



# A BARRIER TO WORK, LIFE AND RIGHTS: SEXUAL HARASSMENT IN HAITI

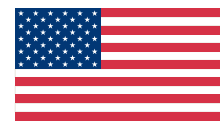
Heartland Alliance International  
and Initiative pour un Développement Équitable en Haïti

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# TABLE OF CONTENTS

Acknowledgements	01
About Heartland Alliance International	02
Executive Summary	03
Findings	05
Introduction	07
Literature Review	09
Field Research Methodology	14
Women in and around the Workplace	19
Girls in Schools	35
Analysis of the Legal Framework	41
A Call to Action	47



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# ACKNOWLEDGEMENTS

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This report was authored by Marie de Cenival, HAI's Senior Gender Advisor. HAI thanks its partner Initiative pour un Développement Équitable en Haïti (IDEH) for its support conducting this research, particularly Claudine Saintal, IDEH's Executive Director and Dieudonne Zidor, IDEH's Advocacy Officer, who coordinated the research field teams and contributed to the analysis. HAI extends its thanks to Rachel Guha, who provided research assistance, and to the New York School of Law for their contextual research and analysis. The Groups of the Southwest Against Sexual Harassment (GASECH), a local Haitian collective, coordinated research efforts in schools. HAI also thanks the Ministry for the Status and Rights of Women in Haiti for their thorough review of the legal framework analysis and the International Association of Women Judges who inspired this analysis of sexual harassment as a phenomenon that is as much an act of corruption as it is sexual violence.

# ABOUT HEARTLAND ALLIANCE INTERNATIONAL

Heartland Alliance International (HAI) is the youngest and fastest growing part of Heartland Alliance for Human Needs & Human Rights, a family of organizations that has been leading anti-poverty and social justice work in Chicago for more than 125 years. HAI is comprised of nearly a dozen country offices implementing programs on a broad range of human rights issues globally, as well as the Chicago-based Marjorie Kovler Center for the Treatment of Survivors of Torture, which serves individuals from more than 50 countries. HAI has significant expertise in the fields of trauma-informed mental health care and access to justice for survivors of rights abuses. It is also an industry leader in access to high-quality and stigma-free health care. Across all of its programs, HAI promotes progressive, innovative approaches to human rights protections and gender equality.

HAI has extensive expertise in trauma-informed mental health methodologies and programs that prevent harm and advance the rights of women, girls, and LGBT individuals. As such, HAI has placed a progressive gender analysis and approach into the heart of its mandate. Additional information on HAI's global programming can be accessed at [heartlandalliance.org/international](https://heartlandalliance.org/international).

**There is no healing without justice, and no justice without healing.**

# EXECUTIVE SUMMARY

In March 2016, six years after the devastating earthquake, Haiti continues to struggle with political violence and human rights violations. The earthquake highlighted the rampant sexual violence and abuse within internally-displaced persons (IDP) camps. Despite the recognition that women's rights were violated following the earthquake, almost no stakeholders acknowledged the link between ongoing violence against women and the lack of women's participation in Haiti's reconstruction efforts. Starting in 2010, Heartland Alliance International (HAI) with funding from the United States Agency for International Development (USAID), worked with Haitian grassroots women's groups to help strengthen the women's movement and engage women in the reconstruction effort. During these workshops and conversations, women shared stories that demonstrated pervasive sexual harassment. Women described "cash for work" programs as "cash for sex," received support from shelters only after exchanging a night with a stranger, tolerated pervasive flirting from their supervisor to ensure employment, or lost opportunities because they refused sexual advances. The consensus from this dialogue was that sexual harassment was an obstacle that discouraged women and girls from engagement in employment or political decision-making.

These stories led HAI and its local partner, *Initiative pour un Développement Équitable en Haïti* (IDEH), to pose the following research question: To what extent is sexual harassment an obstacle to women's fair participation in civic and economic development? With funding from the Secretary's Office of Global Women's Issues, US Department of State in 2013, HAI and IDEH aimed to answer this question. The research team conducted surveys and focus groups with 171 women working in the formal sector and 305 school-aged girls to explore their perceptions of, and experience with, sexual harassment in the wider context of their career path from school to the job market. This study examines public, private and humanitarian sector institutions, as well as the recourses available to victims of such abuse. Results show that Haitian women and girls are

subjected to widespread and constant pressure to negotiate their right to education and career against sexual favors. They find neither legal recourse nor social support when they dare to oppose such practices, which are understood as the status quo.

We hope that this research, conducted in close collaboration with Haitian grassroots women's organizations, will contribute to breaking the silence about a practice that is so invasive and normalized that it is rarely named. We hope it will serve as a reference for other international non-governmental organizations (NGOs), United Nations agencies, and Haitian organizations and encourage them to support the struggle of Haitian victims, women's groups and human rights advocates who take tremendous risks in denouncing this practice at the highest level of the country's governance. Together with these courageous individuals, we believe that the link between women's rights, gender inequities, and the development of Haiti can no longer be ignored.

# FINDINGS

This study reveals the overwhelming presence of sexual harassment in nearly every aspect of women's lives in Haiti from childhood to adulthood. As such, sexual harassment is woven into the fabric of daily life, creating a situation of rampant impunity. Adult participants consider these practices as both a violation of their rights and an inevitable reality that all women must face at some point in their lives. Women's perception of sexual harassment is that it must be tolerated in the workplace in order to remain employed.

- Half of the women surveyed reported that recruiters typically invite women out on dates. A little over one third (37%) of women were offered a promotion if they agreed to go out with their bosses.
- Women often suffered severe repercussions if they did not comply with sexual requests from supervisors. Women were denied jobs (45%), insulted or mistreated (43%), threatened with dismissal (29%), or fired (26%).
- Perhaps the most staggering finding is the frequency at which women experience sexual harassment. Women are not describing isolated instances: the majority of women who experienced sexual harassment reported experiencing harassment behavior more than once.
- Survey results show a prevalence of sexual harassment in the form of coercive sexual intercourse. One third of women reported they were forced to have sex with their supervisor at least once in their life, and 22% reported that they experienced this multiple times.

In contrast to the somewhat fatalistic tone used by adult women in the study, most schoolgirls did not describe sexual harassment as being part of any status quo and showed no resignation to it. However, student participants felt that it was common practice for a teacher to ask a girl student out on a date. Among schoolgirls, half of the respondents stated that teachers have a tendency to disrespect girls' physical boundaries. Approximately one-third of the students surveyed reported that they had been subjected to a serious form of sexual harassment.

- A little under half (41%) of respondents reported that they had been asked out by their teacher or administrator.
- Approximately one-third of respondents were told that they were "guaranteed to pass their exams in exchange for something else." More than a quarter (27%) said they had been the girlfriends of a teacher or school administrator.
- Similar to working women, school girls were threatened with expulsion if they did not yield to their teachers' advances (29% of women compared to 32% of girls).
- Nine percent say that they were forced to have sex with their teacher or administrator.

The majority of students did not know what to do in cases of discrimination or sexual harassment. The majority of women said they would want to file a complaint for harassment yet over half of respondents also felt that filing a complaint would be too risky. The fact that some women would want to file a complaint but would be afraid to actually do so highlights the culture of impunity.

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“*Discrimination*’ is  
*women’s middle name.*”

## INTRODUCTION

In October 2010, Heartland Alliance International (HAI) initiated women’s empowerment programming in Haiti to help women more actively participate in the country’s reconstruction following the devastating earthquake. With support from the United States Agency for International Development (USAID), HAI held several consultation workshops with stakeholders, including women leaders, local authorities, and other actors of civil society. During these meetings, individuals identified sexual harassment as a major obstacle to women’s effective participation in Haiti’s development. In particular, group discussions revealed that certain forms of blackmail or sexual bargaining excluded Haitian women from assuming decision-making positions and contributing to the reconstruction effort. At the time, there was little documentation of the phenomenon of sexual harassment in Haiti and its impact on communities. In response to this need, the Secretary’s Office of Global Women’s Issues, US Department of State granted HAI funding to conduct further research on this topic. Awarded in November 2013, the Women Empowered in Decision-Making Positions to End Discrimination (WE-DECIDE) project supported this research and promoted women’s participation in democracy and governance in Haiti.

