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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Madre, Inc., a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 May 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Post-earthquake violence against women in Haiti: failure to prevent, protect and punish*

1. The January 2010 earthquake not only devastated Haiti's frail infrastructure, it worsened already inadequate and inequitable access to basic social services throughout Haiti. It also created a severe crisis of safety and security – especially for those living in the Internally Displaced Persons (IDP) camps – exacerbating the already grave problem of sexual violence.

2. Women in Haiti are disproportionately impacted by the earthquake, both because they face gender discrimination, exposing them to higher rates of poverty and violence; and because they are responsible for meeting the needs of the most vulnerable, including infants, children, the elderly and the thousands of newly disabled people.¹

3. From May 1-10, 2010, a delegation² of U.S. lawyers and a women's health specialist investigated the prevalence and patterns of rape and other gender-based violence (GBV) against IDPs in Port-au-Prince in the aftermath of the earthquake and the governmental, inter-governmental, non-governmental and grassroots responses to the violence. For firsthand knowledge of the rapes in the camps, members of the delegation interviewed over 25 survivors of rape or attempted rape. These women and girls were referred to the delegation by KOFAVIV and FAVILEK, grassroots women's organizations working within Port-au-Prince.³

4. Although this report makes no attempt to quantify the rapes that have occurred in the camps to date, one thing is clear – rapes in the camps are dramatically underreported. From January 13-March 21, KOFAVIV tracked 230 incidents of rape in 15 camps in Port-au-Prince. There are over 500 camps in the capital. Médecins Sans Frontières reported 68 cases of rape in the month of April at one of their clinics in Port-au-Prince. The vast majority of the women living in camps who were interviewed reported being raped by two or more individuals, almost always armed and at night.

5. There is a demonstrated lack of governmental response to sexual violence occurring in the camps. This failure to act appears to have two prongs – the Haitian government is both unwilling and unable to respond. Rape survivors living in the camps told interviewers that reporting rape to the police is an exercise in futility since they could not identify their assailant or assailants. Many women stated that when they approached the police for help, the police said that there was nothing they could do and the survivor should return when she had identified and/or captured their attacker. One survivor reported that the officer she spoke with disclaimed responsibility for trying to apprehend her rapist, telling her that it was the problem of Haiti's president, René Préval.

6. Conditions in the camps are bleak. Overcrowding, lack of privacy, weakened family and community structures, among other things, render women and girls particularly vulnerable to sexual violence. Women and girls live in inadequate shelter, often sleeping

* KOFAVIV, Bureau des Avocats Internationaux (BAI), Institute for Justice & Democracy in Haiti (IJDH), University of Virginia School of Law Human Rights Program, Human Rights Litigation and Advocacy Clinic, University of Minnesota, NGOs without consultative status also share the views expressed in this statement.

¹ See, Inter-American Commission on Human Rights: *The Right of Women in Haiti to be Free from Violence and Discrimination*; Doc. OEA/Ser.L/V/II Doc 64 (Mar. 10, 2009).

² Coordinated by the Lawyers' Earthquake Response Network (LERN) of the Institute for Justice & Democracy in Haiti, <http://ijdh.org/campaigns/lern>.

³ For more information on the delegation's meetings see <http://ijdh.org/archives/12033>.

under nothing more than a tarp or blanket, with no means of protection and no friends close by, and bathe in public, in view of men and boys.

7. Sexual assault survivors interviewed spoke of widespread occurrence of transactional sex to obtain food aid cards, although each interviewee denied having engaged in transactional sex herself. The occurrence of coerced transactional sex – a form of rape – is beyond the scope of this report and merits an independent investigation.

