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Policy Framework for an Effective and Equitable Transition

Haiti's transition is failing its women and girls in violation of clear legal obligations and best practices. The transitional government is neglecting women's leadership, women-specific policy considerations, and the priorities of the women's movement. The lack of any women with a vote on the Presidential Transitional Council (TPC) is just one – egregious – example of this pattern. A new Minister on the Status of Women and Women's Rights trying to change and dilute the Ministry's mandate away from advancing the rights of women and girls is another. Such gendered exclusion and neglect reinforce historic patterns of discrimination and violate the rights of Haitian women and girls. They also squander one of Haiti's richest resources and undermine the effectiveness and sustainability of the transition.

Deploring these persistent failures and deeply concerned with their impact on the success of Haiti's transition, we, feminist and human rights organizations based in Haiti and throughout the world, demand urgent measures to secure the rights of women and girls as part of Haiti's transition. To that end, we set out this Policy Framework for an Effective and Equitable Transition, which (i) identifies the applicable human rights and related principles against which all further policies and actions must be measured and (ii) provides recommendations for immediate policy changes consistent with these principles.

Guiding principles

I. Haitian women and girls are entitled to dignity, equal rights, and effective protections as a matter of Haitian and international law, including the right to equal participation in the public life of their nation. The Haitian Constitution explicitly embodies a commitment to human rights, “the equity of gender, the participation of all the population in the grand decisions engaging the national life,” and “assure[s] to women a representation in the instances of power and of decision which must conform to the equality of the sexes and to equity of gender.” It further guarantees political and civil rights regardless of sex and reserves a minimum of 30% of all public roles and political opportunities to women (Arts. 17, 17-1, 31-1-1). Haiti is also Party to multiple international human rights treaties that enshrine the human rights of women, including (i) equality, (ii) non-discrimination, (iii) freedom from violence, (iv) full political participation, and (v) access to justice and economic opportunities. Haiti's Constitution (Art. 276-2) converts these obligations directly into Haitian law, abrogating all contrary provisions.

II. Centering women's leadership and specific needs is an established best practice for conflict-affected transitions, reflecting the empirical recognition that when women are included, outcomes are more effective and sustainable. The Women, Peace, and Security (WPS) Agenda explicitly recognizes the imperatives to (i) ensure the active participation by women in conflict resolution, peacebuilding, and shaping of national transitions, and (ii) center women's specific needs and priorities during conflict, in its aftermath, and as part of transitional efforts (including resettlement, reintegration, and reconstruction). In Haiti's specific context, women have long played transformative roles in preparing for and responding to



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crises and natural disasters, mobilizing for democratic reform, and advancing human rights, all while facing higher barriers to public engagement. They are one of Haiti's best resources and must be included in all aspects of the current transition. Failure to fully respect the rights of Haitian women and girls undermines the stability and prosperity of Haiti as a whole.

III. An effective transition must tackle the grave historic inequality and discrimination directed at Haiti's women and girls in public and domestic life in violation of their rights. Many of Haiti's laws, policies, and institutions are unequal and discriminatory. Women are marginalized in government leadership, political participation, and policy-making. They have less access to and are discriminated against in education, financing, formal employment, legal recourse, and other social and economic opportunities and institutions. They are targets of explicit discrimination, harassment and violence. Advocacy and services focused on empowering or protecting women and advancing their rights are chronically underfunded and otherwise marginalized. These inequalities not only violate women's rights, they are also at the root of Haiti's social instability. Sustainably increasing stability in Haiti requires a rupture from this history of discrimination and inequality.

IV. Haiti's women and girls are entitled to live free from public and private violence and to have meaningful recourse therefrom. This principle reflects the global resolve to eliminate all forms of violence against women and girls and the WPS Agenda dictate to prevent and address conflict-related sexual violence. Gendered inequalities have produced endemic gender-based violence (GBV) in Haiti, including political violence designed to deter both women's full participation in public life and advocacy to change the violent status quo. The present crisis has seen dramatic increases in incidence and brutality of sexual violence directed against women and girls. In turn, GBV and other forms of discrimination further reduce women's access to public spaces and resources. Recourse for GBV and other gendered harms is scarce and Haiti's institutions, including its justice system and dedicated ministries, have been unwilling or unable to prioritize, fund, and implement suitable responses. The present crisis has exacerbated these gendered harms, all of which violate the rights of Haitian women and girls.

