
Impact of Climate Change on Sexual and Gender-Based Violence in Internally Displaced Persons in Haiti

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Executive Summary

The global climate crisis threatens us all, but not all of us equally. There are particular vulnerabilities and intersections of identities that leave one person or community at a greater risk than others. A Canadian living in the middle of the country is relatively sheltered from rising sea levels. A displaced person on an island nation is not. Certain aspects of identity, including gender, age, and socioeconomic status further exacerbate the impacts of climate change, placing vulnerable groups at higher risks of harm. Critically, that harm does not just exist along ecological lines, but in instances of sexual and gender-based violence (SGBV) as well.

The purpose of this report is to analyze the impact of climate change on SGBV in Haiti. Natural disasters that stem from climate change, including hurricanes, desertification, and flooding, force Haitians to leave their homes to seek shelter. Many Haitians have no alternative but to seek shelter in internally displaced persons (IDP) camps or develop their own nomadic displacement communities (NDCs).

Internal displacement and IDP camps have exacerbated existing vulnerabilities to SGBV and have become sites of sexual and gender-based violence. It is imperative for the Global Justice Center





(GJC) to understand the extent to which women, children, and gender and sexual minorities (GSM) experience SGBV in Haiti and how their experience of SGBV is negatively impacted by factors resulting from climate change.

While women have a right to seek remedy for myriad forms of gender-based discrimination within Haiti's human rights framework, in practice many cases of SGBV are overlooked by the Haitian judicial system. Additionally, survivors of sexual and gender-based offenses face a number of barriers when seeking justice for offenses including

intense stigma surrounding SGBV, a lack of sensitivity to SGBV among members of the Judicial Police, and a backlogged judicial system.

Through interviews with human rights lawyers with expertise in Haiti, experts on internal displacement, and women's rights advocates, we have gained valuable insights into the situation on the ground in Haiti. Gender and sexual minorities, including queer, transgender, and non-binary people, are largely absent from conversations about SGBV in Haiti. Male survivors of SGBV are also absent from the

narrative of violence against women in Haiti. Their absence speaks to discrimination against gender and sexual minorities in Haiti and a stigma surrounding the experiences of male survivors of SGBV offenses.

It is imperative for the GJC to understand the extent to which women, children, and gender and sexual minorities experience SGBV in Haiti and how their experience of SGBV is negatively impacted by factors resulting from climate change, including internal displacement. Within the organization's capacity to advocate for legal and policy interventions, the following recommendations are critical to addressing the links between climate change, displacement, and SGBV in the Haitian context:

- Advocate for mandatory sensitivity training for officers of the Judicial Police, physicians, and lawyers in Haiti
- Advocate for further research to close knowledge gaps on trans, nonbinary, and other gender and sexual minority (GSM) communities within Haiti
- Monitor Haiti's compliance with the international treaties it has ratified; modify local law in compliance with the international treaties
- Create better ways to access help, not just for women and children but also to other minorities, for victims of SGBV
- Recommend a climate emergency framework that prepares Haitian society for future disasters, with specific emphasis on relief for groups most vulnerable to SGBV

- Initiate educational campaigns to address the stigma surrounding SGBV; promote a dialogue about sexual and gender-based offenses and how these offenses can be prevented

Client Description

The Global Justice Center (GJC) is a non-government organization (NGO) that focuses on the legal pursuit and enforcement of human rights laws and treaties around the world. GJC mandate prioritizes gender parity in power, intersectional human rights frameworks, and progressive approaches to international law.

As the climate crisis changes every facet of our lives and challenges the existing international order, the intersectional effects need to be studied and addressed. GJC has made these investigations a central part of its current mission, which is the focus of this project.

Our primary contacts have been Grant Shubin, the legal director, along with Danielle Hites, a legal advisor with GJC. This presents an interesting blend of styles and approaches. The client is well-versed in enforcement through courts and the international legal system, while our team and faculty have expertise in analyzing the overarching policies that help shape and drive the legal system.



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Human Rights Through Rule of Law

Background

Haiti is an island country located in the Caribbean Sea, it won its independence in 1804 from colonial rule, making it the second country in the Americas to gain its independence just after the United States; its population is almost entirely descended from African slaves (Britannica, 2020). Over the centuries it has suffered from political, economic, and social difficulties, as well as several natural disasters, which have led the country into chronic poverty and internal social and political problems.

The country has a population of over 11 million people, according to the United Nations Development Programme (UNDP) about 45% of its population is aged 15 years and below. It's the poorest country in the Western Hemisphere with approximately 80% of its population living in poverty (2020). Haiti's geographical position in the Caribbean puts it in prime hurricane and tropical storm territory. Since 1998, Haiti has been hit by multiple hurricanes and tropical storms causing widespread loss of life and flooding (UFONDWA, 2020). Its extensive poverty and ecological degradation make the country particularly susceptible to climate change impacts.

Haiti's geographical position is in the direct path of a hurricane corridor and every rainy season its hit by tropical storms (Rubenstein, M, 2012). In the last 20 years, Haiti has suffered the consequences of climate change being hit with more than 15 hurricanes and tropical storms (Kang, I, 2016). All these conditions drive high levels of internally displaced persons which are “persons or groups of persons



who have been forced or obliged to flee or 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 border” (OHCHR, 2020).

By the middle of 2018 nearly 38,000 people, 70% of them women and children, lived in displacement camps (Human Rights Watch, 2019). About 1,200 new displacements were recorded in Haiti in 2019 primarily linked to storms and floods (IDMC, 2020). According to the Internal Displacement Monitoring Centre (IDMC) information about internally displaced people in Haiti after major disasters is scarce, but the evidence they have gathered suggests that people displaced by the 2010 earthquake and hurricanes such as Matthew in 2016 are still living in displacement (2020). According to IDMC, by the end of 2019, there are around 51,000 internally displaced persons in Haiti.

Research suggests that forced displacement and poor living conditions make displaced persons more vulnerable to sexual and gender-based violence (SGBV) (UNHCR, 2016). According to the head of United Nations Women in Haiti, about 175,000 people, uprooted due to flooding and mudslides, live in more than 200 temporary shelters where they are at increased risk of rape and other forms of gender-based violence (Reuters, 2016).

