

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 43/2022**

Precautionary Measure No. 433-22

M.A.C. regarding Haiti

August 30, 2022

Original: Spanish

**I. INTRODUCTION**

1. On June 6, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by Rony Joseph (“the applicant”), urging the Commission to request that the State of Haiti (“Haiti” or “the State”) adopt the necessary measures to protect the rights to life and personal integrity of Ms. M.A.C. (“the proposed beneficiary”). According to the request, the proposed beneficiary, who identifies herself as a defender of women’s human rights in Haiti, is at risk due to threats and harassment against her as part of her search for justice for acts of sexual violence that she has allegedly suffered.

2. In accordance with Article 25(5) of its Rules of Procedure, the Commission requested information from both parties on July 8, 2022, receiving the required information from the applicant on July 11, 2022. The Commission reiterated the request for information to the State on August 5, 2022. However, as of the date of publication of this resolution, the State has not responded to the Commission’s request. The applicants submitted information on August 17, 2022.

3. Upon analyzing the submissions of fact and law offered by the applicant, the Commission considers that the information provided shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, as her rights to life and personal integrity are at risk of irreparable harm. Consequently, the Commission requests that the State of Haiti: a) adopt the necessary measures, with a gender perspective, to protect the rights to life and personal integrity of M.A.C.; b) take the necessary measures to ensure that M.A.C. can carry out her activities as a human rights defender without being subjected to acts of intimidation, harassment, threats, or violence in the exercise of her work; c) consult and agree upon the measures to be adopted with the beneficiary and her representative; and d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

4. Given the nature of the information provided in the matter at hand, the IACHR has decided to keep the identity of the proposed beneficiary confidential for purposes of this resolution. The State is aware of her identity following the forwarding of the request for precautionary measures and subsequent communications.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicant**

5. The proposed beneficiary was allegedly a victim of rape since 2008, when she was 16 years old and lived at her aunt’s house. The request identifies her female cousin’s boyfriend as the aggressor. In

2010, the proposed beneficiary reported the facts to a relative, who communicated the situation to the beneficiary's cousin. She did not believe her story and invited the alleged aggressor to live in the family residence. In this context, the alleged aggressor reportedly began to prevent the proposed beneficiary from communicating with other people, treating her as a "sexual object" and using physical and psychological violence to subjugate Ms. M.A.C.

6. Since 2014, the alleged aggressor has repeatedly threatened to kill the proposed beneficiary if she reported the situation to the competent authorities. The proposed beneficiary is said to have tried to obtain support from family members and her community, who either did not believe her story or ignored the situation placing her at risk.

7. According to the applicant, the proposed beneficiary began taking human rights classes in 2018. She reportedly realized that her situation was consistent with gender-based violence and sexual slavery. She purportedly started working in selling chemicals, looking for financial resources to rent a room. On September 27, 2020, the proposed beneficiary reportedly decided to tell her father that she was suffering sexual violence and death threats. On the same day, a meeting was called at Ms. M.A.C.'s house. Her father, a cousin, and the alleged aggressor attended. Her father purportedly reacted with surprise and anger. Her father allegedly said that "that was nothing" and that "life must go on."

8. On October 29, 2020, the proposed beneficiary was allegedly threatened by the alleged aggressor, who had a firearm. The applicant stated that the proposed beneficiary approached the "Fondation Jeklere" (FJKL) for support, where she left documents and a video in which the alleged aggressor admitted having raped the proposed beneficiary. An officer of the organization allegedly advised the proposed beneficiary to report the situation to the Sex Crimes Unit (ULCS, by its French acronym) of the Central Judicial Police Directorate (DCPJ, by its French acronym). On October 30, 2020, Ms. M.A.C. purportedly went to the Office of Citizen Protection (OPC, by its French acronym), where a report regarding her situation was produced, advising her to go to the medical service of Doctors Without Borders to have medical exams. On the same day, the proposed beneficiary allegedly reported the facts to the ULCS. However, the officers reportedly only told her to go to the Port-au-Prince Public Prosecutor's Office.