V. In order to meet these human rights obligations, participation and leadership by Haitian women must be material, empowered, and well-resourced, and gender-specific considerations reflecting priorities of Haiti's women's movement must be centered as policy priorities. The above legal obligations require substantive implementing actions. Failures by domestic and international actors to mainstream Haitian women's needs and leadership have served to impede sustained progress towards tackling structural inequalities. One manifestation of this failure is token inclusion of women in government without granting them the meaningful authority and adequate resources necessary to concretely advance women's rights. Another is chronic deprioritization of women's needs, reflected in limited funding, absence of specialized programs and services, and weak political will for reforming unequal or discriminatory laws and practices. More subtle programmatic and policy deficiencies center women solely as victims but not as decision-makers, leaders, and agents of change; or mistakenly equate the presence of women with commitment to a women-focused agenda. A recent example is the appointment of a transitional Minister on the Status of Women and Women's Rights who lacks material ties to the Haitian women's movement, which was instrumental in creating that Ministry to advance women's rights. The Minister has already proposed a transformation of the Ministry to focus on family, which the movement believes will dilute its



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focus on advancing the rights of women and girls. Another example is the history of limiting women-focused programs and funding to service-provision, to the exclusion of support for women's political mobilization and advocacy around structural reforms. The disconnect between policymaking and the priorities of affected communities is further exacerbated by the frequent exclusion of perspectives reflecting intersecting experiences like poverty, education, language, geography, age, and organizing at the grassroots level. The results are a weakened women's movement, reduced societal capacity for and focus on necessary structural changes, and misdirected effort. Failure to center Haitian women's leadership and priorities also enables cooptation and abuse. Examples include token appointments of women who are disconnected from feminist priorities or, at worst, corrupt and beholden to conflicting interests.

Recommendations

The undersigned feminist and human rights organizations based in Haiti and throughout the world demand the urgent implementation of the above Principles, which embody well-established legal obligations under Haiti's Constitution, laws, and ratified treaties alongside best practices for their implementation. We recommend the following specific actions and policy priorities, each of which must be interpreted subject to the content of this whole Framework:

1. Fully apply Haiti's Constitution, international human rights norms, and best practices for conflict-affected transitions embodied by the WPS Agenda by ensuring that women are full and equal participants in all peacebuilding, transitional, and rebuilding activities. This requires active effort to include women's input and leadership in a manner that is consistent with the priorities and interests of Haitian women as a whole and not as tokens. Subject to these considerations and Recommendations 3 and 6, a *minimum* of 30% of all Ministerial, Director General, and other senior government appointments, along with all other positions of authority in spaces and bodies charged with material deliberations, decision-making, implementation, and oversight must be filled by qualified female candidates. Meeting this minimum must be accompanied by a deliberate strategy to reach the full equity required by the Constitution. Most urgently, the 30% baseline must be met for Ministerial and monitoring institutions, and entities charged with organizing elections like the Provisional Electoral Council (CEP).
2. Guided by Recommendation 1, transitional authorities must especially empower the participation of women in the next electoral process at all levels, from the setting up of the CEP to the installation of elected representatives, with a view to ensuring that elected posts reflect the composition of the Haitian population. The Constitutional requirement that at least 30% of political candidates must be women must be respected at every level of government. Preventing and addressing gendered political violence must be treated as a top priority.
3. Fully apply Haiti's Constitution, international human rights norms, and best practices for conflict-affected transitions embodied by the WPS Agenda by centering across every undertaking factors that distinctly impact women and girls, especially (i) women's ability to shape and take part in the political process, including as policymakers, monitors, candidates, and voters; (ii) distinct security and access to justice needs, including with respect to both sexual and political violence; and (iii) economic access



and empowerment. A commitment to these principles should be expected of all public actors and not relegated to female leaders, with performance assessments closely tracking these specific targets for all government entities and officials.