“Gender-based violence refers to harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms” (UNHCR, 2020). Gender-based violence is a serious violation of human rights and is a life-threatening health issue. According to the United Nations High Commissioner for Refugees, it is estimated that one in three women will experience

sexual or physical violence in their lifetime and that during displacement the threat significantly increases (2020). There are no estimates for gender-based violence suffered by men or boys and other gender minorities available, this is mainly because Haiti is still a very patriarchal society where violence against these groups is not reported out of fear of retaliation, mainly because there is still systematic discrimination against gender minorities and because binary gender roles are rigid.

Sexual violence takes multiple forms including rape, sexual abuse, forced abortion, forced prostitution, forced sterilization, sexual trafficking and enslavement, forced circumcision, castration, and forced nudity (OHCHR, 2014). It also encompasses any sexual act, attempt to obtain a sexual act unwanted sexual comments or advancements, acts of traffic, any acts directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim and in any setting (OHCHR, 2014). Sexual violence is a form of gender-based violence.

SGBV violates fundamental human rights and has broader implications for health, security, and protection; it includes much more than sexual assault and rape and it is largely rooted in individual attitudes that condone violence within the family, the community, and the state (UNHCR, 2003). Individuals of gender and sexual minority are at a higher risk of experiencing SGBV during humanitarian crises and displacement due to natural disasters (UNHCR 2020) because it creates opportunities for violence during the movement between the disaster zone and the displacement camps and, accessing justice is difficult.

Sexual and gender-based violence can occur in both public and private spaces, it can impact an individual’s sexual, physical, and mental health and economic status (UNHCR 2020). Haiti is shrouded

shrouded in a culture of silence that makes information about the issue hard to find. It can also include threats of violence, coercion, and manipulation. This can take many forms, such as intimate partner violence, sexual violence, child marriage, reproductive coercion, genital mutilation, and so-called “honor crimes” (UNHCR 2020). Victims who have suffered SGBV can suffer sexual and reproductive health consequences, such as forced and unwanted pregnancies, unsafe abortions, traumatic fistulas, sexually transmitted diseases, and death (UNFPA, 2020).

The experience of previous natural disasters gives GJC reason to believe that the occurrence of hurricanes, exacerbated by climate change, puts Haitians that are internally displaced at heightened risk of sexual exploitation and trafficking, which is further exacerbated given the gaps within the Haitian legal and policy frameworks.

Our research revolves around three key research questions:

1. What are the existing Haitian legal and policy frameworks that address the impact of climate change on SGBV?
2. What are the gaps in the existing legal and policy framework in addressing issues relating to SGBV?
3. What changes need to be made to the existing legal and policy frameworks to adequately address the impact of climate change?

Research methods

Our research was based primarily on qualitative methods, including interviews and an extensive review of the existing legal and policy frameworks in Haiti. We used an intersectional lens to guide our analysis, taking into account gender, sex and, sexuality.

We conducted a literature review to gain a better understanding of the existing laws and policies regarding displaced persons, climate change, and SGBV in Haiti. After completing the literature review we conducted interviews with experts on different fields associated with our research. Before we approached experts on the fields we had to get BREB approval, once that was approved we approached multiple international organizations, non-governmental organizations both

local and international, professors in different parts of the world, Ph.D. students, journalists, and researchers. Once they showed interest in doing an interview with us we asked for consent by sending a consent form, this included consent to use the interview in our research and to use their names or names of the institutions they represented. Most of the participants approved the use of their name or institution's name, those that didn't will not be used and we will respect their privacy.

We did more than 10 interviews with Ph.D. students, experts in internal displacement, journalists, Haitian activists, and researchers. All interviews were done by Zoom due to the timing of the research during the COVID-19 pandemic. After the interviews, some of the experts gave us material to do a more in-depth literature review.

SGBV

The purpose of this research is to explore the impact of climate change on sexual and gender-based violence (SGBV) in Haiti and how the current climate emergency exacerbates existing SGBV. Before analyzing the impact of natural disasters resulting from climate change and internal displacement on SGBV in Haiti, this section will explore SGBV in Haiti and the factors that perpetuate a culture of gender-based discrimination.

This section will then turn to an analysis of the legal and policy frameworks in Haiti that form the basis of the country's human rights law. After exploring the Haitian legal and policy frameworks, this section will analyze the barriers that survivors of SGBV face when disclosing, reporting, and prosecuting SGBV offenses. It is important to analyze the legal and policy frameworks in Haiti in order to assess the gaps in addressing issues relating to SGBV.



SGBV In Haiti

Sexual and gender-based violence (SGBV) is a “widespread” problem in Haiti (DWB, 2017, p. 7). In Haiti, one in three women between the ages of fifteen and forty-nine has experienced some form of gender-based violence (Tøraasen, 2019). Data from UN Women’s Global Database on Violence against Women show that 26% of Haitian women experience physical or sexual intimate partner violence (IPV) over their lifetime (IHE and ICF, 2018; UN Women). Official data on the prevalence of physical or sexual violence that is not perpetrated by an intimate partner is, however, unavailable.

A lack of information about SGBV and widespread underreporting of sexual abuse, violence, and other forms of SGBV contribute to gaps in knowledge about the scope of SGBV in Haiti. “Against Their Will”, a report published by Doctors Without Borders on the impact of SGBV on young people in Haiti, states that scant information about SGBV in Haiti and a lack of sexual education courses in Haitian schools make minors more vulnerable to multiple forms of SGBV (DWB, 2017). Without proper information about sexual abuse, assault, and other forms of SGBV, minors may become perpetrators (DWB, 2017).

