

Summer 2011

Many Voices: Combining International Human Rights Advocacy and Grassroots Activism to End Sexual Violence in Haiti

Yifat Susskind
MADRE

Follow this and additional works at: <http://academicworks.cuny.edu/clr>



Part of the [Human Rights Law Commons](#)

Recommended Citation

Yifat Susskind, *Many Voices: Combining International Human Rights Advocacy and Grassroots Activism to End Sexual Violence in Haiti*, 14 CUNY L. Rev. 339 (2011).

Available at: <http://academicworks.cuny.edu/clr/vol14/iss2/5>

MANY VOICES: COMBINING INTERNATIONAL HUMAN RIGHTS ADVOCACY AND GRASSROOTS ACTIVISM TO END SEXUAL VIOLENCE IN HAITI

*Yifat Susskind*¹

On January 12, 2010, less than one minute of violent shaking took over 200,000 lives in Haiti and rendered more than one million more homeless. The reverberations of the earthquake are still being felt. Haitian women have remained at the epicenter of a corollary disaster: an epidemic of sexual violence in the displacement camps of Port-au-Prince.

Since the earthquake, MADRE, an international women's human rights organization, has worked with our local partner organization, KOFAVIV², a Haitian grassroots women's group founded by and for rape survivors. The two organizations have implemented community-based anti-violence strategies in the camps and worked to meet the most urgent needs of rape survivors. This short-term action has been coupled with an international human rights advocacy strategy to create lasting change that protects the lives and rights of women living in hazardous conditions in the camps.

This paper will chronicle the advocacy approach behind the broader human rights "Campaign to End the Epidemic of Rape in Haiti." The campaign has succeeded in opening political and policymaking spaces previously closed to Haitian grassroots women activists and generated a landmark legal decision. These advances reflect a model in which the expertise of an international women's human rights organization is mobilized in the service of a community-based women's group. The approach enables international human rights mechanisms that are far removed from the local con-

¹ Yifat Susskind is the Executive Director of MADRE, an international women's human rights organization. She works with women's human rights activists from Latin America, the Middle East, Asia, and Africa to create programs in their communities to address women's health, violence against women, economic and environmental justice, and peace building. Many thanks go to Lisa Davis, MADRE Human Rights Advocacy Director and Clinical Professor of Law for the International Women's Human Rights Clinic at CUNY School of Law, the attorneys and advocates who spearheaded the submission of the petition for precautionary measures to the Inter-American Commission on Human Rights (IACHR), and our Haitian grassroots partners whose bravery and uncompromising vision propels the international movement to demand Haitian women's human rights.

² *Komisyon Fanm Viktim Pou Viktim* or Commission of Women Victims for Victims.

text to be activated in a manner responsive to the self-identified needs and political demands of women who are themselves the survivors of gross human rights violations. While legal advocacy for human rights is often most effectively undertaken in the international arena, human rights violations are necessarily local events. Crafting a legal strategy that is an organic extension of a broader grassroots political mobilization serves to bridge the gap between the local and international arenas of advocacy, strengthening the work of each.

AFTER THE EARTHQUAKE, MOBILIZING TO END SEXUAL
VIOLENCE IN THE DISPLACEMENT CAMPS

In the many hundreds of tent cities haphazardly built to shelter those with no other place to go, and now blanketing the Haitian capital of Port-au-Prince and surrounding areas, women and girls face horrifying levels of sexual violence. Many lost their families, saw their possessions and livelihoods destroyed, and now struggle to survive with little protection or support. More than two years after the disaster struck, women living in the displacement camps still suffer the same threats: a lack of security, a lack of lighting, a lack of privacy or adequate housing, and a lack of accessible health facilities. The combination of these pernicious factors has meant that women live in constant fear of a rapist intercepting them on the way to poorly lit and distant latrines or easily breaching their flimsy tarp tents to assault them during the night.