9. According to the request, on November 3, 2020, the proposed beneficiary filed a complaint with the Prosecutor's Office for the acts of rape and death threats. The authorities decided to issue an arrest warrant against the alleged perpetrator. On November 5, 2020, Ms. M.A.C. reportedly approached a civil society human rights organization seeking legal aid, who refused to support her. On the same day, the proposed beneficiary allegedly went to the office of another civil society organization, obtaining an appointment for November 10, 2020. On November 10, 2020, the proposed beneficiary went to the office of the first organization that she had contacted, with an officer of the second organization. Although Ms. M.A.C. purportedly reported the previous refusal of the first organization to support her in her case, the officer of the second organization told her that they should accept the case, following a cooperation agreement between the two organizations.

10. On March 26, 2021, the proposed beneficiary is said to have addressed the organization responsible for her legal assistance, who reported that there was no progress in her case and that she should have as much evidence as possible for her case to continue. On April 16, 2021, the proposed beneficiary sent a message to the second organization, stating that she had doubts about the progress of her case, because the main lawyer of the organization that was offering her legal assistance was a friend of the alleged aggressor and even frequented her house. On May 11, 2022, the lead lawyer of the said organization allegedly told the proposed beneficiary that he could not continue with her defense because

the alleged perpetrator is a friend of his and “had received sensitive documents from the aggressor.” He said to have forwarded her case file to a third civil society organization.

11. On August 19, 2021, the said organization filed a second complaint for the same facts before a judge, who reportedly renewed the arrest warrant of the alleged aggressor. On September 30, 2021, the judge allegedly issued a second arrest warrant. On October 8, 2021, the prosecutor’s office reportedly informed the proposed beneficiary that her case file was in the investigating judge’s office. According to the applicant, the judge has not yet begun the investigation of the case, despite the fact that the national law sets a period of two months for this.

12. On January 10, 2022, a man on a motorcycle allegedly threatened the proposed beneficiary. On January 15, 2022, the proposed beneficiary reportedly found a letter threatening her on the balcony of her house. On February 3, 2022, the proposed beneficiary purportedly received multiple threatening calls from unknown persons. This situation was reported to the Prosecutor’s Office on February 3, 2022. The applicant indicated that the authorities had not initiated an investigation into the three complaints filed.

13. The applicant considers that the failure of the judicial authorities to act occurred due to the alleged economic and political influence that the alleged aggressor exercises before the police and in society in general. Furthermore, the police and judicial authorities allegedly told the proposed beneficiary that it was impossible to comply with the arrest warrant, because the alleged perpetrator had been in the United States since January 2021. On February 14, 2022, the proposed beneficiary reportedly sent a letter to the Office of Citizen Protection, requesting technical legal support and protection.

14. On April 29, 2022, three armed men allegedly threatened the proposed beneficiary while she was travelling to attend a human rights conference. According to the applicant, the perpetrators of the threats told the proposed beneficiary that “she could end up like journalists Diego Charles and Marie Antoinette Duclair if she continues talking about the issue of violence against women and girls and if she continues to file complaints with the authorities.” Moreover, these persons allegedly described the three complaints filed by the proposed beneficiary.

15. On June 14, 2022, Ms. M.A.C. was reportedly attacked while travelling on a bus. The proposed beneficiary allegedly tried to report the incident, but the police officer said that the episode was part of the country’s insecurity. On June 23, 2022, the proposed beneficiary allegedly received a call from a woman who is said to be friends with the alleged aggressor and made degrading comments and threats against Ms. M.A.C. The proposed beneficiary purportedly reported the incident to the DCPJ, however, the police authorities only recommended caution. According to the applicant, the Prosecutor’s Office of the Court of First Instance of Port-au-Prince is not operational since June 10, 2022, which makes it impossible to report crimes to the competent authorities.

