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Haiti: Violence against women and domestic violence; in particular, the protection, services and recourse offered to victims, particularly in Jérémie, Cayes and Gonaïves (2009 - March 2011)

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In a report published in January 2011, Amnesty International (AI) notes that sexual and gender-based violence are "omnipresent" in Haiti, although women and girls were already at high risk of being raped or subjected to other forms of sexual violence prior to the earthquake (AI Jan. 2011, 4). Likewise, according to a January 2011 Human Rights Watch report, the rate of sexual violence prior to the earthquake was high, but conditions in the camps have made women and girls even more "vulnerable." An article published on 20 October 2010 by the United Nations Children's Fund (UNICEF) states that many women and girls have become even more "vulnerable" because they have been separated from their family and must live alone. The UN Special Rapporteur on Violence Against Women stated that she "... received numerous reports on the rise in violence against women and girls, in particular rape and domestic violence in IDP camps and elsewhere." However, the Rapporteur does not provide the timeframe for this increase in violence (UN 11 Oct. 2010, 6).

Doctors without Borders (Médecins sans frontières, MSF) states that they have treated 212 victims of sexual violence between January and May 2010 (MSF July 2010, 19). In a November 2010 report that was sent to the Research Directorate on 16 February 2011, Solidarity Fanm Ayisyen (Solidarité Fanm Ayisyen, SOFA), a women's rights organization (Oxfam 18 Feb. 2010), stated that their 21 Douvanjou centres treated 718 women and girls who were victims of gender-based violence during the first six months of 2010 (SOFA Nov. 2010, 5). The expression [translation] "gender-based violence," as used in the SOFA report, covers spousal abuse, domestic violence, civilian and public violence (ibid., 16). According to SOFA, approximately 65 percent of women accommodated in its centres are there as a result of spousal violence (ibid., 17). The United States (US) Department of State's *Country Reports on Human Rights Practices for 2010* notes that, based on data supplied by the Haitian National Police (Police nationale d'Haïti, PNH), 974 cases of rape were reported in 2010, compared to 218 cases between January and October 2009 (US 8 Apr. 2011, sec. 6). AI points out that over the five months following the earthquake, KOFAVIV, the local NGO for the rights of female victims of violence, registered over 250 cases of rape in the camps (AI Jan. 2011, 6). In January 2011, the Center for Human Rights and Global Justice (CHRGJ) of the New York University School of

Law conducted a survey on sexual violence and interviewed 365 households in four of the internally displaced persons camps in Port-au-Prince and the surrounding area (CHRGJ March 2011, 1). According to the survey results, 14 percent of households surveyed indicated that at least one member of their household had been the victim of rape or sexual touching since the January 2010 earthquake (ibid.). If the cases where respondents indicated the victims' gender are taken into account, the survey shows that approximately 86 percent of victims were women and girls (ibid., 3). Furthermore, according to people surveyed, sexual violence happens during the day as well as during the night (ibid., 5). However, survey results indicate that sexual violence happens most often in camps where there is no official agency managing the camp; accordingly, 18 percent of households surveyed in non-supervised camps claimed to have been victims of sexual violence, while 10 percent of those surveyed in a supervised camp made the same claim (ibid., 7). According to the CHRGJ, the survey results suggest that, since the January 2010 earthquake, people living in the camps believe that it is increasingly common for women and girls to resort to the sex trade to meet their basic needs (ibid.).

However, AI confirmed that, according to organizations working in Haiti, cases of gender-based violence are not always reported (Jan. 2011, 4). Likewise, according to a UNICEF article, [translation] "even before the earthquake, the statistics on rapes and sexual assaults in Haiti were difficult, if not impossible, to obtain" (UN 20 Oct. 2010). Women's rights groups and human rights organizations maintain that violence against women is still "commonplace and underreported" in Haiti (US 8 Apr. 2011, sec. 6). An article published in 2008 in the *Stanford Journal of International Law* states that cases of sexual violence against girls happening at home are "almost never" reported because of "social expectations and the fear of stigmatization," and because they are considered "unfortunate events of life," rather than crimes (Faedi Duramy 2008, 167-168). However, according to the SOFA report, women are increasingly aware of the issue of violence and, although the earthquake destroyed the judicial infrastructure, criminal cases are being prosecuted (Nov. 2010, 19). AlterPresse also confirms that, according to the spokeswoman for Kay Fanm (women's house), there is an increase in the reporting of acts of violence against women, due to the efforts of women's rights organizations (AlterPresse 6 March 2010).

Legislation

The Haitian penal code states the following regarding sexual assault:

[Translation]

Sec. 278 - (Edict of July 6, 2005, sec. 2). Anyone who commits rape or who is convicted of any other sexual assault, and who uses or attempts to use violence, threats, surprise or psychological pressure against a person of either sex shall be punished to 10 years of hard labour.

...

Sec. 279 - (Edict of July 6, 2008, sec. 3) In the event that this crime was committed against a child under the age of fifteen, the perpetrator shall be punished with 15 years of forced labour.

