

112TH CONGRESS  
2D SESSION

# S. RES. 352

Expressing the sense of the Senate that the United States should work with the Government of Haiti to address gender-based violence against women and children.

---

## IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2012

Mrs. GILLIBRAND submitted the following resolution; which was referred to the Committee on Foreign Relations

---

# RESOLUTION

Expressing the sense of the Senate that the United States should work with the Government of Haiti to address gender-based violence against women and children.

Whereas, since 1993, research has shown tens of thousands of women and girls have been victims of sexual or gender-based violence in Haiti, particularly in times of conflict or natural disaster;

Whereas approximately 50 percent of the victims are adolescent girls under the age of 18, with many of the cases involving the use of weapons, gang rape, and death threats for reporting the crime;

Whereas members of many medical professions are insufficiently trained to attend to the special needs of victims

of gender-based violence, whether they be children or adults;

Whereas some medical providers report as many as 20 percent of adolescent victims they have treated for sexual violence become pregnant from their rape;

Whereas some women's rights groups in Haiti have witnessed dramatic increases in rates of sexual violence in many of the displacement camps formed after the earthquake;

Whereas the January 12, 2010, earthquake in Haiti increased the economic and social vulnerabilities of many women who are now unable to protect their young children from sexual predators, thereby increasing their risk for sexual violence;

Whereas, according to data from public interest law firms litigating cases of sexual violence, significant gender-based barriers to justice continue to exist at all levels of the justice system in Haiti;

Whereas an effective, transparent, and impartial judicial system is key to the administration of justice, and the failure to ensure proper investigations and prosecutions hampers the ability to hold perpetrators accountable for their crimes and discourages victims from formally seeking justice;

Whereas inadequate financial, human, and technical resources, as well as a lack of forensic and technical expertise, have impeded the arrest and prosecution of suspects;

Whereas members of the police, prosecutors, and judges are insufficiently trained to attend to either the special needs of women and girl victims of gender-based violence, or the special needs of boys and girls who are victims of other abuses such as forced labor, beatings, or violence;

Whereas the lack of protection measures discourages women and girls in Haiti from pursuing prosecution of perpetrators of sexual violence, for fear of reprisal or stigmatization;

Whereas rape and other forms of gender-based violence in Haiti threaten the physical and psychological health of both the victims and their families;

Whereas many countries in Latin America and the Caribbean face significant challenges in combating violence against women and girls, and violence against children, and international cooperation is essential in addressing this serious issue;

Whereas the Government of Haiti has undertaken efforts to prevent violence against women, as evidenced by its ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, adopted December 18, 1979; the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, adopted at Belem Do Para, Brazil, June 9, 1994; and other international human rights treaties, and the enactment of laws and the creation of state institutions to promote and protect the rights of women;

Whereas the Government of Haiti has been a signatory of the United Nations Convention on the Rights of the Child, adopted November 20, 1989, since December 29, 1994;

Whereas the Haitian National Police and the United Nations Mission for Stabilization of Haiti have created special police units to address sexual and other forms of gender-based violence in Haiti;

Whereas the special police unit to address gender-based violence within the Haitian National Police remains significantly under-resourced, rendering it practically ineffective to carry out its mandate;

Whereas, in March 2009, the Inter-American Commission on Human Rights issued a report recognizing Haiti's history of gender discrimination that fuels gender-based violence and gives rise to a climate of impunity;

Whereas, in December 2010, the Inter-American Commission detailed steps the Government of Haiti must take to protect women and girls from increased risk of gender-based violence in post-earthquake Haiti;

Whereas, in 2012, the Ministry for the Status of Women and Women's Rights in Haiti plans to unveil a comprehensive draft law that calls for the prevention, punishment, and elimination of violence against women;

Whereas the United Nations and donor countries, such as the United States, continue to have a prominent economic and leadership role in the stabilization and reconstruction of Haiti;

Whereas few mechanisms exist in Haiti to protect the rights of young children not living at home, such as restaveks, who are engaged in forced labor or are victims to other forms of violence; and

Whereas the lack of protection for women and girls and continuing impunity for crimes against women is a threat to the rule of law, democracy, and stability in Haiti: Now, therefore, be it

1        *Resolved*, That the Senate—

1           (1) sympathizes with the families of women and  
2 children victimized by sexual and other forms of gen-  
3 der-based violence in Haiti;

4           (2) urges the treatment of the issue of violence  
5 against women and children as a priority for the  
6 United States Government's humanitarian and re-  
7 construction efforts in Haiti;

8           (3) asserts its support for the passage of Hai-  
9 ti's first comprehensive law on the prevention, pun-  
10 ishment, and elimination of all forms of gender-  
11 based violence;