These conditions were triggered by the events of January 12, 2010. In the immediate aftermath of the earthquake, many individuals and large aid organizations struggled to overcome the significant obstacles that stood in the way of delivering humanitarian relief.³ Rushing to help but not knowing the lay of the land, their efforts faltered, and aid supplies languished far from those they were meant to assist.⁴ However, MADRE had already worked in Haiti for many years and had established relationships with both Haitian and regional women's groups. Even with roads destroyed and the airport closed, these local connections allowed us to cir-

³ See MADRE, IWHR CLINIC AT CUNY SCHOOL OF LAW & IJDH, *OUR BODIES ARE STILL TREMBLING: HAITIAN WOMEN CONTINUE TO FIGHT AGAINST RAPE, ONE YEAR UPDATE*, at 11 (2011), available at <http://reliefweb.int/rw/rwb.nsf/db900sid/KKAA-8CZ59M?OpenDocument>.

⁴ Yifat Susskind, *Aid is Power: Who Do You Want to Empower?*, MADRE NEWS (Feb. 2, 2010), <http://www.madre.org/index/press-room-4/news/aid-is-power-who-do-you-want-to-empower-287.html>.

cumvent barriers that hindered the delivery of aid by larger organizations.

Through our sister organization KOFATIV, immediate relief from MADRE was able to be directed effectively and where it was needed most. The commitment to providing emergency relief in response to the crisis—even before the advent of any longer-term legal advocacy strategy—was key to building ties with women at the heart of the crisis. These relationships, in turn, facilitated the partnership that, in subsequent months, drove the advocacy campaign to combat sexual violence.

Since its founding in 2004, KOFATIV has built a strong network of community organizers and women's rights activists fighting to end sexual violence. After the earthquake, the surviving members of KOFATIV joined countless others who were displaced and forced to live in the dehumanizing and dangerous conditions of the camps. With support from MADRE, KOFATIV distributed kits of basic supplies like pots, blankets, and soap to women and their families. They created an open gathering space in one section of a camp, giving people a place to come together and begin the long process of rebuilding community networks destroyed in the earthquake. They worked to combat the mounting sense of isolation and of communal disintegration created by the destruction of entire neighborhoods and by living in a maze of hastily erected tents.

As these efforts progressed, women in the camps made clear that they had identified protection from rampant and rising sexual violence as their number one priority, even above ensuring access to food. In response, MADRE, working with KOFATIV, launched a "Campaign to End the Epidemic of Rape in Haiti." As most of KOFATIV's members live in the displacement camps, the campaign was rooted in their first-hand understanding of conditions that women face. Moreover, the campaign was driven by KOFATIV's expertise in empowering survivors of sexual violence to become human rights defenders. Through human rights training and psycho-social support, rape survivors come to recast the abuse they have endured not as unavoidable misfortune, but as the violation of rights they are owed. The shift is not only a personal transformation that facilitates healing; it is a gateway to survivors of violence becoming human rights activists. The campaign combined this aspect of KOFATIV's work with MADRE's decades of experience developing community-based anti-violence strategies and using international advocacy in the service of local efforts to protect and advance women's human rights.

A MODEL FOR EFFECTIVE LOCAL/GLOBAL ACTIVISM

A common feature of colonialism and more recent economic globalization is that local conditions, particularly in the poorest countries, are typically generated and exacerbated by policies put in place far from the impacted community. Those in the community often have very little access to decision-making, which may take place in foreign capitals or at international financial institutions. Activists seeking to develop local solutions often find their efforts to be Sisyphean and ultimately exhausting ventures, undermined by externally imposed limitations. For instance, in Haiti, efforts to combat poverty have been stymied for years by policies of the International Monetary Fund, with no consultation from local communities. Campaigns to build truly representative democracy were undone by staunch foreign support for regimes like that of the Duvaliers.

MADRE demands a space for community-based activists' voices to be heard in arenas typically cloistered for international elites. We devote resources—and campaign for others to do the same—to facilitating the participation of grassroots women through efforts such as popularizing human rights legal texts, arranging for translation, financially compensating community activists for their time and expenses incurred in the work, and providing the training and support needed for community-based women to represent themselves effectively in international meetings or in testimonies to UN human rights bodies.

All the while, we maintain the injunction to “act locally,” to root our global strategies in the priorities of grassroots women and to translate our victories at the international level into concrete tools that support local advocacy strategies. This simultaneous engagement at the local and global levels expands the range of possible venues for action by community-based activists and it grounds and substantiates international advocacy by making it immediately relevant and accountable to those it is meant to serve.