Sec. 280 - (Edict of July 6, 2005, sec. 4). The penalty is forced labour for life if

the perpetrators have any authority over their victim, or if they abuse the authority conferred by their duties, or if the convicted person was assisted in the crime by one or more people, or if death occurred as a result of the crime. (Haiti 1836)

According to *Country Reports for 2010*, spousal rape is not recognized as a crime in Haiti (US 8 Apr. 2011, sec. 6). The law recognizes domestic violence against minors, but it does not classify domestic violence against adults as a "distinct" crime (ibid.). The *Country Reports for 2010* notes that there were 48 convictions for rape between October 2009 and October 2010 (ibid.).

Human Rights Watch reports that the PNH made 534 arrests for sexual violence between February and April 2010 (Jan. 2011). According to a Kay Fanm representative who is quoted by AlterPresse, men who committed acts of sexual violence against 17 girls that the organization gave support to in 2008 were convicted, but hundreds of other cases were still awaiting trial in March 2009 (6 March 2009). In the sources consulted, the Research Directorate did not find any information about the cases awaiting trial.

State protection

According to AI, although Haiti has signed international human rights treaties, the country is "failing to protect the rights of women and girls" (AI Jan. 2011, 11). In an article published on 18 February 2010, Oxfam offered the following explanation:

[Translation]

Generalized poverty and the weak Haitian State are very obvious in the absence of services for victims of violence and in the absence of a judicial framework to provide at least minimum rights for women. This absence is exacerbated in rural municipalities and in shanty towns. Women do not have the means or the physical ability to reach city shelters.

According to AI and the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS), victims of violence do not trust the justice system (AI Jan. 2011, 13; OAS 10 March 2009, para. 10). The IACHR also reports that victims are [translation] "often mistreated when they try to access the judicial system" and that the Haitian government does not adequately support medical and legal services for victims (ibid., para. 10, 12). Corroboration could not be found among the sources consulted by the Research Directorate.

In its report, AI explains that, in some cases, complaints from victims who report a crime are rejected or the crime is not duly registered (AI Jan. 2011, 13). *Country Reports for 2010* lists some of the main obstacles that discourage victims from reporting a rape:

...victims' desire to protect themselves from the social or physical consequences of bringing accusations against the perpetrators, who often lived in the community; tacit cultural acceptance of sexual assault; the lack of sufficient facilities or services at police stations to aid rape victims; the long distances between homes and qualified tribunals; and finally, the slow-moving judicial system that fosters a perception of impunity. (US 8 Apr. 2011, sec. 6)

Country Reports for 2010 reports that the police allegedly rarely arrest suspects in cases of domestic violence and that some "corrupt" judges allegedly free suspects arrested for domestic violence or rape (ibid.). In a 12 April 2011 telephone interview with the Research Directorate, the Director of the NGO National Human Rights Network (Réseau national de défense des droits humains, RNDDH) stated that the "rare" members of the PNH who are supposed to provide security in Jérémie, Cayes and Gonaïves, as well as in other Haitian cities, are not trained or equipped to manage cases of violence against women (RNDDH 12 Apr. 2011). Furthermore, according to AI, the destruction and damage to police stations and courts caused by the earthquake has made it more difficult for victims to report sexual violence and gender-based violence (Jan. 2011, 12).

However, in partnership with the United Nations Population Fund (UNFPA), MINUSTAH helped the PNH launched a pilot project to establish reception facilities for victims of sexual violence in two police stations; however, no mention is made of which stations are involved or when the project was put in place (UN, 22 Apr. 2010, para. 44). The Research Directorate could not find any information on the outcome of the project among the sources consulted. According to the *Country Reports for 2010*, international donors helped the Haitian government finance a medical and legal assistance program for victims of violence, and a campaign to denounce violence against women; however, no details about this program were provided in *Country Reports* (US 8 Apr. 2011, sec. 6).

Other services offered to victims

A report by the Secretary-General of the United Nations on the UN Stabilization Mission in Haiti (MINUSTAH), states that, between September 2009 and April 2010, the organization supplied medical and legal assistance to 1,800 female victims of violence (UN, 22 Apr. 2010, para. 1, 34).

In 2009, in response to the UN Division for the Advancement of Women's questions about violence against women, the Haitian government stated that the Status of Women and Women's Rights Ministry (ministère à la Condition féminine et aux Droits des femmes, MCFDF), Doctors of the World (Médecins du Monde-France, MDM-France), Kay Fanm, SOFA, Sun women of Haiti association (Association femmes soleil d'Haïti, AFASDA) and Fanm Deside provide support services and psychological assistance to women in Haiti (Haiti 19 Aug. 2009a). These organizations manage service centres throughout the country:

- **Status of Women and Women's Rights Ministry:** one in each department (total of 10)
- **Doctors of the World-France:** five centres, located in five hospitals in the Ouest department
- **Kay Fanm:** one in the Ouest department
- **SOFA:** one in the Ouest department, one in the Sud-Est department, and one each in Grand-Anse department and Artibonite department
- **AFASDA:** one in the Nord department
- **Fanm Deside:** one in the Sud-Est department (ibid.).