The research was broken down into several phases. A preliminary phase of literature review was followed by an analysis of the existing legal framework, both nationally and under international agreements, to address and prevent sexual harassment in Haiti.<sup>1</sup> Building on the work of the International Association of Women Judges (FIWA), HAI’s research team chose to approach sexual harassment through the lens of “sextortion,” a term referring to sexual harassment as a form of corruption where the object of exchange is sexual rather than financial.<sup>2</sup> This concept provides the best legal framework to address this “pervasive, but often hidden, phenomenon” in the most unequivocal manner. The analysis thus examined texts pertaining to criminal and civil laws governing women’s rights and labor rights, as well as regulations and legislation against corruption. The analysis of the legal framework was conducted in mid-2014 and was updated in early 2015 to incorporate recent developments in Haitian legislation.

After completion of the literature review, the research team engaged in field study. In June 2014, survey tools were tested on a sample of 31 people from various professional backgrounds and then adapted to better capture the Haitian cultural context. Two field studies were conducted from October 2014 to February 2015 among women employees in different types of industries in Port-au-Prince and Jacmel (171 participants) and among schoolgirls in the Southeast department of Haiti (305 participants). HAI trained its Haitian partners in research and data collection practices. HAI worked with its partner, *Initiative pour un Développement Équitable en Haïti* (IDEH), a local Haitian women’s rights organization and its network of community-based organizations to conduct the study and analyze the data. Study results not only indicate a high prevalence and severity of sexual harassment in Haiti, but also how this abuse is practiced and understood, and its impact on girls’ education and women’s careers and opportunities.

For the full text of this report, including research questions and complete appendices, please visit to [heartlandalliance.org/international](http://heartlandalliance.org/international).

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*“This situation is all over the news in Haiti.”*

## LITERATURE REVIEW

A literature review and the compilation of previous attempts to investigate the issue of sexual harassment in Haiti confirmed that little data existed on the topic at the beginning of the project. However, in March 2015,<sup>3</sup> working in parallel to HAI and IDEH with support from Oxfam America, *Solidarite Fanm Ayisyen* (SOFA) and *Reseau National de Defense des Droits Humains* (RNDDH - National Network for the Defense of Human Rights) published a study on sexual harassment in the workplace which showed that many were harassed at least once during their career: 8% in public administrations and Non-Governmental Organizations (NGOs) and 11% among factory and domestic workers. Data published prior to the HAI and SOFA studies is presented below, along with a brief analysis of current events spanning from 2008 to 2014.

### A Look at the Textile Industry

A growing interest in the respect of workers' rights among US industries abroad stimulated the production in recent years of a number of articles and reports that examine working conditions and wages in the Haitian textile industry. This interest was in part driven by the implementation of the HOPE II agreement,<sup>4</sup> which grants Haitian apparel exports duty-free

entry into the United States under the condition that apparel factories conform to a set of productivity and labor rights standards. Between 2011 and 2013, organizations such as the Worker Rights Consortium, Gender Action, and Better Work Haiti documented abuses of women workers' rights such as non-compliance with minimum wage laws, unhealthy working conditions, and sexual harassment.

Better Work<sup>5</sup> published a significant research report on the subject of sexual harassment in garment factories in 2013, which looked at industrial parks in Jordan, Haiti, and Indonesia.<sup>6</sup> This study, initiated in 2011, highlights factors that increase the likelihood and impact of harassment on women workers in the textile industry.<sup>7</sup> There are valuable lessons one can draw from this study, which sampled 3,095 workers: for example, sexual harassment was more prevalent when supervisors were responsible for assessing individual performance of their subordinates' work for the purpose of determining salary incentives. Sexual harassment appeared to be positively correlated with the presence of incentives, premiums, and bonuses at the worker level, and with the level of remuneration.

In 2012, Better Work contracted HAI to conduct a qualitative study on sexual harassment and adapt their toolkit for preventing and responding to sexual harassment practices to the context of Haitian industrial parks. This study was not designed to provide statistics about the prevalence of sexual harassment in the industrial environment, but rather to document the forms of sexual harassment described by the factory workers, the vocabulary used to discuss these practices, and the circumstances most likely to trigger high levels of sexual harassment. Finally, the exercise aimed to clarify what conditions and spaces would be the most appropriate for an intervention such as audio messaging or other forms of sensitization. Data collection included a literature review, key informant interviews, and three focus groups. The study confirmed the existence of sexual harassment practices and corroborated the conclusions drawn in the Better Work study mentioned above<sup>8</sup> regarding the negative impact of business structures. There were no grievance procedures in most factories, management personnel were not properly trained and often inaccessible, and human resources departments proved ill-equipped to manage sexual harassment.

Popular news reports also corroborate Better Work's findings from the garment sector. Other Worlds, an online media agency, published a report in May 2013 entitled "Haitian Sweatshop Workers Speak: Sub-Poverty Wages and Sexual Coercion."<sup>9</sup> This report details a corrupt system informally called "give and take" in which an employee who does not agree to have sex with her employer is blacklisted or simply fired. Similar practices have been documented outside the garment industry as well. A 2007 investigative news story on the Haitian police stated that in the police academy courtyard, as well as in the central "anti-gang" squad in Port-au-Prince, one commonly hears the popular saying "*sivil pa bay chèf pwent*," or in English, "A civilian can't screw a chief [police officer]." The phrase is used to show female applicants that they'll have to "trade their flesh in exchange for protection otherwise the dream of becoming a policewoman will not become a reality [sic]."

## A Long Series of Scandals

An analysis of current events since 2008 reveals consistent allegations of sexual harassment against high-level decision makers throughout Haiti. In 2008, Judith Benoit, whose father is the director of the National Administration Office (*Office National d'Administration*) published an open letter accusing the Public Prosecutor, Joseph Manes Louis, of "sexual harassment, abuse of power and slander."

In March 2012, Nathalie Yvrance Cardichon, Section Chief of the Ministry of Culture and Communication, submitted her resignation via an open letter to Minister Pierre Raymond Dumas.

*I submit my resignation with great sorrow. The decision to throw in the towel, which was not taken lightly, stirs up feelings of dismay at the banality, at the sexist remarks and crude attempts to extract favors from me of the sort that the mere allusion offends the honor and dignity one would expect from any high-level public servant. [sic]*

In late 2012, Mr. Josue Pierre-Louis, interim president of the Permanent Electoral Council (*Conseil Electoral Permanent*), was accused of

harassment and rape by his secretary. At the time of the accusations, Mr. Pierre-Louis was chairman of the Electoral Council and had served as Minister of Justice, Director General of the Ministry of Justice, General Commissioner of the First Instance Court of Appeals of Port-au-Prince, and Academic Director of the Academy of Magistrates. He was also a senior advisor to President Michel Martelly. Ms. Bernardin was employed by the Ministry of Interior as an assistant to Mr. Pierre-Louis on the Electoral Council until she made the rape accusations public in November. Brian Concannon, a prominent human rights lawyer, noted that many obstacles, pressures, and threats faced by Ms. Bernardin eventually led her to retract the accusations in 2013.<sup>10</sup> A January 2015 article in *Alterpresse* announced that the appointment of Mr. Pierre-Louis as Ambassador of Haiti in Belgium was in jeopardy because he was "undesirable" in the Belgian government's eyes.<sup>11</sup> On March 2, 2015, RNDDH and SOFA protested the appointment of this "controversial figure, involved in several scandals including a rape case brought by his subordinate, not yet solved" as the Prime Minister's General Secretary. Despite these publications, Josue Pierre-Louis has never been charged in court.

That same year, Chantal Elie, Director of the Citizen's Protection Office (*Office de Protection du Citoyen*), protested against what she called an "epidemic that is overtaking our men" and called for a legislative effort to put an end to impunity.

