



SECURITY COUNCIL INFORMAL EXPERT GROUP ON WOMEN, PEACE AND SECURITY

HAITI

September 29th 2021

Security Council Resolution 2242 (2015):

*OP 5. Recognizes the ongoing need for greater integration of resolution 1325 (2000) in its own work in alignment with resolution 2122 (2013), including the need to address challenges linked to the **provision of specific information and recommendations on the gender dimensions of situations on the Council's agenda, to inform and help strengthen the Council's decisions, and therefore in addition to elements set out in resolution 2122 (2013), and in accordance with established practice and procedure: (a) Expresses its intention to convene meetings of relevant Security Council experts as part of an Informal Experts Group on Women, Peace and Security to facilitate a more systematic approach to Women, Peace and Security within its own work and enable greater oversight and coordination of implementation efforts.***

Security Council Resolution 2467 (2019):

OP 4. Recognizes the work of the Informal Experts Group on Women, Peace and Security, as expressed in resolution 2242, and expresses its intention to consider its information, analysis, and recommendations, acknowledging UN Women's important role in this regard, and emphasizes that sexual violence in armed conflict and post-conflict situations and all other aspects of the Women, Peace and Security agenda should continue to be addressed in this forum.

Security Council Resolution 2493 (2019):

OP. 7. Takes note of the work of the Informal Experts Group on Women, Peace and Security as expressed in resolution 2242 (2015) to facilitate a more systematic approach to Women, Peace and Security within its own work and enable greater oversight and coordination of implementation efforts; and acknowledges UN Women's important role in this regard.

RECOMMENDATIONS¹

Considerations for upcoming decisions of the Security Council

In view of the upcoming negotiations on the mandate of BINUH, the Security Council should retain all existing references to women, peace and security in both the preamble and operational paragraphs of resolutions 2476 (2019) and 2547 (2020), and should consider adding the following:

Calls for the full participation of women at all levels of the process leading to presidential and parliamentary elections and requests BINUH to support the Government of Haiti to strengthen the participation of women in this process as voters, candidates, and administrators.

Requests BINUH to support, engage, and consult with women's civil society organizations in all their diversity, at all levels and in all areas of its work.

Calls on troop and police contributing countries to hold perpetrators of sexual exploitation and abuse to account and to facilitate the resolution of paternity and child support claims.

Calls on all Member States to provide funding for the Trust Fund in Support of Victims of Sexual Exploitation and Abuse.

¹ This background note, including the recommendations at the end of this document, is prepared by UN Women as the secretariat of the Informal Expert Group on Women, Peace and Security, in consultation with other UN entities.

Welcomes the efforts taken by BINUH to address sexual exploitation and abuse and to improve support to survivors.

Calls on the Government of Haiti to develop and implement a national action plan on Resolution 1325.

Other recommendations for the IEG and the Security Council

In addition, the IEG co-chairs and other Council Members should:

- Urge that all humanitarian efforts in response to the earthquake are based on gender analysis and are gender-responsive and mainstream protection activities across all sectors. Support the Government of Haiti in strengthening the capacities of state institutions in that regard.
- Urge that women's organizations are included in humanitarian and disaster risk coordination mechanisms at national, departmental, and local level, and support investments in the capacity and resources of women's organizations in preventing and responding to disasters.
- Provide direct financial support to women-led local peacebuilding initiatives, including through long-term and flexible funding for civil society organizations, and support coalition-building among women's networks and the mobilization of women as peace mediators at the community level.
- Strengthen efforts to enhance women's economic security and rights, including access to finance and other opportunities to rebuild their livelihoods.
- In the lead up to the postponed elections, Council Members and other international partners could scale up investment in women's political leadership through capacity building for women leaders, prevention of electoral violence against women, and a national campaign to promote women's political leadership.

Introduction

This is the first time that the Security Council's Informal Expert Group on Women, Peace and Security will discuss the situation in Haiti. Haiti is in the midst of an exacerbated **political and humanitarian crisis** following the assassination of President Jovenel Moïse on 7 July 2021 and the earthquake of 14 August 2021 which killed at least 2,248 people, injured 12,000 and damaged or destroyed more than 130,000 homes. This is compounded by the COVID-19 pandemic and an unprecedented rise in gang-violence that has displaced nearly 20,000 people and overwhelmed law enforcement institutions.

