

INTRODUCTION

Delivered to the Inter-American Commission on Human Rights

During a Hearing on Precautionary Measure 340-10 - Women and Girls in Camps for Forcibly Displaced Persons in Haiti

March 25, 2011

Good morning honorable Commissioners and distinguished representatives of the Government of Haiti. My name is Lisa Davis. I am the Human Rights Advocacy Director of MADRE, and Professor for the International Women's Human Rights Clinic at CUNY School of Law.

Petitioners on this case include, attorneys from MADRE, CUNY Law School, Women's Link Worldwide, the Institute for Justice and Democracy in Haiti, the Bureau of International Lawyers, the Center for Constitutional Rights and the Law Firm Morrison and Foerster, and advocates from grassroots Haitian organizations, KOFAVIV, FAVILEK and KONAMAVID.

Here with us today is, Malya Villard-Appolon of KOFAVIV, who will discuss general conditions faced by the women and girls living in the 22 named displacement camps. Next we will hear from Eramithe Delva of KOFAVIV, who will discuss in more detail, issues women face. Then, I will talk about the obstacles to implementing the Commission's recommendations. Lastly, Katherine Romero of Women's Link will discuss our suggested recommendations. Also with us is Najeda Nelson, volunteer with MADRE who will be providing translation, Jocie Philisten of KOFAVIV and Annie Gell of the Bureau.

We are here today to present the immediate priorities for displaced women and girls, and obstacles to implementation of the Commission's Decision for Precautionary Measures, issued on December 22nd. We regret to report, that since the Commission's Decision, there has been minimal progress made towards compliance, which has resulted in a relentless epidemic of sexual violence, and continued impunity.

The 2010 recommendations, combined with the long-term recommendations, outlined in the Commission's 2009 report on Haiti,¹ provide a comprehensive roadmap for addressing and preventing gender-based violence and related discrimination against women and girls in Haiti. This Commission, due to its expertise in international human rights law, is in a unique position, to assist the incoming Haitian government, UN agencies and other key civil society actors in implementing these recommendations.

¹ Inter-American Commission on Human Rights, Report on Haiti, "The Right of Women in Haiti to be Free from Violence and Discrimination." (2009).

TESTIMONY OF MALYA VILLARD APPOLON

Delivered to the Inter-American Commission on Human Rights

During a Hearing on Precautionary Measure 340-10
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March 25, 2011

Dear Honorable Members of the Inter American Commission on Human Rights:

Thank you for the opportunity to testify in front of you today. My name is Malya Villard-Appolon. I am the General Coordinator and co-founder of KOFAVIV, a women's grassroots organization that is working with women who have been victims of sexual violence. I myself am a victim of rape.

Once again, we would like to thank the Commission for the previous recommendations that it issued to the Haitian Government to better protect the women and girls who have been experiencing sexual violence in the camps. More than a year, after the January 12 earthquake, the women and the girls are living in horrible unhygienic conditions and are facing great difficulties:

1. Camps residents do not have access to adequate food, water, or education.
2. The Haitian government has not developed viable action plans to:
 - a. Rebuild the economic livelihood of Haitian women.
 - b. And provide permanent housing for the displaced that are living in very overcrowded conditions.
3. In terms of health, victims of rape do not have access to quality emergency care within 72 hours to reduce risk of HIV and pregnancy.
4. In addition, there is no specialized medical unit to provide appropriate care to young children who are victims of rape.

All of these conditions are fueling this epidemic of sexual violence that women are experiencing.

KOFAVIV continues to work in the camps and in the communities. We help victims obtain medical care, psychological care, and find quality female attorneys who can bring their cases to court. We also help orphans, children who are working as domestic workers, and young girls who have been forced into prostitution after the earthquake.

Despite all of our efforts and our work, the United Nations Gender Based Violence sub-cluster working in Haiti has continued to refuse to include our organization's contact information and the contact information of other grassroots organizations on the referral cards.

To conclude we respectfully ask the Commission to visit Haiti and observe the current situation of women and girls who are living in the camps.

Thank you.

TEMWAYAJ DE MALYA VILLARD APPOLON

Lage Komisyon Ente Ameriken Dwa Moun

Pandan yon odyans sou mezi prekasyon 340-10
Fanm ak Tifi nan Kan Deplase an Ayiti

25 mas 2011

Onorab Manm Komisyon Intè Amerikèn Dwa Moun,

Mèsi pou okazyon ke nou ban mwen pou mwen temwaye jodi a. Mwen rele Malya Villard-Appolon. Mwen se Kowòdonatris Jeneral e fondatris KOFAVIV, yon òganizasyon fanm de baz ki ap travay avèk fanm ki viktim vyolans seksyèl, kote mwen menm tou mwen te viktim vyòl.