8. Preventative measures within the camps are critically lacking. In particular, the survivors we spoke with noted the following issues, a number of which were confirmed by our own visits to the camps: lack of lighting; lack of private bathing facilities; lack of tents; and even for those with tents, utter lack of security (at least one survivor stated that her attacker had used a blade to cut the side of her tent to gain access); lack of a police presence (many survivors stated that police only patrolled the perimeter of the camps and were unwilling to enter the interior, particularly at night).⁴

9. Because most of the camps were erected with little or no planning, patrolling the camps is an onerous task and poses safety issues even for officers. Police are unwilling to enter the camps because they fear the armed gangs who generally are active at night when, due to the lack of lighting, attackers are less likely to be seen or recognized.

10. Mechanisms for redress following sexual violence appear to be lacking, ineffective, or underutilized. In partnership with the Haitian government, UNICEF, and NGOs postcards listing psychological and medical follow-up support have been distributed in the camps. An informal survey of listed clinics revealed that the card contained inaccurate information, including out-of-service phone numbers and incorrect street addresses. Furthermore, the cards were published in French instead of Kreole, the predominantly spoken language in the camps. The publication of misinformation could discourage survivors from attempting to access such resources to the extent they have heard from others that it is a waste of time. Additionally, not all staffing and resources are adequate. At least one of the clinics did not provide HIV prophylaxis or testing. Many survivors believed that even if they knew of a clinic, they thought they could not afford services or the cost of transportation.

11. Although government officials cite a lack of authority and a lack of resources, efforts must be made to maximize the resources that are available and provide support to existing programs. The Haitian government should support community-based anti-violence strategies within a human rights framework. Haitian women's groups indicated that each of the following measures could be helpful in increasing the security in the camps: training programs for officers on GBV and human rights issues; increasing the number of female police officers; instituting self-defense training and rape whistle programs within the camps; and providing various trainings as well as support to community-organized security patrols.

12. Along with UNIFEM, two national women's organizations, Kay Fanm and SOFA, are training the Haitian National Police on protocol for receiving survivors and will be providing survivors with transport needs for rapid response. They are also working with students from the state university to hold self-defense clinics in the camps. However, these efforts are not well-publicized. Their impact could be greatly increased if the support of smaller, grassroots organizations and the resources of NGOs were also brought to bear.

⁴ See also IDP Camp Joint Security Assessment Report, MINUSTAH Human Rights Section (Mar. 30, 2010) (recognizing government absence and lack of security in the camps).

13. The Haitian criminal justice system has never effectively prosecuted rape cases. First, discriminatory practices pervade the justice system, such as a refusal to credit women's eyewitness testimony against a man's, discriminatory laws, and gender imbalance at every level and unit of the justice system. Second, there is limited access to justice for all women, especially poor women, who are the majority of rape victims. Lastly, there is a lack of specialized training and programs for rape prosecutions. This failure to effectively prosecute denies victims justice, normalizes gender violence and provides prospective perpetrators assurance of impunity.

14. We respectfully urge the Human Rights Council to recommend the following:

a) That the Government of Haiti and other IGOs/NGOs coordinating the relief effort allocate resources immediately to provide for increased security and lighting in the camps.

b) That the Government of Haiti act immediately to implement the National Plan for Combating Violence Against Women (2006-2011) and, upon its expiry, work to renew a new and stronger national plan of action to eliminate violence against women that includes legal measures, service programs, redress and prevention strategies and encourages collaborative participation with the civil sector for both drafting of a national plan and for strategic and effective implementation.

c) That the Government of Haiti assess its current laws, policies and programs that address violence against women; evaluate their compliance with international obligations; remove discriminatory laws and practices against women; and implement a legal and policy framework that guarantees due diligence and promotes the full protection and promotion of women's human rights.

d) That the UN Special Rapporteur on Violence Against Women visit Haiti.

e) That the Haitian and donor governments guarantee women's full participation and leadership in all phases of the reconstruction of Haiti as mandated by UN Security Council Resolution 1325 and other internationally recognized standards.

f) That the Government of Haiti enact a systematic collection of data that documents the prevalence and incidences of all forms of violence against women in the IDP camps; in collaboration with civil society organizations.