Haiti ranks **152nd out of 162 countries on the gender inequality index**. The last elected Parliament, which has now expired, had only 4 female parliamentarians, making it one of the lowest representations of women in the world. According to the 11 September political agreement, presidential and parliamentary elections will take place no later than the end of 2022.

Between 2004 and 2019, the country hosted, first, the United Nations Stabilization Mission in Haiti (MINUSTAH) and then, the United Nations Mission for Justice Support in Haiti (MINUJUSTH). In 2019, the Security Council established the United Nations Integrated Office in Haiti (**BINUH**) which is mandated to advise the Government of Haiti in promoting and strengthening political stability and good governance, including the rule of law, preserving and advancing a peaceful and stable environment, including through supporting an inclusive inter-Haitian national dialogue, and protecting and promoting human rights. The UN's role in the 2010 cholera outbreak and cases of sexual exploitation and abuse have overshadowed its engagement in the country.

Developments in the Security Council

On 25 June 2019, the Security Council adopted resolution 2476 (2019) establishing the political mission **United Nations Integrated Office in Haiti (BINUH)**. In the resolution, the Council stressed the need for the Government of Haiti to engage with other stakeholders, including civil society and women, and mandated the mission -as one of its key tasks- to reinforce the capacity of the Haitian National Police (HNP) to respond to gang violence and sexual and gender-based violence (SGBV). The resolution further requests BINUH to mainstream gender considerations as a cross-cutting issue throughout its mandate and to assist the Government in ensuring the full, meaningful, and effective participation and involvement and representation of women at all levels and reaffirms the importance of gender expertise and capacity strengthening in executing the mission mandate in a gender-responsive manner. The relevant excerpts of resolution 2476 are annexed below. Three of the six **benchmarks** that have been identified to measure progress in the mandated and related areas reference issues relevant to women, peace and security.² On 15 October 2020, the Council adopted a one-page technical rollover resolution 2547 (2020) extending BINUH's mandate until 15 October 2021.

In a **Presidential Statement** issued on 24 March 2021, the Security Council stressed the importance of the full, equal, and meaningful participation of women in Haiti's political processes and emphasized the need for an immediate and coordinated response by Haitian authorities to demonstrate their commitment to addressing the deteriorating security situation in Haiti, including rape.

Four women from civil society have briefed the Security Council in **country-specific meetings on Haiti**. On 17 June 2021, **Chantal Hudicourt Ewald**, a practicing lawyer of the Port-au-Prince Bar Association and member of the 1986 Haitian Constitutional Assembly, noted that women are the pillars of the Haitian economy and represent the vast majority of clients of several microcredit organizations. While they are found in large numbers in public and private management positions, they rarely reach the highest levels and continue to suffer from their marginalized status in Haitian culture. On 22 February 2021, **Vivianne Roc**, the Director of the ecofeminist organization *Plurielles Haiti*, called for more support for survivors of domestic violence, including through the establishment of a dedicated call center and the possibility for survivors to put distance between them and perpetrators. On 20 February 2020, **Marie Yolène Gilles**, Executive Director of the human rights organization *Fondasyon Je Klere*, warned the Council of armed gangs gang-raping women and sometimes filming and posting these cruel acts on social media in defiance of law enforcement authorities. She told the Council that armed gangs use gang-rape as a political weapon and appealed to the Council to help organize trials for these crimes.

In an earlier briefing on 3 April 2019, a few months before BINUH began operations, **Loune Viaud**, Executive Director of *Zanmi Lasante*, one of Haiti's largest non-governmental healthcare providers, deplored that years after the UN first deployed a peace operation in Haiti, the country serves as an example of how failure to address root causes of conflict can contribute to instability. Highlighting the high rates of maternal mortality in Haiti and the fact that 75 per cent of cancer patients are women, she told the Council that the lack of access to women's healthcare poses one of the greatest challenges to development in Haiti. Ms. Viaud also emphasized the importance of adopting legislation against gender-based violence (GBV) and asked the Council to ensure funding and support to address the needs of survivors of SGBV, including sexual and reproductive health services (SRHR).

² They include the engagement of women's organizations in consultation, cooperation, decision-making processes and programmes that reduce community violence, in particular violence associated with gangs and sexual and gender-based crimes; the protection, promotion and respect of women's rights and gender equality by state institutions; and the provision of access for women to employment opportunities by state institutions, local authorities and the private sector.

