

**THE HUMAN RIGHTS WATCH
GLOBAL REPORT ON
WOMEN'S HUMAN RIGHTS**

**PREVIOUSLY PUBLISHED REPORTS
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WOMEN'S HUMAN RIGHTS**

Human Rights Watch Women's Rights Project

**Human Rights Watch
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Human Rights Watch Women's Rights Project

The Human Rights Watch Women's Rights Project was established in 1990 to monitor violence against women and gender discrimination throughout the world. Dorothy Q. Thomas is the director (on leave 1994-1995); Sarah Lai and Regan Ralph are acting co-directors; Robin Levi is the staff attorney; LaShawn Jefferson is the research associate; Binaifer Nowrojee is a consultant; and Evelyn Miah is the associate.

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the first time and killed the second."⁵⁰ The same women told us that, in their view, a Somali interpretation of shari'a would adapt to Somali tradition:

Shari'a supports women's rights. Inheritance is fair under shari'a—it recognizes women's rights. It allows Muslim women to go outside the house and have jobs. The branch of Islam in Sudan is different than in Somalia. If women don't want to cover themselves in Somalia, there is no problem. Women are collecting water, tending livestock; they can't wear heavy clothes covering themselves up.⁵¹

Other sources in Baidoa told Human Rights Watch that elders and religious leaders are presently discussing shari'a, and that "the restrictions on women wouldn't be compulsory."⁵² Bantu community leaders also saw shari'a as effective in reducing sexual abuse: "When the fundamentalists came into the area, they reduced the problems; rapists are afraid of the fundamentalists, who were preaching that it was against Islam."⁵³

Now that the international community has withdrawn from Somalia, Somalis face the task of bringing the war to an end. There has been some limited progress toward political reconstruction, particularly at the local level. Subclans have in some cases taken steps to limit or withdraw support for their warleaders, as measures to promote cross-clan reconciliation. In other areas, local religious or authority structures have been reestablished. However, these traditional structures are limited. They frequently carry the potential for abuse of personal power in the absence of a national system of law, and their presence is easily destabilized by renewed violence in an area. Ultimately, protection from rape and the establishment of mechanisms of accountability for perpetrators of rape can only come with an end to the conflict and the restoration of civil society in Somalia.

RAPE IN HAITI

The military *coup d'état* against President Jean-Bertrand Aristide on

⁵⁰ Interview, leader of a women's organization, Baidoa, Somalia, January 24, 1995.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Interview, Bantu displaced persons, Kismayu, Somalia, January 29, 1995.

September 30, 1991, plunged Haiti into a maelstrom of state-inflicted and state-sanctioned human rights abuses.⁵⁴ These abuses included numerous political assassinations, arbitrary arrests and detentions, and the torture of prisoners. Following the coup d'état, military authorities suspended virtually all constitutionally guaranteed rights and procedures. By late 1993 documented cases of politically motivated rape, massacres, forced disappearance, and violent assaults on entire neighborhoods had increased greatly.

Both women and men suffered abuse at the hands of the military and police forces, their armed civilian auxiliaries—commonly known as *attachés*—and bands of thugs called *zenglendos*.⁵⁵ The Front for the Advancement and Progress of Haiti (Front pour l'Avancement et le Progrès d'Haïti, FRAPH) also was implicated in gross abuses of human rights, including assassinations and forced disappearances, arson and a massacre.⁵⁶ Like men, women were killed, arrested for their actual or imputed political views, beaten while in detention, forced into internal hiding (called *marronage*), disappeared, and denied the most basic civil and political rights to free expression, humane treatment, and due process.

Reports from women's rights groups in Haiti revealed that women were also targeted for abuse in ways and for reasons that men were not. Uniformed

⁵⁴ The following material was adapted from Human Rights Watch and National Coalition for Haitian Refugees, "Rape in Haiti: A Weapon of Terror," *A Human Rights Watch Short Report*, vol. 6, no. 8 (July 1994).

⁵⁵ According to the UN/OAS International Civilian Mission, the word *zenglendo* "denotes criminals who are recruited from groups ranging from the marginal societal strata found in working-class districts to police officers themselves usually acting at night, in civilian clothes and with official weapons." *Interim Report by the International Civilian Mission to Haiti* for the period of 9 February - 31 May 1993, A/47/960, p. 8.

⁵⁶ In the second half of 1993, bands of civilian thugs armed by the Haitian military were fashioned into the quasi-political organization known as the Front for the Advancement and Progress of Haiti (FRAPH). FRAPH's membership includes long-time Duvalierists, as well as Tontons Macoutes, *attachés*, and other army supporters. The organization's co-founders were Jodel Chamblain, a former Tonton Macoute, and Emmanuel Constant, the son of an army commander under François Duvalier (Papa Doc). From early 1992 to early 1994, Emmanuel Constant was a paid CIA informant. FRAPH was nurtured by the military from its emergence in September 1993. For details on FRAPH's involvement in human rights abuses, see Human Rights Watch/Americas and National Coalition for Haitian Refugees, "Terror Prevails in Haiti: Human Rights Violations and Failed Diplomacy," *A Human Rights Watch Short Report*, vol. 6, no. 5 (April 1994).

military personnel and their civilian allies threatened and attacked women's organizations for their work in defense of women's rights and subjected women to sex-specific abuse ranging from bludgeoning women's breasts to rape. Rape also was a part of apparently random violence committed by bands of zenglendos. Social unrest, which was both fostered and exploited by the military authorities in order to repress opposition to their rule, contributed to increased levels of seemingly random violence.

In February 1994 Human Rights Watch conducted a joint fact-finding mission to Haiti with the National Coalition for Haitian Refugees to investigate reports that state agents were using rape as a political weapon against women. We interviewed women's rights activists, human rights monitors, officials of various governments, journalists, doctors and women victims of sexual assault.

The investigative efforts of the United Nations/Organization of American States' International Civilian Mission (MICIVIH) substantiated reports of state agents engaging in the rape of perceived political opponents. The mission's October 1993 report included several instances of rape. Further, between January 1994 and June 1994, MICIVIH collected evidence of another sixty-six rapes "of a political nature."⁵⁷ In a separate investigation conducted from May 16 through 20, 1994, the Inter-American Commission on Human Rights documented first-hand twenty instances of rape by the military and its auxiliaries. We documented first-hand nearly a dozen additional rape and attempted rape cases in the period between August 1992 and February 1994, including instances of vaginal and anal rape, one case of a woman who became pregnant as a result of her assault, and one case of a woman who died as a result of vaginal hemorrhaging following rape.

