



**Submission on the combined eighth and ninth periodic reports of Haiti
to the United Nations Committee on the Elimination of Discrimination against Women
January 20, 2016**

We write in advance of the Committee on the Elimination of Discrimination against Women's upcoming review of Haiti to highlight areas of concern regarding the Haitian government's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

This submission focuses on two key elements of the State party's obligations under the Convention: 1) the availability of effective legal mechanisms to address violence against women; and 2) the rights to water and sanitation, and associated rights, including to health and education.

This submission is based on Human Rights Watch research and experience working on women's rights in Haiti, including its 2011 report, *Nobody Remembers Us: Failure to Protect Women's and Girls' Right to Health and Security in Post-Earthquake Haiti*, on-going advocacy related to gender-based violence, and research in 2014 regarding water and sanitation.¹

Violence Against Women in Haiti (Articles 2, 12, and 16)

Violence against women was a major concern in Haiti even prior to the 2010 earthquake, and conditions after the earthquake exacerbated the challenges faced by victims of violence seeking health care or legal recourse. Six years after the devastating natural disaster, survivors of violence against women still do not have basic legal redress available to them or access to necessary health care.

Gender-based violence remains a significant concern in Haiti, and the legal protections afforded to women and girls remain weak. Haiti lacks comprehensive legislation on violence against women. The country has no specific legislation criminalizing marital rape, domestic

¹ Human Rights Watch, *Nobody Remembers Us: Failure to Protect Women's and Girls' Right to Health and Security in Post-Earthquake Haiti*, August 2011, <http://www.hrw.org/reports/2011/08/19/nobody-remembers-us>. Letter from Human Rights Watch to Vice President Jorge Familiar on the Haiti Water and Sanitation Conference, October 8, 2014, <https://www.hrw.org/news/2014/10/08/letter-vice-president-jorge-familiar-haiti-water-and-sanitation-conference>.

violence, sexual harassment, or other forms of violence suffered by women. Rape is prohibited by a modification of the criminal code introduced by executive decree in 2005.²

The women's ministry, in collaboration with Haitian women's civil society groups, has worked towards a draft comprehensive violence against women law since the State party's last review by the CEDAW Committee.³ In addition, a draft criminal code reform supported by international donors includes new crimes and criminal sanctions related to violence against women.⁴ However, neither piece of legislation has been presented to Parliament. The delayed elections which led to the shutdown of Parliament in 2015 have prevented any progress towards addressing this gap in legal protection.

Moreover, victims of gender-based violence continue to face challenges in accessing medical care. Human Rights Watch has spoken over the last four years with Haitian activists who support victims of gender-based violence seeking health care and they confirm these challenges. According to some women's rights activists, there are some promising efforts to include gender-based violence screening and treatment in the medical school curriculum. Legal reform is also needed to ensure that such victims can get the health care they need, including decriminalizing abortion after rape. Abortion is currently illegal, even in cases of rape.

The lack of legislation on violence against women and access to post-rape health care indicates that Haiti is failing to meet its obligation to prevent, investigate, prosecute, and punish acts of gender-based violence. International cooperation is necessary to support the State party in meeting this obligation.

The Rights to Water and Sanitation (Articles 2, 10, 12, and 14(h))

The rights to water and to sanitation undergird many of the rights specifically addressed within the Convention. Lack of access to clean water and sanitation directly affect the rights to health and to education, and even the risk of violence or death faced by women and girls in Haiti.

Lack of access to clean water and sanitation shapes the lives of many Haitian women, particularly those living in rural areas. Poor drainage and large-scale erosion have left many homes, communities, and agricultural plots at risk of flooding. Women and girls spend many hours of their days fetching water or traveling to rivers and streams to do their families' laundry. Those duties keep some girls from getting to school on time, causing

² Executive Decree 60, August 11, 2005, http://www.cepal.org/oig/doc/LeyesViolencia/HTI/2005_HTI_D2005.pdf (accessed January 19, 2016).

³ Le Nouvelliste, *Un avant-projet de loi pour sévir contre les violences faites aux femmes*, July 30, 2015, <http://lenouvelliste.com/lenouvelliste/article/148002/Un-avant-projet-de-loi-pour-sevir-contre-les-violences-faites-aux-femmes> (accessed January 19, 2016).

⁴ Le Nouvelliste, *Que dit l'avant-projet de revision du code penal?*, March 26, 2015, <http://lenouvelliste.com/lenouvelliste/article/142981/Que-dit-l-avant-projet-de-revision-du-code-penal> (accessed January 19, 2015).

them to miss important lessons and fall behind their male classmates. Women are also burdened with the unpaid work of caring for family members, often young children, sickened by contaminated water.⁵

In Human Rights Watch's research in 2010 and 2011 in the displacement camps, women and girls connected their fear of sexual violence with their poor access to water and sanitation. They told Human Rights Watch that they sometimes feared going to the bathrooms in camps because they feared sexual assault. They described being pinched, poked, or leered at by boys and men in the displacement camps when they washed themselves out in the open, since there was no safe and private place to bathe. Women and girls also raised many other ways that lack of water and sanitation negatively impacted their lives. Some gave birth in the dirt in tent camps or in the street without access to running water. Many women and girls in the camp had terrible vaginal infections and were not able to manage their personal hygiene, particularly during menstruation.⁶ While the number of internally displaced has reduced significantly in Haiti over the last six years, tens of thousands of people still live in displacement camps.