Women's participation in politics and law enforcement

The **Haitian Constitution provides for a minimum 30 per cent quota** of women at “all levels of national life, notably in the public services” and requires that any law concerning Political Parties must be in conformity with this quota. The **Government** installed on 20 July 2021 includes 5 women (27.7 per cent) among its 18 members. Haiti has been without a **Parliament** since January 2020 when the mandate of the Lower Chamber and of all but ten members of the Senate expired. In this most recent legislature, the Haitian Parliament had one of the lowest representation of women in the world with only 4 women among the 149 parliamentarians. Women's political participation was higher at the local level, reaching 34 per cent among mayors and members of the *Conseils d'administration* and 41 per cent in the *Assemblées des sections communales* elected in 2016 as a result of more binding provisions on the participation of women in the 2015 electoral decree. Their terms as elected officials expired in 2020 and they have been replaced by political appointees. Women are strongly represented in the **Provisional Electoral Council**: 5 of the 9 members are women. **An electoral decree** adopted on 5 July 2021 mandates the application of the 30 per cent minimum quota in their candidate lists for all electoral races except for the presidential one. However, BINUH noted that the text eschews stronger measures that had been advocated by the President and women's rights activists to increase the representation of women.

Concerned with meeting their basic needs, women often perceive involvement in any political issue as a threat to their families' well-being. In addition to economic constraints and social norms, political violence and a growing level of insecurity remain key factors that limit women's participation in political negotiations and their representation in all decision-making spaces. According to a report of the International Foundation for Electoral Systems, women from all socio-economic strata suffer physical, sexual, social, psychological and economic **violence during the electoral processes in Haiti**. Women in politics in Haiti have experienced rape, kidnapping, harassment, intimidation and domestic violence, both as candidates and voters, in rural and urban areas. Women who attempt or have succeeded in a political career are sometimes accused of prostitution or of providing sexual services in exchange for political favors. A Peacebuilding Fund (PBF) project, with UN Women and UNDP as implementing partners, provides assistance to prevent electoral violence against women.

Women's representation in the current political negotiations is very weak. This threatens the legitimacy of any agreement among political actors and fails to respect constitutional provisions on the 30 per cent minimum quota of women participation. Only 10.6 per cent of **Haitian National Police officers** are women, but women make up more than 20 per cent of the new recruits that started their training in May 2021. Haiti has not yet adopted a **national action plan on 1325**.

Human rights issues, including sexual and gender-based violence

Sexual and gender-based violence is prevalent in Haiti but remains underreported. GBV cases reported and treated by health institutions increased drastically in 2020 with 1,778 cases between January and September 2020 compared to 247 in the twelve months of 2019. GBV cases registered by the national health system increased again by 19 per cent between January and April 2021. By contrast, the number of rapes registered by the police saw a 44 per cent decline from 56 to 39 cases during the same period. In a 2021 UN study on the socio-economic impact of the COVID-19 pandemic in Haiti, nearly 84 per cent of women reported feeling unsafe in their families and communities, 22 per cent fear violence, sexual abuse or domestic violence, and 36 per cent did not know where to report violence. In insecure and remote areas, **GBV services** are often not existent.

In the West Department, in particular in the Port-au-Prince metropolitan area, GBV service providers are reporting cases of **sexual violence linked to gang violence** as well as kidnappings that sometimes result in gang rapes. In its June 2021 report, BINUH noted that women are approximately one-third of recent

kidnappings. The kidnapping, rape and murder of a 21-year-old high school student from Port-au-Prince in November 2020 sparked large protests throughout the country. **Migrant women** and children are also at greater risk of trafficking and other abuses.

Since 1 January 2021, BINUH has documented 7 cases of **attacks and threats against women human rights defenders and activists**. On 30 June 2021, the young feminist activist Antoinette Duclaire was shot dead in Port-au-Prince in a vehicle. Furthermore, after WHRD Guylande Mésadiou had been appointed Councilor in the Provisional Electoral Council on 18 September 2020, she was targeted with a defamation campaign on social media and death threats. Her husband also received threats for having supported his wife's campaign. Moreover, after the organization of the WHRD Marie Yolène Gilles (one of the above-mentioned briefers to the Security Council) published reports about gang violence, she was targeted by gangs that had been accused in the report, including with death threats against herself and her son. The two last cases formed part of a letter that the Special Rapporteur on Human Rights Defenders and the Working Group on Discrimination Against Women and Girls sent to the Haitian government to inquire about the situation. The upcoming report of the Secretary-General highlights that such attacks represent a threat to the rule of law and fundamental rights, and to democracy, and undercut women's participation in the public debate.