4. Explicitly invest in women’s long-term equality through legislative, institutional, and policy changes, accompanied by adequate and sustained funding. In particular, ensure sufficient institutional capacity, services, and accountability mechanisms responsive to women’s distinct needs, including (i) effective protections from and justice for GBV, (ii) reduction of discrimination and political violence, and (iii) support for economic empowerment. Ensure that transition and reconstruction mechanisms, including the Truth, Justice, and Reparations Commission, fully account for women’s distinct experiences, challenges, and needs, including access to justice for harms arising from foreign actors like sexual exploitation and abuse. To that end, (i) reserve at least 30% of Commission and reconstruction program leadership positions for women, (ii) budget adequate dedicated funding for issues specifically affecting women and girls, (iii) ensure that distinct impacts on women and girls are considered across all topics and programs beyond sexual violence, and (iv) subject especially to Recommendations 5 and 6, require formal consultation with women’s organizations - especially those headed by Haitian women and organizing at the grassroots level - for each element of related planning and implementation. In the short term, strengthen existing mechanisms. This requires, for example, an appropriate budget for the Ministry on the Status of Women and Women’s Rights, which for years has received just 0.1% of Haiti’s budget for advancing the welfare of 52% of Haiti’s population. Another immediate action would be to strengthen specialized police units dedicated to confronting GBV that includes (i) dedicated training on trauma-sensitive assistance for survivors of GBV, (ii) improved procedures that ensure prompt and effective investigation and prosecution of any claims of GBV taking into account the safety of and effective communication with survivors, (iii) adequate forensic, medical, and other supplies and resources for performing related investigations and prosecutions, and (iv) effective monitoring, gender-disaggregated data collection, and adjustment of policies where necessary in close consultation with survivor advocates and other relevant representatives of the women’s movement.
5. Subject especially to Recommendation 6, center priorities and approaches defined by the Haitian women’s movement, especially Haitian women-led organizations and those organizing at the grassroots level. Ensure financial and other support for existing women’s organizations in Haiti, specifically including those dedicated to policy and political change. Actively center their expertise in policy deliberations, monitoring and oversight, and any key appointments.
6. Every aspect of the transition, including these Recommendations, must specifically consider and endeavor to dismantle historical and structural inequalities and counterproductive practices through, *inter alia*: (i) dedicated and sustained funding, (ii) program design that centers Haitian women and expressly addresses underlying structural inequalities; (iii) policy deliberations and government appointments that center the expertise and priorities of the Haitian women’s movement and explicitly considers distinct impacts on and needs of women and girls; and (iv) participatory and intersectional approaches that ensure participation of historically excluded voices, including those of poor, less formally educated, rural, or young women. Foreign partners and donors, in particular, must accompany



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the priorities of the Haitian women's movement, and avoid past harmful practices of selective consultations and funding inconsistent with principles of representative participation and inclusion.

Endorsing Haitian organizations:

1. 1804 Institute
2. Advens Optical, Inc.
3. Alternative Chance / Chans Alternativ
4. Asosyasyon Sosyal Fanm se Wozo (ASFAWO)
5. Association des Femmes de Borgne
6. Association des Femmes Rénovés de Léogâne (AFREL)
7. Association des Femmes Universitaires du Cap-Haitien Nord
8. Association des Femmes Vaillantes D'Haïti (AFVH)
9. Bra Fanm
10. Bureau des Avocats Internationaux (BAI)
11. Clinique de Recherche, d'Analyse, et d'Assistance Légale de L'École Supérieure Catholique de Droit de Jérémie (CRAALE)
12. Commission Épiscopale Nationale Justice et Paix (CE-JILAP)
13. Consortium des Organisations du Secteur Privé de l'Éducation (COSPE) / FCH-Espwa (Fondation Communautaire Haïtienne-ESPWA [*hope*])
14. Courage To Believe International
15. enpaK
16. Faith in Action International - Haiti
17. Fanm Deside
18. Fanm Viktim Leve Kanpe - 'Femmes Victimes, Debout' (FAVILEK)
19. Fédération des Associations Régionales Haïtiennes de la Diaspora (FAREHD)
20. Femme Idéal pour le Développement Économique et Social (FEMIDES)
21. Femmes Combattantes Avisées pour le Développement d'Haïti (FEMCADH)
22. Femmes en action contre la stigmatisation et la discrimination sexuelle (FACSDIS)
23. Fondation TOYA
24. Gran Jipon
25. Groupe d'Appui au Développement et à la Démocratie (GRADE)
26. Groupe de Réflexion sur Haïti (GREFH)
27. Groupe de Travail sur la Sécurité (GTS)
28. Groupement des Femmes Étoiles Brillantes (GFEB)
29. Haiti Adolescent Girls Network (HAGN)
30. Haitian Women's Collective (HWC)
31. ITIAHaiti
32. INITIATIVE DE LA SOCIETE CIVILIERO
33. Komisyon Fanm Viktim pou Viktim (KOFATIV)
34. Konbit Peyizan Grandans (KPGA)
35. Kouraj
36. Koze Jèn Yo
37. Marijàn
38. Nègès Mawon
39. Nou Pap Dòmi
40. Òganizasyon Fanm Leyogàn nan Bagadè k ap lite (OFLBK)