16. The applicant reportedly advised the proposed beneficiary not to stop lodging complaints. However, Ms. M.A.C. allegedly told him that she “prefers to commit suicide instead of filing complaints with the Haitian authorities” because she is being revictimized by the national authorities, and she has also purportedly stated that she would “end her life if the authorities do not want to ensure her protection from all these threats due to the case of sexual violence of which she was the victim.” The proposed beneficiary reportedly also stopped participating in street activities and attending her legal science classes at the University of Port-au-Prince.

17. On August 17, 2022, the proposed beneficiary allegedly found a threatening letter on the balcony of her house, accompanied by a firearm projectile. On the same day, an armed man allegedly insulted the proposed beneficiary and threatened her by saying, “You have the month of August to withdraw your complaint against [the alleged aggressor], otherwise even the Haitian National Police will not find your body” and “you are very active in various educational institutions raising girls and women against men claiming that you teach them their human rights, you deserve to be tortured and killed.” The alleged perpetrator reportedly stole the purse and telephone of the proposed beneficiary. Subsequently, the proposed beneficiary purportedly went to the police station and denounced the aforementioned incidents.

### **B. Information provided by the State**

18. The Commission requested information from the State on July 8, 2022, and reiterated this request on August 5, 2022. To date, the State has not responded to the IACHR request.

### **III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM**

19. The precautionary measures mechanism is part of the Commission’s function of overseeing compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18(b) of the Statute of the IACHR, while the precautionary measures mechanism is described in Article 25 of the Commission’s Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.

20. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly established that precautionary and provisional measures have a dual character, one tutelary and the other precautionary.<sup>1</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>2</sup> To do this, it is necessary to assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted<sup>3</sup>. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. The purpose of precautionary measures is to preserve the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures allow the

<sup>1</sup> See in this regard: I/A Court H.R., Inter-American Court of Human Rights. [Case of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#). Request for Provisional Measures presented by the IACHR with respect to the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, Whereas 5; I/A Court H.R., Case of Carpio Nicolle et al. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Judgment of July 6, 2009, para. 16.

<sup>2</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

<sup>3</sup> See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

State concerned to comply with the final decision and, if necessary, implement the ordered reparations.<sup>4</sup> In the process of reaching a decision, and according to Article 25(2) of the Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

21. In analyzing these requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>5</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.<sup>6</sup> This is better suited to be addressed by the Petition and Case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>7</sup>

22. Under the terms of Article 25 (6) of its Rules of Procedure, the Commission shall take into account the context in which a request for precautionary measures is made. In this regard, the Commission identified a link between violence against women, tolerance in Haitian society and impunity for perpetrators.<sup>8</sup> Thus, there would be a culture of silence surrounding victims of sexual violence due to the social stigma associated with these events in society.<sup>9</sup> The IACHR noted that the non-recognition of these abuses as human rights violations denies the victims the right to reparation and often leads to the recurrence of long-term victimization.<sup>10</sup> Likewise, the daily acts of violence against women and the failure

<sup>4</sup> See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

<sup>5</sup> See in this regard: I/A Court H.R. [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#). Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. [Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

<sup>6</sup> IACHR. [Resolution 2/2015](#). Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. [Resolution 37/2021](#). Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

<sup>7</sup> In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertinent to issues other than those which relate strictly to the extreme seriousness, urgency, and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. [Matter of James et al. regarding Trinidad and Tobago](#). Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. [Case of Barrios Family v. Venezuela](#). Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

<sup>8</sup> [IACHR. The right of women to a life free from violence and discrimination in Haiti](#). OAS/Ser.L/V/II. Doc. 64. 10 March 2009.

