

Immigration and Refugee Board of Canada

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Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website.

8 June 2012

HTI104085.E

Haiti: Sexual violence against women, including domestic sexual violence; in particular, prevalence within and outside of camps for the internally displaced; criminal prosecutions (2011-May 2012)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Prevalence of Sexual Violence

Sources indicate that accurate data on the rates of sexual violence in Haiti is difficult or impossible to obtain (CNN 26 Apr. 2012; Nolan Spring 2011, 98). Clancy Nolan, the author of an article on sexual violence published in the *World Policy Journal's* spring 2011 issue stated that the government of Haiti's database of sexual assaults had not been used since the January 2010 earthquake (ibid., 97). Similarly, in an August 2011 report on women's and girl's health in Haiti, Human Rights Watch wrote that there had been "no systematic case management or data collection specific to gender-based violence" since the earthquake, and that a partial understanding of the prevalence of sexual violence is obtained from small-scale studies and data collected by organizations providing services to victims (August 2011, 53).

Sources published in 2011 and 2012 report on rising levels of sexual violence against women (UN 11 Jan. 2012; AI 6 Jan. 2011; Small Arms Survey 2011, 241; *The Guardian* 30 Nov. 2011; US 24 May 2012, 24). However, one source suggests that rates have not been rising (*La Presse* 7 Jan. 2012), while another states that the available data is inconclusive (Human Rights Watch August 2011, 53).

In November 2011, the National Association Combating Violence Against Women (Concertation nationale contre les violences faites aux femmes, Concertation nationale), a network of Haitian NGOs and government departments, as well as international development agencies, published statistics on violence against women between July 2009 and June 2011, based on the records of four member NGOs (25 Nov. 2011, 1). The Concertation nationale reported 672 incidents of sexual violence against women during this period, 90 percent of which involved rape (Concertation nationale 25 Nov. 2011, 5). The report also indicated that 21 percent of the reported rapes were gang rapes (ibid.). Solidarité Fanm Ayisyèn (SOFA), a women's rights organization with 21 branches across the departments of Grande-Anse, Sud-Est, Ouest, and Artibonite, recorded 246 medically-certified cases of rape between July 2010 and October 2011, including 35 cases of gang rape (Dec. 2011, 1, 3, 11-12). In an interview with the Paris-based online news source Youphil.com (n.d.), a member of the Commission of Women Victims for Victims (Komisyon Fanm Viktim pou Viktim, KOFATIV), a women's non-profit organization serving and run by rape survivors (KOFATIV n.d.), stated that her organization receives an average of five rape victims a day (Youphil.com 13 Jan. 2012).

Forty-three percent of the sexual assaults recorded by the Concertation nationale were against women and girls under the age of 20, although victims ranged from one to eighty-four years of age (25 Nov. 2011, 4-5). Sixty-two percent of the rapes recorded by SOFA were committed against girls between the ages of three and seventeen (Dec. 2011, 3, 12). A UN news article reports that, according to KOFATIV, 65 percent of rape victims are minors and there has been an increase in the number of rapes of children and babies since the earthquake (6 Oct. 2011). Similarly, a Haiti-based paediatrician interviewed by the *Guardian* indicated "sexual violence is increasingly directed against children" (21 Nov. 2011).

Of the 246 rapes recorded by SOFA, 16 percent were perpetrated by a partner or former partner, 14 percent by a family member, and 69 percent by non-family civilians who may or may not have been known by the victims (Dec. 2011, 11, 14). Eighty-six percent of the sexual assaults recorded by the Concertation nationale were committed against single (unattached) women (25 Nov. 2011, 5).

A 2012 joint publication by the international women's rights NGO MADRE, three American law schools, and KOFIVIV, on the sexual exploitation of displaced women in Port-au-Prince, reports that "most [post-earthquake] aid distribution has stopped and very few jobs are available" (2012, 13). Citing representatives of Zafè Fanm Pou Yon Lòt Ayiti (ZAFALA), a Haitian women's organization, the report explains that "since aid distribution has ceased, men do not have resources to wield power over women, so some men who previously exchanged goods or services for sex, now use weapons and other means to force women to have sex" (MADRE *et al.* 2012, 15).

