificates to women victims of violence (SOFA July 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Publication: National Human Rights Defense Network (*February 2004-June 2006: Overview of the General Human Rights in Haiti during the Interim Government*).

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