In this model, community-based women have the necessary support to identify the violations they face, formulate remedies, and then pursue legal backing of those remedies, often in the international arena. We have sometimes heard despondent human rights lawyers say, “We won a positive ruling, but nothing changed.” That is because it is incumbent on us to *make* the change. Community-based activists recognize that a favorable international ruling is only as good as its implementation. When we secure a victory, often in the form of legal recommendations or

concluding observations on a human rights report, it signals a half-way mark in an advocacy campaign. Then starts the work to ensure that local activists have the training and strategies they need to pursue the realization of that legal victory: for any actual advance in human rights requires that international recommendations be “brought home” through popular trainings that enable local activists and their allies to demand relevant policy changes.

Pivotaly, the interplay between local activism and international advocacy creates a positive feedback loop, in which advocacy victories at the international level made possible by grassroots input then cycle back into the hands of community-based activists. These activists use these victories to strengthen their local demands for policy implementation and eventually to bring reports of their progress back to the international level. Each iteration of this process further reinforces efforts to secure human rights at the local level.

APPLYING THE MODEL IN HAITI

This model has informed MADRE’s work with our partner organizations in Haiti. Always, the impetus for this type of concerted action comes from the local conditions of human rights abuse, as observed, lived, and confronted by the community-based groups on the ground. In the case of the earthquake’s aftermath in Haiti, the early reports of rape we received from our partners and our history of gender-sensitive disaster response alerted us to this escalating crisis in the camps, and MADRE was able to mobilize quickly in response.

As the level of sexual violence in the camps began to escalate, the strong presence of local women’s groups on the ground provided an indispensable first response to the crisis. KOFAVIV organized distributions of whistles and flashlights, simultaneously conducting a public education campaign to spread the word that a woman in danger should blow the whistle three times to summon the help of her community. They organized community-based security patrols to ensure women’s safety in their tents and as they moved about the camp. As a continuation of their long-standing work to provide medical and psycho-social care to rape survivors, they arranged group-counseling meetings and accompanied rape survivors to medical facilities to seek assistance.

Even as women in the camps were proving to be critical first-responders to the twin crises of the earthquake and the epidemic of sexual violence unleashed in the aftermath, their expertise and

their agency went unrecognized by the authorities administering the displacement camps in Haiti. Following the earthquake, a dizzying array of international interventions were constructed, few with input from local civil society and even fewer that acknowledged the work done by grassroots women to confront the growing and ever-present threat of sexual violence. For instance, as a part of the response of the United Nations, a “cluster” system was erected to coordinate the activities of international agencies and NGOs around a series of issues, including gender-based violence (GBV).⁵

Despite the critical services being provided by KOFAVIV and other Haitian grassroots women’s organizations, they were excluded from the regular meetings of the GBV sub-cluster. The meetings were conducted in French to facilitate participation by international organizations, rather than in Haitian Kreyol, the language spoken fluently by members of the grassroots women’s groups.⁶ The meetings were held on a UN base located far from the camps, rendering it even more difficult for women to afford the time and money to attend. Making matters worse, women lacking the appropriate UN pass would be denied entry to the securitized setting of the UN base. This failure to prioritize consultation with grassroots women living and organizing in the camps undermined the accuracy of the sub-cluster’s needs assessment and the effectiveness of its activities.

Meanwhile, at the international level and as the reconstruction agenda was drafted, the exclusion of grassroots women’s voices persisted. At a major donor conference held at UN Headquarters in New York City in March 2010, MADRE was a key organization pushing for the inclusion of Haitian women’s perspectives and recommendations in those deliberations. Our demands were ignored. As a result of these and other marginalizations, sexual violence against Haitian women remained at the bottom of the policy-making agenda. All this, while grassroots women’s groups were systematically gathering evidence to bolster their concrete policy recommendations: for increased security presence in the camps; for

⁵ The UN Gender-Based Violence Sub-Cluster in Haiti (the “GBV Sub-Cluster”). For more information, see <http://oneresponse.info/Pages/default.aspx>.