*Sexual harassment is everywhere: in the private sector and the public sector, where supervisors are pressuring women for sex in exchange for promotions, or other privileges.*

More recently in November 2014, seven employees of the *Radio Television Nationale d'Haiti* (RTNH) submitted a complaint to the Citizen's Protection Office stating that they were victims of sexual harassment, which resulted in threats and unlawful dismissal by Dr. Ernest Harrison, Director General of RTNH. The Citizen's Protection Office's thorough investigation exposed pervasive sexual harassment at RTNH just months after sixty-one RTNH employees petitioned against Dr. Harrison, who was then Deputy Director General of RTNH. In addition to claims of bad management, the petition also accused Mr. Ernest of sexually harassing female staff.



These accusations led SOFA and RNDDH to investigate and produce a report,<sup>12</sup> which states:

*SOFA and RNDDH highlight that without a shadow of a doubt, the Director General of the RTNH openly engages in psychological harassment by continually sending letters of censure, calls to order, warnings to employees not to mention the demotion of employees who are put in a position where they are required to perform tasks below their skill level. Additionally, six of the women denounce advances and inappropriate comments by the RTNH Director General such as solicitation of unwanted sexual favors, accompanied by threats, explicit and implicit promises, inappropriate sexual comments, remarks on the bodies of the victims and their appearance, intimate questions and invitations outside the administrative limits. These indeed constitute sexual harassment and the accusations made by these six women should not be overlooked. As citizens and public servants, the need to take action to defend their rights is essential. In any case, it seems that the matter is now buried.*

The events and reports described above only represent a fraction of the daily harassment and abuses women face. These stories typically only receive media attention during election periods, which makes it difficult for the courts to appropriately respond during such highly politicized times. Such scandals illustrate how high-level harassment cases are mishandled and the dominant culture of impunity that allows this harmful practice to continue.

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*“After the earthquake, some had a job at ‘cash for work’ and had to open their thighs.”*

## **FIELD RESEARCH METHODOLOGY**

### A Moving Research Target

Researching sexual harassment involves navigating methodological complexities. Sexual harassment practices are multifaceted, and they vary greatly depending on professional and cultural contexts; what might be considered acceptable in one context will be interpreted differently in another. Moreover, people who are victims of sexual harassment commonly experience feelings of fear, humiliation, or guilt - or, conversely, deny to themselves that the event occurred. Victims are often reluctant to describe what happened to them or to take action against their

perpetrators, which complicates gathering evidence. Furthermore, the practice of sexual bargaining is camouflaged behind false consent. This practice blurs the boundaries between seduction and coercion, between negotiation and the denial of free will, between contracts and corruption, and between authority and abuse.

Anticipating these obstacles, HAI first designed a pilot survey to investigate which gestures, comments, or specific behaviors were considered as inappropriate, and to obtain an unequivocal understanding of the vocabulary of abuse in Haiti. Hard copies of the survey were circulated through a network of women's organizations as well as through email using online survey software, reaching a sample of 31 individuals (23 women, 8 men).<sup>13</sup> While the preliminary data were helpful in shaping the Haitian context, this method showed limitations. Participants were non-descriptive or unresponsive when asked directly about patterns and practices of sexual harassment. The last question in the survey form however, which was open-ended, elicited more in-depth responses (see examples below).

Based on the results of the pilot survey, the research team opted for a mixed methods approach to data collection: Qualitative data was collected via focus groups and quantitative data was collected via individual face-to-face surveys. Additionally, rather than attempting to break down sexual harassment into discrete elements, such as an isolated conversation or gesture, the team opted to consider sexual harassment as a whole, as a bargaining process with means and ends – as in “quid pro quo.” The concept of “sextortion”<sup>14</sup> (the extortion of sexual favors as a form of corruption) seemed fit to capture the reality of the phenomenon at play in Haiti.

Examples of responses to the pilot questionnaire's final question, “Anything to add?”:

- *In conclusion I would say that women are subjected to this violence. In our society, it is in a woman's interest to seduce to have a career but it isn't right. In Haiti most of the people who work have to have a boyfriend in order to keep their jobs.*

- *Even if it is not true for everyone, the reality is that women are subjected to this kind of harassment in most companies especially if they are pretty or brilliant in a particular field.*
- *Women are subjected to this in most institutions.*
- *People lost their jobs after having refused certain propositions.*
- *Women fail. After the earthquake, some had a job at “cash for work” and had to open their thighs.*
- *When the organizations arrived, the men who were supervising wanted something in exchange for a job otherwise you weren't hired.*
- *Bosses are used to forcing employees to flirt with them if they want to keep their jobs.*
- *Most people tend to flirt with a woman before offering her a job.*
- *When bosses make these sorts of advances, if you do not accept their propositions your job is in danger.*
- *There are institutions where one has to accept these kinds of things so as not to be fired.*
- *I do not think it is automatic. A job is not forever, there are other ways to make a living.*
- *Even if she doesn't end up in bed, women are always in situations where they have to use their charms. It is vital for their careers.*

HAI worked with its Haitian partner, IDEH, to formulate the focus group guide and survey questionnaire (Visit [heartlandalliance.org/international](http://heartlandalliance.org/international) for a copy of this report with full appendices including the survey questionnaire). The focus group guide was based on the precept that women pursuing careers face obstacles that others do not, and they sometimes use seduction to succeed. The first questions were structured around “the how” (How to advance one's career? What are the obstacles? How to overcome them? Does seduction help?). Participants were

then invited to discuss the pros and cons, including potentially harmful consequences of getting in a game of seduction. Questions would then be raised about what to do in the case of abuse. The last part of the focus group debate was dedicated to expressing moral opinions about the general phenomenon of sexual harassment in Haiti.

The survey questionnaire first solicited information related to equal opportunity at work and the role of flirting in women's careers. This was followed by more personal questions about direct experience with sexual blackmail and sexual assault.

## Two Sample Populations

The study sample consisted of two separate populations: women working in the professional sector in urban Port-au-Prince, Petit Goave, and Jacmel (171 respondents), and girls attending in the southwest region in Jacmel, Baintet and La Vallée, Cayes, and Marigot (305 respondents). All respondents completed the individual survey questionnaire, and a sub-sample of women and girls participated in the focus groups (69 and 245, respectively). All focus groups had between 8 and 12 participants.

To recruit women participants, the research team first identified target institutions in the study area and then engaged respondents through direct contact at building entrances after office hours or in nearby restaurants and venues. HAI trained IDEH staff to administer surveys and facilitate focus groups with these women. School girls were recruited and surveyed by HAI's research partner the Southwest Action Group against Sexual Harassment.

## Limitations

While the study results indicate that the women surveyed experienced substantial amounts of sexual harassment, the goal of this study was not to systematically assess prevalence of these experiences. Rather, this research aims to document women's perceptions of sexual harassment as a barrier to full participation in the workplace. Furthermore, severity of sexual harassment may be underreported in this study for two reasons. First, the study sample did not include women in the informal workforce; anecdotal evidence from research partners suggests that sexual harassment is common in this predominantly female sector.<sup>15</sup> Second, it is likely that victims of sexual harassment may have disproportionately declined to participate in this study due to the feelings of fear, shame, or denial discussed above.

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*“For a woman to move forward, she has to engage in sexual relations.”*

## **WOMEN IN AND AROUND THE WORKPLACE**

### First Study Sample: Women at Work

HAI and IDEH aimed to target a diverse group of working women for participants in this research. Respondent age broke down as follows: 16% were aged 15 to 25, 41% were aged 25 to 35, and 32% were older than 35 years old, while 11% did not list their age. The survey included questions to collect data on respondents' professions, but many women left these blank, which perhaps is not surprising given the research topic. Only 37% reported their exact profession, and 66% provided information

on their level within the company. Based on the available data, the sample included nurses, accountants, laboratory assistants, seamstresses, secretaries, social workers, bankers, shopkeepers, and journalists. Of those who reported their level within the company, the majority were general employees (83%), followed by administrators (11%), and managers (6%). Focus group transcripts supported the survey data and included women that worked in public administration, decentralized public services, private businesses, and the humanitarian sector (e.g., small associations and NGOs).

### Discrimination as a Constant, from Childhood to the Workplace

The first question posed to focus group participants' concerned general obstacles to women's careers and whether they experienced any form of discrimination. Women identified three obstacles to their advancement with varying degrees of impact: unequal access to education, lack of self-esteem, and active discrimination by family and society. Women described their history of discrimination as a leading factor behind unequal access to employment and the main obstacle to career advancement and success.