2. Situation in IDP Camps

2.1 Camp Conditions

According to statistics published by the UN, as of October 2011 there were almost 1,000 "makeshift" camps in Haiti and approximately 600,000 internally displaced persons (IDPs) (UN 6 Oct. 2011). Numerous sources note that the lack of security within IDP camps has increased women's vulnerability to sexual violence (*La Presse* 7 Jan. 2012; USIP 7 Jan. 2011, 2; UN 11 Jan. 2012; CHRGI 2012, xvii; Human Rights Watch Aug. 2011, 52-53). Sources cite various factors contributing to unsafe conditions, including:

- isolated bathrooms or showers (IPS 12 Mar. 2012; USIP 7 Jan. 2011; Nolan Spring 2011, 98);
- insufficient or nonexistent outdoor lighting (IPS 12 Mar. 2012; USIP 7 Jan. 2011; Human Rights Watch Aug. 2011, 53; *The Guardian* 21 Nov. 2011);
- insecure housing (Human Rights Watch Aug. 2011, 53; *The Guardian* 21 Nov. 2011; US 24 May 2012, 24); and
- limited access to food and water (CHRGI 2012, xviii; CNN 26 Apr. 2012).

2.2 Security Services and Law Enforcement

A representative of KOFIVIV was quoted in a March 2012 interview as saying that there had been no "concrete plans or activities" implemented by the government to combat sexual violence in the camps where her organization works, and that there had not been "much change" in camp conditions since the earthquake (IPS 12 Mar. 2012). The US Department of State's *Country Reports on Human Rights Practices for 2011* states that, in Jean Marie Vincent camp, which houses approximately 40,000 IDPs, incidents of rape were reported regularly with "little or no follow-up from law enforcement authorities" (24 May 2012, 16-17).

In January 2012, a UN article indicated that the United Nations Stabilization Mission in Haiti (MINUSTAH) had increased its patrols in IDP camps in response to the prevalence of sexual assault, for a total of 8,800 peacekeepers and 3,581 police officers (11 Jan. 2012). The special representative of the UN Secretary-General in Haiti has also reportedly stated that approximately 1,500 patrols are conducted per week in IDP camps (*The Guardian* 30 Nov. 2011). However, a representative of Amnesty International, interviewed by the *Guardian*, states that the UN does "a small amount of patrolling around Port-au-Prince" but "very little monitoring" of camps and "very little [for the protection of women] given the extent of the problem" (21 Nov. 2011). Similarly, another source reports that MINUSTAH "rarely" conducts patrols, and police officers of the Haitian National Police (Police nationale d'Haiti, PNH) remain on the perimeter of camps because they do not have the resources to effectively maintain a presence within the camps (Nolan Spring 2011, 98). The US Department of State's 2011 report also states that the UN and PNH police patrol only the perimeter of Jean Marie Vincent camp, typically only during the daytime (24 May 2012, 16).

UN sources indicate that the UN police have a gender unit that addresses sexual violence in IDP camps (*The Guardian* 30 Nov. 2011; UN 11 Jan. 2012). A UN news article reports that there are 20 police officers in the gender unit, including 15 female officers (*ibid.*). UN sources also state that the UN has installed lighting in some areas to improve night-time safety in camps (*ibid.*; *The Guardian* 30 Nov. 2011). In the 2011 *World Policy Journal* article, Nolan reported that at least 125 lamps had been installed by the UN over the course of the preceding year (Spring 2011, 100). The same article noted, however, that electricity in Haiti is "unreliable" and that camps must have fuel for generators in order to power electric lights overnight (Nolan Spring 2011, 100).

3. Situation Outside of Camps

In an article published by the *Guardian* in November 2011, a UN representative states that there has been an increase in the number of rapes and sexual assaults outside of IDP camps (30 Nov. 2011). The US Department of State reports that rape is a "particular problem" in the "urban slums" across Haiti (24 May 2012, 24).