Yon lòt fwa ankò, nou remèsye Komisyon Intè Amerikèn Dwa Moun paske li te fè apèl a gouvènman Ayisyen an pou li pwoteje fanm ak ti fi k'ap sibi anba zak vyolans seksyèl nan kan yo. Yon lane aprè katastròf 12 Janvyè 2010 lan, fanm ak Tifi tou jou ap viv nan kan yo nan movès kondisyon dijèn e ap fè fas ak anpil lòt difikilte tankou:

1. Pa gen ase manje, dlo potab, ak aksè a edikasyon;
2. Gouvènman Ayisyen an poko devlope plan dakasyon pou:
 - a. Relanse pouvwa ekonomik fanm Ayisyèn yo;
 - b. Ni yo pa gen plan pou ede moun depase yo soti nan kan yo e jwenn lojman pèmanan
3. Sou kesyon la sante, fanm ak ti fi ki vyole yo pa ka jwenn bon jan pwogram dijans avan 72 è ki ka trete VIH/SIDA ak gwosès prekòs.
4. Sak plis, pa gen yon pwogram medical spesyalize pou reponn a bezwen kategori timoun lan a 8an ki viktim vyolans seksyèl.

Tout bagay sa yo fè fanm ap sibi yon epidemi vyolans seksyèl.

KOFAVIV kontinye travay nan kan yo ak kominote yo pou rive ede viktim yo al resevwa swen nan lopital, èd sikolojik, e jwenn bon jan avoka fanm pou plede kòz yo. Nou ede tou timoun ki ofelen, timoun ki nan restavèk, ak Tifi k'ap viv nan prostitisyon fòse aprè tranbleman de tè a.

Malgre tout efò ak travay KOFAVIV “GBV sub-cluster” Nasyon Zini an Ayiti kontinye ap fè diskrimasyon lè li pa mete non KOFAVIV sou kat referans ak eskizyon lòt òganizasyon de baz yo.

Pa konsekan, nou mande ak anpil respè pou onorab Komisyon a vizite nou an Ayiti pou obsève sitiyasyon dwa fanm ak timoun k'ap viv nan kan yo.

Mèsi.

TESTIMONY OF ERAMITHE DELVA

Delivered to the Inter-American Commission on Human Rights

During a Hearing on Precautionary Measure 340-10
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March 25, 2011

Dear Honorable Members of the Inter American Commission on Human Rights:

My name is Eramithe Delva. I am the executive director of KOFAVIV. I was also a victim of rape in 1992.

I would like to say a special thank you to all the Members of the Commission and all who have organized this hearing. My testimony is on security in the camps and the justice system in Haiti. KOFAVIV has born witness to the following:

1. There is no electricity in the camps;
2. Even the layout for toilets in and outside of the camps are a risk factor in the violence against women. For example, in one of the camps located in Champs de Mars the toilets are located on the main road in public view.
3. The majority of the camps do not have sufficient shower facilities as a result many of the women and girls shower outside. This is a violation of our rights and our dignity.
4. Lastly, There are no permanent and consistent police patrols in most of the camps.
 - a. In 2010, since the earthquake, we have documented hundreds of rapes.
 - b. In 2011, KOFAVIV has already documented 96 cases of rape during the months of January and February alone.
 - c. During the past year, we have worked with victims ranging in age from 12 months to 60 years old.

In addition to the lack of security in the camps, women face rampant discrimination in all stages of the justice system. One extreme example is the policy of requiring a medical certificate, which is not mandated under Haitian law, before the officials even investigate or prosecute a case. This allows judges to continue to manipulate the administration of justice.

To conclude, I respectfully ask, the Members of the Commission to visit Haiti and evaluate obstacles that make it difficult to effectively implement the recommendations of the Commission. These challenges include but are not limited to the lack of collaboration and coordination among the Haitian government, the UN agencies in working with grassroots organizations.

Thank you.