- *In Haiti, women are underestimated and they internalize social values that discriminate them. [sic]*
- *We are in a country where discrimination is commonplace, which means discrimination is women's middle name. [sic]*
- *Challenges number in the thousands. But what's most important is the social inequity which is an outcome of the low opinion that society has of women.*

Many participants blamed the gendered division of labor for excluding women from public life and employment. All groups pointed to the early influence of familial and societal expectations on the future development of women's careers. Gendered education within the family was said to

*“conspire to create weak, beautiful, and submissive women, and strong men.”* Societal values were said to encourage sons more than daughters, who tend to be valued for their beauty and their docility rather than for their intelligence or initiative. These gendered biases are often internalized by women, which contributes to lower self-esteem and lack of ambition.

- *Parents lack confidence in their daughters and don't forgive their past mistakes. It's the opposite for male children.*
- *Parents are the ones who are truly responsible for these barriers by treating little boys and girls differently.*
- *Values related to beauty and housekeeping are shaped in women. This is because society only values her for those elements, which prevents her from going far in her career.*
- *Society prefers to see women in the home rather than in the workforce.*

Participants then described the practice of discrimination as a major obstacle to their career, and as a deliberate rather than unconscious practice: a way for men to dominate the labor market.

- *Men think they are the “poto mitan” (pillar) of the institutions in which they work. They monopolize everything. That is why they tend to stigmatize women in the workplace. You'd think women are aliens.*
- *If women are discriminated against, it is because men are everywhere; men think they can do everything and women nothing. In this sense, they want to monopolize everything.*

Women described situations in which male workers and bosses withhold professional privileges from women and favor promoting men over women, making it difficult for women to access decision-making positions.

- *The media hires more women, but only as hosts, and decision-making roles are reserved for men. [sic]*

- *Men are given more importance than women. There is a kind of discrimination against women's competence. It's hard to see a woman at the helm of an institution.*
- *There is a tendency to give the important tasks to men. This happens even more when service personnel are not good at assessing employee skill levels. Thus, men are always recruited for senior positions.*
- *Even if a woman is more competent than a man, the latter's salary is higher than the woman's.*

The strategic use of discrimination by men to monopolize the job market is described well by the statements below. Survey results corroborated that the systematic use of bullying and gossiping to undermine the legitimacy of women in the workplace was common (Table 1).

- *Women are stigmatized by gossip. Very often people say that a woman had an affair with a man to get a particular promotion. We can deduce that men find it totally unbelievable that women can actually be competent. They think that women do not deserve their place in an institution. So a woman is never suited for a position and if it happens that a woman achieves such, one assumes that she compromised herself. [sic]*
- *Men usually diminish women's competence through workplace bullying. That is to say, they ridicule women even when they're speaking seriously.*

## GOSSIP IN THE WORKPLACE (TABLE 1)

### MEN OFTEN JOKE ABOUT WOMEN AT WORK —

Yes	No	Total Responses
146 (87%)	21 (13%)	167

### SAME FOR MEN, THEY ARE EASILY JOKED ABOUT —

Yes	No	Total Responses
80 (48%)	88 (52%)	168

## Seduction versus Sexual Blackmail in and around the Workplace

When asked if women used seduction in their careers, the majority of focus group participants testified that women had to “get in the good graces of the person in charge for a salary increase or simply for a position” or often “use small seduction tricks.”

- *This situation is all over the news in Haiti; the majority of women who have a job use these tricks.*
- *This is part of women’s full life.*
- *Women are often forced into a sexual compromise to get a job.*
- *One might even say that this is the ideal formula for men to seduce a woman.*

Whether the role played by seduction in a women’s career path is positive or negative is hard to capture based on the results of the survey (Table 2).

## ATTITUDES TOWARD FLIRTING AND CAREER ADVANCEMENT (TABLE 2)

### IN TERMS OF A WOMAN’S CAREER, IT’S IN A WOMAN’S BEST INTEREST TO FLIRT —

Yes	No	Total Responses
43 (27%)	115 (73%)	158

### WOMEN HAVE AN EXTRA ADVANTAGE: THEY CAN FLIRT IN ORDER TO ADVANCE THEIR CAREER —

Yes	No	Total Responses
76 (49%)	78 (51%)	154

However, participants in focus groups rarely used the terms “seduction” or “flirting” in the active voice (women use seduction to...). Most participants expressed a clear preference for passive descriptions (you have to let yourself be seduced by... One has to, one must, women are forced to...). Women in focus groups most often referred to the “seduction game” as an opportunity for men to blackmail women into sexual favors, rather than as a deliberate strategy used by women to obtain jobs and other benefits.

- *It is common that women are forced to sleep with their superiors to gain employment.*
- *Women are forced to sell their bodies and accept being harassed to get a job, a promotion or sometimes to keep the job.*
- *Job offers consist of buying sexual favors from women, which is insulting.*
- *Men use humanitarian aid to exploit women.*

To describe these relationships, women used a vocabulary of negotiation such as “sexual compromise.” There were no personal anecdotes of conquests, exploits, or satisfaction at having obtained benefits through the seduction game, and women talked about sanctions if they refused. Refusing advances has a high cost; women asserted that there is a utilitarian, sometimes mandatory, element to receiving sexual advances.

Half of the women surveyed reported that recruiters typically invite women out on dates (Table 3). A smaller proportion of respondents (38%) felt that women had to comply with such advances. While this may seem promising, when examined more closely, this statistic exposes a bleak picture for women in that one in three respondents felt women have to tolerate sexual harassment to remain employed. Survey data also supported the sentiment of focus groups that sexual harassment is ubiquitous regardless of profession or station: Over half of women surveyed reported that even a Minister may have to submit to sexual harassment to keep her job.

### ATTITUDES TOWARD DATING PRESSURES (TABLE 3)

#### RECRUITERS USUALLY INVITE WOMEN OUT ON DATES —

Yes	No	Total Responses
83 (54%)	70 (46%)	153

#### A WOMAN HAS TO LET HERSELF BE COURTED TO KEEP HER JOB —

Yes	No	Total Responses
60 (38%)	97 (62%)	157

#### WOMEN USUALLY ARE DATING ONE OF THEIR SUPERVISORS —

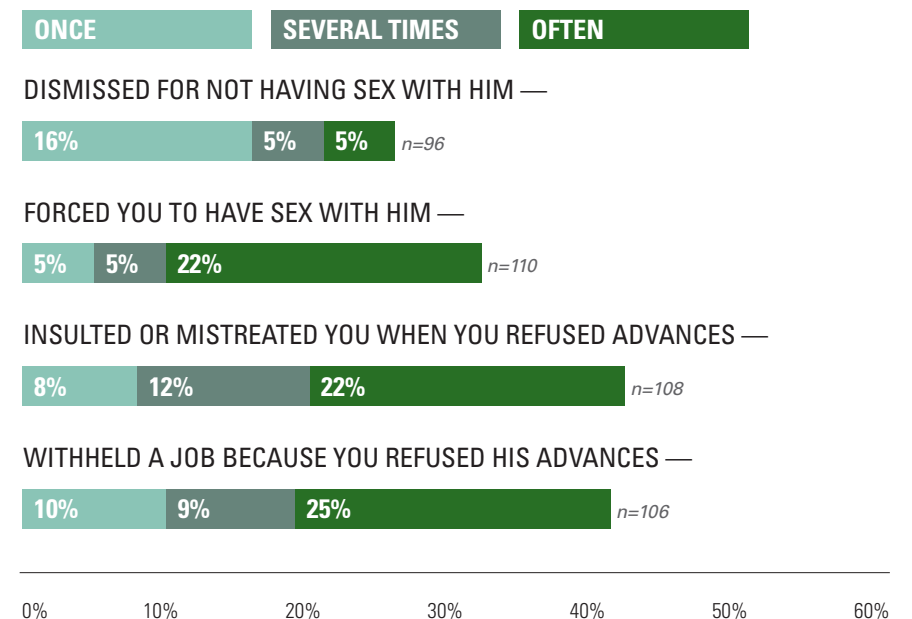
Yes	No	Total Responses
66 (41%)	94 (59%)	160

#### EVEN A MINISTER MAY HAVE TO HAVE SEX TO KEEP HER JOB —

Yes	No	Total Responses
79 (52%)	72 (48%)	151

A significant proportion of the 171 women who participated in the survey skipped direct questions about their personal experience; the results however contradict the idea that women are in control of the flirting relationship (Graph 1). Of those who responded, almost half had been invited out for the weekend by their boss. It is not unusual for these dating requests to be explicitly linked to professional benefits: 37% of women were offered a promotion if they agreed to go out with their boss. Many women reported being forced to stay at the office alone with their supervisor (38%) or forced to talk about their sex life with their supervisor (43%).