Nevertheless, according to the website of the AFASDA, an organization which offers medical and legal assistance for female victims of violence and conducts workshops on women's rights (AFASDA n.d.a), this organization is active in the following departments: Nord, Nord-Est, Nord-Ouest, Centre, Ouest

and Sud (AFASDA n.d.b).The Research Directorate could not find any information on the accommodation capacity of the AFASDA among the sources consulted.

As well as being the only centre to offer shelter to women, Kay Fanm also provides legal and psychological assistance and would be considered to be a "reliable" source of information (Haiti 21 Aug. 2009a). On Kay Fanm's Internet site, it is explained that in 2005 the organization opened the shelter REVIV, which accommodates on a temporary or permanent basis girls and adolescent victims of sexual assault (Kay Fanm n.d.). Even though most of its activities are concentrated in Port-au-Prince, Kay Fanm also helps victims from Artibonite and Nippes, and women who have been [translation] "assaulted in other regions of Haiti are also considered" (ibid.).

In response to questions about violence against women, the government of Haiti indicated that the Haitian Group for the Study of Kaposi's Sarcoma and Opportunistic Infections (Groupe haïtien d'étude du sarcome de Kaposi et des infections opportunistes, GHESKHIIO) provides free medical services to victims of violence (Haiti 21 Aug. 2009b). GHESKHIIO centres are found throughout the country; however, the source does not mention the territory covered by each centre (GHESKHIIO n.d.).

A free permanent hotline for victims of violence has been available since November 2008 (Haiti 19 Aug. 2009b). This service (the name of which is not provided by the source) available to the entire population 24 hours a day is offered in Creole and is financed by V-days, UNICEF and the government of Haiti (ibid.).

According to Oxfam, SOFA promotes awareness and [translation] "registers all cases of violence and coordinates medical, psychological and legal support services" in its 21 resource centres for female victims of violence (18 Feb. 2010). According to the SOFA report, [translation] "resources to accommodate and support female victims of sexual violence are very limited in the country"- which explains the lack of services in some communities; however, the report does not identify any of the communities (Nov. 2010, 19). In a 4 April 2011 telephone interview with the Research Directorate, the president of SOFA explained that, given the absence of help centres in the cities of Les Cayes, Jérémie and Gonaïves, female victims of violence must usually report their case to the police. Victims requiring specialized care must travel to the nearest communities (SOFA 4 Apr. 2011). The Director of the RNDDH also stated that there are no resources available for female victims of violence in Jérémie, Les Cayes and Gonaïves (RNDDH 12 Apr. 2011).

The KOFIVIV Commission was established in 2004 by a group of women from "poor" neighbourhoods in Port-au-Prince [translation] "who were raped during the military dictatorship of 1991-1994" (KOFIVIV n.d.b). KOFIVIV's website lists the following services, which it provides to women and girls who are victims of sexual violence:

psycho-social support, educational training, vocational training, guidance for child domestic servants and youth involved in prostitution, medical support, legal guidance and distribution of hygiene kits and food. (KOFIVIV n.d.a)

In 2005, along with the Organization for social promotion (Organisation d'entraide pour la promotion sociale, ODPPS), the KOFIVIV Commission also

launched its medical centre to assist female victims of rape. The Research Directorate could not find any information on the medical centre's capacity or its location among the sources consulted.

According to an article published in May 2011 by Doctors of the World regarding its work in Haiti following the January 2010 earthquake, the organization collaborated with four unidentified hospitals to provide medical, psychological and legal assistance to victims of violence; however, the organization did not mention how many victims it could accommodate (MDM May 2011).

Fanm Decide's website states that its goal includes fighting violence against women and improving quality of life for women by educating them about their rights, the law, literacy, women's health and children's education (Fanm Decide n.d.). Fanm Decide also offers female victims of violence shelter and guidance and refers them to the appropriate practitioners and services (ibid.). Established in Jacmel in 1989, Fanm Decide spread to seven communes in the Sud-Est department (ibid.). In the sources consulted, the Research Directorate did not find any information on the capacity of Fanm Decide's centres or their specific locations.

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 sources consulted in researching this Information Request.

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Internet sites, including: Agence France-Presse; British Broadcasting Corporation; Centre for Human Rights and Global Justice; Collectif Haïti de France; Commission des femmes victimes en faveur des victimes; Fédération internationale des ligues des droits de l'homme; *Le Figaro*; France24; Freedom House; Haïti - Ministère à la Condition féminine et aux Droits des femmes, Ministère de la Santé publique et de la Population, Police nationale d'Haïti; Haïti-Référence; Human Rights Watch; Institute for Justice and Democracy in Haiti; Institut Nord-Sud; International Crisis Group; Madre; Migrants outre-mer; *The New York Times*; *Le Nouvelliste*; Organisation internationale de la francophonie; Panos Caraïbes; *La Presse*; Radio Métropole; Syfia International, United Nations Development Program, United Nations Stabilization Mission in Haiti.

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