Human Rights Watch and the National Coalition for Haitian Refugees found that military forces and attachés used rape and sexual assault to punish and intimidate women for their actual and imputed political beliefs, or to terrorize them during violent sweeps of pro-Aristide neighborhoods. Rape also functioned as punishment for the political beliefs and activities of the victims' male relatives. In one instance, a woman was raped not only because of her suspected political affiliation and her gender, but also seemingly because of the fact that she was light brown-skinned.

To our knowledge, the military authorities never publicly denounced these practices or fully disciplined state agents known to have engaged in them. The

⁵⁷ See UN/OAS International Civilian Mission in Haiti, Press Release, Ref. CP/94/28, June 17, 1994; Press Release, Ref. CP/94/20, May 19, 1994; Press Release, Ref. CP/94/8, March 21, 1994.

military authorities' use and tolerance of rape made rape victims reluctant to report such abuse; victims feared that lodging a complaint would only further endanger their own and their family's lives, as they did not expect to see their attackers caught or disciplined. According to former President of the Haitian Supreme Court André Cherilus, it was "not worthwhile for the victim of rape to go to the police to report the crime in the current situation. It would be even worse for the woman, given the extremely high probability of retaliation."⁵⁸

The participation of state agents and their armed civilian auxiliaries in the rape of women violated Haiti's international obligations to refrain from persecuting its citizens for their political beliefs and from subjecting them to torture and other cruel, inhuman or degrading treatment.⁵⁹ Further, the military authorities' failure to investigate and prosecute rape and other violence against women, especially where state or state-supported actors were involved, violated domestic and international guarantees of due process and equal protection under law for all citizens.⁶⁰

In the early morning hours of September 18, 1994, U.S. President Bill Clinton deployed U.S. troops to begin an occupation of Haiti, after former President Jimmy Carter, U.S. Senator Sam Nunn and Gen. (Ret.) Colin Powell had flown to the island and secured Lt. Gen. Raoul Cédras's promise to renounce power. On October 15, 1994, Haitian President Jean-Bertrand Aristide returned to Haiti after a three-year exile. American troops had forced all members of the ruling triumvirate—Cédras, Brig. Gen. Philippe Biambi, and Lt. Gen. Michel François—to renounce power and leave the country, and had secured all military installations and disarmed many of the military and paramilitary forces in the country, in preparation for Aristide's return and a peaceful return to democracy. The Haitian triumvirate was allowed to retire from the army with full military honors; economic sanctions against Haiti were lifted; participants in the coup that had deposed Aristide in 1991 were given a general amnesty. In April 1995 U.N. international troops took over responsibility for maintaining security in the country.

Efforts to investigate the human rights violations that took place in

⁵⁸ Telephone interview, May 25, 1994.

⁵⁹ These rights are protected by the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

⁶⁰ The 1987 Haitian Constitution, Chapter II, Section A, Article 19 obliges the state to "guarantee the right to life, health, and respect of the human person for all citizens without distinction in conformity with the Universal Declaration of Human Rights."

Aristide's absence are just beginning. Prior to his return to Haiti, Aristide characterized the rapes against Haitian women during the coup years as ". . . a crime against humanity as serious as any other."⁶¹ Nevertheless, nine months after Aristide's return from exile, not one rape committed during the coup has been investigated and tried.⁶² A National Commission for Truth and Justice began its work on April 1, with a six-month mandate, renewable for three additional months. The commission, created by presidential decree, is to investigate violations of human rights committed between September 29, 1991 and October 15, 1994. Article 3 of the commission's charter reiterates its commitment to investigate politically motivated, gender-based crimes against women. Nevertheless, substantive investigations into allegations of human rights abuses have yet to begin because of poor funding and lack of a clear mandate. Ultimately, the commission's effectiveness may be minimal because it has no judicial authority and is limited to making public recommendations.

Upon returning to Haiti, Aristide created a Ministry on the Status and Rights of Women. The ministry is responsible for, among other things, the coordination and implementation of policies aimed at promoting the rights of women; the facilitation of women's access to education, health, economic opportunity, and professional training; and coordinating of policies aimed at preventing violence against women. We hope that the ministry, headed by Dr. Lise Marie Dejean, will be able to address and remedy the concerns we delineate in this report regarding the bias inherent in the criminal code regarding rape and the general inadequacy of the judicial system to respond fairly to rape claims. We urge Minister Dejean to demand accountability for rapes committed during the coup years and to ensure that obstacles to reporting rape are eliminated.

The military officers who ousted Jean-Bertrand Aristide in September 1991 withstood international efforts to unseat them for over three years, skirting a U.N.-mandated oil and arms embargo and reneging on the U.S.-brokered Governors Island Accord of July 3, 1993, which was designed to induce the military high command to step down and to restore Aristide to power by October 30, 1993.⁶³

⁶¹ Radio speech by exiled President Jean-Bertrand Aristide from the U.S., recorded in Washington, D.C. on July 23, 1994.

⁶² Telephone interview, Haitian women's rights activist, May 19, 1995. All names withheld by Human Rights Watch unless otherwise indicated.

⁶³ The Governors Island Accord called for Aristide to propose a new prime minister; the Haitian Parliament to approve the nominated prime minister; sanctions to be lifted, after the

After the unraveling of the Governors Island Accord, repression escalated unchecked, most notoriously with the high-profile political assassinations of Aristide's Justice Minister Guy Malary on October 14, 1993, and political supporter Antoine Izméry on September 11, 1993.⁶⁴ The military provided Haiti's only police, even though the 1987 Haitian Constitution mandates the separation of civilian police and the military.⁶⁵

The onslaught after the failure of the Governors Island Accord created increasing numbers of internally displaced people, described as "in hiding" or "en marronage." The forced displacement of tens if not hundreds of thousands of Haitians was part of the military's strategy to destroy all forms of social and political organization. Men were the majority of those driven into hiding, and women often were kept from taking this drastic, but often life-saving, measure by their responsibility for their children. Thus women became *de facto* single parents, forced to shoulder the economic burden that marronage created and to live with the uncertainty of not knowing whether their husbands or partners were alive or dead.

In late August 1994 the situation further deteriorated, including the August 28 assassination of the Rev. Jean-Marie Vincent, a close adviser to Aristide. The perpetrators of the attack have not been identified, although the assassination was thought to have been politically motivated. In a last-ditch effort to persuade Haiti's military leaders to leave peacefully, a U.S. delegation led by former President Jimmy Carter flew to Haiti on September 17 to deliver an ultimatum. Finally, on September 18, 1994, after the delegation had secured Cédras's promise to step down, President Clinton authorized the deployment of U.S. troops to occupy Haiti, precipitating the end of the three-year military dictatorship. President Aristide returned to office on October 15, 1994, to reorganize his cabinet and plan for local and parliamentary elections in June 1995.