### WOMEN’S EXPERIENCES WITH SEXUAL HARASSMENT (GRAPH 1)



**TALKED TO YOU ABOUT HIS SEX LIFE OR QUESTIONED YOUR SEX LIFE —**



**KEPT YOU IN THE OFFICE TO BE ALONE WITH YOU —**



**THREATENED TO FIRE YOU IF YOU DID NOT GO OUT WITH HIM —**



**OFFERED YOU A PROMOTION IF YOU WENT OUT WITH HIM —**



**INVITED YOU OUT FOR THE WEEKEND —**



0% 10% 20% 30% 40% 50% 60%

Women often suffered severe repercussions if they did not comply with sexual requests from supervisors. Women were denied jobs (45%), insulted or mistreated (43%), threatened with dismissal (29%), or actually fired (26%). Perhaps the most staggering finding is the frequency at which women experience sexual harassment. As Graph 1 shows, women are not describing isolated instances: The majority of women who experienced sexual harassment reported experiencing harassment behavior more than once.

Women in the focus groups talked about the pressure they felt when trying to keep their job or advance their career in the following terms:

- *Women still face situations of pretense, a game of cat and mouse for a position in an institution. Thus one is forced to let oneself be flirted with in order to keep one's position.*

- *The woman's abilities are jeopardized by a commodification of the job in question with the woman's body as a bargaining chip.*
- *For a woman to move forward, she has to engage in sexual relations.*

Survey results show a worrisome prevalence of sexual harassment in the form of coercive sexual intercourse: 32% reported they were forced to have sex with their supervisor at least once in their life, and 22% reported that they experienced this form of sexual blackmail multiple times.

The survey asked women what they would hypothetically do when confronted with sexual blackmail.<sup>16</sup> The majority of women said they would want to file a complaint for harassment (78%); however, over half of respondents (52%) also felt that filing a complaint would be too risky (Table 4). The fact that some women would want to file a complaint but would be afraid to actually do so highlights the culture of impunity discussed in the literature review above.

**WHAT WOULD YOU DO WHEN CONFRONTED WITH SEXUAL BLACKMAIL? (TABLE 4)**

**SURRENDER TO IT —**

Yes	No	Total Responses
26 (17%)	131 (83%)	157

**PRETEND TO SURRENDER BUT WORK YOUR WAY AROUND IT —**

Yes	No	Total Responses
72 (51%)	69 (49%)	141

**WANT TO FILE A COMPLAINT —**

Yes	No	Total Responses
119 (78%)	34 (22%)	153



### FEEL IT IS TOO RISKY TO FILE A COMPLAINT —

Yes	No	Total Responses
73 (52%)	68 (48%)	141

### TELL THE HUMAN RESOURCES MANAGER —

Yes	No	Total Responses
70 (48%)	75 (52%)	145

### QUIT YOUR JOB / WITHDRAW FROM THE JOB BEING PURSUED —

Yes	No	Total Responses
63 (44%)	79 (56%)	142

## A Well Understood Concept

Where does seduction end and abuse begin? Does an embrace, a compliment, or a joke too many make one guilty of sexual harassment? The boundary between what does or does not qualify as harassment has the reputation of being blurry. Within the context of this study however, i.e., in an all-woman environment and in the context of a discussion about women's economic survival and careers, participants expressed no confusion. When asked "What is sexual harassment?" they provided unequivocal answers.

All focus group participants agreed that sexual harassment is not an isolated misplaced gesture, a pointed look or an invitation to go out after work. Rather, harassment is described as a bargaining strategy in an unequal power relationship in which the parties very clearly understand the purpose of each act, gesture, or comment. "[Sexual harassment] is when a superior reduces his subordinate to a sexual object." Abuse of power is the underlying theme that shines a dim light on all dimensions of the working relationship.

- *Sexual harassment is when someone forces you to go out with him or have sex against your will. You can accept this situation to get a job or for economic reasons, but notwithstanding those reasons, you would never have accepted such a proposal. [sic]*
- *Sexual harassment is when a person persists on you [sic] constantly for a sexual favor in exchange for other things.*
- *Sexual harassment is a situation of merchandise [sic] of the human body.*
- *Any attempt or approach aiming to reduce the woman's expertise to sexual acts.*
- *This is when someone forces, either a man or a woman, to sleep with you in exchange for something.*
- *It is when one is threatened to do something and you cannot afford to refuse.*
- *Sexual harassment when someone forces you to do something you do not want.*

Two participants offered a definition of sexual harassment similar to those found in expert literature on the subject:

- *Sexual harassment can be verbal; when a man congratulates you on an intimate part of your body while mentioning sex. It can be physical: when a man touches you without invitation. Whistling when women walk by is also sexual harassment.*
- *Sexual harassment is not only touching, but can also be through gestures, words, looks...*

Women also recognized sexual harassment as a violation of their human rights:

- *Of course it's a human rights violation because women should have the same access and the same work opportunities as men. Treating them differently is violating human rights.*
- *It is clear that our rights are violated, because we said so earlier [sic], if after so many years of study, to get a job we're asked to sleep with you, it is an insult.*
- *If we did not have women's organizations that fight for us women, there would be no difference between a woman and an object. This means that indeed our rights are violated.*

Do women consider sexual harassment to be normal? Survey results combined with focus group data provides a nuanced perspective: While a large majority of women do not believe that sexual harassment should be normalized (Table 5), they find it to be a commonly accepted behavior that they must tolerate.

- *[Sexual harassment] is common.*
- *Women are forced to do more than their job description within an institution.*
- *[Sexual harassment is] an acceptable situation in relation to social norms.*
- *Harassment is a common situation in Haiti although most women who are in this situation do not realize it.*
- *Because of how we are socialized, that women are forced to sell their bodies to get a job in an institution is a normal situation in everyone's eyes.*
- *If the person is qualified for the job, they should get it without any problems. But if the only way to get a job is to accept an abominable compromise, then she has to because there is no recourse or other options.*

- *There are women in such situations against their will. Simply because they can do nothing except submit to this humiliating circumstance.*
- *The unemployment rate is very high in Haiti. Even when [sic] women are qualified for a position they are forced to agree to date them for employment.*

### OPINIONS ON WHAT SHOULD BE CONSIDERED NORMAL IN THE WORKPLACE (TABLE 5)

#### A SUPERVISOR ASKS AN EMPLOYEE ON A DATE —

There is no problem with this	This isn't normal	Total Responses
29 (18%)	133 (82%)	162

#### A WOMAN MUST ENGAGE IN UNWANTED BEHAVIOR TO GET A JOB —

Yes	No	Total Responses
22 (13%)	141 (87%)	163

#### A MAN OFFERS A WOMAN A JOB IN ORDER TO SEDUCE HER —

Yes	No	Total Responses
16 (10%)	140 (90%)	156

## Testimonies

Few focus group participants publicly disclosed a specific experience of harassment. Two of them who were active in women's organizations made public revelations in front of their peers:

- *Because I wanted to graduate from nursing school, the director asked me to go have a drink with him, if I really wanted to graduate.*
- *When I was in a high school, the director kicked me out because I refused to sleep with him.*

In contrast, the anonymous pilot survey results elicited many written testimonies. The assistant to the director of a private institution reported that she was harassed but did not file a complaint. "I formally stated to the colleague to stop his behavior because in terms of harassment often the abuser is not even aware that his advances are not welcome. One must at all costs speak directly to the offender before considering formal complaints."

