



## Economic and Social Council

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### Commission on the Status of Women

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**Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”: implementation of strategic objectives and action in critical areas of concern and further actions and initiatives**

### **Statement submitted by International Gay and Lesbian Human Rights Commission and Madre, non-governmental organizations in consultative status with the Economic and Social Council**

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



## **Statement**

### **Patterns of violence and discrimination against women and girls and lesbian, gay, bisexual and transgender people in Haiti in the context of HIV/AIDS**

#### **Introduction**

HIV/AIDS continues to have a serious impact on the lives of Haitian women and girls and members of the lesbian, gay, bisexual and transgender community in Haiti. Scarce educational, preventive and treatment services contribute to the spread of HIV. Stigma and discrimination associated with women and girls and the lesbian, gay, bisexual and transgender community often prevent individuals from obtaining access to 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 are impediments to achieving Millennium Development Goal 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 lesbian, gay, bisexual and transgender individuals, we distinguish them here to highlight the work of separate groups to address violence against each of these communities.

#### **HIV/AIDS and lesbian, gay, bisexual and transgender individuals and service providers**

Discrimination and violence against the lesbian, gay, bisexual and transgender community have been a pervasive problem in Haiti. The lives of many lesbian, gay, bisexual and transgender individuals in Haiti are characterized by secrecy, isolation, discrimination and violence. Some Haitian politicians allege that homosexuality is foreign to Haitian culture, and, by implication, lesbian, gay, bisexual and transgender rights are therefore irrelevant. Violence and discrimination isolate the lesbian, gay, bisexual and transgender community, resulting in less access to preventive and treatment services and, therefore, increased rates of HIV/AIDS.

The International Women's Human Rights Law Clinic at the City University of New York School of Law interviewed dozens of lesbian, gay, bisexual and transgender individuals and service providers in 2012. Our partners are Haitian grass-roots groups based in Port-au-Prince:

- (a) KOURAJ: activists politically engaging other homosexuals and transgender people in Haiti on their fundamental human rights;
- (b) SEROVie: an organization providing HIV education and direct services to men who have sex with men and transgender individuals;
- (c) Femme en action contre la stigmatisation et la discrimination sexuelle: 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 lesbian, gay, bisexual and transgender 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 lesbian, gay, bisexual and transgender community, which, in fact, has resulted in increased violence.

Moreover, lesbian, gay, bisexual and transgender individuals are subjected to severe violence. For example, men labelled “masisi”, a derogatory term used to describe effeminate gay males, are allegedly subjected 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 that they didn’t take those kinds of cases in Haiti.

Furthermore, the police and justice systems routinely do not protect the lesbian, gay, bisexual and transgender community. *Femme en action contre la stigmatisation et la discrimination sexuelle* reported that lesbians who had been raped were afraid to tell the police that their rape was motivated by their sexual orientation. According to one member of the organization, if they told the police it would be like they were being raped all over again, as the police would just tell them that it was their fault.

Local Haitian lesbian, gay, bisexual and transgender 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 neighbourhoods.

Arbitrary harassment and violence are rife. SEROvie reported that they were repeatedly forced to explain to the police that their office was nothing more than a place of official HIV/AIDS advocacy and education. In October 2012, the police followed a group they perceived as lesbian, gay, bisexual and transgender individuals walking towards the *Femme en action contre la stigmatisation et la discrimination sexuelle*/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 the lesbian, gay, bisexual and transgender community in Haiti to obtain medical services. Consequently, injuries are left untreated and diseases undiagnosed, including HIV/AIDS. Service providers reported that medical facilities lacked privacy and gender-sensitive doctors and that doctors routinely discriminated against lesbian, gay, bisexual and transgender individuals. SEROvie and *Femme en action contre la stigmatisation et la discrimination sexuelle* reiterate that individuals are afraid to approach doctors about sexually transmitted infections and other illnesses, such as haemorrhoids. For example, in October 2012 SEROvie reported the case of a man whose fear of seeking medical treatment resulted in his death due to a treatable sexually transmitted infection. At his death, his infection had rotted his body to the point where he was refused a proper burial.

**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 internally displaced persons camps and poor neighbourhoods of Port-au-Prince have become infected with HIV. However, women are often reluctant to seek medical services owing to a fear of reprisal or stigmatization or lack of resources, increasing the chance of going without treatment or transmitting HIV.

The International Women's Human Rights Law Clinic interviewed, among others, the following women's grass-roots organizations based in Port-au-Prince:

(a) KOFIVIV: established by and for rape survivors, providing comprehensive advocacy and direct services to victims;

(b) FAVILEK: working to obtain reparations and justice for women who have experienced political violence, including rape, torture, the loss of a spouse, child or parent, and imprisonment.

Interviewees report that stigmatization and discrimination related to gender-based violence undermines their ability to seek access to justice when police, medical professionals, judges or even family members discriminate against them. For instance, KOFIVIV reported that an older man had 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 that the nearest clinic was very far away and the general hospital was too expensive. She added that if the doctors needed gloves, the patients had to pay for them; the patients had to pay for everything.

**A draft law addressing gender-based violence**

Representatives from Haitian civil society and across Government sectors have consistently agreed that the Government of Haiti lacks the capacity to eradicate violence and discrimination against women, girls and the lesbian, gay, bisexual and transgender community. This obstructs access to human rights and essential HIV/AIDS-related services for these populations. The Ministry of Justice of Haiti is currently considering a draft law to address gender-based violence 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 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 to the Government of Haiti in

December 2010 and serves as an ample apparatus through which Haiti can fulfil its obligations under international human rights law.

**Recommendations**

We respectfully request that Haiti:

(a) Increase the HIV/AIDS-related services available to women and girls and the lesbian, gay, bisexual and transgender community, including prevention, education and treatment services, and undertake efforts to combat the discrimination and stigmatization that prevent these populations from obtaining access to available services;

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

(c) Implement the measures of the Inter-American Commission on Human Rights calling upon 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 lesbian, gay, bisexual and transgender people from violence, harassment and discrimination;

(d) 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 victims of gender-based violence.

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