There are a number of factors that perpetuate widespread SGBV in Haiti. The first factor is a pattern of gender-based discrimination (OAS, 2009). In “The Right of Women in Haiti to be Free from Violence and Discrimination”, the Inter-American Commission on Human Rights classifies gender-based discrimination as “a constant structural feature in Haitian society and culture” (OAS, 2009). The report holds that discrimination against women must be addressed to protect women’s rights and “eradicate” violence against women (OAS, 2009). Dr. Gage Averill, Dean of Arts and Professor of Ethnomusicology at the University of British Columbia, also speaks to the systems of gender-based discrimination in Haiti and how themes of sexism and misogyny are perpetuated through Haitian music. The themes, according to Dr. Averill, are usually demeaning in nature rather than overt calls to violence (Averill, Zoom interview, 2020). Dr. Averill also indicated that gender-based discrimination and violence have been normalized in Haitian society (Averill, Zoom interview, 2020). Due to widespread gender-based discrimination, women are often excluded from participating in economic activities and the Haitian political process (Jagannath, 2012). Meena Jagannath, a lawyer and expert on rape prosecution in Haiti, asserts that this systematic exclusion of women in Haiti “is both a result of and factor perpetuating gender discrimination” (Jagannath, 2012, p. 29).



Another factor that perpetuates SGBV in Haiti is a “climate of impunity” for perpetrators and their offenses (OAS, 2009). Despite pressure to address sexual violence from international and domestic organizations, impunity for perpetrators remains “widespread” in Haiti (Tøraasen, 2019). Perpetrators often do not face consequences for their actions because most cases of SGBV are never “formally investigated, prosecuted, and punished by the justice system” (OAS, 2009). Similarly, Marianne Tøraasen asserts that the Haitian judicial system acts as a “structural and social barrier” that prevents survivors of SGBV from seeking justice (Tøraasen, 2019). Tøraasen also identifies the lack of an independent judiciary and political

institutions that have been weakened by natural disasters and military rule as additional challenges facing the Haitian legal system (Tøraasen, 2019). The “climate of impunity” in Haiti sends a clear signal to perpetrators of SGBV in Haiti that sexual violence and other forms of gender-based discrimination are “tolerated” (OAS, 2009). The sections that follow will explore Haiti’s human rights laws and the legal framework for prosecuting cases of SGBV. The sections will also highlight the barriers that survivors of sexual violence face when seeking justice for SGBV.

Human Rights Frameworks

Human rights in Haiti are protected by a number of human rights treaties and national laws. In Haiti, all citizens have “the right to seek an adequate remedy in a competent tribunal” for human rights abuses (Jagannath, 2012, p. 31). The 1987 Constitution of Haiti articulates a commitment to protecting “the right to life, health and respect of the human person for all citizens without distinction” (Constitution of Haiti, 1987, as cited in Jagannath, 2012, p. 31). The Constitution also states that “duly ratified” international treaties become codified in Haitian law and override conflicting national laws (Jagannath, 2012, p. 31).

Within this framework, Haiti is obligated to address instances of gender-based discrimination, as articulated by the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (Jagannath, 2012). Critically, CEDAW defines gender-based violence as a form of discrimination against women (Jagannath, 2012). CEDAW, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, and other international agreements form the legal foundations for addressing sexual and gender-based violence in Haiti (Jagannath, 2012).

Women’s rights have been hard-won in Haiti. It was not until 1987 that the Constitution of Haiti articulated principles of “non-discrimination with respect to civil and political rights” (Jagannath, 2012, p. 34). Haiti’s Penal Code has also been slow to change. Rape was not criminalized under the Haitian Penal Code until 2005 (Tøraasen, 2019). Prior to 2005, the Penal Code classified rape as an “offense against morals” rather than as a form of physical assault (Tøraasen, 2019). Within Haiti’s human rights framework, women have a right to seek remedy for myriad forms of gender-based discrimination, including SGBV. In practice, however, cases of SGBV are largely overlooked by the Haitian judiciary. The laws, Brian Concannon asserts, are not the problem. The issue is that the Haitian legal frameworks are not adequately enforced (Concannon, Zoom interview, 2021). A lack of enforcement of human rights laws and the aforementioned issues with the Haitian judiciary create significant barriers to justice for survivors of SGBV.

Barriers to Justice

For survivors of SGBV in Haiti, barriers to accessing justice begin before they even report the offense. Many survivors in Haiti do not report cases of gender-based discrimination and other forms of SGBV due to the “stigma and shame” surrounding SGBV (DWB, 2017, p. 5). The Inter-American Commission on Human Rights indicates that, in Haiti, survivors of sexual and gender-based offenses face “strong social stigma” (OAS, 2009). If survivors of SGBV report an offense or speak openly about it, they risk being ostracized by their family and community (OAS, 2009). Survivors also face a threat of retaliation if they decide to report or speak openly about an offense.

A report published through a partnership between MADRE, CUNY School of Law, and the Institute for Justice & Democracy in Haiti found that women and girls in Haiti received death threats after reporting cases of sexual violence (MADRE, 2011). Women and girls were “told by their perpetrator to expect retaliation if they reported the rape” (MADRE, 2011, p. 6). The report also found that women and girls experienced threats of violence after providing assistance to friends or family who experienced sexual assault (MADRE, 2011). Threats of violence, widespread fear of retaliation, and the stigma surrounding SGBV in Haiti contribute to a “culture of silence” among survivors (OAS, 2009).

If survivors choose to pursue legal action after experiencing SGBV, they first face barriers within the legal process when reporting an offense. The Haitian Judicial Police are generally survivors’ first point of contact when reporting an offense (Jagannath, 2012). The Judicial Police are tasked with recording initial details about reported crimes and testimonies from survivors (Jagannath, 2012). Members of the Judicial Police, however, are difficult to reach by telephone (Jagannath, 2012).

Jagannath asserts that when survivors are able to reach members of the Judicial Police, officers often respond by explaining to the survivor that they do not have the resources, including access to a vehicle or money for fuel, to respond to the survivor’s report (Jagannath, 2012, p. 37). Given these barriers, the most effective method of reporting an assault is to go directly to a police station and speak with an officer in person (Jagannath, 2012). This method of reporting also discourages survivors from reporting their assaults due to a lack of trust in the police (Jagannath, 2012). Haitian police are not adequately equipped to address sexual assault disclosure due to a lack of sensitivity training among officers (Jagannath, 2012). Jagannath asserts that, due to a lack of sensitivity training, officers often trivialize survivor’s testimonies and believe that their reports are simply “a ruse to get money out of the system (Jagannath, 2012, p. 38). If they choose to go directly to a police station, survivors also risk losing critical evidence of the assault, including critical forensic evidence, in transit (Jagannath, 2012, p. 37). As a result, many cases of SGBV go unreported. Concannon asserts that underreporting of sexual and gender-based offenses in Haiti is a major impediment to justice (Concannon, Zoom interview, 2021).