<sup>9</sup> *Ibid.*, para. 79

<sup>10</sup> *Ibid.*, para. 79

of the State to guarantee justice for the victims are facts that perpetuate the problem of widespread impunity<sup>11</sup> and:

[...] in some cases, the victims and their families have been persecuted by the perpetrators of these acts because they have reported them, which is why they have become the target of further abuse. In addition, society's discriminatory view of women and the tendency not to take women's reports of violence seriously act as further deterrents to legal action. In some cases, their complaints are trivialized, questioned or challenged.<sup>12</sup>

23. Such a situation would persist and in its 2021 Annual Report, the Commission noted with deep concern the obstacles in access to investigation and protection processes for women and girls in cases of sexual assault and other forms of gender-based violence.<sup>13</sup>

24. In addition, in 2016, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) addressed multiple challenges to the Haitian State regarding women's rights, *inter alia*:

- The lack of laws specifically criminalizing violence against women, including domestic violence, sexual violence, incest, marital rape, and sexual harassment;
- The low effectiveness of initiatives to combat violence against women, which are not sustainable because they lack coordination and funding from the State budget and depend on donor funding;
- Limited access of women and girls to victim assistance and protection services, including a shortage of shelters;
- The apparent social acceptance of domestic and sexual violence and its accompanying culture of silence and impunity, as reflected in the low recorded percentage of convictions for acts of sexual and other forms of gender-based violence, despite the fact that rape remains one of the most frequently reported crimes in the State party;
- Underreporting of cases of violence against women due to a lack of trust in judges, prosecutors and police officers, and overreliance on mediation and conciliation to resolve such cases.<sup>14</sup>

25. Regarding the situation of human rights defenders in Haiti, the Commission has observed that members of civil society and journalists have been the main victims of episodes of extreme violence in recent years.<sup>15</sup> The United Nations Integrated Office in Haiti (BINUH) has stated that "civil society and human rights organizations continue to be the target of threats and acts of intimidation because of their struggle for human rights,"<sup>16</sup> documenting 25 cases of threats, intimidation, and attacks on human rights defenders, journalists, lawyers and judges from September 1, 2020 to May 31, 2021.<sup>17</sup> Further, the United Nations Independent Expert on the situation of human rights in Haiti stated that high levels of impunity

<sup>11</sup>Ibid., para. 49.

<sup>12</sup>Ibid., para. 69.

<sup>13</sup>IACHR. [2021 Annual Report, Chapter IV.a](#), Haiti. OAS/Ser.L/V/II. Doc. 64 rev. 1. 26 May 2022, p. 615.

<sup>14</sup>CEDAW. Concluding observations on the combined eighth and ninth periodic reports of Haiti CEDAW/C/HTI/CO/8-9 9 March 2016

<sup>15</sup>IACHR. [2019 Annual Report, Chapter IV.a](#). Haiti. OEA/Ser.L/V/II., Doc. 9, February 24, 2020, para. 380.

<sup>16</sup>United Nations Security Council. United Nations Integrated Office in Haiti. [Report of the Secretary-General](#). S/2021/133, 11 February 2021, para. 38.

<sup>17</sup>United Nations Security Council. United Nations Integrated Office in Haiti. [Report of the Secretary-General](#). S/2021/559, 11 June 2021, para. 41.

exist in cases involving attacks against human rights defenders.<sup>18</sup> Considering the special risk faced by human rights defenders in Haiti, the Commission has granted several precautionary measures.<sup>19</sup>

26. Based on this context, the IACHR will proceed to analyze the procedural requirements in relation to Ms. M.A.C.

27. The Commission considers that the requirement of seriousness has been met. In analyzing this requirement, the IACHR identifies that the situation placing the proposed beneficiary is directly related to her search for justice for the acts of rape to which she was subjected and for her support to other women victims of sexual violence, in the framework of her work as a human rights defender in the *Collectif des Femmes Victimes de Violences*. Regarding the first point, the IACHR notes that the proposed beneficiary alleged that she had been raped repeatedly since she was 16 years old, allegedly by her cousin's partner, while living in the same house. Ms. M.A.C. did not get support from her family and community, until she decided to formally denounce the facts in 2020.