A Program Assistant in the humanitarian sector had an employment contract that wasn't renewed because of her refusal to comply: "I rejected the advances. I had to spend about two years without a job because I was afraid of finding myself in a stable employment situation to not have to bear such a situation again." She did not file a complaint.

Another female respondent, a middle manager in an NGO, recounts: "Yes, it happens often at our organization." She reported often being the target of 1) jokes of a sexual nature, 2) flattering allusions to her body, 3) unwanted touching, and 4) harassment outside of office hours. She found it all very offensive but when asked if she sought redress, she answered, "No, I have not tried to file a complaint. Men are always trying to seduce women at the office."

A mid-level auditing accountant in the private sector was in a relationship with her company's CEO. "I had a romantic relationship with my boss, we met before I became his employee, we had been together three years and then I broke up with him because I was his employee, it was taking a different road... Jealous scenes and other issues." Because of this relationship, her colleagues felt they were entitled to "favors" and sexually harassed her. "There are people who are very selfish at the office. *Ki panse ou ka fe menm avè yo, fè twèl pye patron* (who think you can do the same with them, serve as the boss's footstool). Not me I'd rather die."

A receptionist and archivist, was exposed to 1) flattering allusions and jokes of a sexual nature, 2) numerous calls after working hours with no professional reason, and 3) having to fight off her superior, who tried to forcibly kiss her. She describes the consequences, as follows: "I've never had a promotion, I spent six years in the same position with nothing, no benefits, I had many problems." She did not file a complaint.

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*“When I was in a high school, the director kicked me out because I refused to sleep with him.”*

## GIRLS IN SCHOOLS

### Second Study Sample: Girls in School

The research team conducted a series of awareness raising and training sessions with members of the Southwest Action Group against Sexual Harassment, a coalition that formed in 2012 under HAI’s Women Empowered to Lead in Development (WE-LEAD) program funded by USAID. Organizations in this coalition contributed to this study in May and June 2014, collecting and analyzing data from 20 local schools for a final sample of 305 respondents, as described above.

Many students said that they were ready to talk about incidents of sexual harassment and shared their own experiences as well as their friends’ and acquaintances’ stories. School directors generally admitted to being

aware of this issue and of the fact that sexual harassment constituted a real obstacle to the education of girls in Haitian society. One school even requested that the research team conduct awareness raising sessions with their pupils and teachers after the study, which was done.

### A Backdrop of Sexist Discrimination

Discrimination was also seen as a serious problem in the school sample, and young scholars admitted that parents see boys as having more potential than girls because of entrenched, sexist stereotypes. Many girls quit school because, according to one student, “parents think that to stop school at the 6th grade is enough for a girl because she has a treasure between her legs.”

Participants cited lack of sexual education, disinterested parents, sexist stereotypes, and economic problems as the main barriers to education. Some students said that they had experienced serious discrimination because of their gender; for example, certain mathematics teachers preferred to explain math problems to boys rather than girls under the pretext that this was a “boys’ subject.”

### ATTITUDES TOWARDS GOSSIP IN SCHOOL (TABLE 6)

#### MALE WORKERS IN SCHOOLS OFTEN JOKE ABOUT FEMALE STUDENTS AND SCHOLARS —

Yes	No	Total Responses
169 (56%)	133 (44%)	302

#### SAME FOR MALE STUDENTS, THEY ARE EASILY JOKED ABOUT —

Yes	No	Total Responses
113 (38%)	182 (62%)	295

## Missing Boundaries

In the focus groups, students said they had no problems feeling integrated in school but were subjected to sexual harassment from teachers, from other students and from people in positions of authority in their communities. Opinions collected through the survey confirm these statements: Half of the respondents stated that teachers have a tendency to disrespect girl's physical boundaries, and 41% stated that for a teacher to ask a girl on a date is common practice (Table 7).

### SEXUAL HARASSMENT IN SCHOOLS (TABLE 7)

#### OFTEN TEACHERS WANT TO TOUCH GIRLS' BACKSIDES, BREASTS OR BODIES —

Yes	No	Total Responses
159 (53%)	141 (47%)	300

#### IN GENERAL, TEACHERS/ADMINISTRATORS ASK GIRLS ON DATES —

Yes	No	Total Responses
121 (41%)	173 (59%)	294

#### GIRLS USUALLY DATE THEIR TEACHER/ADMINISTRATOR —

Yes	No	Total Responses
125 (43%)	166 (57%)	291

While working women still feel like sexual harassment is wrong/abnormal, they have grown to accept it as a necessary part of life. In contrast with the somewhat fatalist tone used by adult women in the study, most schoolgirls did not recognize any benefits to sexual harassment and showed no resignation to it (Table 8).

### NECESSITY OF SEXUAL HARASSMENT (TABLE 8)

#### A GIRL MUST LET HERSELF BE FLIRTED WITH TO PASS EXAMS —

Yes	No	Total Responses
67 (23%)	228 (77%)	295

#### IT IS IN A GIRL'S INTEREST TO LET HERSELF BE SEDUCED IF SHE CANNOT AFFORD TO PAY SCHOOL FEES —

Yes	No	Total Responses
36 (12%)	260 (88%)	296

## Serious Abuse

When asked about personal experiences of being sexually harassed by either a teacher or school administrator, girls responses were indeed alarming: Approximately one third of the students surveyed reported that they had been subjected to a serious form of sexual harassment (Graph 2).

## GIRLS' EXPERIENCES WITH SEXUAL HARASSMENT (GRAPH 2)

ONCE SEVERAL TIMES OFTEN

FORCED YOU TO HAVE SEX WITH HIM —



THREATENED EXPULSION IF YOU DID NOT GO OUT WITH HIM —



WAS YOUR BOYFRIEND —



PROMISED A GOOD EXAM GRADE IN EXCHANGE FOR SOMETHING —



HEAVILY FLIRTED WITH YOU —



INVITED YOU OUT FOR THE WEEKEND —



0% 10% 20% 30% 40% 50%

A little under half (41%) of respondents reported that they had been asked out by their teacher or administrator. Students were also subjected to heavy flirting (29%): 9% said it happened several times and 11% said that it happened often. About one third were told they were “guaranteed to pass their exams in exchange for something else.” More than a quarter (27%) said they had been the girlfriends of the teacher or school administrator.

Similar to working women, school girls were threatened with expulsion if they did not yield to their teacher’s advances (29% of women compared to 32% of girls). Nine percent say that they were forced to have sex with their teacher or administrator.

## Testimonies

Two particularly shocking testimonies were shared:

- *A 17-year-old-girl did not want to answer the questionnaire. Her friends told the researchers that she “often told stories of sexual harassment that happened to her.” Her friends encouraged her to talk: “She is being harassed by a teacher and her parents don’t want her to talk about it for fear that she sullies the image of the teacher who is a respected member of the community.” The young woman admitted that she was always scared when she entered the classroom and when she crossed paths with the teacher in other places. She reported that she was thinking of running away from home.*
- *A 16-year-old girl was sexually harassed in another school by one of her teachers. He “went so far as to rape her and the girl became pregnant.” When her parents found out what had happened, they invited the teacher to a meeting and demanded that he marry their daughter. She hasn’t attended school in three years and is now the mother of three children.*

The majority of students do not know what to do in cases of discrimination or sexual harassment.

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*“If the only way to get a job is to accept an abominable compromise, then she has to because there is no recourse or other options.”*

## **ANALYSIS OF THE LEGAL FRAMEWORK**

Prior to this research, HAI produced a detailed analysis of the legal framework and international regulations governing sexual harassment and corruption in Haiti. This analysis was inspired by the concept of “sextortion” developed by the International Association of Women Lawyers (FIDA).<sup>17</sup> Below is a description of the main legislative resources available in Haiti.