After reporting their assault, survivors face additional barriers to justice within the Office of the Prosecutor. Once an assault is reported to the Judicial Police, the Office of the Prosecutor takes

charge of the case (Jagannath, 2012). At this stage, survivors are asked to produce a medical certificate, issued by a physician, as evidence of the assault (Jagannath, 2012). Physicians often have not, however, received proper sensitivity training for sexual assault disclosure and care (MADRE, 2011). A lack of sensitivity training among medical professionals can retraumatize survivors. Medical certificates are not legally required to prosecute sexual assault cases, but are treated as “requisite in practice” (Jagannath, 2012, p. 42). Medical certificates, however, vary in quality across Haitian hospitals and clinics. In the absence of an official standard for medical certificates, Officials at the Office of the Prosecutor have discarded medical certificates issued by clinics across Haiti and demanded that survivors obtain a certificate from the General Hospital instead (Jagannath, 2012). This requirement discriminates against survivors without the resources necessary to travel to the General Hospital and access care (Jagannath, 2012).

Low-income women, especially those living in rural areas, face additional barriers should the case proceed to a trial. The costs associated with hiring a lawyer and paying court fees disproportionately impact low-income women (Jagannath, 2012). Jagannath also asserts that judges, lawyers, and other members of the judiciary have not received adequate sensitivity training on issues relating to SGBV (Jagannath, 2012). Survivors are often re-traumatized during trials for SGBV offenses by encountering their attacker or providing details about the assault without adequate emotional support (Jagannath, 2012). At the judicial level, Tøraasen identifies the lack of an independent judiciary as an additional challenge facing the Haitian justice system (Tøraasen, 2019).

Tøraasen also cites a lack of resources among Haitian courts, including electricity and paper, as further obstacles for the Haitian judiciary (Tøraasen, 2019). One such obstacle, namely a lack of

forensic analysis technology, prevents the Haitian judiciary from properly analyzing forensic evidence in SGBV cases (Tøraasen, 2019). This in turn causes an “intense backlog of cases” in the Haitian Judicial System (Tøraasen, 2019). Critically, Tøraasen notes that a lack of justice and protection for Haitian women is a “symptom of the Haitian justice system’s dire straits” and that calls for an end to impunity are loud and clear (Tøraasen, 2019).

Policy Recommendations

After considering the prevalence of SGBV in Haiti, human rights frameworks, and the barriers that survivors of sexual and gender-based offenses face when seeking justice, we have identified several policy recommendations with respect to SGBV in Haiti. These recommendations will assist GJC, in its legal and policy advocacy efforts:

- Recommend mandatory sensitivity training for officers of the Judicial Police, physicians, and lawyers in Haiti
- Initiate educational campaigns to address the stigma surrounding SGBV; promote a dialogue about sexual and gender-based offenses and how these offenses can be prevented
- Recommend a standardized legal and forensic process to streamline the prosecution of SGBV offenses
- Hold donors accountable for supporting mechanisms aimed at addressing the issues surrounding SGBV

Internal Displacement

One of the exacerbating factors linking climate change and SGBV in Haiti is the level of internal displacement. Natural disasters that stem from climate change, including hurricanes, flooding, and desertification force Haitians to leave their homes to seek shelter. Many Haitians have no alternative but to seek shelter in internally displaced persons (IDP) camps or develop their own nomadic displacement communities (NDCs). At the end of 2019, it was estimated that Haiti had 53,000 IDPs in-country (Internal Displacement Monitoring Centre, 2020). At the peak of the post-2010 earthquake fallout, the UN estimates that one and a half million people were internally displaced within Haiti (Beyani, 2015). While the country and the international community have made strides to build more permanent settlements for these IDPs, more must be done.

Although the 2010 earthquake was the inciting incident for so much of the internal displacement, the effects of climate change, specifically a rise in inhospitable land due to desertification, are worsening the problem. Heavy logging since the 1990s has reduced arable or livable land within Haiti to just 20% of the total landmass (Williams, 2011). As arable land is taken away, more people are



competing for an ever-reducing circle of land. This introduces instability in living conditions and available housing, which then compounds the difficulties faced by IDPs. Although desertification is not the only threat posed by climate change to Haiti, it is perhaps the most noticeable and time-sensitive.

Of particular concern in Haiti is the informality and often nomadic nature of IDPs. Several countries with large numbers of IDPs, such as Ethiopia, have taken strides to build temporary settlement camps that attempt to provide basic delivery of food, clean water, medicine, etc. (Concannon, Zoom interview, 2021). However, the lack of existing infrastructure within Haiti, and the level of corruption within the government, has led to a lack of settlement camps, forcing a far more nomadic existence for Haitian IDPs (Averill, Zoom interview, 2020). These nomadic displacement communities, or NDCs, predominantly feature lean-tos built out of scrap tin or aluminum and centered around major transport arteries, which allows for movement around the country. The easy-to-assemble shelters also feed into the nomadic existence, since an entire camp or partial elements of it can be built, taken down, and rebuilt with relative ease.

Informal camps like these often lack proper sanitation and carry the risk of the disease spreading quickly, such as the cholera epidemic of the 2010s (Piarroux et al, 2011). As well, living in these NDCs lends particular risk to women, both physically and economically. A lack of physical assets, or at least control over physical assets, leaves many women reliant on male members of these informal communities (Averill, Zoom interview, 2020). This less-obvious form of gender-based violence is endemic in these informal communities, but difficult to report or prevent since the informal community itself is a key driver of the problem.