Women under the Cédras Regime

approval of the new prime minister; foreign aid to be resumed to Haiti; a presidential amnesty to be granted for those military figures involved in the coup d'état against Aristide, within the parameters of the 1987 constitution; the military high command to resign, allowing Aristide to name a replacement who would then go on to restaff the high command; and President Aristide to return to power on October 30, 1993.

⁶⁴ See Human Rights Watch/Americas and National Coalition for Haitian Refugees, *Terror Prevails in Haiti*.

⁶⁵ The Governors Island Accord also required that a separate civilian police force be trained and operate independent of the military.

During the military crackdown, women often were targeted for sex-specific forms of abuse. Women left behind when men were driven into hiding were terrorized and attacked by local section chiefs, attachés and uniformed soldiers. Women's rights organizations were intimidated or destroyed, and women's rights activists reported being attacked with beatings on the breasts and abdomen. Increasingly, the military's weapon of choice was rape. The UN/OAS civilian mission in Haiti underscored this in a press release:

The OAS/UN International Civilian Mission continues to be strongly concerned about the emergence of rape as a tool of political repression . . . the scenario is always substantially the same. Armed men, often military or FRAPH members, burst into the house of a political activist they seek to capture. When he is not there and the family cannot say where he is, the intruders [sexually] attack his wife, sister, daughter or cousin.⁶⁶

Women suffered human rights abuses not only as those left vulnerable by the high level of marronage, but also as those who fought against repression and defended women's human rights through participation in women's organizations. Women's rights groups were targets of political repression after the coup d'état as a part of an overall strategy of the military authorities to uproot and close down all popular organizations. All the women's rights groups with which we spoke reported a sharp decrease in membership following the coup d'état, citing their members' fear of being associated with any popular organization, regardless of its political or social agenda.

Women's rights activists also reported specific attacks. The head of one Haitian women's rights organization reported that her house was ransacked and that, in September 1993, she received a late-night telephone call, in perfect French, from a man identifying himself as being aligned with the military authorities. He threatened to rape her if she continued her work on behalf of women.⁶⁷ The headquarters of another Haitian women's rights group was burned down in the early morning hours of December 13, 1993. Although this office was one of several in a building, it was the only office completely destroyed by the fire.⁶⁸

⁶⁶ UN/OAS International Civilian Mission in Haiti, Press Release, Reference CP/94/20, May 19, 1994.

⁶⁷ Interview, Port-au-Prince, February 16, 1994.

⁶⁸ Interview, members of the women's rights group KAY FANM, Port-au-Prince,

Members of another women's rights group reported that they received numerous accounts of their members being targeted for violence. This was so especially in the countryside, where activists were more easily identified. They believed that "this repression is especially directed at women because in this society women have no right to organize."⁶⁹

Interviews with women's right groups in Port-au-Prince also revealed a startling picture of women activists being attacked in sex-specific ways, including rape and beatings of their breasts and abdomens. One activist told us that her fellow organizers often were "beaten in their female parts—primarily their breasts and abdomen."⁷⁰ On November 21, 1993, Alourdes Metayer was arrested by soldiers in Gonaïves and beaten so badly in the abdomen that she miscarried.⁷¹ Members of one Haitian women's rights group recounted another assault in which soldiers beating a woman told her, "We'll beat you until you can't have kids, until you can't have kids like yourself [activist]."⁷²

Sexual Assault

The greatest number of rapes documented by Human Rights Watch and the National Coalition for Haitian Refugees were committed by attachés, followed by rapes committed by police and soldiers, and then by rapes committed by zenglendos. Although crimes committed by zenglendos are not clearly attributable to the military, rape committed by zenglendos is reported here because these crimes flourished under a cover of impunity assured by the military authorities.

Assault by Military Agents

Assaults on women in their homes often were accompanied by the destruction of the house and personal belongings and assaults on other family members. Such search and destroy missions were carried out by the military, often with the assistance of FRAPH and other armed groups.

Previous to Aristide's return, no meaningful distinction existed between the military and the police. Both forces arrested citizens for common offenses as

February 11, 1994.

⁶⁹ Interview, Port-au-Prince, February 16, 1994.

⁷⁰ Interview, Port-au-Prince, February 11, 1994.

⁷¹ Human Rights Watch/Americas and National Coalition for Haitian Refugees, *Terror Prevails in Haiti*, p. 31.

⁷² Interview, Port-au-Prince, February 16, 1994.

well as offenses against the state. Notes one expert on the Haitian military:

. . . in Haiti the military forces are the police Even in major cities such as Port-au-Prince and Cap-Haitien the police departments function as units of the army. In the vast majority of Haitian cities and villages, the military basically has a police function.⁷³

The army thus maintained control of the investigatory and enforcement aspects of the justice system.

An attack on August 14, 1993 demonstrates how the military—whether soldiers or police—and its civilian allies worked together. Two soldiers, one policeman, and two attachés, all armed with pistols and rifles, broke down the front door of M.B.'s home and shot their way through the house as M.B. and her family slept. The men were looking for her father-in-law, who was constantly seen around the neighborhood discussing how much he anticipated Aristide's return. When they were unable to find him, they robbed his family, shot his twenty-three-month-old granddaughter, attempted to rape his daughter-in-law, M.B., and molested her cousin. M.B. told us:

My mother-in-law was downstairs sleeping with S.M., the baby who died. She got up and tried to warn us that there were intruders in the house. While she did this, the men entered the room where S., my husband's other child, and my cousin were sleeping. My cousin was seventeen and they tried to rape her, but they realized she had her period and left her alone. They were screaming, "Where is the old man?" One of the armed civilians put a gun across my cousin's legs and molested her. He put his hands under her gown and felt her breasts, and rubbed his hands over her stomach and thighs.⁷⁴

The soldiers and attachés then ransacked M.B.'s house, terrorized her family with threats, called them "*Lavalas*,"⁷⁵ slapped and beat her and threatened

⁷³ Michel S. Laguerre, *The Military and Society in Haiti* (Knoxville, TN: The University of Tennessee Press, 1993), p. 125.

⁷⁴ Interview, Port-au-Prince, February 14, 1994.