### Laws Regarding Sexual Conduct (Criminal Code)

When a case of sexual harassment occurs, the July 6, 2005 decree on sexual assault is the legislation of reference. In some circumstances, a case of harassment can indeed be likened to attempted rape.<sup>18</sup> If the act in question involves sex, this decree applies:

*Whoever commits the crime of rape, or is found guilty of any other sexual assault, consumed or attempted with violence, threats, surprise or psychological pressure is liable to a sentence of ten years hard labor.*

Similarly, if there is a case of inappropriate sexual touching against a minor, Article 281 of the Haitian Criminal Code states that:

*Whoever offends the morals, exciting, encouraging or habitually facilitating debauchery or corruption of youth of either sex under the age of eighteen years shall be punished with imprisonment of six months to two years.*

Section 4 concerning indecent acts against a minor also states:

*[The] sentence will be hard labor for life, if the culprits are the category of those who have authority over the victim of the attack, such as teachers or his servants or if they are public officials or ministers of religion, or if the offender, regardless of position, was assisted in their crime by one or more persons.*

Section 283 states that:

*Any person who offends public decency by committing acts, touching or other similar acts that might injure the modesty of a person of one sex or the other, shall be punished by imprisonment of three months to one year.*

The framework for implementing the 2005 decree is limited. The different types of sexual behavior are identifiable sexual assault, rape, sexual molestation and offenses to public decency and immoral acts. Harassment and blackmail are not mentioned.

Traditionally, rape laws have made the absence of consent an explicit element of sexual offense. If a law does not mention explicitly the need for physical strength, rape victims must generally prove that they physically resisted their attackers and their inability to demonstrate such could be construed as consent to the sexual activity that ensued. But in a case of sexual blackmail, it is the coercive power of authority rather than physical force that leads the victim to adhere to a demand for sexual services. Therefore there will be no evidence of physical stress or traces of injury.

Some laws apply specifically to perpetrators who abuse their position of authority to engage in sex with those entrusted to their care. In Article 280 of the Haitian Criminal Code the perpetrator who abuses his authority is punished with hard labor for life.

*The penalty shall be hard labor for life if the culprits are among those who have authority over the victim of the attack, or abusing the authority vested in their functions.*

This article could be applied to a broader framework than statutory rape for which it is usually used. However, it uses the same narrow definitions of sexual assault.

## Laws Regarding Corruption (Civil Code)

Focusing on the corruption dimension of an act of sexual blackmail eliminates many of the challenges that arise when a plea rests solely on laws that address gender-based violence. When harassment is discussed in terms of corruption, "consent," physical restraint, and injury cease to be relevant arguments. The coercive power of authority that characterizes cases of sextortion is precisely the type of constraint characterizing corruption. In a corruption case, no one will claim that the "consent" of the victim to pay a bribe excuses the misconduct of the authority involved. Corruption is not invalidated by the fact that the civil servant used the coercive power of authority rather than physical force to extract the bribe.

Several Haitian laws on corruption are written in broad enough terms to encompass bribes in the form of non-monetary "benefits" or "profits" and could be used to prosecute officials demanding sex "bribes." There are two potential obstacles, however, to successful prosecution. First, a case in which a person in a decision-making role can exchange professional advantages for sexual favors could still be dismissed as consensual. Second, a solicited bribe would be recognized as corruption if the "favor" was financial but will be considered negligible when the favor required is of sexual nature.

A recent change in Haitian legislation may allow for the consideration of complaints of "quid pro quo" (this for that) sexual harassment, which is sexual blackmail and amounts to corruption.<sup>19</sup> Indeed, after years of waiting, Haiti passed a comprehensive law against corruption. The new law published in the *Moniteur* (the official gazette of the Republic of Haiti) on May 9, 2014 specifically penalizes conflicts of interest in the awarding of contracts, nepotism, sharing inside information on procurement, and abuse of office. The language seems vague enough to include the exchange of sexual services but the phrase "sexual harassment" is not explicitly used. It appears that the explicit mention of sexual harassment, present in the version passed in the Senate and referred to the Haitian parliament in March 2014, was removed at the last minute by parliamentarians and replaced by a renewed iteration of the "abuse" already listed in this chapter for acts qualifying as corruption. The idea of criminalizing harassment likely did not appeal to parliamentarians. Moreover, there is no clear distinction between the guilt of those who offer unsolicited bribes and the guilt of those who accept them. In the case of sexual harassment, blurring the separation between those responsible for harassment and the targets of this sexually abusive practice is a serious problem.



## Laws Regarding Sexual Harassment at Work (Labor Code)

The Labor Code is particularly silent on the issue of harassment. The Code only mentions abuse vis-à-vis an apprentice without mentioning discrimination or sexual harassment at work:

*Superiors must refrain from any ill-treatment towards an apprentice, must protect the apprentice from the abuse of other employees, and cannot force the apprentice to carry out work contrary to their learning.*

The very term “harassment” is absent.

## Conclusion

The national legislative framework presents serious gaps that make sexual harassment complaints hazardous or risky. The lack of clear legislation combined with the near institutionalization of sexual harassment across all Haitian workplaces and schools greatly reduces the willingness of victims to report.<sup>20</sup>

In a recent report (2013) the United Nations reminded the Haitian authorities of their obligations as signatories to the Convention against Discrimination in Respect of Employment and Occupation:

*The Committee once again encourages the Government to include in the labor legislation provisions defining and prohibiting sexual harassment and to provide remedies and appropriate sanctions. It requests that the Government consider the development and implementation of practical measures to prevent and eliminate sexual harassment in employment and occupation in collaboration with employers and workers’ organizations. The Committee also requests that the Government provide information on action taken by employers in light of the Labor Inspectorate recommendations in terms of sexual harassment, as well as any complaints handled by the competent authorities.<sup>21</sup>*

Such obligations will also be expected from the Haitian government as a requirement under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, known as the Convention of *Belém do Pará* also strongly condemns sexual harassment.<sup>22</sup>

The Independent Rapporteur on the Situation of Human Rights in Haiti reminded the UN Human Rights Council in its first session in 2009 with:<sup>23</sup>

*According to the Minister of Women’s Status, rape and attempted rape, and sexual harassment, may be the subject of a complaint on the basis of the provisions of the Criminal Code relating to rape and indecent assault with the aggravating circumstance related to the status of the perpetrator, but in reality, sexual harassment is for all intents and purposes tolerated by society and the State.*

The only clear reference to sexual harassment in the Haitian regulatory arsenal is found in a decree from April 11, 2013, regulating the conduct of public administration officials, which states clearly that sexual or psychological harassment is prohibited in the normal exercise of public service. This decree also highlights the obligation to hire a quota of 30% women in administration. Unfortunately this regulation is not binding text and only relevant to public service.

The Haitian Parliament has been working on a draft bill of law concerning violence against women for several years; however, it is making slow progress with this legislation, which, if passed, would address all forms of gender-based violence while simultaneously proposing ambitious policy recommendations.

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*“If we did not have women’s organizations that fight for us women, there would be no difference between a woman and an object.”*

## **A CALL TO ACTION**

The analysis of survey results and focus group discussions reveals little to no disagreement on the nature, degree, or abusive character of the phenomenon of sexual harassment in Haiti. When taken as a whole, the phenomenon — far from flattering women’s egos or being a career advantage — is seen as a limitation on their economic and political statuses and a human rights violation. It causes a profound feeling of injustice in an environment of widespread impunity. The *Office de Protection du Citoyen* (OPC, Office for the Protection of Citizens) provided strong support to the victims of scandals that regularly make headlines, yet there is never legal action condemning these acts. Indeed, Haiti still lacks strong legislation against sexual harassment, as highlighted by the

repeated recommendations of UN bodies. The deliberate elimination of sexual harassment from the final version of a bill against corruption by parliamentarians in 2014, and the complete silence of the Labor Code on sexual harassment practices, create ideal conditions for impunity to flourish.

Aware of the grave reality revealed by this study, a number of associations and institutions have begun to act. IDEH, HAI’s partner in this research, has been a pioneer in this area and has led an active mobilization campaign against “sextortion” for over two years, culminating in a workshop with all organizations involved in this research to discuss a plan of action based on the study results. SOFA and RNDDH, who have more than once rallied against the impunity enjoyed by the perpetrators of sexual harassment, ran their own survey on harassment with 360 workers in four different sectors that corroborated HAI’s findings and denounced the fact that “the majority of private and public institutions in Haiti are below the radar of the State and have not implemented any regulation towards protecting their employees, in contradiction with ratified agreements and conventions such as CEDAW, Belem Do Para, [and] ILO agreements on workers’ rights.”