⁶ See Request for Precautionary Measures Under Article 25 of the Commission’s Rules of Procedure, by Int’l Women’s Human Rights Clinic (IWHR) at the City Univ. of N.Y. (CUNY) Sch. of Law, MADRE, Inst. for Justice & Democracy in Haiti (IJDH), Bureaux des Avocats Internationaux (BAI), Morrison & Foerster LLP, Ctr. for Constitutional Rights (CCR) & Women’s Link Worldwide, at Appendix A (Oct. 19, 2010), available at <http://www.madre.org/index/press-room-4/news/iahcr-sets-recommendations-for-haitian-government-to-address-sexual-violence-in-idp-camps-544.html> [hereinafter Request for Precautionary Measures].

the installation of lighting; for streamlined and efficient legal processes for women filing a claim of rape; for medical assistance from doctors trained specifically to respond to sexual violence; and more.

Together, MADRE and KOFIVIV strategized to overcome these obstacles of exclusion. Even as we implemented emergency measures in the camps, we turned our attention to achieving long-term solutions and eradicating abusive conditions through human rights advocacy at the international level.

Testimony Before the UN Human Rights Council

Malya Villard-Appolon was raped during the 1991-94 military dictatorship and came together with other rape survivors to create KOFIVIV. After the earthquake, as KOFIVIV's work became even more urgent, Ms. Villard-Appolon was one of the key leaders organizing women in the camps, and hers was one of the many critical voices not considered in processes led by international agencies and NGOs.

On June 7, 2010, accompanied by attorneys from MADRE, the Institute of Justice and Democracy in Haiti (IJDH) and the law firm Morrison & Foerster, Malya attended and testified before the 14th Session of the UN Human Rights Council in Geneva, a body specializing in monitoring human rights conditions around the world. Before a packed room of UN representatives, she told them about the grave danger to women's lives in the camps. In her testimony, she reported:

Conditions in the displacement camps, following the January 12 earthquake, have greatly exacerbated women's vulnerability to rape. I live in a tent in a camp. I have witnessed violence against women and girls. And, I have also witnessed the completely inadequate government response. KOFIVIV has recorded at least 242 cases of rape since the earthquake. But, we have yet to see a case prosecuted.⁷

This was the first time the UN representatives in that room had heard directly from a woman living in the camps, who could testify as a first-person witness and who could demonstrate clearly both the needs and the proper course of action. Without her presence, the topic would have remained an abstract concern, lacking immediacy. Ms. Villard-Appolon's testimony galvanized a new sense

⁷ *Oral Intervention of Malya Villard-Appolon*, MADRE NEWS (June 7, 2010), <http://www.madre.org/index/press-room-4/news/madre-partner-from-haiti-testifies-before-the-un-human-rights-council-403.html>.

of urgency, which finally translated into an international focus on the question of sexual violence in the camps.

Petitioning the Inter-American Commission on Human Rights

Early in 2010, MADRE began to prepare for another major international push to demand concrete actions to address the rape crisis in the camps: the submission of a legal petition to the Inter-American Commission on Human Rights (IACHR). The human rights entity of the Organization of American States (OAS), the IACHR is imbued with the authority to issue legally binding recommendations, known as precautionary measures, which its member states are obligated under international law to uphold. Through the process of filing a legal petition, MADRE and our partners saw yet another opportunity to secure a space at the international level for women's voices, in a manner that could generate concrete local results.

We joined with a group of attorneys from the International Women's Human Rights (IWHR) Clinic at CUNY School of Law, Women's Link Worldwide, the Center for Constitutional Rights, the Institute for Justice and Democracy in Haiti, Morrison & Foerster as well as grassroots groups in Haiti, including KOFIVIV, FAVILEK,⁸ KONAMAVID,⁹ and The Bureau des Avocats Internationaux.¹⁰ Drawing from months of on-the-ground evidence-gathering and interviews with rape survivors, together these groups crafted a legal petition that took the stories and the demands of grassroots women and translated them into the legal format required for such a mechanism. Submitted on October 21, 2010, it called for urgent action to confront an epidemic of sexual violence in the camps for displaced people, revealing a shocking pattern of rape, beatings, and threats against the lives of women and girls living in the camps. Furthermore, it asked the IACHR to require the government of Haiti and the international community to take such immediate action as ensuring security, installing lighting, and guaranteeing access to medical care in the camps.

In a series of unprecedented actions, the IACHR moved to advance the demands codified in the petition. Upending their standard practice, the IACHR simultaneously sent a letter to the

⁸ *Fann Viktim, Leve Kanpe* or Women Victims, Get Up Stand Up.