⁷⁵ *Lavalas* is the Creole word meaning "flood" or "landslide"; as used colloquially, it

to shoot her husband. The soldiers and attachés emptied out sacks of flour and sugar from the family's store and filled them with radios and other items from the house. Although only two of the men wore uniforms, M.B. recognized another in civilian dress as a local policeman. M.B. told us:

I recognized the guy who was blocking the door of the bedroom, the one who pointed the gun at my husband. He was a policeman from the neighborhood and would buy goods from our little store. Although that night he was dressed in civilian clothes. They made me accompany them to the gate to let them out. By then it was about 4:00 a.m. or so. Once we arrived at the gate, one of the ones in uniform made me take off my underwear and was going to rape me. Luckily, I had my menstruation.

On the way out, the men warned M.B., "We know your father-in-law likes to talk about JBA. If Aristide comes back, we know you will seek revenge, but we will come back for you first."⁷⁶

On August 15, a day after the baby's murder and the other assaults, M.B. and her family left their home and went into hiding, staying at different times with various family members. M.B. explained her reluctance to report the assaults to the police:

We never went to the police. There would have been no use doing this. It would just have resulted in more hardship and terror for the family, and we were all too shocked by my daughter's death and everything else that happened. We were more concerned with our safety and with preventing further problems.

M.B. declined to pursue an investigation because it would have been an "investigation involving the police basically investigating themselves, and that would only mean more bad news for me and my family."⁷⁷

Given the overt and frequent involvement of law enforcement officials in rape and other forms of abuse, individual Haitians had nowhere to turn for help

refers to the broad-based popular movement that elected President Aristide.

⁷⁶ "JBA" is a popularly-used nickname for President Aristide.

⁷⁷ Interview, Port-au-Prince, February 14, 1994.

when they were attacked or when they witnessed attacks upon others. During our investigation, we obtained the following eyewitness testimony:

As my friend and I were returning to our hotel one night in late January 1994, we heard a woman screaming at the top of her lungs. We stopped and looked over to where the sound was coming from and saw a mixture of about eight to ten armed civilians and police milling near a car and not responding to the screams. We did not approach the car. These were armed men and police. I felt incapable of doing anything. I could not see well into the car, but the screams were piercing, and it looked like there were at least two uniformed policemen inside the car raping a woman. I did not report what happened to the police. What would have been the use? They were the ones responsible. I can't even imagine what eventually happened to that woman.⁷⁸

The October 1993 report on human rights in Haiti by the UN/OAS civilian mission includes several cases of soldiers raping women with impunity:

- On June 10, a thirteen-year-old girl was raped by a corporal at the military post of Bayeux, Department of the North.
- On July 24, a group of twenty armed men, some in uniform, surrounded the house of a Cité Soleil grass roots activist who was in hiding. Three went in and raped and threatened his wife.
- A sixteen-year-old girl was raped by a soldier from the barracks of Fort Liberté at Dérec, Department of the Northeast.⁷⁹

Assault by Army Attachés

Since Haiti's army was disarmed by U.S. troops upon their arrival and later disbanded by Aristide, attachés, as an arm of the military, have ceased to exist.

⁷⁸ Interview with foreigner who spoke on the condition of anonymity, Port-au-Prince, February 15, 1994.

⁷⁹ UN/OAS International Civilian Mission in Haiti, *Report on the Situation of Democracy and Human Rights in Haiti*, A/48/532, October 25, 1993, p. 18.

Many fled when U.S. forces invaded. Previous to Aristide's return, however, attachés were civilians employed, armed and directed by the military and police. Attachés were omnipresent and abused their enormous discretionary powers through murder, torture, arrests, beatings, extortion, imprisonment, and rape.

Interviews with Haitian human rights monitors, journalists and activists revealed a disturbing profile of attachés. According to one worker with the UN/OAS civilian mission in Haiti:

Although not a uniform practice, attachés are paid and carry an identification card. Some behavior is very common. They operate with absolute impunity or apparent acquiescence on the part of the military; they commit crimes in the presence of the military and police; they are heavily armed; and they act with an air of authority.⁸⁰

In a country wracked by generalized lawlessness, repression and terror, it was at times difficult to know who was an attaché and who was not. The military authorities benefitted from keeping the identification of attachés as fluid as possible. In this way the military could intimidate the general population while disavowing any responsibility for the abuses committed by ubiquitous armed civilians.

F.F. was stopped and assaulted by two attachés on the evening of January 29, 1994. F.F., a twenty-six-year-old student, was an active supporter of President Aristide. She and her fellow students organized demonstrations in support of Aristide's policies while he was in office. The comments and actions of F.F.'s attackers illustrate the assumption made by the military, attachés and others that residents of poor neighborhoods necessarily are Aristide supporters. She told us:

It was about 7:00 p.m., and I was walking home from a visit at a friend's house. I saw two guys ahead of me and it looked like they were talking together. I tried to pass around them, and one of them grabbed my arm. . . . They both had guns and asked me where I was coming from. Then they threatened me, saying if I screamed out they would kill me.

⁸⁰ Interview, William O'Neill, former legal director of the UN/OAS International Civilian Mission in Haiti, March 29, 1994.

They asked me my name, where I lived, and what my political opinions were. When one asked about my political opinions, I thought to myself, "If he is just going to rob me why is he asking me this?" I said I was not political. They started looking through my purse, but I had no money and that is why I was walking. Then one said, "In the area where you live, I know you do not have any money, and I do not care what you say, I know everyone in your neighborhood supports Aristide."

While we were standing there I heard a gunshot. One of the guys said, "What's that noise?" and the other responded, "It is just the sergeant killing someone who resisted." They proceeded to inquire more about my political beliefs, and they asked if I had a boyfriend, to which I responded, "Yes." Then one said, "I am going to rape you. Tell your boyfriend and your 'Father' [a reference to Aristide] that I am going to rape you."

Both men raped F.F. After the rape, one wanted to kill her to prevent her from identifying him later. The other succeeded in dissuading him. They told her to walk "normal like nothing has happened to you." Once out of their sight, F.F. did not stop running until she reached her home.