In May 2011, two women's organizations in Haiti reportedly criticized media coverage of sexual violence for overlooking the situation in "popular" zones [low-income neighbourhoods with high population density (Igarapé Institute Mar. 2012, 9 note 10)], shanty towns, and rural areas, where women and girls are as vulnerable to rape as they are in IDP camps (HPN 10 May 2011). The Youphil.com article suggests that the lack of privacy in living arrangements is comparable in shanty towns and in IDP camps (13 Jan. 2012).

Surveys on urban crime in Haiti published by the Igarapé Institute, a "progressive social cooperation agency committed to effective and accountable community security, safety and development" (*n.d.*), found that, in January 2012, residents of popular zones were 27 times more likely to be sexually assaulted than residents of wealthier, less

densely populated areas (Mar. 2012, 5). The same study noted an increase in sexual assault in Jacmel and Les Cayes in February 2012 during the "karnaval" festival (Igarapé Mar. 2012, 6).

4. Prosecution of Sexual Violence

According to Amnesty International's 2011 report on human rights in Haiti, "impunity for [sexual violence] remained a source of concern as very few cases were investigated or prosecuted" (2011). An official in the Haitian Women's Ministry, quoted in Nolan's 2011 *World Policy Journal* article, stated that 95 percent of rape cases are not resolved (Spring 2011, 96). The KOFAVIV representative interviewed by Inter Press Service in March 2012 stated that her organization had brought approximately 200 gender-based violence cases to the justice system between 2010 and 2012, of which 5 cases were waiting for a ruling (12 Mar. 2012). She indicated that this is a sign of progress, even though the number of cases is low compared to the number of victims that have come forward (IPS 12 Mar. 2012). In April 2012, an article published on CNN.com reported that, according to UNHCR statistics, there had not been any convictions for rape in the two years since the earthquake (26 Apr. 2012). However, the US Department of State reports that there were 54 men convicted of rape in 2010 and 2011, who were sentenced with forced labour terms ranging from 8 months to 15 years (24 May 2012, 24).

Sources indicate that medical certificates confirming rape are a barrier to accessing justice (Wired.com 31 Mar. 2011; SOFA Dec. 2011, 20; MADRE et al. 2012, 17). The joint publication by MADRE et al. states that Haitian law does not technically require a medical certificate to prosecute rape but that justice officials consider it to be a prerequisite and will not proceed without one, even if there are witnesses to the rape (ibid.). Sources indicate that medical certificates are not available in all parts of the country (Wired.com 31 Mar. 2011; SOFA Dec. 2011, 20). SOFA's 2011 report on sexual violence also notes that medical certificates do not follow a common format across the country, which leads some judges to reject certain certificates as evidence (ibid.). Further, an article on sexual assault published by Wired.com indicates that certificates must be issued within 72 hours of the sexual assault to be legally admissible, but can take days to obtain (31 Mar. 2011).

5. Sexual Violence Hotline

In September 2011, a sexual violence hotline in Port-au-Prince was launched by KOFAVIV and Digital Democracy (Digital Democracy 21 May 2012; PR Newswire 22 Sept. 2011), a New York-based non-profit organization supporting the promotion of human rights through the use of technology (ibid.). Responding to the lack of a 911 emergency response system in Haiti, the hotline allows victims of sexual violence to make free calls to the number "572" for emergency support (ibid.; defend.ht 26 Oct. 2011). It also collects data on sexual violence (ibid.; PR Newswire 22 Sept. 2011). In correspondence with the Research Directorate, the Haiti Program Manager at Digital Democracy explained that callers from Port-au-Prince are referred to KOFAVIV, which then assists victims in accessing medical care at state-run and NGO facilities and in obtaining medical certificates "on time," provides psychosocial and legal support, and accompanies victims to police precincts to file reports (Digital Democracy 22 May 2012). The Program Manager also said that the hotline operates 24 hours a day, 7 days a week, and, as of May 2012, had received over 900 calls, approximately 70 percent of which were related to sexual violence (ibid. 21 May 2012). Promotional activities for the hotline have been run in 24 camps around Port-au-Prince and through the media and other channels; however, the Program Manager indicated that these activities had not been in operation long enough to assess the level of awareness of the service among the general population (ibid.).

For more information on violence against women and other recourse and services available to victims of sexual violence in Haiti, please see Response to Information Request HT1103716 of 16 June 2011.

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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