The **new Penal Code**, promulgated on 24 July 2020 and set to enter into force in June 2022, provides for **significant improvements in women's rights**. The new law recognizes sexual harassment and GBV as a criminal offense and, building on 2005 legislation that made rape a serious crime, increases the punishment for rape to up to life imprisonment. Furthermore, it decriminalizes abortion in all circumstances up to the twelfth week of pregnancy, in cases of rape or incest, or if the mental or physical health of the woman is in danger. Previously, abortion was prohibited under all circumstances. The new law also provides for improvements in the **rights of LGBTQI people** by criminalizing discrimination on the grounds of sexual orientation. Despite the progressive provisions of the new Penal Code, **a comprehensive law on violence against women has yet to be adopted** and there are no provisions for the Ministry of Women's Affairs to implement the national plan to end violence against women, which relies mainly on the support of the UN.

Women's access to justice is limited, and their confidence in law enforcement addressing SGBV is low, which is also a result of the absence of gender-sensitive justice mechanisms. According to the June 2021 report of the Secretary-General, an investigation by BINUH in the Grand'Anse department revealed that only 36 per cent of the complaints filed by SGBV survivors in 2020 had yielded judicial inquiries and that none had subsequently gone to trial. Furthermore, economically vulnerable survivors tend to make out-of-court settlements with their abusers for money or gifts.

Women and girls are **disproportionally subjected to pre-trial detention**. As of 31 August 2021, 90.6 per cent of detainee women and girls are held in pre-trial detention (often in prolonged pre-trial detention), while only 81.2 per cent of male prisoners are held in pre-trial detention. A joint report of OHCHR and BINUH on **detention conditions** in Haiti found that over 17.9 per cent of female detainees interviewed had been subjected to ill-treatment and 54.5 per cent of those who have not themselves been victims reported that they witnessed ill-treatment of other inmates by officers or with their acquiescence. Furthermore, women detainees lack access to female hygiene products, as well as general products such as soap and toothpaste. Efforts for improvement of the detention conditions have been made at the Cabaret prison which hosts about half of the female prisoners countrywide.

On 29 October 2020, the Government of Haiti, the EU and the UN launched the **Spotlight Initiative** in Haiti with \$10 million going to implementation between 2020 and 2022 targeting more than 1,225,000 women, men, girls and boys. The Initiative will focus on ending domestic violence, rape, incest, sexual harassment, physical and psychological violence, as well as other restrictions on the freedoms and rights of women and girls. It also aims to provide holistic care to women and girls who are survivors of violence. In

partnership with the **Women's Peace and Humanitarian Fund**, the initiative is channelling institutional and programmatic funding in the amount of almost \$1.9 million to civil society organizations working to prevent and respond to violence against women and girls. In addition to the above-mentioned project on electoral violence against women, the **Peacebuilding Fund** recently approved a project under the Gender and Youth Promotion Initiative which aims to foster the effective participation of women and young people in peacebuilding processes in the commune of Cité Soleil and the Port-au-Prince neighbourhoods of Bel-Air and Saint Martin.

Sexual Exploitation and Abuse

UN peace operations in Haiti have a **long and dismaying history of sexual exploitation and abuse (SEA) committed by UN peacekeepers**. Since 2007, the UN has received 120 allegations of SEA in Haiti against MINUSTAH personnel. 106 allegations have been closed and 14 remain open. In 2021, the mission received two new allegations of SEA against MINUSTAH personnel.

Supported by the Office of the Victims' Rights Advocate at UN Headquarters, the Senior Victims' Rights Officer in Haiti is also implementing a **multi-country strategy to support women in pursuing paternity and child support claims**. Nearly one-third of alleged fathers are former Uruguayan peacekeepers. In December 2020, a **Haitian court ordered a former peacekeeper** who had been confirmed via a DNA test as the father of a Haitian child to pay child support. Enforcement of the judgement by the courts of his country of nationality is pending. The UN cooperated to facilitate the administration of justice in this case, providing critical documentation and information to the mother herself as well as to Haitian authorities.

Furthermore, in October 2020, a dedicated **Coordinator on Protection from SEA** began working in the Office of the Resident Coordinator and Humanitarian Coordinator. The PSEA Task Force is operational and has been supporting the Haitian Office of the Ombudsperson to receive and respond to SEA complaints, while facilitating the integration of SEA victims' complaints into its mechanism. In August 2021, 36 children born of SEA received funds to begin preparations for the 2021-2022 school year, with the support of the **Trust Fund in Support of Victims of SEA**. Efforts are also ongoing in collaboration with IOM to address lifesaving needs of SEA victims who have been affected by the earthquake.