12           (4) calls on the Government of Haiti to estab-  
13 lish urgent plans that address the needs of vulner-  
14 able and unprotected children who are in situations  
15 of sexual exploitation, forced labor, or face sexual  
16 and or domestic violence, and to take steps to imme-  
17 diately implement those plans, in consultation with  
18 grassroots organizations working specifically on the  
19 protection and promotion of the rights of children;

20           (5) calls on the Government of Haiti to take  
21 steps to implement the recommendations of the  
22 Inter-American Commission on Human Rights  
23 issued in response to increased levels of sexual vio-  
24 lence in camps for internally displaced persons on  
25 December 22, 2010, including—

1 (A) ensuring participation and leadership  
2 of grassroots women's groups in planning and  
3 implementing policies and practices to combat  
4 and prevent sexual violence and other forms of  
5 violence in the camps;

6 (B) ensuring provision of comprehensive,  
7 affordable, adequate, and appropriate medical  
8 and psychological care in locations accessible to  
9 victims of sexual violence in camps for those in-  
10 ternally displaced, including, in particular en-  
11 suring—

12 (i) privacy during examinations;

13 (ii) availability of female medical staff  
14 members, with a cultural sensitivity and  
15 experience with victims of sexual violence;

16 (iii) timely issuance of free medical  
17 certificates;

18 (iv) availability of HIV prophylaxis,  
19 and

20 (v) sexual reproductive health and  
21 emergency contraception;

22 (C) implementing effective security meas-  
23 ures in displacement camps, such as providing  
24 street lighting, adequate patrolling in and  
25 around the camps, and a greater number of fe-

1 male security forces in police patrols in the  
2 camps and in police stations in proximity to the  
3 camps;

4 (D) ensuring that public officials, such as  
5 police officers, prosecutors, and judges, respon-  
6 sible for responding to incidents of sexual vio-  
7 lence receive specialized training from experi-  
8 enced Haitian and international women’s orga-  
9 nizations with a proven track record in gender-  
10 sensitive protection enabling them to respond  
11 adequately to complaints of sexual violence with  
12 appropriate sensitivity and in a nondiscrim-  
13 inatory manner; and

14 (E) maintaining effective special units  
15 within the police and the prosecutor’s office in-  
16 vestigating cases of rape and other forms of vio-  
17 lence against women and girls;

18 (6) asserts its commitment to support the Hai-  
19 tian Ministry of Women’s Affairs in its efforts to—

20 (A) build ministry capacity and facilitate  
21 gender-based violence sub-cluster meetings and  
22 initiatives as it transitions over to the Govern-  
23 ment of Haiti;

1 (B) perform decentralized meetings, con-  
2 sultations, and outreach to women’s movements  
3 and community groups;

4 (C) address issues of gender-based violence  
5 country-wide, including violence in internally  
6 displaced person camps, rural peasant commu-  
7 nities, and among children; and

8 (D) strengthen gender assessments, gender  
9 budgets, and gender planning in collaboration  
10 with other Haitian ministries, the Haitian Par-  
11 liament, the ruling administration in Haiti, the  
12 United Nations, the Inter-American Commis-  
13 sion on Human Rights, donors, and inter-  
14 national nongovernmental organizations within  
15 the reconstruction process; and

16 (7) asserts its support for the Government of  
17 Haiti, especially the Ministry of Women’s Affairs, in  
18 its efforts to assess, amend, and renew its 5-year  
19 gender protection plan, which expired in October  
20 2011, which includes support for the Government of  
21 Haiti in its efforts—

22 (A) to thoroughly assess the impact of the  
23 previous 5-year protection plan, including both  
24 pre and post-earthquake analyses and perform  
25 diversified assessments in consultation with

1 local, regional, and national women’s groups  
2 throughout the country, that will help gather  
3 decentralized data in both urban and rural  
4 zones;

5 (B) to perform specialized surveys and  
6 interviews in a significant sampling of internally  
7 displaced person camps and impoverished  
8 neighborhoods with high rates of gender-based  
9 violence with victims of rape and violence, the  
10 community groups that support them, and local  
11 officials in order to fully understand the needs  
12 and recommendations of these different popu-  
13 lations and integrate these findings into a re-  
14 vised protection plan;

15 (C) to revise the existing Haitian protec-  
16 tion plan based on the results of diversified and  
17 decentralized assessments and in direct con-  
18 sultation with national, regional, and local gov-  
19 ernment officials and grassroots organizations,  
20 including women’s groups and international in-  
21 stitutions that focus on solutions to gender-  
22 based violence; and

23 (D) to amend, reintroduce, and pass into  
24 law a revised Haiti gender protection plan that  
25 reflects current post-earthquake realities, the

1 needs and recommendations of victims of gen-  
2 der-based violence and the community groups  
3 that support them, integrates provisions for ju-  
4 dicial and medical services for gender-based vio-  
5 lence victims, and reflects key findings of decen-  
6 tralized assessments in both urban and rural  
7 zones.