28. The IACHR observes that the proposed beneficiary has reportedly approached various authorities and civil society organizations, seeking to hold her assailant criminally responsible since October 30, 2020. However, on October 8, 2021, the Prosecutor's Office reportedly informed the proposed beneficiary that her case was in the investigating judge's office, and that no progress had been made to date. Although the judicial authorities have issued arrest warrants against the alleged perpetrator (initially on November 3, 2020, renewed on August 19, 2021, and a second arrest warrant on September 30, 2022), they are not being carried out to date.

29. The Commission notes that the proposed beneficiary was allegedly threatened, harassed, intimidated and assaulted over time, after having begun her search for justice and her work in defense of women's rights. Although the proposed beneficiary reportedly filed complaints in this regard with the competent entities, no information is identified on the actions of the authorities in response to such complaints. In this regard, the Commission notes, as a reflection of the assessment of compliance with the requirement of seriousness, the following alleged facts:

- On 10 January 2022, a man on a motorcycle allegedly threatened the proposed beneficiary;
- On January 15, 2022, the proposed beneficiary allegedly found a letter threatening her on the balcony of her house;
- On February 3, 2022, the proposed beneficiary reportedly received threatening phone calls;
- On 29 April 2022, three armed men allegedly threatened the proposed beneficiary while on her way to attend a conference organized by the "*Collectif des Femmes Victimes de Violences*";
- On June 14, 2022, Ms. M.A.C. was allegedly attacked while travelling on a bus;

<sup>18</sup>United Nations General Assembly. Human Rights Council 31st session. [Report of the Independent Expert on the situation of human rights in Haiti](#). A/HRC/31/77, 12 February 2016, para. 77.

<sup>19</sup>See in this regard: IACHR. [Resolution 75/2021](#). Precautionary Measure No. 1175-20 Camille Occius and family regarding Haiti. September 4, 2021 (available in Spanish). IACHR. [Resolution 29/2015](#). Precautionary Measure No. 416-15. Members of the Ensemble des Citoyens Compétents a la Recherche l'Egalité des Droits de l'Homme regarding Haiti. September 1, 2015 (available in Spanish); IACHR. [Resolution 17/2014](#). Precautionary Measure No. 161-14. Matter of Pierre Espérance and Members of the Réseau National de Défense des Droits Humains (RNDDH) regarding Haiti. June 9, 2014 (available in Spanish); IACHR. [Resolution 10/2013](#). Precautionary Measure No. 304-13. Patrice Florvilus and members of the organization "Défense des Opprimés" regarding Haiti. November 27, 2013; IACHR. [Resolution 2/2013](#). Precautionary Measure No. 157-13. Members of the Union des Citoyens Conséquents pour le Respect des Droits de l'Homme regarding Haiti. September 23, 2013.

- On June 23, 2022, the proposed beneficiary purportedly received a call from a woman who is said to be friends with the alleged aggressor, who reportedly made degrading comments and threats against Ms. M.A.C.
- On August 17, 2022, the proposed beneficiary allegedly found a letter threatening her on the balcony of her house, accompanied by a firearm projectile;
- On the same day, Ms. M.A.C. was allegedly the victim of an attack perpetrated by an armed man, who allegedly insulted the proposed beneficiary and threatened that she would be tortured and killed.

30. The Commission considers that the aforementioned threatening events reflect that the proposed beneficiary has serious limitations in her ability to freely carry out her activities as a human rights defender in Haiti and in the framework of the search for justice for the acts of aggression to which she was subjected. In this regard, the IACHR takes note of the applicant's allegations that, following the incident of April 29, 2022, the proposed beneficiary was forced to stop participating in street activities and abandon her legal science classes at the University of Port-au-Prince.

