

April 8, 2024

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*Via email [fdosanjos@aos.org](mailto:fdosanjos@aos.org)*

RE: MC 340/10 - Situation of displaced women and girls at risk of sexual violence in Haiti

This letter follows on our October 7, 2022 [request](#), and subsequent working meetings, calling on the Inter-American Commission on Human Rights (“IACHR” or “Commission”) to extend and expand the above-referenced Precautionary Measures to prevent irreparable harm to displaced women and girls at grave risk of sexual violence in Haiti.

In the wake of the devastating 2010 earthquake, the Commission granted the Measures and set forth a blueprint to prevent and respond to sexual violence perpetrated against women and girls living in several formal and informal displacement camps in Port-au-Prince. As described in detail in our [prior submission](#), the Measures ordered the Haitian government to provide adequate security and psychological and other medical support to survivors. Moreover, the Measures also included a requirement that grassroots women’s voices be included in the recovery, which was critical for ensuring their perspectives were heard in program design. As this Commission has recognized, women’s leadership and participation in recovery efforts is not only a fundamental right but also a practical imperative to achieve effective outcomes. Although, as our submission further lays out, some attempts to comply with the Measures were made by some actors in the immediate aftermath of the disaster, the Haitian government (such as it is) has failed to adequately implement the Measures. As a result, women and girls living in situations of displacement—now also due to rampant violence and instability racking the country—continue to face a heightened risk of sexual violence. They urgently need the protections and resources required by the Measures. Failure to include their voices in international efforts to install a transitional government, which the Measures demand, ultimately undermines the possibility of restoring democracy and peace.

The Commission did not formally respond to our October 2022 submission regarding these Measures. But on March 8, 2023 it held a [thematic hearing](#) on the issue of sexual violence in Haiti in which several Beneficiaries and their representatives participated. Subsequently, on February 26, 2024, representatives from the parties held a working meeting with IACHR President Roberta Clarke, providing her with an [extensive report](#) on the ongoing crisis of sexual violence in Haiti. On March 20, 2024, Beneficiaries and representatives from the undersigned organizations held a working meeting with your office, during which you reported that the Commission did not have sufficient information to make a decision on our request to extend and expand the Measures in the following respects: the scope of the Beneficiary class; urgency of the

issue; and irreparable harm Beneficiaries may experience. This letter aims to fill those supposed gaps.

## I. BENEFICIARIES

Pursuant to the IACHR's Rules of Procedure (ROP) Rule 25(3), beneficiaries of precautionary measures must pertain to a group that is "determinable through their geographic location or membership in an association with a group, people, community or organization." Groups that have been [recognized by the Commission](#) include "indigenous and peasant communities, members of civil society organizations, the media or trade unions, as well as persons deprived of their liberty both in prisons and in immigration detention centers."

The 2010 Measures cover women and girls living in 22 displacement camps in Port-au-Prince. Given shifts in the context on the ground, our October 7, 2022 request asks for the Measures to be extended to cover "women and girls living in situations of displacement." This group of Beneficiaries adequately meets the Commission's requirements for extension of the Measures in this case for at least two reasons.

First, the Commission itself has issued guidance on "internally displaced persons" (IDPs) that clearly delineate the contours. For example, the [Guiding Principles on Internal Displacement](#), U.N. Doc. E/CN.4/1998/53/Add.2, art. 2 (Feb. 11, 1998) offers the following definition:

internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.

Several other regional and international instruments confirm this definition, demonstrating it is widely understood and accepted. *See, e.g.*, African Union [Convention for the Protection and Assistance of Internally Displaced Persons in Africa](#), art. 1 (k), (Oct. 23, 2009) (adopting the Guiding Principles definition); International Conference on the Great Lakes Region, [Protocol on the Property Rights of Returning Persons](#), art. 1 (3-4), (Nov. 30, 2006) (same); U.N. Secretary-General, Decision No. 2011/120 - [Durable Solutions: Follow up to the Secretary-General's 2009 report on peacebuilding](#), ¶5, (Oct. 4, 2011) (referring to IDPs as "persons displaced within their own country by armed conflict, generalized violence and human rights violations").

Additionally, the Commission has repeatedly [recognized gender](#) as a defining characteristic of a readily identifiable group. And it has granted precautionary measures, for example, to "[pregnant and nursing women](#)" in an Indigenous community in Colombia and "[girls deprived of liberty in adult detention centres](#)" in Jamaica under the current ROP. The Inter-American Human Rights system has indeed been a leader in establishing standards for addressing discrimination and violence against women and girls as a definable group in need of heightened protection and attention. *See, e.g.*, OAS, Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (June 19, 1994). The group presented here—combining gender with displacement status—should similarly be recognized on its face.

Second, with regards to the scope of the group in Haiti specifically, the International Organization for Migration (IOM) maintains [up-to-date statistics](#) on the dynamics of internal displacement in Haiti, further demonstrating clear identification of this group. IOM releases at least [monthly reports](#) regarding displaced people throughout the country including population estimates, geographic locations, and types of sites. It also includes a breakdown of the population by gender and age. The monitoring activities are a joint effort between IOM and the Haitian government, the Directorate of Civil Protection in particular.

Although circumstances have shifted since 2010 in many respects, the situation is still strikingly similar. According to the latest IOM estimates from March 22, 2024, there are 86 displaced persons camps in the Ouest department alone, which were created due to the activities of armed gangs. The camps hold more than 88,000 people including more than 55,000 women and girls. These camps are in fact schools, churches, public places, gymnasiums, etc. Not having been built to accommodate displaced people, victims of insecurity live in subhuman conditions; and women and girls, forced to share showers, latrines, and common dormitories, are exposed to all kinds of sexual abuse.