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41. Òganizasyon Fanm Vanyan Lakolin Deland (OFVLD)
42. Òganizasyon Feminis Dantò / Dantò Òganizasyon Feminis
43. Organisation Arc-en-ciel D'Haïti (ORAH)
44. Organisation des femmes engagées pour le changement de Saint du Sud (OFECaS)
45. Organisation des Femmes Modernes pour le Développement Communautaire (OFMODEC)
46. Organisation des Femmes Vaillantes de Léogâne (OFVAL)
47. Organisation FIEF
48. Organisation pour l'Émancipation des Femmes à travers l'Éducation (OEFE)
49. Organisation Progressiste pour le Développement de la Commune de Gressier (OPDCG)
50. Organisation Trans d'Haïti (OTRAH)
51. Partners in Health
52. Plateforme des Organisations de Femmes Haïtiennes pour le Développement (POFHAD)
53. Platform of Haitian Human Rights Organizations (POHDH)
54. PROFAMIL
55. Regroupement des Femmes Actives d'Haïti (RFAH)
56. Regroupement des Femmes Vaillantes de Léogâne (ReFeVaL)
57. Regroupement des Organisations de Femmes de Gressier et de Léogâne (ROFGL)
58. Regwoupman Fanm Aktif (RFA)
59. Réseau National de Défense des Droits Humains (RNDDH)
60. Rêve Bleu d'Azur
61. Rezo Fanm Kapab DAYiti (REFKAD)
62. Rezo Fanm Radyo Kominotè Ayisyen (REFRAKA)
63. SAN POU SAN FANM (100% FANM)
64. Union des Femmes à Mobilité Réduite d'Haïti (UFMORH)
65. Union des Femmes pour le Développement de Gressier (UFEDEG)
66. Vizyon Fanm Dyanm pou Devlopman Léyogàn (VFDDL)
67. WE ARE WOMEN ORG
68. Zantray Fanm Kreyòl

Organizations from around the world in solidarity with demands by Haitian civil society:

1. African Initiative of Women Human Rights Defenders (WHRD Initiative) (South Africa)
2. American Jewish World Service (AJWS) (USA)
3. Amnesty International USA (USA)
4. Anana Consultants (USA)
5. Ansara Family Fund (USA)
6. Association for Emancipation, Solidarity, and Equality of Women (ESE) (Macedonia)
7. Black Feminist Future (BFF) (USA)
8. CAISO: Sex and Gender Justice (Trinidad and Tobago)
9. Center for Economic Policy Research (CEPR) (USA)
10. Center for Gender and Refugee Studies (CGRS) (USA)
11. Center for Human Rights & Humanitarian Law at the American University Washington College of Law (AUWCL) (USA)
12. Chrysalis Fund (USA)
13. Coletivo Feminista de Autocuidado e Cuidado entre Defensoras de Direitos Humanos (Brazil)
14. Empire Women Development Initiative (Nigeria)
15. Equality Now (global)
16. Faith in Florida (USA)
17. Family Action Network Movement (FANM) (USA)



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18. Forum Tunisien pour les Droits Économiques et Sociaux (FTDES) (Tunisia)
19. Fòs Feminista (USA)
20. Friends of Matènwa (FoM) (USA)
21. Give To Haiti, Inc. (USA)
22. Global Justice Clinic at the New York University School of Law (USA)
23. Haitian American Foundation for Democracy (HAFFD) (USA)
24. Haitian Bridge Alliance (USA)
25. Haitian Ladies Network (USA)
26. Haiti School Project (USA)
27. Haiti Solidarity Network of the Northeast (HSNNE) (USA)
28. Human Rights and Gender Justice Clinic at the City University of New York (CUNY) School of Law
29. Institute for Justice and Democracy in Haiti (IJDH) (USA)
30. International Civil Society Working Group for the Permanent Forum on People of African Descent (PFPAD) (global)
31. Jamii Linguists (USA; Colombia)
32. MADRE (USA)
33. Manifest Haiti (USA)
34. Midnight Books (USA)
35. New England Human Rights Organization (NEHRO) (USA)
36. Okra Collective (Senegal)
37. Presbyterian Church, Office of Public Witness (USA)
38. Quixote Center (USA)
39. Refugees International (USA)
40. Réseau des Jeunes Féministes d'Afrique de l'Ouest (RJFAO) (Africa)
41. Respire Haiti (USA)
42. Revive Your Soul Ministries, Inc. (USA)
43. Roots of Development (USA)
44. Sant La Haitian Neighborhood Center (USA)
45. Sawtche Collectif afroféministe (France)
46. Stop au Chat Noir (Africa)
47. The 360 Evolution Academy, Inc. (USA)
48. The Firedoll Foundation (USA)
49. The Human Rights Brief at the American University Washington College of Law (AUWCL) (USA)
50. They Will Need Foundation (USA)
51. True Alliance Center (USA)
52. Unitarian Universalist Service Committee (UUSC) (USA)
53. Wa Mbedmi (Senegal)
54. Wits University (South Africa)

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