Displacement and SGBV

There are also well-reported elements of reproductive coercion in NDCs. Reproductive coercion is any one of several behaviors related to control over a person's ability to bear and raise children (American College of Obstetricians and Gynecologists, 2013). This may include but isn't limited to sabotaging contraceptives, promising marriage or other long-term commitments when a person becomes pregnant or controlling outcomes of pregnancy. Cis women in Haiti have documented instances of reproductive coercion (Averill, 2020) especially around contraceptive use and resource support. Women in Haiti have reported intentional deception about men's use of physical contraceptives, which not only exposes them to pregnancy risk but the risk of HIV and other sexually transmitted infections.

We can then begin to see a circle of SGBV within NDCs, specifically targeting cis women. They do not have access to their own financial assets, often leaving them vulnerable to men who do control financial assets. That vulnerability is further exploited by reproductive violence that makes it more difficult for cis women to accumulate financial assets, maintain personal sovereignty or simply leave an unsafe situation. SGBV, as it affects cis women, is both physical and non-physical, but either way exists as a means to control the agency of women.

That lack of control over personal finances obviously makes it difficult for women to move on their own or remove themselves from unsafe situations. Haitian children face similar obstacles to the agency, although these obstacles are not uniform across all children.

Internal displacement removes most if not all children from formal education, however, boys often experience somewhat more freedom even as IDPs (Concannon, Zoom interview, 2021), often engaged in scrap recovery or criminal activity in order to earn money. This establishes an economic divide between genders from very early in life, and that perpetuates as children grow up. Regardless of the divide between genders, these kinds of obstacles could be considered violations of the Rights of the Child, a UN treaty ratified by Haiti in 1995 (Vité, 2002).

Lastly, informal displacement camps like the ones described above lack any formalized law enforcement apparatus. The Haitian police forces are among the most corrupt in the world (Congressional Research Service, 2020), with civil disobedience and protest marches against police violence taking place in Port-au-Prince at the very same time as the writing of this report (Lemaire & Vilme, 2021). Informal living situations such as these nomadic displacement communities perpetuate corrupt police practices as well as presenting significant obstacles to police reform efforts, preventing the building of the very institutions that could correct these societal problems.

Even if legal cases are reported properly, reaching an effective judgment is unlikely. The Haitian legal code has a very narrow definition of crimes that fall under an SGBV framework – for example, rape is only defined as sexual penetration of the vagina (Cazabat, Zoom interview, 2021). This then leaves a wide delta of possible violence a person can face that would be very difficult to report or prosecute effectively. The security and judicial systems do not have mechanisms to recognize other forms of physical sexual violence such as groping, harassment, or other forms of sexual penetration. Even if a survivor is able to press a case like this, conviction without a properly documented rape kit isn't possible (Cazabat, Zoom interview, 2021), placing further barriers around accountability for sexual violence.



Further, the Haitian legal code doesn't allow for specific charges of marital rape (Bureau de Avocats Internationaux et al, 2016), which ties into the issues around reproductive coercion discussed above. A cis woman, upon agreeing to marry a man, in many ways loses the ability to prosecute sexual violence. This creates a significant degree of moral hazard in the propositioned woman – since as noted above, it's often difficult for women to own their own financial assets, marriage is a way of acquiring financial security, while opening oneself up to potential sexual violence.

The GSM Knowledge Gap

Displacement as it relates to gender and sexual minorities (GSMs), especially members of the trans or nonbinary community, is far harder to document. While it is not illegal to be homosexual in Haiti (Refugee Legal Aid, 2011), the lack of clear legal frameworks promoting rights for gay, lesbian, bisexual, and trans-Haitians leaves these communities facing anonymity even within their own homes. When these people are forced out of their homes, either by violence or catastrophe, that anonymity exacerbates itself. A failure to fall back on other community resources while simultaneously facing rejection, stigma or other forms of discrimination from established communities leaves members of GSMs in Haiti with few places to turn in disaster.

Laws and legal frameworks are inextricably linked to the culture of a jurisdiction, though often as a lagging indicator (Mezey, 2001). Social attitudes change over time, and eventually, legal frameworks adapt to reflect those attitudes. The lack of cultural recognition of GSMs, then, means that in the Haitian context, it's difficult to see a change legal protections or even real clarification of what those protections extend to. Meanwhile, discrimination along several lines continues in Haiti:

“The largely Catholic or fundamental Protestant Haitians are quite hostile to LGBTI people. As a result, LGBTI people are often abused verbally, psychologically, and physically with no protection offered by the state in the form of anti-discrimination laws. And despite the laws that do exist to protect equal rights among citizens, there have

nevertheless been reports of denial to housing, health care, education, or employment as well as violence based on sexual orientation or gender identity. The marginalization and stigmatization only worsened in the aftermath of the January 2010 earthquake. The LGBTI population was blamed as the cause of the devastation and the violence towards them increased” (International Gay and Lesbian Human Rights Commission, 2011, p. 3).

That last sentence is telling, especially as we anticipate future incidents of climate crisis in Haiti and the resulting displacement of Haitians. Haiti's particular vulnerability to climate disaster, with flash floods and desertification (Averill, Zoom interview, 2020) occurring more frequently within the country, is predicted to worsen over the next fifty years. Since so much of the internal displacement within Haiti is both caused and worsened by climate change, we can expect a consistent level of IDP in Haiti as a result. If members of Haiti's LGBT community already face discrimination in normal, day-to-day life, and also shoulder blame for so-called “Acts of God”, the discrimination and resulting in poorer health outcomes will only increase if natural disasters do.

Perhaps most troubling for GSMs in Haiti is simply the unknown. Significant knowledge gaps exist around how GSM communities organize and protect themselves. Indeed, social rejection of GSMs may be responsible for higher closeted populations than in other parts of the world— for example, a trans woman may not feel safe coming out as trans, and thus bear the mental strain of remaining closeted in exchange for a slightly safer situation (Bracken, 2018). More research, focused on the lived experiences of GSMs in Haiti and conducted as safely as possible, is critical to understanding the unique challenges at the intersection of queerness and displacement.



For cis women, some of these challenges exist as well, although it cuts along different lines. The chief difference is the level of recognition of the problem, and the ability to document it. Women's empowerment movements do exist in Haiti, but often lack the intersectional nature to recognize the struggles of non-cis women, nonbinary people, or GSMs who identify as male (Bracken, 2018). Thus, members of the population of the vulnerable become even more vulnerable and lack even the cultural or society advocacy and protection that numbers can provide.