In sum, the Beneficiaries constitute a clearly discernible group both with respect to its definition and in practice in Haiti.

## **II. URGENCY**

ROP Rule 25(2)(b) provides that an “urgent situation” is one that “refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action.” It is hard to envisage a situation that commands more urgency than the crisis unfolding in Haiti. Our submissions to the Commission over the last two years should leave no doubt regarding this point and will not be repeated here.

But we will highlight that in recent months, the undersigned organizations have continued to document numerous instances of sexual violence. Petitioner KOFAVIV, a collective of women survivors of rape during the Duvalier dictatorship, includes women and girls in Port-au-Prince and around the country. Their members receive ongoing reports of rape, with displaced women and girls facing unique threats living in insecure situations without community support. KOFAVIV has received 115 reports of rape from January to March from members displaced in several departments in Haiti including: Ouest (Croix des Bouquets, Léogâne, Village Rapatrié,), Nippes (Baradères, Plaisance-du-Sud, Titwou), Sud (Les Cayes), and Grand’Anse (Jérémie).

Moreover, NÈGÈS MAWON received 77 women survivors of sexual violence from November 2023 to March 2024—31 of whom were displaced from Carrefour Feuilles and Cite Soleil. And from January to March 2024 alone, the Réseau National de Défense de Droits Humains (“RNDDH”) received 284 complainants, among them 209 women. Among these women, 132 are internally displaced victims of insecurity, who claimed to have been victims of sexual violence both at the time of the events leading to their displacement and after having been displaced in their place of reception.

On March 25, 2024, the UN High Commissioner for Human Rights issued his [latest analysis](#) on the deterioration of human rights in the country. The report documents ongoing accounts of rape and other sexual violence perpetrated by gangs against Haitian women and girls, including in particular those who have been displaced by violence and are therefore exposed to “increased risks of sexual assaults by gangs.” It refers to escalating violence and insecurity as a “dire” and “cataclysmic situation.”

Human Rights Watch released a [report](#) on March 28, 2024, echoing the High Commissioner’s assessment that the situation in Haiti has reached a “critical moment.” Moreover, it highlights how actions taken in “the coming days” could have consequences for years to come. Each day that goes by without decisive action not only leads to immediate harms but has deleterious impacts over the long-term.

The threat that the Beneficiaries fear is not just “imminent,” it has already materialized and escalates with every moment.

### **III. IRREPARABLE HARM**

The Commission will only grant precautionary measures concerning a situation that presents a risk of “irreparable harm,” which, under ROP Rule 25(2)(c), “refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.” The harms from which the Beneficiaries seek protection fits squarely within this definition. Rape and other forms of sexual violence inflict physical and psychological damage not only on the victims but entire communities. Rape can result in pregnancy and transmission of disease, as well as permanent physical injuries, which are not susceptible to restoration. The emotional harms inflicted by sexual violence can be diminished but can never be fully repaired. Persistent failure to hold perpetrators to account creates a culture of impunity that allows the cycle to continue: thus compounding and aggravating harms, and unfortunately leading to a trivialization of sexual violence in a context where armed gangs make the bodies of women and girls their war field.

If sexual violence does not fall within the scope of harms precautionary measures are intended to prevent, it is difficult to imagine what would.

\* \* \*

The underlying circumstances thus fall squarely within the Commission’s rules and precedents for undertaking protective measures. And we implore the Commission to take all actions at its disposal to address the acute crisis in Haiti. Reinvigorating these Measures would come at a crucial moment and help ensure that security for women and girls is prioritized in the context of a deteriorating situation, with a special focus on those displaced by violence who are even more vulnerable. It would underscore that their perspectives must be considered in decisions impacting their lives, which hang in the balance. Recent events highlight not only the importance of having women at the table, but specifically grassroots women’s leadership, and of ensuring a participatory environment. The Transitional Presidential Council (CPT) currently has no women voting representatives. The only woman of this structure is one of the two observers. This is

actually the most recent proof that the inclusion of Haitian women in decision-making spheres does not constitute a priority for many Haitian political structures, even though the participatory constitutional quota requires a representation of 30% of women in all decision-making structures. We believe that this quota should (and could) have been respected in the creation of the CPT, despite the fact that constitutional order is slow to be reestablished in Haiti. Furthermore, as is widely recognized in international principles like the Women, Peace, and Security Agenda, women's leadership would promote a more stable and successful peacebuilding process. More specifically, women's participation would ensure more effective responses to sexual and gender-based violence faced by Haitian women and girls.

The CPT also has no representatives with a clear agenda to advance the rights of women. In these conditions which reflect an obvious lack of interest in gender issues such as sexual and gender-based violence—to say nothing of women's equal participation in society—we remain convinced that the precautionary measures requested will play an especially powerful role in preventing irreparable harm to displaced women and girls. They would also center women's rights more broadly in Haiti's transition—thereby turning a crisis into an opportunity for advancing the rights of Haiti's women and girls.

Thank you for your consideration of this request. Please contact Blaine Bookey at [bookeybl@uclawsf.edu](mailto:bookeybl@uclawsf.edu) or (415) 703-8202 should you have any questions or require further information.

Sincerely,

**On behalf of Petitioners**

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## **Additional signatories**

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