



Women and Poverty in Haiti 2005

- An update to the Report from the Mission
to Haiti undertaken in March 2003

Frivilligorganisationernas
FOND för MÄNSKLIGA
RÄTTIGHETER

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1. Introduction and background

In November 2005, the Swedish NGO-Foundation visited Haiti in order to follow up the mission undertaken in March 2003 with the purpose to report how poverty affect women's situation in Haiti and their access to some of the economic, social and cultural (ESC) rights. In meeting with mainly the same institutions, organisations and individuals we found that no significant change had occurred regarding the human rights situation. If anything, it had in many areas turned worse. Certain attempt had indeed been made, e g by the Ministry on Women's Affairs and a vibrant NGO-community, but the political and climatic conditions were not in favour. Besides the fact that two and a half years is a very short time, the disturbing factors for the lack of improvement of the conditions since 2003 were among others the political turbulence which forced president Aristide to leave the country, the existence of an interim Government and non-functioning Parliament, the humanitarian crisis in 2004 which was topped by tropical storms and hurricanes and also the increasing violence during the preparations of the elections which finally are taking place this year. In the following brief update of our 2003 report we can conclude that most of our recommendations remain unfulfilled.

2. Political and human rights developments since 2003

In February 2004, President Jean-Bertrand Aristide was forced into exile when opposition to his rule grew increasingly violent. A UN stabilisation force, MINUSTAH, was deployed to restore order and an interim government took over with Boniface Alexandre as President. Since 2004, the Haitian elections have been postponed several times but on February 7, 2006, the first round of presidential and legislative elections was finally realised where former president René Préval was announced as the winner. The new President is now to be installed on March 29, and local and municipal elections are scheduled for the day after. Even though there are generally no high expectations that the elections will lead to an improvement, they are welcomed since there is a need for a government to be held accountable.

Haiti remains plagued by violent confrontations between rival gangs and political groups. Armed gangs loyal to former President Aristide continue to be a source of instability. At the end of 2005, the number of kidnappings skyrocketed, no longer contained to specific areas. According to official police figures, 247 cases of kidnappings were reported between December 1, 2005 and January 6, 2006. In addition to the political and military violence, a heavy increase in incidents of social violence including rape is occurring.

The infrastructure in Haiti has almost collapsed and the corrupt judicial system and police force has created a situation of widespread impunity where executions, mob violence, torture and arbitrary arrests remain common. Prisons do not meet international standards and overcrowding is extremely common. The judiciary process is very slow in Haiti and over 90% of the inmates are held in pre-trial detention and have not received a sentence. Although prison conditions remain poor there was a general improvement between 2001 and 2004. Since 2004, according to the Haitian human rights organisation RNDDH, female inmates are allegedly not beaten, doctors and nutritionists have access to the inmates and there are juvenile facilities and better cooperation with human rights organisations.

Haitian media (radio, television and print media) are allowed to operate relatively independently without too much interference by the State. However, there is a general 'dumbing down' attitude where only a limited analytical and in depth reporting is done.

The UN stability force in Haiti, MINUSTAH, whose mission is to provide peace and stability in the country, has been strongly criticised of inefficiency. On January 9, 2006, the Chamber of Commerce in Port-au-Prince, carried out a strike in protest against MINUSTAH, which was seen as a good initiative by most Haitians. NGOs have also criticized MINUSTAH's lack of contact with local actors and organisations. Furthermore, the commander of MINUSTAH, the Brazilian general lieutenant Urano Teixeira Da Matta Bacellar, was found dead in his hotel after having committed suicide on January 7.

3. The Human Rights of Women

Along with the general increase of violence in Haiti, violence against women has also increased, including murders, sexual abuse such as rape and domestic violence. Over the last few years, more cases of violence against women are reported to women's organisations. To a certain extent this can be interpreted as a greater trust in these organisations including access to medical and legal assistance from them, but the main reason is that the State is failing to protect its citizens and provide proper and functioning complaints procedures. One particularly harrowing case illustrates the gravity of the situation. In September 2004, a mother and her daughter were kidnapped and raped. After being released they filed an official complaint towards five men. Two of them were subsequently arrested. In July 2005 the daughter was killed and since then no further investigations or arrests have been made nor have any of the perpetrators been brought to justice.