All of these challenges become even harder to deal with when experienced by IDPs. The lack of consistent, reliable shelter is one of the foundational problems that can make a person vulnerable to assault, mental or financial abuse, or any other kind of violence along the basis of sex or gender. As long as Haiti sees high numbers of IDPs, and many of those IDPs are relegated to NDCs, these problems will only perpetuate.

A Lost Trust

Lastly, consideration must be given to the role international aid organizations play within Haitian society, and their responsibility at the juncture of displacement and SGBV. UN peacekeepers are often first “on the ground”, as they were in the aftermath of the 2010 earthquake, helping to deliver aid and establish conventional displacement camps. However, allegations of sexual abuse and sex slavery have overshadowed the UN mission in Haiti, with mounting evidence of structural systems of abuse (Westendorf, 2020).

There are two kinds of harm done by these kinds of systemic abuse. The first is the immediate, acute harm done to survivors of sexual assault. However, the second is an erosion of trust in institutions (Westendorf, 2020, Karim & Beardsley, 2016). Parents do not trust the UN to take care of their children, husbands don’t trust organizations to take care of their wives, and in the Haitian context, the government is often seen as complicit in these abuses (Averill, 2020), meaning that overall trust in centralized government itself declines.

This then decreases the incentive or desire to stay in UN camps or rely on outside organizations for assistance. This vicious cycle opens more Haitians to abuse both by international actors and Haitian nationals. A focus for delivering aid to NDCs and empowering displaced people overall must then be through trusted, local, context-aware organizations, and in creating a policy space for those organizations to flourish.

Policy Recommendations

In order to best relieve the challenges facing displaced peoples in Haiti, we recommend the following:

- Shrink the knowledge gap around the experiences of GSMs in Haiti through additional research
- Leverage the financial weight of international aid organizations while allowing local, trusted groups to operate on the ground

Structural Gaps in Haitian Judicial System

Historically, the Haitian response to SGBV has been weak and was informed and exacerbated by political instability and repressive regimes in the country (Phillips, 2015). Women and gender minorities are particularly marginalized by the limited access to the justice system due to deeply rooted gender discrimination and the related economic disfranchisement they face (Phillips, 2015). The social, political, and economic exclusion reinforced by the Haitian judicial system prevents sexual minorities from asserting their fundamental rights (Phillips, 2015). As a result, SGBV is widespread and often goes unreported in Haiti.

Based on our interviews with legal experts working on the



Haitian legal system, the Haitian broken justice system suffers from structural gaps related to elitism among the wealthy and the lack of political will for accountability (UNHR, 2014). This problem is further perpetuated by a combination of the following factors:

- Corruption - Lawyers, judges, and prosecutors favour the accused who have access to resources and political ties, either based on class prejudice or to receive bribes; whereas they discount the testimonies and legal needs of the poor, especially women (Phillips, 2015). Corruption is a significant barrier to access justice at different levels of legal proceedings in Haiti. It starts from the investigatory stage and the prosecutor's office and is further exacerbated by intense backlogs, wait-times, racketeering, and gender discrimination (Jagannath, 2012). It is noteworthy that our interviews attest to the role of corruption in perpetuating the structural gaps within the Haitian judicial system (Averill, Zoom interview 2020).
- Lack of access to education - SGBV is inextricably linked with extreme levels of poverty in Haiti (Phillips, 2015). As a result, Haitians, especially women and minority groups are systematically deprived of basic needs such as education, and access to justice. Based on our findings, to most Haitians without education or a stable income, the ability to use the legal system to enforce their rights is an abstract concept. In that respect, Haiti's judicial system reflects a culture of exclusion and impunity that makes it difficult for women and minority groups who are victims of violence to access justice (Phillips, 2015)
- Lack of human and financial resources - The insufficient training of Haitian police and judges, coupled with the lack of access to resources for managing SGBV cases has played a significant role in exacerbating SGBV in Haiti (Phillips, 2015). As a result of the

earthquake, twenty-seven out of twenty-eight national government buildings, including the Ministry of Justice were destroyed and more than 20% of Haiti's civil servants were killed or injured (UNHR, 2014). According to a report by the Institute for Justice and Democracy in Haiti (IJDH), since the earthquake, there has been an inadequate number of Haitian police relative to the overall population (Bookey, 2010). Moreover, reports suggest that there is a lack of forensic scientists as well as equipment to document and investigate criminal and legal cases. Resource shortages as such have challenged the Police officials ability to identify and address the source of SGBV issues. On top of that, female survivors are reportedly uncomfortable reporting crimes to male officers (d'Adesky, Zoom interview, 2021). As a result, there is a need for sensitized and specialized officers to hear SGBV complaints. Given that not all police stations have specialized officers, it has been noted that the system can benefit from an increased number of female officers in stations for victims to comfortably report to (Bookey, 2010). In addition, legal costs and lawyers are too expensive for the majority of Haitians. As a result, most people, including women, workers, and families refrain from asking for legal assistance and are left with limited access to a formal justice system (UNHR, 2014). Moreover, the police and judges' low salaries and insufficient training make honest practices difficult for civil servants (UNHR, 2014). As a result, of these human and financial gaps, SGBV cases are rarely pursued through the Haitian judicial system in Haiti, leading to a culture of impunity for perpetrators to continue the atrocities (Bookey, 2010).

- Lack of political will - According to the Inter-American Commission on Human Rights (IACHR), there is "a noticeable and historical absence of the State – in the spheres of legislation, public policies and institutions- in addressing the issues of discrimination and violence against women [in Haiti]" (Bookey, 2010). Most of the literature we came across, explain the lack of meaningful response



on the part of the Haitian government in addressing SGBV as the product of a lack of resources and a lack of political will (Bookey, 2010). Based on our findings, there are notable gaps both in the laws and their enforcement. However, the Haitians suffer more from the poor enforcement of existing laws rather than the absence of laws (Constant, Zoom interview, 2020). The deeply rooted gender discrimination against sexual minorities make them particularly marginalized by the limited access to the justice system (Bookey, 2010). As a result, the incidents of violence against women or LGBT

individuals are not a priority for administrators of justice at all levels of the judiciary. Women or LGBT individuals are not taken seriously and their cases are not investigated properly by officials. During the investigations, the victims and their families are usually disrespected. There are reported instances where officials attributed SGBV such as rape to promiscuity and domestic violence. As a result of this antipathy, victims perceive law enforcement as ineffective and refrain from seeking assistance at times of need (Bookey, 2010).

