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BY

THE INTERNATIONAL GAY AND LESBIAN HUMAN
RIGHTS COMMISSION (IGLHRC) AND MADRE, NON-
GOVERNMENTAL ORGANIZATIONS IN
CONSULTATIVE STATUS WITH THE ECONOMIC AND
SOCIAL COUNCIL

CONCERNING

PATTERNS OF VIOLENCE AND DISCRIMINATION
AGAINST WOMEN AND GIRLS AND LGBT PEOPLE IN
HAITI IN THE CONTEXT OF HIV/AIDS

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INTERNATIONAL WOMEN’S HUMAN RIGHTS CLINIC
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Written statement concerning patterns of violence and discrimination against women and girls and LGBT people in Haiti in the context of HIV/AIDS

I. Introduction

HIV/AIDS continues to seriously impact the lives of Haitian women and girls and members of the Lesbian, Gay, Bisexual, Transgender (LGBT) community in Haiti. Scarce educational, preventative, and treatment services contribute to the spread of HIV. Stigma and discrimination associated with women and girls and the LGBT community often prevents individuals from accessing HIV/AIDS-related services.

Under international law, individuals may not be denied their fundamental human rights based on their gender or sexual orientation. Furthermore, such violence and discrimination is an impediment to achieving United Nations Millennium Development Goal (MDG) 6, which aims to combat HIV/AIDS by 2015. The State has a responsibility to cooperate in reaching development goals and to ensure that marginalized groups have access to HIV/AIDS-related services, without distinction of any kind.

It is important to note that while there are many intersections among women and girls, and LGBT individuals, we distinguish them here to highlight the work of separate groups to address violence against each of these communities.

II. HIV/AIDS and LGBT Individuals and Service Providers

Discrimination and violence against the LGBT community have been a pervasive problem in Haiti. The lives of many LGBT individuals in Haiti are, “characterized by secrecy, isolation,

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1 Submitted by the International Gay and Lesbian Human Rights Commission (IGLHRC) and MADRE—nongovernmental organizations with ECOSOC Consultative Status – in collaboration with the International Women’s Human Rights (IWHR) Clinic at the City University of New York (CUNY) School of Law, and Haitian grassroots organizations FACSDIS, KOFAVIV, KOURAJ and SEROvie.
discrimination, and violence.” Some Haitian politicians allege that homosexuality is foreign to Haitian culture, and by implication, LGBT rights are therefore irrelevant. Violence and discrimination isolates the LGBT community, resulting in less access to preventative and treatment services; and therefore increased rates of HIV/AIDS.

The IWHR Clinic interviewed dozens of LGBT individuals and service providers throughout 2012. Our partners are Haitian grassroots groups based in Port-au-Prince:

1) KOURAJ: activists politically engaging other homosexuals and transgender people in Haiti on their fundamental human rights;

2) SEROvie: an organization providing HIV education and direct services to men who have sex with men and transgender individuals;

3) FACSDIS: a lesbian and bisexual women’s group fighting to end discrimination and sexual violence against homosexual women in Haiti.

The findings from the interviews affirm that discrimination against the LGBT community is widespread and has far-reaching consequences. For example, Haitian radio has commonly broadcast stories and churches have sermonized that homosexuals were to blame for incurring the wrath of God and causing the 2010 earthquake. KOURAJ has reported that this sentiment is reflected through popularized songs that glorify and encourage violence against the LGBT community, which, in fact, has resulted in increased violence.

Moreover, LGBT individuals are subject to severe violence. For example, men labeled masisi—a derogatory term used to describe effeminate gay males—are allegedly subject to daily verbal harassment and violent assaults. In 2012, a man reported that he had expressed romantic affection for his male friend, in turn the friend broke a bottle and sliced open his stomach. When the wounded man reported the assault to the police, the officer refused to help, explaining, “we don’t take those kind of cases in Haiti.”

Further, the police and justice system routinely do not protect the LGBT community. FACSDIS reported that lesbians who are raped are afraid to tell police that their rape was motivated by their sexual orientation. According to one FACSDIS member, “if we told them it would be like we were being raped all over again, they just tell us it’s our fault.”

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Local Haitian LGBT advocates and service providers have reported that stigma and discrimination can make service provision especially difficult. Outreach workers have been physically and verbally assaulted, and experience ongoing harassment from civil society actors and police officers while engaging in their work in displacement camps and poor neighborhoods.