As also reported by the OAS mission to Haiti 2005¹, the occurrence of rape by members of armed groups continue to be widespread and is frequently used as a political weapon. It appears that little is done by the authorities to condemn or investigate these crimes and victims and witnesses lack effective protection and are afraid of coming forward. The Government, in particular the Ministry of Women's Affairs, has consulted civil society organisations on reforms in the area of rape cases, and several awareness campaigns have been organised. In July 2005 the Government issued a decree whereby rape was to be considered a criminal offence, and not as previously a crime against the person's honour, to be repaired by financial compensation to the victim's family. However the decree has not yet been tested in the judicial system and it does not apply to rape within marriage which is still not considered a criminal offence.

Fort National, the prison for women which was visited during the Mission in 2003 is not used for women any longer. Another prison has been opened in the area of Petion-Ville, in Port-au-Prince. Although conditions are reported to be adequate in terms of food and health care, during the visit on November 25, 2005, the prison built for 60 inmates now had 184 female inmates; it was very clearly overcrowded. The problems identified during the mission in 2003 persist, especially in terms of pre-trial detention and pre-trial delay. The Constitution provides that no person may be kept for more than 48 hours unless they have been brought before a judge asked to rule on the legality of the arrest but it was clear that this was rarely the case. A report by the Haitian Ombudsman's Office in 2004² showed that an average of 85% of individuals detained had not been tried or convicted and that the period of pre-trial detention often is longer than the actual sentence. This problem is confirmed by human rights organisations.

¹ Observations of the Inter-American Commission of Human Rights in its April 2005 on site visit to the Republic of Haiti.

² Office of the Ombudsman, November 2004.

3.1 The Right to Education

Reports by local human rights organisations indicate that in some areas in Haiti, people tend to send more children to school than before. However, these children are not necessarily girls and if a family can choose, it still keeps the girls at home. Girls in school also tend to drop out because of pregnancies, lack of encouragement or when entering into domestic services. UNESCO has been running programmes in the country focusing on the importance of education, but not emphasising particularly on girls' access to education. Two years ago the Ministry of Education set up a task force of gender mainstreaming in education.

As identified in the 2003 Mission Report, a further factor exacerbating the problem is that over 70% of the schools are privatised, which means that there is little control of fees or curriculum and thereby less possibility to introduce large-scale measures to encourage girls to stay in the educational system. It appears clear that the State also avoids assuming its constitutional obligations by allowing this system of private schools. Primary school is supposed to be free of charge according to the Constitution, but not enough resources have been allocated to ensure this, and therefore 46% of children have no access to primary school education³.

3.2 The Right to Health

The situation in Haiti regarding availability and quality of health care is still very bad. Hospitals are under-equipped and there is a lack of doctors. The situation is especially critical for women because of the lack of birth care. Maternal mortality in Haiti is very high, more than 500/100,000 births. A lack of oxygen in the maternity sections has been noticed in some hospitals. Women who can, tend to go to the Dominican Republic to give birth.

In April 2005 a decision was made by the Ministry of Health that women should have free access to health services whilst pregnant, although not including the actual delivery. This decision has not yet been implemented. The 2005 Government decree which made rape a criminal offence shifted the right to reparation from compensation to the victim's family to a legal consequence whereby the victim shall be given a medical certificate at a health centre. Some stated that in general it is easier to get hold of a medical certificate now.

One of the main health problems at the moment is the spread of malaria in prisons and the authorities' failure to act. Haiti has a prison population of 3000 people and according to Haitian NGO:s; nothing is done to prevent the disease. In the Prison of Petion-Ville, no malaria case was found at the time of the delegation's visit, but there were inmates infected with HIV/Aids and Beri Beri (a vitamin B deficiency). Furthermore, Haiti has the highest prevalence of HIV/AIDS in all of the Western Hemisphere and a feminisation of the epidemic is now occurring. Today 1.6 women per man are infected with HIV. The reasons for the spread are lack of information and that the women are still not being allowed to negotiate their sexuality. However, a proposal has now been put forward that abortion, which is now seen as a crime, shall be legalised in case of rape, incest or risk of the mothers' life.