Policy Recommendations

The lack of Haitian law enforcement officers coupled with the lack of resources to combat SGBV effectively has compromised the capacity of the Haitian police to enforce the law (Bookey, 2010). As a result, there is a constant fear of SGBV, especially rape, among Haitian communities (Constant, Zoom interview, 2020). To address these gaps, we recommend the following:

- Implement effective measures to ensure timely investigation, prosecution, and punishment of SGBV
- Provide adequate legal training for judicial actors in Haiti
- Provide sensitivity training for Haitian enforcement agencies dealing with SGBV
- Increase the number of sensitized female police officers in Haiti

- Provide access to redress for SGBV victims

In the next section, we will be discussing the international and local initiatives that aimed to address SGBV issues in Haiti. We will then discuss the potential explanations for the gap between these great intentions and the limited results.

United Nations (UN) GBV Sub-Cluster Initiative

In 2005, the UN Inter-Agency Standing Committee (IASC) mobilized nine clusters consisting of UN agencies, NGOs, and other international organizations that work together in addressing an issue during a humanitarian crisis. Each of the clusters are led by a designated agency and contain Sub-Clusters working on more specific issues (Bookey, 2010).

The UN Office for the Coordination of Humanitarian Affairs (OCHA) is the primary agency responsible for Haiti's Cluster system. The Gender-Based Violence Sub-Cluster in Haiti is led by UNFPA and UNICEF and takes the lead on addressing SGBV in complex emergencies such as natural disasters (Bookey, 2010). Following the

implementation of the Gender-Based Violence Sub-Cluster in Haiti, there were complaints about the exclusion of poor women from the post-disaster needs assessment or planning of SGBV activities and had difficulty accessing sub-cluster activities (Bookey, 2010). It has been suggested that the deeply rooted class division between the poor majority and the more educated and affluent Haitians had compromised the ability of humanitarian workers to include the voices of poor women and minority groups in leadership roles (Bookey, 2010). These fissures within the Haitian society and the consequent economic and social barriers require particular attention to ensure the meaningful inclusivity of the humanitarian efforts.

As a response, the Cluster Working Group on Early Recovery released the Guide to Gender-Aware Post Disaster Needs Assessment (Bookey, 2010). The guideline called for substantive consultation with impacted groups, design of gender aware recovery initiatives and strengthening recovery activities for women, men and marginalized communities (Bookey, 2010).

Local Organization Initiatives / Grassroots Movements

The January 2010 earthquake worsened the already inadequate and inequitable access to basic social services in Haiti. It perpetuated the existing safety and security issues in Haiti and exacerbated the problem of sexual violence - especially for those leaving in IDP camps. Haitian women, having been excluded from participation and leadership of relief programs, decided to take charge of their own security through mobilizing grassroots organizations (Phillips, 2015).

Haitian grassroots organizations were created to support women and sexual minorities who had long suffered from cultural and political violence as well as extreme poverty. Three women's groups: *Fanm Viktim Leve Kanpe* (FAVILEK) (Women Get Up Stand Up), *Komisyon Fanm Viktim pou Viktim* (KOFIV) (Commission of

Women Victims for Women), and *Kodinasyon Nasyonal Mawon Viktim Direk* (KONAMAVID) (National Coordination of Direct Victims in Hiding) were mobilized within days after the earthquake to ensure security in the face of increasing sexual assaults in IDP camps (Phillips, 2015).

In doing so, the leaders of these groups organized support groups, aid distribution and security brigades (Phillips, 2015). Aside from helping earthquake victims, these groups played a significant role in raising global awareness of legal changes necessary to improve the lives of Haitian women and LGBT individuals (Phillips, 2015).

While the government in Haiti has limited capacity to respond to humanitarian crisis and implement assistance programs, important infrastructure exists in the form of communities and grassroots organizations (Constant, Zoom interview, 2020). These grassroots organizations have the connections and knowledge capacity to implement relief programs effectively. It is important to recognize the fact that these local organizations have established community connections as well as an understanding of the socioeconomic and cultural context that can be utilized in ensuring the efficacy of humanitarian efforts in Haiti.

Gaps Between International Commitments and Implementation

Our findings suggest that poor women and gender minorities are rarely (if at all) included in post-disaster needs assessments, the planning of SGBV activities and have difficulty accessing sub-cluster activities (Bookey, 2010). Failure to adequately include the impacted groups in project planning prevents those designing and implementing projects from obtaining the information they need to create successful programs (Bookey, 2010).

Based on our interviews with local organizations in Haiti, the ineffectiveness of international efforts are largely explained by a lack of coordination among the international and local organizations as well as a lack of adequate participation by local communities in designing and implementing the relief programs (Constant, Zoom interview, 2020).

The lack of coordination among organizations in providing assistance to Haitians has reduced efficiency by causing humanitarian actors to overlook existing infrastructure and create parallel structures (Constant, Zoom interview, 2020). Therefore, effective coordination among global and local organizations is necessary for ensuring that aid is delivered in a manner that is consistent with the recipients'

needs and priorities, and that efforts are not duplicating existing relief programs.

Our findings suggest that empowering the marginalized communities to participate in the creation and implementation of relief programs ensures the sustainability of the humanitarian efforts (IASC, 2005). Through a participatory approach, the designed programs are more likely to meet the needs of the impacted groups and are delivered in a way that is sensitive to the specific needs and attributes of the community. This, in turn, enables humanitarian efforts to contribute to more durable solutions. Moreover, prior consultation in the design of the programs can help prevent the waste of significant and critical financial and physical resources.