⁹ *Kodinasyon Nasyonal Viktim Direk* or National Coordinator of Direct Victims.

¹⁰ The Bureau des Avocats Internationaux (BAI), a public interest law firm in Port-au-Prince that launched the Rape Accountability and Prevention Project (RAPP) in June 2010, represents over 50 women and girls in rape cases.

government of Haiti calling for an investigation and issued a public statement on November 18, 2010 decrying the conditions of sexual violence in the camps, choosing not to defer their response until after having heard the Haitian government's position. This acceleration of the IACHR's standard procedures reflected the sense of urgency created by the infusion of grassroots voices into cogent legal argumentation.

In early January 2011, the IACHR made its final decision, concurring with the petitioners and issuing a legally binding set of recommendations to the Haitian government: ensure medical and psychological care to rape survivors; install lighting and implement effective security measures in 22 displacement camps; ensure that public officials are trained to respond appropriately to incidents of sexual violence; create special units within law enforcement to investigate violence against women and girls; and guarantee access for grassroots women's groups in planning and policy-making to address sexual violence.

The IACHR enacted other landmark moves. In past decisions, governments were only held responsible for rape committed by state actors, yet the IACHR expanded on this precedent. It held the Haitian government responsible for violations committed by private individuals. Furthermore, while the petition for precautionary measures was submitted specifically on behalf of thirteen Haitian women and girls, it also made explicit reference to the severe human rights violations impacting *all* Haitian women and girls in 22 displacement camps who had experienced or were under threat of sexual violence. The inclusion of this last measure was both aspirational and necessary. Previous decisions to protect women facing the threat of sexual violence have been implemented for specific individuals; the precautionary measures granted on behalf of an unnamed and uncounted group of women represents a new precedent.

Our work with our grassroots partners had clearly shown us that the type of policy action necessary to remedy the human rights violations of the thirteen women and girls was also urgently needed by the many more that had not come forward. Looking at our evidence, the IACHR concurred, granting the precautionary measures for all women and girls facing sexual violence in the 22 camps. A legal precedent was set, bolstering the recognition of the right to be free from sexual violence, and international women's human rights advocates worldwide were afforded yet one more tool in their struggle. For communities under siege around the world,

this decision has created new possibilities to demand attention and legal protection.

The decision also emphasized the need for the participation of grassroots women's groups. This written recognition of this principle is a vital tool in combating the exclusion of grassroots voices that has hamstrung human rights advocacy efforts and that undermines the democratic imperative of international law.

CREATING A POSITIVE FEEDBACK LOOP BETWEEN THE LOCAL AND THE GLOBAL

Attracting the attention of international human rights bodies and experts is not the ultimate aim of our campaign; our focus remains on changing the concrete conditions that women living in the displacement camps experience. To make real change possible in women's lives, we have worked since the IACHR's decision to take these advances, conduct human rights trainings to ensure that their content is meaningful to our grassroots partners, and facilitate their access to policy-making circles to voice their demands that their internationally-recognized rights be implemented.

This model holds the promise of allowing us to reach what some would call an overly-ambitious goal: ending the epidemic of rape in the displacement camps in Haiti. This approach flies in the face of complacent attitudes that assume the inevitability of sexual violence against women and asserts that the strategic efforts of committed activists can have world-changing effects.

Yet, it also offers another hope. It changes international law in favor of women's human rights, setting legal precedents that can be used in other places at other times. In so doing, we build on the groundbreaking work of women's human rights advocates who challenged international law when it failed to meet the demands of grassroots women and who created a foundation for this model of advocacy. In the 1990s, they fought for the International Criminal Tribunals for Rwanda and the former Yugoslavia to recognize rape as a weapon of war, refusing arguments that cast sexual violence as merely incidental. For years, these advocates demanded an end to the use of politically motivated rape to terrorize women activists in Haiti and beyond. The international legal standards and advocacy tools we have at our disposal today are thanks to their ceaseless work. Continuing that legacy, we strengthen a body of tools and strategies that can be put in place to protect the rights of women in Haiti and around the world, today and in the future.

In our response to sexual violence in Haiti, the effective com-

bination of grassroots activism and international human rights advocacy has built a momentum that holds out extraordinary promise. Within reach, we can see a future where real action is taken to protect women and girls from rape and where international law reflects the priorities of grassroots women.