F.F., unlike most of the women interviewed, sought medical attention. Her Port-au-Prince gynecologist treated her with antibiotics to prevent infection and tested her for sexually transmitted diseases. She did not, however, report the rape to the police:

I did not file a police report. I would never speak to the police. I have heard that it is worse when you talk to them. You really risk your life going to talk to them, because everyone knows they are part of the crime problem.⁸¹

Assault by Zenglendos

A UN/OAS civilian mission report described the role and origin of zenglendos in Haitian society:

The term "zenglendos" is used to refer to members of armed

⁸¹ Interview, Port-au-Prince, February 16, 1994.

criminal groups, usually operating at night and particularly in the slums and working-class districts of Port-au-Prince. Some of this violence may be assumed to be purely criminal, without political motivation. However, it is widely believed in Haiti that even zenglendos operate under the cover, or with the express tacit consent of the police, and that their operation, while involving armed robberies, may also be intended to intimidate the population of localities most opposed to the post-coup authorities and committed to the return of President Aristide.⁸²

Many Haitians believe that the army encouraged and even participated in zenglendo violence as a means of further terrorizing the civilian population. A Haitian human rights attorney described the typical zenglendo as "an armed thief who works with the complicity of the army."⁸³ One Port-au-Prince women's rights activist told us that she believes:

the military formed the zenglendos as a paramilitary force. All these people are connected with the military—they just do not have uniforms. The police let armed civilians do these things. They create an atmosphere in which lawlessness prevails. It is to their advantage to have the population cowed.⁸⁴

While it is difficult to ascertain the precise relationship of zenglendos to the military during the coup regime, there was a clear coincidence of interests and targets: violence attributed to zenglendos often targeted pro-Aristide activists who also were targeted by the army, and their violence was tolerated by the regime.

In one example of zenglendo violence, S.E., twenty-four, and R.A., seventeen, were raped and beaten by four zenglendos on September 21, 1993, in Port-au-Prince. That day, four armed civilians broke into a church during a prayer service, demanded the church's collection plate, kicked and threatened the parishioners, and demanded to know which of them was the pastor. The pastor of the church believes he was the actual target of the assault because he is a known Aristide partisan and keeps a picture of Aristide in his home. The pastor told us:

⁸² UN/OAS International Civilian Mission in Haiti, *Report on the Situation of Democracy and Human Rights in Haiti*, A/48/532, October 25, 1993, pp. 12-13.

⁸³ Telephone interview, Pierre Raynand, April 26, 1994.

⁸⁴ Interview, Port-au-Prince, February 16, 1994.

They never asked for me by name. They kicked people and hit them with the butts of their rifles and with their fists. They also hit people in the head with their revolver butts.⁸⁵

Eventually the men grabbed S.E. and R.A., took them outside the church, and assaulted them. According to the pastor, "The girls tried to resist, but two men each forced them. When they left with the girls, they said, 'You women who are watching, we are going to come back to get you to do the same.'"⁸⁶ According to S.E.:

I was the second girl they chose. The other girl had been lying near me, and they chose her first. Before selecting her they said they were looking for a "*grimelle*."⁸⁷ They tried to force the other girl to walk, but she resisted. So they started pushing her and slapping her with their hands.

They took us to a clearing not far from the church. They tried to rape me but could not succeed. One came upon me as if to rape me, but since I am a virgin, I was too tight to be entered. Two of the men tried to rape me, while the other two raped the other girl. When the second one did not succeed in entering me, he started to beat me. He started hitting me with the butt of his pistol and with his fist. Then, the other one joined in, hitting me in the head and breasts. They also kicked me in the stomach and buttocks. When they finally stopped beating me, they wanted to know where the pastor was and if I was a supporter of Aristide like my pastor. During this time, the other two were raping the other girl. I could hear her screaming.⁸⁸

After the rape, the men returned S.E. and R.A., both badly beaten and traumatized by the assaults, to the church. The assailants had threatened to "shoot up the place" if anyone came after them. Neither victim filed a police report. They

⁸⁵ Interview, Port-au-Prince, February 13, 1994.

⁸⁶ Ibid.

⁸⁷ Someone with a light-brown complexion.

⁸⁸ Interview, Port-au-Prince, February 15, 1994.

told us they were "putting their faith in God." The next week, they both left for the provinces to stay with relatives.

The pastor went into hiding for one month after the incident, taking it as a warning. While he was in hiding, armed civilians visited his neighborhood searching for his house.

Impunity and the Non-Report of Rape

The pattern of impunity for abuse perpetrated by both state and non-state actors in Haiti was not unique to sexual assault. The Haitian military was notoriously corrupt—characterized by one prominent social scientist as "organized in practice, not in theory, on the basis of corruption [C]orruption is found in the process at all levels, from promotions to post assignments, and in the daily routine of military life."⁸⁹

The Haitian judicial system was widely regarded as corrupt and dominated by the army. Following the 1986 flight from Haiti of Jean-Claude (Baby Doc) Duvalier, each successive army-backed regime, despite lip service to the need for judicial reform, presided over a system utterly lacking in due process guarantees as well as dependent on and subservient to the military.⁹⁰

Judicial redress in ordinary criminal and civil proceedings was difficult to obtain. Few cases were adjudicated each year, and prisoners were commonly held for lengthy periods without a trial or sentence. The resolution of these cases often depended more on money or power than on justice. Since before the coup d'état, the police handicapped investigations by refusing to gather evidence. Moreover, the army interfered with the judicial process at every level, including the harassment and punishment of attorneys and judges for carrying out their duties.

While military authorities ruled Haiti, it was extremely unlikely that a victim of abuse by the military, police or others associated with the military authorities could expect justice. In fact, according to reports by Human Rights Watch and the National Coalition for Haitian Refugees and other human rights groups, despite an appalling record of human rights abuses over the past two and a

⁸⁹ Laguerre, *The Military and Society in Haiti*, p. 155.

⁹⁰ Emile Jonassaint, appointed president on May 11, 1994 by a group of parliamentarians allied with the army, was appointed head of the Supreme Court after the coup d'état against Aristide. For a detailed discussion of the Haitian legal system and its historical domination by the executive and the army, see Lawyers' Committee for Human Rights, *Paper Laws, Steel Bayonets: Breakdown of the Rule of Law in Haiti* (New York: November 1990).

half years, very few perpetrators have ever been held accountable.⁹¹ Thus for victims of rape:

A system that already is so rife with intimidation, bribery, corruption, and outside pressures cannot ensure that victims' rights will be respected, and that perpetrators of assaults will be punished in accordance with the law. Even in business disputes and other simple crimes, there is just too much room for something to go wrong.

There is no reason for anyone, and especially a victim of rape, particularly if her assailants are the military, paramilitary forces, or anyone else even nebulously associated with the military, to believe that there is a chance for judicial redress. It just won't happen. Furthermore, the woman would probably be putting her life in danger. It is no accident that the justice system in Haiti does not work. The government [military authorities] has fostered this and benefits from it.⁹²

In cases documented by the UN/OAS civilian mission, women trying to seek legal redress for rape were met by official indifference and incredulity. One woman, raped by attachés, told us that going to the police would be the equivalent of a "death wish." In general, the women feared that the perpetrators would discover that they were pressing charges and return to do them greater harm.