Arbitrary harassment and violence are rife. SEROvie reported that they are repeatedly forced to explain to the police that their office is nothing more than a place of official HIV/AIDS advocacy and education. In October 2012, the police followed a group they perceived as LGBT individuals walking towards the FACSDIS/SEROvie office. The police entered the office and asked what “all the gays were doing” and proceeded to search the offices with hostility.

Stigmatization also results in the inability of Haiti’s LGBT community to obtain medical services. Consequently, injuries are left untreated and diseases undiagnosed, including HIV/AIDS. Service providers reported that medical facilities lack privacy and gender sensitive doctors, and that doctors routinely discriminate against LGBT individuals. SEROvie and FACSDIS reiterate that individuals are afraid to approach doctors about sexually transmitted infections (STIs), and other illnesses, such as hemorrhoids. For example, SEROvie reported in October 2012 the case of a man whose fear of seeking medical treatment resulted in his death due to a treatable STI. At his death, his infection had rotted his body to the point where he was refused a proper burial.

III. HIV/AIDS and Women and Girls

Poor and displaced women and girls are made more vulnerable to contracting HIV as a result of sexual violence. Service providers report that numerous survivors of sexual violence living in the IDP camps and poor neighborhoods of Port-au-Prince have become infected with HIV. However, women are often reluctant to seek medical services due to fear of reprisal, stigmatization, or lack of resources, increasing the chance of going without treatment or transmitting HIV.

The IWHR Clinic interviewed, among others, the following women’s grassroots organizations based in Port-au-Prince:

1) KOFAVIV: established by and for rape survivors, providing comprehensive advocacy and direct services to victims;
2) FAVILEK: working to obtain reparations and justice for women who have experienced political violence including rape, torture, the loss spouse, child, or parent and imprisonment.

Interviewees report that stigmatization and discrimination related to gender-based violence (GBV) undermines their ability to access justice when police, medical professionals, judges, or even family members discriminate against them. For instance, KOFAVIV reported that an older man raped a 9-year-old girl on her way to get water in Port-au-Prince. She obtained and submitted to the local court a completed medical certificate, documenting that she was raped. However, days later, the court notified the victim that the medical certificate was now missing two pages, and the case would be dismissed. It is believed that the accused, in order to elude prosecution, purchased the complicity of an official to remove the two pages.

Victims often do not report incidents of sexual violence to avoid the stigma that follows. An older woman reported that after she was raped and went to the hospital, a staff member said she must have been happy to have sex because she probably “had not had it in a while.” In addition, long distances and high costs hinder victims’ access to care. One woman reported, “the nearest clinic is very far away and the general hospital is too expensive. If the doctors need gloves, we have to pay for the gloves. We have to pay for everything.”

IV. A Draft Law Addressing Gender-Based Violence

Representatives from Haitian civil society and across government sectors have consistently agreed that Haiti’s government lacks the capacity to eradicate violence and discrimination against women, girls and the LGBT community. This obstructs access to human rights and essential HIV/AIDS-related services for these populations. Haiti’s Ministry of Justice is currently considering a draft law addressing GBV that, if approved by the Haitian Parliament, would be a landmark in legislation in Haiti. The Organization of American States spearheaded the comprehensive law which has been thoroughly vetted by civil society and the Haitian government. It is a reflection of the will and aspiration of the citizens of Haiti and their supporters in the region. Furthermore, the law is a practical expression of the decision issued by the Inter-American Commission on Human Rights (IACHR) to the Haitian Government in December 2010, and serves as an ample apparatus through which Haiti can fulfill its obligations under international human rights law.
V. **Recommendations**

We respectfully request that the Haitian State:

1. Increase the HIV/AIDS-related services available to women, girls and the LGBT communities including prevention, education, and treatment services and undertake efforts to combat the discrimination and stigmatization that prevents these populations from accessing available services;

2. Finalize, pass and implement the pending draft law on violence against women addressing many of these same issues;

3. Implement the IACHR measures calling on the Government of Haiti to take urgent steps to prevent and protect displaced women and girls from sexual violence and encourage the Government to take equally urgent measures to prevent and protect LGBT people from violence, harassment, and discrimination;

4. Enact a series of model protocols that provide guidelines for members of the health, law enforcement, judicial and media communities on how to reduce stigmatization and enhance access to justice for GBV victims.