Policy Recommendations

In order to address the existing gaps between international commitments and their implementation, we recommend the following:

- Facilitate effective coordination among global and local organizations in reform efforts
- Consult impacted groups to ensure their participation at all stages of reform efforts
- Empower impacted communities to participate in designing and implementing reform efforts

Policy Recommendations

In the previous sections, this report has explored the prevalence of sexual and gender-based offenses in Haiti and the gaps between the existing legal and policy frameworks and survivors' access to redress. This report has also identified the ways in which internal displacement and IDP camps have exacerbated existing vulnerabilities to SGBV and have become sites of sexual and gender-based violence in the aftermath of natural disasters. It is imperative for GJC to understand the extent to which women, children, and gender and sexual minorities experience SGBV in Haiti and how their experience of SGBV is negatively impacted by factors resulting from climate change, including internal displacement. These recommendations will assist the GJC, within the organization's jurisdiction, in its legal and policy advocacy efforts:

- Recommend mandatory sensitivity training for officers of the Judicial Police, physicians, and lawyers in Haiti
 - Sensitivity training on issues relating to SGBV, sexual assault disclosure, and emotional support for survivors of SGBV offenses is not widespread in Haiti. Jagannath asserts that, without this training, physicians, officers of the Judicial Police, and legal staff risk retraumatizing survivors of SGBV and trivializing their pain (Jagannath, 2012). A lack of sensitivity training among members of these workforce groups also serves as a barrier to justice for



workforce groups also serves as a barrier to justice for survivors of sexual and gender-based violence. In order to deconstruct this barrier to justice and improve care for survivors of SGBV, we recommend that the Global Justice Center work closely with local NGOs that specialize in SGBV to recommend mandatory workplace-specific sensitivity training programs to officers of the Judicial Police, physicians, and legal staff.

- Advocate for further research to close knowledge gaps on trans, nonbinary, and other Gender and Sexual Minority (GSM) communities within Haiti
 - Leverage GJC's research capacity or relationships with research-intensive organizations. At the time this project began, GJC admitted their presence in Haiti and area contacts were less than in other, similarly-challenged economies. Commitment to improving that presence will provide leverage for further study on the conditions and challenges facing GSMs within the country. Without a better understanding of these communities, it is difficult to advise or recommend relief.
- Monitor Haiti's compliance with the international human rights treaties it has ratified; modify local law in compliance with the international treaties
 - It is imperative that GJC monitor Haiti's compliance to international human rights treaties, including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), in order to ensure that survivors of SGBV have access to redress for gender-based discrimination and violence.

- Recommend a climate emergency framework that prepares Haitian society for future disasters, with specific emphasis on relief for groups most vulnerable to SGBV
 - Common in cities and provinces that are particularly vulnerable to climate disasters (Bellingham Shire Council, 2019, City of Vancouver, 2020). These frameworks isolate the risks specific to the area, how local government can act to reduce these risks, and specific in the cited examples, how to enact a just transition into a more prepared future. This just transition must include focus on the impacted groups discussed in this report, namely women, children and GSMs within Haiti. By being more prepared for climate disasters, Haiti will be better able to prevent SGBV.
- Initiate educational campaigns to address the stigma surrounding SGBV; promote a dialogue about sexual and gender-based offenses and how these offenses can be prevented
 - Doctors Without Borders has identified a lack of sexual education courses in Haitian schools which makes minors more vulnerable to multiple forms of SGBV (DWB, 2017). Without proper information about sexual health, assault, and SGBV, Haitian youth do not grow up with the tools to identify and prevent SGBV. It is imperative that Haitian youth receive a sexual education curriculum. GJC should advocate for sexual education courses in Haitian schools and foster partnerships between the Ministry of National Education, Haitian educational institutions, and local NGOs to develop a sexual education curriculum.

Team Profile

The team represents a diversity of lived experiences, with three team members born outside of Canada. Additionally, our team balances excellent quantitative and data analysis skills, especially from Paige and Sogol, with more qualitative abilities. Our academic advisors for this project are Erin Baines and Ketty Anyeko, who are both experts in the field of Sexual and Gender-Based Violence (SGBV), who have completed fieldwork throughout Sub-Saharan Africa and South America.

Joshua Diemert graduated with an Honours Bachelor of Commerce from the University of Windsor and has work experience in capital markets, direct investment, and commercial finance with Scotiabank and Roynat Capital. His primary policy interests lie in more just economic policy and privacy-centered tech policy, as income inequality and creeping misuse of data fundamentally undermine our democratic institutions.

Sogol Ghattan graduated from the University of British Columbia with a degree in Cognitive Systems: Computational Intelligence and Design. After graduation, she started working at the UBC Visual Cognition Lab as a project leader and later on as a lab manager. Her multidisciplinary educational background led to her exposure to interdisciplinary work environments. Growing up in a country that suffered from educated unemployment, she has always been

passionate about finding effective ways to reduce unemployment. Through her experience in academia and industry, she realized that efficient allocation of individuals to positions can play an important role in not only the success of an institution but also in reducing underemployment within the society.

Paige Rumelt born and raised in Washington, D.C., Paige completed her Bachelor of Arts in International Development Studies at McGill University. As an undergraduate student, Paige was involved in student life, working as a Residence Life Facilitator and serving as an executive member of Les Muses Chorale, McGill University's women's chorus. During her final year at McGill, Paige was a national finalist in the Oxford Global Challenge: Map the System competition for her team's research on menstrual hygiene management among the homeless population in Montreal. After graduating from McGill, Paige worked as a Legal Resource Assistant at Arnold & Porter LLP. In this position, she assisted attorneys in the Government Contracts and Litigation practice groups with court filings, hearing preparation, and legal aid campaigns.

Gina Zuno originally from Mexico City, where she obtained a degree in International Relations with a specialization in Human Rights. Throughout undergrad, she participated in the student council where she was elected as Council First Aid to the President and then as Academic Minister. She also organized the 2018 UN Model as General Adjunct Minister. She has a professional background in Criminal Law and Civil Law having worked in different law firms. She is interested in obtaining the technical skills necessary for creating Human Rights policies that help Mexican immigrants living in Canada and the United States. At the global level, she is interested in helping create Human Rights policies that are holistic, working with a private company or in the government.

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