Not everyone we interviewed shared this point of view. The president of the Port-au-Prince Bar Association, Louis Gary Lissade, told us that he believed strongly that any woman who had been raped by a soldier or attaché could go to the police to report her assault, would be appointed legal representation and could proceed with her trial. However, Mr. Lissade also added that the justice system was "weak" in general and that the investigation of a rape is affected by the wealth of the family:

⁹¹ See Human Rights Watch/Americas and National Coalition for Haitian Refugees, *Terror Prevails in Haiti*; Americas Watch and the National Coalition for Haitian Refugees, *Silencing a People: The Destruction of Civil Society in Haiti* (New York: Human Rights Watch, 1993).

⁹² Telephone interview, William O'Neill, former director of legal services for the UN/OAS civilian mission, April 18, 1994.

If a [raped] woman belongs to a wealthy family, the family will finance the investigation. They can put a car and money at the disposition of the police. The policemen will have an incentive to conduct a thorough investigation. However, if the women is from the lower class and does not know the author of the rape, the police will have no car, no gas [because of the embargo]. It is all so expensive. It will be a difficult situation for the girl.⁹³

Since Aristide's return, although the Haitian army has been disbanded and the interim police force is civilian-controlled, the justice system is being evaluated in preparation for reform but as yet does not provide meaningful protection of due process or guarantee expeditious trials. In the meantime, to our knowledge, not one case of politically-motivated rape has been investigated, tried, or prosecuted.

Failure to Investigate

Despite the risks of abuse and harassment, as reported by the UN/OAS civilian mission, some women did report rape to the authorities during the coup regime. In theory, these cases should have been investigated by civilian authorities and tried in civilian courts. In practice, however, they were handled by the military, with the result that allegations of rape were seldom investigated formally and rapists were rarely brought to trial or punished for their crimes according to applicable law. The military's failure to ensure that rape cases were adjudicated by the proper civilian authorities clearly violated the 1987 Haitian Constitution, which specifies that conflicts between civilian and military personnel should be handled by civilian courts.

The UN/OAS civilian mission documented a case of rape committed by soldiers where the victim reported the assaults to military authorities who then conducted their own, informal investigations and never referred the cases to the civilian authorities.⁹⁴ In this case, a thirteen-year-old girl was raped in Bayeux, Department of the North, by a corporal at a military post. According to the UN/OAS civilian mission: "The military authorities first tried to dismiss the rape by saying that the girl was not a virgin. The corporal was eventually given a

⁹³ Telephone interview, May 4, 1994.

⁹⁴ UN/OAS International Civilian Mission in Haiti, *Report on the Situation of Democracy and Human Rights in Haiti*, A/48/532, October 25, 1993, p.18.

punishment of ten days' detention."⁹⁵ In a second case, a sixteen-year-old girl in the Department of the Northeast was raped by a soldier from the barracks of Fort Liberté. Her family took her to see a doctor who verified the rape and gave her a certificate of his diagnosis. The young woman's family presented all the evidence to a regional commander, who promised to order an investigation. According to the UN/OAS civilian mission's report, "The soldier was arrested for a few days and then released. He has been seen since, in uniform, circulating freely in the area."⁹⁶

The results of the military-conducted investigations in these cases differed from the requirements of Haitian criminal law. In the case of the thirteen-year-old who was raped, according to the Haitian penal code, the soldier, if found guilty, would have been sentenced to imprisonment and hard labor.⁹⁷ In the case of the sixteen-year-old who was raped, the soldier, if found guilty, would have been sentenced to imprisonment from three to nine years. Moreover, because soldiers and police act as public guardians and hold positions of trust and power over Haitian citizens, they, if convicted of rape, would have been subject to more severe punishment for abusing their positions of authority or guardianship.⁹⁸ Instead, the assailants in these two cases were detained for less than two weeks.

Practical Obstacles

When seeking redress for crimes committed against them, rape victims in Haiti confront not only the obstacle of a corrupt and ineffective judicial system, but also procedural hurdles which impede them from pursuing their charges of rape. One such impediment is the difficulty women have in obtaining a certificate verifying sexual intercourse. Haitian women alleging rape must provide a medical certificate from a doctor certifying that sexual intercourse took place. However, the dearth of medical facilities and professionals in Haiti has made it extremely

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Article 279 of the Haitian penal code provides: "Whosoever commits the crime of rape, or who attempts other indecent assaults, whether consummated or attempted, involving violence against individuals of either sex, will be punished with imprisonment." Article 280 further provides: "If the crime is committed against a minor under the age of fifteen, the guilty will be subjected to punishment of hard labor of limited duration."

⁹⁸ Section IV, Article 279 states that "The punishment shall be a life sentence of forced labor if the guilty one is of the class of those who have authority over the person towards that which they have committed the attack, if they are primary school teachers or wage servants, or if they are civil servants or clergy...."

unlikely that alleged rape victims can collect the critical forensic evidence⁹⁹ and document injuries sustained during rape. Without these evidentiary requirements, which are critical to the prosecution of rape cases, the survivors are denied due process.

In theory, women can go to local, public hospitals or clinics to obtain certification of intercourse. In practice, in the rural areas outside of Port-au-Prince and Haiti's other larger cities, public hospitals or clinic facilities are scarce to non-existent. Even where public hospital or clinic facilities are available, they are frequently undersupplied with materials and overwhelmed by the demand for services.

Given the lack of medical services available in public facilities, the only option for obtaining medical diagnosis and treatment for many women is with private doctors. But many rape victims are unable to afford private medical attention. Consequently, these women go untreated and their rape allegations go uninvestigated for lack of evidence. According to one Haitian family law attorney, "It has always been a problem to prove a rape in Haiti. Material conditions prevent them [the women] from going to a doctor. A woman who has been raped will probably not be seen at the Port-au-Prince General Hospital, since they tend to treat only grave injuries, and she would be forced to go to a clinic or private hospital."¹⁰⁰

The Port-au-Prince General Hospital currently is more capable of providing treatment for victims of rape because it is no longer overwhelmed by the injured victims of violence associated with the now replaced coup regime. Nevertheless, since physical evidence is essential to the prosecution of cases in Haiti and public clinics and hospitals are scarce, and many women lack the financial means to pay for such an exam, the Aristide government should make a commitment to ensure that victims of rape have immediate access to free medical attention to document the physical assault.