The effects of the earthquake

The August 2021 earthquake has exacerbated pre-existing vulnerabilities. The first findings of the post-earthquake Rapid Gender Analysis conducted in partnership with the Government of Haiti, the UN system, and civil society highlighted the specific impacts of the earthquake on women. Shelter, the lack of potable water, food insecurity and difficulties in accessing health services were identified as the most critical concerns of women. The analysis found that over 40 per cent of women are heads of household and particularly vulnerable. It also highlighted that the earthquake has weakened the protection net, including health and legal systems providing GBV case management and social support networks.

The Rapid Gender Analysis conducted by CARE and UN Women in partnership with the Ministry of Women Affairs and the Directorate of the Civil Protection and supported by several UN Agencies on the impact of the earthquake shows that 30 per cent of women experienced a loss of productive capital. The economic activity of 16 per cent of women was interrupted compared to 13 per cent of men. Women are becoming increasingly dependent on their spouses who themselves have lost their productive resources, jobs, and property.

Other humanitarian issues and women's socio-economic situation

More than 53 per cent of women have no **access to health care** and **47.8 per cent do not have access to any form of maternal and sexual and reproductive health services**. Haiti is the country with the highest maternal mortality rate in the western hemisphere with 480 deaths per 100,000 live births. Since the beginning of the COVID-19 pandemic there has been an increase in early pregnancies. National legislation allowing for the **marriage of girls under the age of 18** (the minimum age of marriage in Haiti is 15 for girls and 18 for boys) favors early marriages.

More than **45 per cent of households are headed by women, nationally**. Data from ILO indicates that, on average, women earn 32 per cent less than men for the same work. Most women are working in the **informal sector**, and they play a major role in the **agricultural sector**. This makes them more vulnerable to natural disasters and climate change. Only 28 per cent of women farmers are paid in cash, and they do not have the same access to seeds, credit, technology, and know-how that would enable them to better manage the impacts of climate change and natural disasters. 71 per cent of women do not own land or a house, and in rural areas, the number of female landowners is even lower, at 11 per cent. Women's unequal access to land is one of the key factors of their poverty and social exclusion.

According to a UN Women assessment, the **pandemic led to a 24 per cent decrease of women's employment rate** (compared to 15 per cent for men). The garment and apparel sector, in which 70 per cent of the workforce are women, has suffered extensive supply chain disruptions as a result of the COVID-19 pandemic. The Government's COVID-19 recovery response plan does not address the specific financing needs of vulnerable women.

ANNEX: Relevant language in resolution 2476 (2019)

Stressing the need for and the primary responsibility of the Government of Haiti to address the longstanding drivers of instability and inequality in Haiti, and to engage with other stakeholders, including civil society, women, youth, and the private sector to deliver durable solutions to Haiti's immediate and long-term issues, including through inclusive economic growth and sustainable development, social cohesion, and disaster resilience, in line with the country's priorities,

Requests the Secretary-General to establish the United Nations Integrated Office in Haiti (BINUH) beginning on 16 October 2019 and for an initial period of 12 months, headed by a Special Representative of the Secretary-General of the United Nations to be appointed as swiftly as possible who will also play a good offices, advisory, and advocacy role at the political level with the following key tasks: (a) To advise the Government of Haiti in promoting and strengthening political stability and good governance, including the rule of law, preserving and advancing a peaceful and stable environment, including through supporting an inclusive inter-Haitian national dialogue, and protecting and promoting human rights; and (b) To assist the Government of Haiti with its efforts to: (i) Plan and execute free, fair, and transparent elections; (ii) Reinforce the capacity of the Haitian National Police (HNP), including through training on human rights and crowd control, to respond to gang violence and sexual and gender-based violence, and to maintain public order;

Further requests that BINUH be comprised of the following advisory units: (...) public information, gender advisory, coordination and legal capacity, including a victims' rights advocate, within the office of the SRSG;

Further requests that BINUH mainstream gender considerations as a cross-cutting issue throughout its mandate and assist the Government of Haiti in ensuring the full, meaningful, and effective participation and involvement and representation of women at all levels, and *further reaffirms* the importance of gender expertise and capacity strengthening in executing the mission mandate in a gender-responsive manner;