TEMWAYAJ DE ERAMITHE DELVA

Lage Komisyon Ente Ameriken Dwa Moun

Pandan yon odyans sou mezi prekasyon 340-10

Fanm ak Tifi nan Kan Deplase an Ayiti

25 mas 2011

Onorab Manm Komisyon Intè Amerikèn Dwa Moun:

Mwen rele Eramithe Delva, sekretè egzekutiv e fondatris KOFAVIV. An mèm tan, yon fanm ki te viktim vyòl nan lane 1992.

Mwen vle adrese yon remèsiman patikilye a tout Manm Komisyon an e tout òganizatè sesyon an. Entèvansyon 'm nan baze sou sa ki gen rapò ak sekirite nan kan yo e sistèm Lajistis nan peyi Dayiti, jounk jounnen jodi a KOFAVIV konstate:

1. Pa gen elektrisite nan kan yo;
2. Sak pi plis, gen yon pwoblèm de pwoksimite nan dispozisyon twalèt yo ki kontribye a vyolans kont fanm, pa egzanp nan kan Chann Mas twalèt yo sou la ri a devan tout moun.
3. Majorite kan yo pa gen ase douche pou fanm ak Tifi yo benyen e sa rann yo benyen deyò. Sa ki vyolasyon dwa ak diyite nou kòm fanm.
4. Pa gen patrouille polisye de fason pèmanant nan preske tout kan yo.
 - a. An 2010, aprè tranbleman de tè a KOFAVIV dokimante pèsònèlman 459 ka vyòl.
 - b. En 2011, KOFAVIV deja dokimante 96 ka fanm ak Tifi vyole pandan sèlman mwa Janvyè ak Fevriye 2011 lan
 - c. Pandan ane sa yo nou travay kategori moun ki viktim yo soti de 1 an a 60 an.

An plis de insikirete ki gen nan kan yo, fanm fè fas ak anpil diskriminasyon nan tout etap sistèm lajistis la. Yon egzanp ekstrèm se politik ki egzije yon sètifika medikal lè la lwa Ayisyen pa mete egzijans sou moun ki viktim. Sa vin fè ke jij ap kontinye manipile administrasyon lajistis.

Pou m' fini, mwen mande ak respè ke Manm Komisyon an vizite Ayiti e evalye obstak ki rann difisil bon jan aplikasyon Rekòmandasyon nou te fè yo. Obstak sa yo enkli mank dantant ak kowòdinasyon ant Ajans gouvènman ki konserne yo, Ajans Nasyon Zini yo, ak manm òganizasyon fanm de baz Ayisyen yo.

Mèsi.

INTERVENTION OF LISA DAVIS

Delivered to the Inter-American Commission on Human Rights

During a Hearing on Precautionary Measure 340-10
Women and Girls in Camps for Forcibly Displaced Persons in Haiti

March 25, 2011

Dear distinguished Commission Members:

The Commission's decision echoes international human rights jurisprudence and practical strategies for addressing the immediate needs of displaced Haitian women and girls. However there are two main barriers to implementation of the Commission's recommendations. First, the exclusion of grassroots groups from meaningful participation within the UN GBV Sub-Cluster as Ms. Villard Appolon has discussed. And secondly, the lack of the Government of Haiti's capacity to fund and coordinate needed activities.

In response to the Commission's Decision, the Haitian Minister of Women's Affairs, demanded in a written communication, that the Sub-Cluster Coordinator, include participation by grassroots women's groups and consult the Ministry on its activities. However, the Coordinator still refuses to do so.

This is not only in direct violation of Haiti's State Sovereignty, but also violates international law, calling for meaningful grassroots participation post-disaster. As further evidence of this, in December, the Sub-Cluster released its 2011 strategies for combating gender-based violence in Haiti, with no mention of including grassroots women's groups.

In order to fully implement the Commission's recommendations, the Government of Haiti needs adequate resources. Yet, most of the funding released for Haiti by Donor States has gone to international aid agencies—not to Haitian organizations or government.

The Commission's 2009 and 2010 recommendations, serve as a blueprint for addressing and preventing sexual violence in Haiti. For this reason, Petitioners seek to work with key government and civil society actors, to draft a Plan of Action that would implement the Commission's recommendations and increase government capacity. We hope to present this plan to Donor States at the UN Human Rights Council's review of Haiti in October.

Thank you.