The Role of Discrimination and Stigma

At least four factors influenced the reporting and adjudication of rape cases which made it particularly difficult to obtain redress under the coup regime. Of these, two affected the general population as well: the fear of reprisal and the ineffectiveness of a military-dominated justice system. The remaining two,

⁹⁹ During these exams, the doctor collects semen, pubic hair and other such evidence from the woman's vaginal area.

¹⁰⁰ Telephone interview, March 13, 1994.

longstanding sex discrimination in the criminal justice system and the social stigma associated with rape, affected women victims of sexual assault in particular and may continue to affect women's access to justice for sex crimes.

Rape, under the Haitian penal code, is among those crimes considered to be "assaults on morals." This classification of rape reflects the perception that the harm inflicted by the assault consists of damage to the victim's morals or honor, rather than to her physical integrity and well-being.¹⁰¹ The investigation and prosecution of rape thus routinely stress not the physical harm done to the woman but rather the status of her honor or morals. Consequently, women who allege rape must endure public scrutiny of their "morality"; the rape of a non-virgin may be considered a less serious offense because her honor is perceived to be already compromised. In the case of the thirteen-year-old raped in Bayeux described above, for example, military authorities tried to dismiss a rape accusation based on the assertion that the victim was not a virgin. In their eyes, her putative status as a non-virgin rendered her story not credible and meant that she could not be raped.

Assessing a woman's credibility in light of her sexual history reinforces the discriminatory standards by which men's and women's behavior are judged. Sexual behavior is considered normal for a man but is viewed as undermining a woman's honesty and as rendering her automatically sexually available. These different standards for assessing the behavior and credibility of women and men, when accepted by the courts, allow bias and discrimination to compromise the effective investigation and prosecution of women's allegations of rape.

Rape in Haiti, as in most of the world, is considered an extremely shaming act. Women, particularly unmarried women, do not want anyone to know that they have been raped. A Haitian human rights activist told us that when a girl is about to be married, both sides of the family are interested in her virginal status. If she is not a virgin, it is a "dishonor for the girl and especially for her family."¹⁰²

Despite Haiti's return to democratic rule, we remain concerned that legal redress for rape may still be hampered by a biased criminal justice system. To date, there has been no substantive change in the criminal code that lists rape under such a misleading heading as "assaults on morals." Neither judges nor police have extensive training in how to handle rape cases. Absent necessary legal reform and

¹⁰¹ For a discussion of the biases reflected in rape laws, see generally Dorothy Q. Thomas and Regan E. Ralph, "Rape in War: Challenging the Tradition of Impunity," *The [Johns Hopkins University School of Advanced International Studies] SAIS Review*, vol. XIV, no. 1 (Winter-Spring 1994), pp. 81-99.

¹⁰² Telephone interview, March 18, 1994.

training, women may continue to find themselves inhibited in bringing charges of rape, given the possibility that their character and comportment receive more attention than the crime committed against their physical integrity and personal dignity.

U.S. Policy

For months prior to helping restore Aristide to power, U.S. policy consisted of downplaying the human rights crisis in Haiti and turning back refugees fleeing by sea.¹⁰³ On April 12, 1994, for example, a cable from the U.S. Embassy in Port-au-Prince to Secretary of State Warren Christopher cast doubt on rising reports of human rights abuses, particularly reports of rape, and sought to discredit the work of human rights organizations monitoring the situation in Haiti.¹⁰⁴ Then, in response to criticism from human rights groups, members of Congress, and the American civil rights community, President Clinton imposed sanctions against the Cédras regime, began screening refugees to determine their eligibility for political asylum, and acknowledged the severity of the human rights abuses in Haiti.

The Asylum Process

Review of Haitian asylum claims through In-Country Processing (ICP)—closed down since the invasion—was the only procedure available to fleeing Haitians. It was criticized as seriously flawed and incapable of providing consistently fair hearings for asylum applicants. The U.S. mischaracterization of the human rights situation skewed the asylum process at every stage. Human Rights Watch and the National Coalition for Haitian Refugees criticized the program's deficiencies, including its application of a stricter standard than that contemplated in the 1951 Convention Relating to the Status of Refugees and the apparent skepticism by U.S. interviewers regarding the veracity of Haitian claims of political persecution.¹⁰⁵

¹⁰³ For a comprehensive analysis of U.S. foreign policy in Haiti, see Human Rights Watch/Americas and National Coalition for Haitian Refugees, *Terror Prevails in Haiti*.

¹⁰⁴ Regarding rape, the cable read: "We are, frankly, suspicious of the sudden, high number of reported rapes, particularly in this culture, occurring at the same time that Aristide activists seek to draw a comparison between Haiti and Bosnia." The cablegram, written by human rights officer Ellen Cosgrove, approved by Ambassador William Swing and reviewed by in-country processing Refugee Coordinator Luis Moreno, was leaked to the U.S. press in early May.

¹⁰⁵ *Ibid.*

Human Rights Watch and the National Coalition for Haitian Refugees were particularly concerned about the review of asylum claims involving rape. Numerous Haitian women sought political asylum on the grounds that they had been targeted and sexually assaulted as Aristide supporters. In February, the U.S. Embassy's refugee coordinator, Luis Moreno, estimated to Human Rights Watch that 25 percent of the principal applicants¹⁰⁶ for asylum were women and that approximately 5 percent of these claimed to have been raped for political reasons.¹⁰⁷

In our February 1994 interview, Moreno assured us, "Everything possible is done to steer these cases to women case workers . . . and the case workers are quite sensitized to the problem." But, contrary to Moreno's assurances, the U.S. asylum process not only disregarded rape as a human rights abuse but also failed to understand its function as a tool of political persecution and hence its legitimacy as the basis for an asylum claim. Olen (Sam) Martin, who until June 1994 was the INS officer-in-charge in Port-au-Prince,¹⁰⁸ stated:

[The women] mostly blame attachés. I don't know if it is true or not—it must be true in some cases, but women have a tendency to blame the worst person they can think of to justify why it happened. It's hard to sort out imagination and what really happens. . . . They always say armed civilians, but again, it's perception versus whether they are really armed. . . . Attachés live in the same neighborhoods, everyone knows everyone. There have been some [asylum] cases approved based on a rape argument. [There can be] story inconsistencies—if the husband is sitting there you can figure it out. The way the woman acts when she tells the story, etc.¹⁰⁹

Martin apparently believed that rape was a basis for asylum only if it was both politically motivated and premeditated:

¹⁰⁶ The "principal applicant" is the person whose name is on the asylum application, as opposed to dependent family members who, if the principal applicant were granted asylum, would also gain asylum.