The recommendations below are drawn directly from the findings of HAI, IDEH, SOFA, and RNDDH:

### For NGOs and the International Community

- Create a safe space in accordance with the UN principles against Sexual Exploitation and Abuse.
- Ensure these policies and reporting mechanisms are implemented internally and with external partners.

- Contribute to the research on sexual harassment in Haiti to help identify its prevalence and the need for response. More research is needed in sectors that have not yet been studied but where anecdotal evidence suggests that women and girls might be victims of abuse, including political organizations and parties, religious institutions, the medical sector, and others.
- Spread the word. Stop the silence by talking about harassment, including how to report and respond to it.

## United Nations and Advocacy Groups

- Continue to advocate that the Government of Haiti honors its obligations under the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and other signed agreements and treaties.
- Continue advocacy efforts with the Government of Haiti to implement the below recommendations.

## Government of Haiti

- The Government of Haiti should issue specific legislation against sexual harassment. The law should condemn the practice as a crime in any context where it is committed.
- The Labor Code should include obligations for employers to implement a policy to prevent sexual harassment and sanction it as a serious form of discrimination and a violation of workers' rights.
- The government and its relevant ministries should promote and facilitate the adoption of a code of ethics that prevents and responds to sexual harassment practices.

- Conduct an audit in key public administrations, such as justice, law enforcement, and education institutions. Audit results should lead to the implementation of measures to prevent and respond to sexual harassment, including reporting mechanisms and sanctions against perpetrators.
- The Office for the Protection of Citizens should be provided with increased authority and resources to hear and respond to complaints, run audits and investigations at all levels of the public administration, and provide evidence to the court in cases of abuse.

## Donors

- Provide increased financial support to organizations advocating against sexual harassment, especially in the following areas:
  - Support organizations that provide protection services to victims, work to increase awareness among Haitian society, and collaborate with the government to change legislation.
  - Fund programs working to improve worker's rights by implementing sexual harassment reporting and response mechanisms in the private and public sectors.
  - Strengthen the capacity of the Haitian government to implement legislation, follow international treaties, conduct audits, and hold employers responsible.
- Require that all organizations that receive funding implement the UN Principles of Sexual Exploitation and Abuse

These recommendations present a framework to begin preventing and responding to sexual harassment in Haiti. Despite the struggles that lay ahead, we have envisioned a world where women can be safe and harassers face consequences for their actions.

## Notes

1. Combattre le harcèlement sexuel en Haiti, analyse du cadre juridique national et international. Heartland Alliance International. September 2014.
2. According to the FIDA, “Sextortion is a form of sexual exploitation and corruption that occurs when people in positions of authority whether government officials, judges, educators, law enforcement personnel, or employers seek to extort sexual favors in exchange for something within their power to grant or withhold. In effect, sextortion is a form of corruption in which sex, rather than money, is the currency of the bribe.” <http://www.iawj.org/Sextortion.html>
3. *Enquete Sur le Harcèlement Sexuel en Milieu du Travail en Haiti*. SOFA-RNDDH: Port-au-Prince, 2015. <http://rnddh.org/content/uploads/2015/03/1-SOFA.RNDDH-Harc%C3%A8lement-18-mars-2015.pdf> (accessed March 28, 2016).
4. The 2008 Haitian Hemispheric Opportunity through Partnership Encouragement Act, or HOPE II, grants Haitian apparel exports duty-free entry into the United States and requires that apparel factories respect labor rights—such as rights to organize, bargain collectively, and be free of employment discrimination—in order to qualify for benefits.
5. An International Labor Office (ILO) program whose mission is to improve factory compliance with labor standards in the context of the HOPE II Act, which provides commercial benefits to factories under the condition of compliance with international labor standards.
6. Truskinovsky, Yulia, Janet Rubin, and Drusilla Brown. *Better Work Discussion Paper no. 13: Sexual Harassment in Garment Factories: Firm Structure, Organizational Culture and Incentive Systems*, Geneva: *Better Work*, 2013. <http://betterwork.org/global/wp-content/uploads/DP-14-final.pdf> (accessed March 28, 2016).

7. "Empirical analysis indicates that sexual harassment arises in part when supervisors are charged with assessing the individual work performance of their subordinates for the determination of production-related pay incentives. Sexual harassment is positively correlated with presence of worker-level incentives, the level of worker compensation and complaints of supervisor behavior. Sexual favors as a form of bribe for a positive work-effort report is more common in factories with low organizational awareness, as reflected in the human resource manager's perception of sexual harassment as a concern, and supervisor training. Sexual harassment is also more common in factories lacking nearby competitors, suggesting that intensified competition among factories for labor deters sexual harassment." Abstract, *Ibid*, p4.
8. Conducted in 2011, published in 2013: Truskinovsky, Y., J. Rubin, and D. Brown (2013). "Sexual Harassment in Garment Factories: Firm Structure, Organizational Culture and Incentive Systems"; Better Work Discussion Paper no. 13, Geneva: Better Work.
9. <http://www.commondreams.org/views/2013/05/08/haitian-sweatshop-workers-speak-sub-poverty-wages-and-sexual-coercion>
10. A System Put to the Test by Brian Concannon / January 24th, 2013 <http://dissidentvoice.org/2013/01/a-system-put-to-the-test/>
11. Haïti-Belgique : Josué Pierre-Louis rejeté comme ambassadeur. jeudi 22 janvier 2015 Alterpresse. <http://www.alterpresse.org/spip.php?article17638>
12. Rapport sur les harcèlements sexuels et psychologiques dénoncés par les employé-e-s de la RTNH. SOFA, RNDDH, Port-au-Prince, décembre 2014.
13. No significant differences were found between responses of men and women. Based on these findings, and because the goal of the study was to document women's perceptions of sexual harassment rather than prevalence of sexual harassment, the research team opted to limit the study sample to women only.
14. As described in footnote 2 above, this term was created by the International Association of Women Judges (FIWA).
15. Haiti's economy is approximately 85 percent in the informal sector, and within the informal sector more than 75 percent of those participating are women. Gender Assessment, USAID HAITI, June 2006.
16. The research team opted to shape this question as a hypothetical rather than directly asking about women's actual responses to sexual harassment to elicit a higher response rate.
17. <http://www.iawj.org/Sextortion.html>
18. Art. 279.- Whoever commits the crime of rape, or is found guilty of any other indecent assault, or attempted with violence against individuals of either sex shall be punished with imprisonment.
19. LAW ON PREVENTION OF CORRUPTION AND REPRESSION - May 7, 2014 Article 5: are considered acts of corruption under this Act the following acts: bribery, illicit enrichment, laundering of proceeds of crime, public embezzlement, abuse of office, graft, kickbacks, overbilling, influence peddling, nepotism, insider trading, illegal procurement, unlawful taking charging of interest, misuse of corporate assets, abuse of office and other acts defined as such by law. Article 5.1.- From concussion: All officials, all public officers, any public official of the national government, all collectors of duties, taxes, money, or communal public revenues, who are found guilty of the crime of extortion in ordering to collect or demanding or receiving what they knew not to be due for duties, taxes, money or income or wages or salary, shall be punished by imprisonment. Article 5.5.- On abuse of office: Abuse of office is done by a public official abusing his functions or position, that is to say, commits, in the exercise of its duties, an act in violation of laws to obtain an undue advantage for himself, another person or entity.

20. These limits have not prevented the Office of the Inspector General of the US Agency for International Development (USAID OIG), and the Fondation Héritage pour Haïti (LFHH - Heritage Foundation for Haiti), the Haitian chapter of Transparency International (TI) from receiving and supporting sexual harassment complaints from a call center against corruption that runs 24 hours a day, 7 days a week. Both institutions receive complaints and conduct the necessary investigations to deal with cases of sexual blackmail in public service as in programs funded by USAID. Free call at (509) 3701-7089 or (509) 2513-7089 or SMS to \*550 in Haiti, or by email to the email address: anticorruptionhotline@hushmail.com.
21. Direct Request (CEACR) - adopted 2013, published 103rd ILC session (2014) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - Haiti (Ratification: 1976)
22. Article 2: Violence against women shall be understood to include physical, sexual and psychological violence: a. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse; b. that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place.
23. A/HRC/11/5 26 March 2009

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