INTERVENTION OF KATHERINE ROMERO
Delivered to the Inter-American Commission on Human Rights
During a Hearing on Precautionary Measure 340-10
Women and Girls in Camps for Forcibly Displaced Persons in Haiti
March 25, 2011

My name is Katherine Romero. I am an attorney with Womens Link Worldwide and would emphasize the following for the Honorable Commission:

Given the unique situation that crosses the political structure of the state and the humanitarian crisis facing the country, we respectfully submit that it is necessary for the Commission to take an active stance to the maximum of its abilities and powers as it has demonstrated on several occasions through its historic career.

In this regard, petitioners consider it of vital importance that the Commission:

1. Conduct a site visit, and that this visit incorporate the coordinated participation of independent experts in the areas of security, justice and health (with emphasis on sexual and reproductive health). As such, the Commission can identify firsthand the risk factors faced by the petitioners, and in that sense to nurture and monitor from different perspectives for future action.
2. Given the magnitude of the violations, we request that the Committee urge the State and coordinate closely with United Nations agencies the highest possible level of participation by the petitioners in the execution and implementation of the precautionary measures. To this end, we request an order that future meetings between United Nations agencies, state officials and local groups are conducted in Haitian Creole, or at least with translation from French to Creole and vice versa to ensure the effective participation of petitioners in all future activities. Likewise, adopting a work schedule that prioritizes resolving security, overcrowding and health, which must be presented to this Commission as soon as possible to revise the assurances of participation and continuity into the future.
3. The severity of the barriers to access to justice warrant ordering the State to set a path for the reporting and investigation between the police, the justice sector, public and private providers of health, and women to act in concert to avoid procedures that create disproportionate burdens, provide timely and necessary medical certificates and avoid revictimizing women and girls in health and justice systems.
4. With respect to security, it is requested that the Commission order the State, as a matter of urgent priority, to increase the number and frequency of patrols inside the camps and conduct, in the medium term, gender sensitivity training for agents of the police and justice sector.

INTERVENCION DE KATHERINE ROMERO
Entregado a la Comisión Interamericana de Derechos Humanos
Durante una audiencia relacionada con las Medidas Cautelares 340-10 –
Las mujeres y las niñas en los campamentos de desplazados forzosos en Haití

25 de marzo 2011

Mi nombre es Katherine Romero abogada de la Organización Womens Link Worldwide, termino resaltando que:

En vista de la singular situación por la que atraviesa la estructura política del Estado y la crisis humanitaria que vive el país es necesario que la Comisión adopte una postura activa que vaya, en la medida de sus posibilidades, más allá de sus atribuciones como lo ha demostrado en diversas ocasiones de su histórica trayectoria.

En ese marco, ésta representación considera de vital importancia que ésta Comisión pueda:

5. realizar una visita *in loco*, y adicionalmente que esta visita incorpore la participación coordinada de expertos independientes en las áreas de seguridad, justicia y salud (con énfasis en salud sexual y reproductiva). Para que así, la Comisión identifique de primera mano los factores de riesgo que enfrentan las peticionarias, y en ese sentido pueda nutrir y monitorear desde diversos puntos de vista las acciones futuras.
6. Dada la magnitud de las violaciones cometidas solicitamos que ésta Comisión inste al Estado y coordine de manera cercana con las agencias de Naciones Unidas el mayor nivel posible de participación por parte de las peticionarias en el proceso de ejecución e implementación de las medidas cautelares. Para ello, solicitamos se ordene que las reuniones futuras entre las agencias de Naciones Unidas, los agentes del Estado y los grupos locales se realicen en creole o por lo menos con traducción del francés al creole y viceversa para garantizar la participación efectiva de las peticionarias en todas las actividades futuras. Así mismo, se adopte un cronograma conjunto de trabajo que tenga como prioridad resolver las condiciones de seguridad, hacinamiento y salud, el cual debe ser presentado a la presente Comisión en la brevedad posible para que se revisen las garantías de participación y continuidad hacia el futuro.
7. La gravedad de las barreras de acceso a la justicia amerita que se ordene al Estado que establezca una ruta de denuncia e investigación entre los agentes de la policía, el sector justicia, los prestadores públicos y privados de salud y las mujeres para que actúen coordinadamente, no establezcan cargas y trámites desproporcionados, brinden oportunamente los certificados médicos necesarios y no se revictimicen a las niñas y mujeres en los sistemas de salud y justicia.
8. En materia de seguridad, se solicita que se le ordene al Estado de manera prioritaria y urgente incrementar el número y periodicidad de las patrullas de vigilancia al interior de los campos y se realicen en un mediano plazo entrenamientos con perspectiva de género a los agentes de la policía, comisarias y sector justicia.