¹⁰⁷ Interview, Port-au-Prince, February 8, 1994.

¹⁰⁸ He was replaced in June 1994 by Jean Christianson.

¹⁰⁹ Interview, Port-au-Prince, February 11, 1994.

If people really went after someone and did it, then the victim [of rape] would certainly have a case. But you have the intentionality question, did they set out to do it? We look for why they [the alleged perpetrators] went there [to the house]. If they went with the intent to rape, if it was an attaché, etc. You see the section chiefs or the military disputing with people over property, for example. The cases are very complex.¹¹⁰

To our knowledge, no legal requirement exists that a victim of persecution show that his or her attacker had formulated a premeditated intent to commit assault of any kind. Rather, to make a successful asylum claim under U.S. law, an individual must demonstrate a well-founded fear of persecution based on his or her actual or imputed political opinion, or other recognized status.¹¹¹ Thus an individual targeted by the military or its civilian allies for actual or perceived support of Aristide should have his/her asylum claim reviewed on the basis of his/her ability to establish these criteria without distinction as to the type of abuse suffered—whether rape, beating or arbitrary detention. This standard should be applied without discrimination and should not be altered in light of the kind of abuse underlying an asylum claim.

As the ICP program was administered, Human Rights Watch and the National Coalition for Haitian Refugees doubted that women victims of political violence could receive a fair asylum hearing. Misconceptions about how rape functions as a form of political or other persecution and the lack of clear guidelines as to how to assess rape for purposes as the basis of an asylum claim only hampered the process. These problems needed to be remedied for those involved in the new screening procedures outside of Haiti, as well as those who processed claims through ICP, so that female asylum-seekers would receive fair asylum hearings.

Overcoming such barriers to women's ability to receive fair asylum hearings requires acknowledging the nature of rape as a tool of political persecution. In a May 1993 decision, the U.S. Board of Immigration Appeals (BIA) granted asylum to a Haitian woman who alleged that she had been gang-raped by three soldiers after they broke into her family home and identified her as an Aristide supporter. BIA found that she had demonstrated a well-founded fear of

¹¹⁰ Ibid.

¹¹¹ Also eligible for asylum are those who fear persecution on the grounds of race, religion, nationality or membership in a particular social group.

persecution on the basis of political opinion because she "suffered grievous harm in direct retaliation for her support of and activities on behalf of Aristide." This is the first BIA decision that explicitly recognized rape as a form of grievous harm that could be imposed in retaliation for political activities.¹¹² In May 1995 BIA formally designated the case as a binding precedent for future asylum adjudication and thus officially acknowledged that women may suffer persecution in the form of rape.

In order to ensure that women's asylum claims are fairly interpreted and processed, Human Rights Watch and the National Coalition for Haitian Refugees also urged the INS to adopt guidelines to ensure that women's asylum claims received a full and fair hearing.¹¹³ On May 26, 1995, the INS issued revised instructive guidelines for adjudication of asylum cases based wholly or in part on gender. These guidelines are intended to make the asylum process more responsive to the particular circumstances female claimants have encountered. The guidelines also explain how an asylum applicant's gender may determine the nature of her claim. In other words, the guidelines recognize that certain kinds of harm, such as rape, may be gender-specific and that, in other instances, women may be targeted for persecution because they are women. These guidelines represent an important step toward recognizing that abuses of women's human rights that drive them into flight from their home countries often are political in nature and may constitute a form of persecution.

Haiti's military regime presided over a campaign of human rights violations aimed at destroying all forms of opposition to its rule. As part of this campaign of terror, the military and its auxiliaries targeted women known or perceived to be Aristide supporters with sexual assault. Soldiers, police and attachés also attacked women activists working with women's rights organizations and other social or political groups. The military regime failed both to denounce rape committed by its agents and to punish those responsible. In this environment—where no one was held accountable for gross human rights

¹¹² Deborah Anker, *Law of Asylum in the United States* (American Immigration Law Foundation, forthcoming winter 1996), p. 117. We are grateful to Ms. Anker for her assistance in locating and analyzing this case.

¹¹³ See Nancy Kelly (Women Refugees Project), Deborah Anker (Women Refugees Project) and Michele Beasley (Women's Commission for Refugee Women and Children), "Proposed Guidelines for Women's Asylum Claims," presented to the Immigration and Naturalization Service on April 19, 1994. Human Rights Watch Women's Rights Project participated in the preparation of the proposed guidelines.

abuses—women had no protection against rape and no way of seeking redress after they were assaulted.

Haiti's military regime compromised the integrity and autonomy of the entire criminal justice system. The police operated as part of the military, and both lawyers and judges were constantly harassed and intimidated by soldiers and police. Thus all aspects of law enforcement in Haiti—from investigation of reported crimes to trying alleged criminals—were controlled by the military, which was itself responsible for perpetuating and sanctioning abuse. As a consequence, rape victims knew that they could not expect full and fair investigation of crimes committed against them. Moreover, women feared retaliation at the hands of police should they attempt to report rape. These factors, and the fact that women are stigmatized as rape victims, made women extremely reluctant to report rape either to authorities or to those monitoring the human rights crisis in Haiti.

Nonetheless, reports of rape in Haiti under the Cédras regime pushed the international community and U.S. policy makers to recognize the function of rape and sexual assault as weapons of political persecution. We commend the efforts of the UN/OAS civilian mission and the Inter-American Commission on Human Rights to document and denounce rape as an instrument of repression. Their documentation was crucial to establishing the extent of the human rights crisis in Haiti and to identifying those responsible for abuse.

In the end, the U.S. government acknowledged the use of rape as a tool of political repression and apologized for casting doubt on the credibility of the reporting of U.S. human rights organizations. However, it first failed both to denounce rape adequately as a human rights abuse and to create conditions for the fair review of asylum claims based on sexual assault.

We urge that while the Haitian Truth Commission has dedicated itself to documenting and exposing human rights violations that took place in Aristide's absence, and while Aristide has created a Ministry on the Status and Rights of Women to address women's concerns and coordinate women's issues throughout the country, these efforts be supplemented by substantive changes to the criminal code and reform of the judicial system in Haiti to afford women victims of political, other persecution and crimes such as rape and sexual assault, legal redress. What is required is a mandate from Aristide's government reiterating the absolute necessity of implementing such changes.

INDIA: RAPE IN KASHMIR