In 2003 a loose coalition between international UN agencies, international and local NGOs and the Haitian Government was formed. A tripartite strategy plan was put together to deal with the situation of women, focusing on collecting information, evaluating the data and the drawing up of plans to deal with the situation. The evaluation showed that there is a need to

³ The Official Summary of The State of the World's Children 2006

focus on legal and health care and services for women. However, so far only certain training for doctors and nurses has been implemented. As to the general situation of women's health in Haiti, there is no indication that the present government does much to improve it.

3.3 The Right to work

Little has changed since 2003. The right to work is guaranteed in the Haitian Constitution but in reality this is not happening. After extensive consultation, the current Government has put together a reform package suggesting that domestic workers – of which a large majority is women – have the same constitutional rights as ordinary workers with regulated salaries, holidays and working hours. However, with the lack of a law-enforcing Parliament, this reform package has not been implemented. So far no efforts have been made to organise domestic workers or to encourage the creation of alternative work possibilities for women. There have been some limited attempts at gender-mainstreaming in the work-place for women working in traditional male dominated areas such as construction, with the equal payment and rights as the men. However, these attempts seem to be quick impact projects rather than long-term strategies.

Although conscious of the risk of taking on what should be the Government's responsibility towards its citizens, civil society organisations and in particular women's organisations continue to organise workshops on developing women's employability so that they may stand more of a chance to obtain employment. Women's wages are still the lowest on the market and coupled with the fact that approximately 72% of households are headed by women, this puts an extra burden on women to support families which already live in difficult circumstances.

4. Conclusion

This brief report should be seen as an update on the report from 2003.

The situation in Haiti remains extremely worrying in numerous areas and the Haitian population as a whole – men, women and children continue to be denied their fundamental social and economic rights. The absence of an effective judicial system to prevent, investigate and prosecute crimes and human rights violations has led to widespread impunity and further deteriorating the cycle of violence in the country. Although certain initiatives have been put forward by the transitional Government, such as the decree on criminalising rape, the risk of impunity is high if investigating police officers are not trained properly to deal with rape victims, or if this decree is not put to test by the judicial system. Some progress was reported, e.g. the Ministry of Women's Affairs attempts to highlight the poor situation of Haitian women by making a systematic effort by consulting civil society organisations regarding reforms and trying to get other ministries to cooperate.

The Swedish NGO-Foundation for Human Rights can conclude that most of the recommendations directed to the Government of Haiti in the report from 2003 remain unfulfilled. Currently mainly civil society organisations take on some of the tasks in attempting to protect and promote the rights of Haitian women, but as they themselves clearly state: this is the duty and the role of the State. It is hoped that the new elected government will seize the opportunity to undertake this major task.

The Swedish NGO-Foundation would also like to extend these recommendations to the international community, amongst them the Swedish Government, so that outside encouragement and assistance is given to the new Haitian Government to fulfil its obligations towards the rights of women and to Haitian civil society organisations so that they can monitor, assess and assist the authorities with their experience and expertise.

5. Meetings

The following meetings were held with NGOs, authorities etc:

SOFA (Solidarite Famn Aytian –Haitian Women in Solidarity)
Organizasyon Fanm Deside Jacmel
National Human Rights Defence Network (RNDDH)
Ministry of Women’s Affairs
Women’s prison in Petion-Ville, Port-au-Prince
The Haitian Human Rights Ombudsman, OPC
Lutheran World Federation
OAS Mission in Haiti
Organisasion Fanm Deside Jacmel
Southeast Human Rights Defense Network (RESED)
Institut Culturel Karl Leveque (ICKL)
UNDP
Radio Kiskeya

6. Swedish NGO-Foundation participants

Anita Klum, Secretary General
Ulrika Strand, Programme Officer Latin America
Maria Engvall, Information and Administration Officer