After the October 2010 outbreak of cholera, women and girls described to Human Rights Watch their anxiety around access to clean drinking water. Many mothers, often the primary caregivers in the household, described caring for children with diarrhea caused by water they knew made them sick. Some women Human Rights Watch spoke with outside of Port-au-Prince had lost children or partners to the cholera epidemic, which has killed at least 9,800 people and sickened nearly 800,000 in Haiti since 2010. Often, these women continued to drink from the same water source that killed their loved ones.⁷

In 2014, Human Rights Watch investigated the impact of poor water and sanitation in schools, visiting a number of schools in the Central Plateau of Haiti to assess water and sanitation conditions of educational facilities. These schools, including recently constructed ones, lacked adequate water and sanitation facilities. None of the schools Human Rights Watch visited complied with the government's guidelines for the promotion of hygiene in schools. Teachers, students, and government officials all told us that the situation was dire and has a negative impact on students' education. These schools Human Rights Watch visited are not anomalous in Haiti.

Although the Haitian government's guidelines call for the promotion of hygiene in schools, safe, clean latrines and water for drinking and hand washing are extremely scarce in Haitian schools. Most students and teachers have nowhere to relieve themselves, wash their hands with soap, obtain clean water, or, for women and girls, maintain menstruation hygiene.

⁵ See, *Written Statement of Amanda Klasing, Women's Rights Researcher, to the Tom Lantos Human Rights Committee of the United States Congress, Hearing on "Aid Delivery in Haiti: Development Needs, Capacity Building and Challenges,"* December 3, 2014, <https://www.hrw.org/news/2014/12/03/written-statement-amanda-klasing-womens-rights-researcher-tom-lantos-human-rights>.

⁶ Human Rights Watch, *Nobody Remembers Us*.

⁷ Human Rights Watch interviews with cholera victims, August 2012, on file with Human Rights Watch.

Where facilities do exist, they may not be sufficient in number, may not function, or may not be clean or safe. Nearly 60 percent of schools lack toilets and more than three-fourths of schools lack water access.

Girls suffer additional harms from the lack of access to water, sanitation, and hygiene at home or at school, including absenteeism for collecting water or due to lack of adequate menstrual hygiene management. Human Rights Watch spoke with girls in Haiti who leave school to go home to wash and change the materials they use to manage their menstruation, because they cannot do that at school—leaving some to miss as much as 30 minutes of instruction every time they need to change their materials. Some teachers told Human Rights Watch that girls sometimes stay at home during menstruation because they have no option to manage their hygiene at school. Girls in Haiti need access to clean water and sanitation facilities, as well as hygiene education and materials, to ensure their consistent attendance in school.⁸

In your review of Haiti in February 2016, Human Rights Watch encourages the Committee to ask the State party questions about the following issues, and recommend that the State party take steps to address them:

- What steps is Haiti taking to pass comprehensive legislation to address gaps in legal protection related to violence against women? In particular, how will Haiti’s new Parliament prioritize legislation protecting the rights of women and girls?
- What steps is Haiti taking to address the lack of access to safe and legal abortion for women and girls, including for those who are victims of sexual violence?
- How does Haiti propose to address the continuing challenge of lack of water and sanitation in schools, markets, health centers, and other public facilities?
- How will Haiti ensure women’s participation in the planning and execution of national policies and plans related to violence against women and to household water and sanitation?
- What steps is Haiti taking to promote collaboration across ministries to ensure that the rights to water and to sanitation are promoted and fulfilled, including by ensuring that:
 - Sanitation facilities are safe and guarantee privacy;
 - Women and girls have materials, information, and access to spaces that guarantee their privacy to manage their menstruation with dignity;
 - National policies and plans related to safe drinking water take into consideration the safety and unpaid work of women and girls and seek to reduce their burden; and
 - Any plans to remedy the harms associated with the cholera epidemic address the burdens experienced by caregivers, most of whom are women.

⁸ Letter from Human Rights Watch to Vice President Jorge Familiar on the Haiti Water and Sanitation Conference.

- What plans does the Ministry of Education have to make mandatory its guidelines related to water and sanitation in schools, including addressing menstruation hygiene management?

We hope you will find these comments relevant to your examination of the Haitian government's compliance with the Convention, and would welcome an opportunity to discuss them further with you.