31. In addition to the facts analyzed, the Commission recalls that the proposed beneficiary was subjected to rape, which in itself has a special and severe impact on her rights. Rape is a paradigmatic form of violence against women, whose consequences even transcend the victim's person.<sup>20</sup> In this regard, it is particularly worrying that, according to the applicants, the proposed beneficiary has expressed the possibility of ending her life or committing suicide in the absence of progress in her case, despite the complaints made. The IACHR notes that the foregoing demonstrates the absence of an investigation with a gender perspective that takes into account the psychological integrity of the proposed beneficiary. Moreover, it shows Ms. M.A.C.'s deep fear of becoming a victim of new acts of violence, especially considering the alleged asymmetry of power between the alleged perpetrator and the proposed beneficiary.<sup>21</sup>

32. In view of the situation analyzed above, the Commission regrets the lack of response from the State, after having requested its observations regarding this request for precautionary measures. While the foregoing is not sufficient *per se* to justify the granting of a precautionary measure, it does prevent the Commission from obtaining information from the State on the situation of the proposed beneficiary. In the absence of a response from the State, the Commission does not have sufficient elements to disprove the allegations of the applicant or identify information on the measures effectively taken by the State to mitigate the alleged risk faced by Ms. M.A.C. such as whether any investigation is currently underway, if risk assessments have been carried out, or whether the proposed beneficiary has received protection measures. Nor does the Commission have any evidence to suggest that the investigations have progressed and found the alleged perpetrators, or that the alleged facts have been clarified.

33. In light of the foregoing, the Commission considers that the information provided by the applicant, assessed in the aforementioned context, is sufficient to conclude from a *prima facie* standard that the rights to life and personal integrity of M.A.C. are at serious risk. The Commission underscores its concern that the situation described above is intended to prevent the proposed beneficiary from seeking justice, as well as to intimidate and thereby limit the work of Ms. M.A.C. as a human rights defender, which in turn

<sup>20</sup> I/A Court H.R., Case of Rosendo Cantú et al. v. Mexico. Preliminary objection, merits, reparations, and costs. Judgment of August 31, 2010. Series C No. 216, para. 109

<sup>21</sup> See in this regard, *mutatis mutandis*: I/A Court H.R. [Barbosa de Souza et al. v. Brazil](#). Preliminary objections, Merits, Reparations and Costs. Judgment of September 7, 2021, paras. 88 and 136.

would have a frightening effect on other women victims of sexual violence and other persons working in the defense of human rights in the current context of Haiti.

34. The Commission considers that the requirement of urgency has been met, in view of the ongoing and exacerbated attacks, threats, and acts of intimidation allegedly committed against the proposed beneficiary, and that her risk is related to her search for justice and her work as a human rights defender. The Commission observes that these acts are likely to be repeated in the near future, requiring the adoption of immediate measures to protect her rights. In this same regard, as indicated above, the Commission does not have specific information provided by the State that would allow it to assess any actions that have been taken to address the alleged risk faced by Ms. M.A.C.

35. As for the requirement of irreparable harm, the Commission considers that it has been met, inasmuch as the possible impact on the rights to life and personal integrity of the persons proposed as beneficiaries constitutes the maximum situation of irreparability.

#### **IV. BENEFICIARY**

36. The Commission declares that the person who is the beneficiary of this precautionary measure is M.A.C. who is duly identified in these proceedings.

#### **V. DECISION**

37. The Inter-American Commission on Human Rights concludes that the instant matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the IACHR requests that Haiti:

- a) adopt the necessary measures, with a gender perspective, to protect the rights to life and personal integrity of M.A.C.;
- b) take the necessary measures to ensure that M.A.C. can carry out her activities as a human rights defender without being subjected to acts of intimidation, harassment, threats, or violence in the exercise of her work;
- c) consult and agree upon the measures to be adopted with the beneficiary and her representative; and
- d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

38. The Commission requests the State of Haiti to inform, within a period of 15 days from the date of this resolution, on the adoption of the precautionary measures requested and to update such information periodically.

39. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute prejudgment of any violation of the rights protected in the applicable instruments.

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40. The Commission instructs its Executive Secretariat to notify the State of Haiti and the applicants of this resolution.

41. Approved on August 30, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; and Carlos Bernal Pulido, members of the IACHR.

Mario López-Garelli  
By authorization of the Executive Secretary