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George Rodríguez

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Haiti's Senate Passes Harsh Law Against Marriage Equality

by George Rodríguez

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In Haiti, phobic attitudes against the LGBT community seem as deeply rooted as poverty, and their irrational manifestations range from blaming that community for the devastating earthquake of 2010 to physical and legal violence against its members.

Within this context, Haiti's Senate has taken a step in the wrong direction, passing a draft law that would make same-sex marriage—and any pro-diversity expressions—punishable by both prison and an exorbitant fine.

The recently approved Law Relating to Marriage and the Protection of Family (Loi sur le Renforcement des Dispositions du Code Civil Relatives au Mariage et à la Protection de la Famille) now awaits a vote by Haiti's lower house, the Chamber of Deputies.

In a country where many people survive on less than US\$2 a day, the initiative sets a fine of 500,000-gourde (about US\$8,000) plus a prison sentence of up to three years to punish persons it describes as "the parties, co-parties, and accomplices" of a same-sex marriage.

The text, approved Aug. 3, also forbids public expressions or advocacy favorable to members of the lesbian, gay, bisexual, transgender, and intersex community. The initiative was passed in the Senate despite the fact that marriage is already defined by Haitian law as only between a man and a woman.

Law turns gay marriage into a crime

Charlot Jeudy, head of Kouraj (Courage, in Haitian Creole), the main organization advocating for the rights of Haiti's LGBT community, said the legislation in process seeks to formally turn same-sex marriage into a crime.

"The proposed ban on same-sex marriage in Haiti is wasted time, since the current law does not recognize same-sex marriage," Jeudy told local media immediately after the Senate's vote. "What they want to do is penalize it."

"The entire LGBT community in Haiti is concerned about the latest attacks on us," he added. "There are senators who openly express their homophobia, which is a clear attack against us."

Aggression common

Aggression in any form is an essential part of reality for members of the LGBT community in Haiti. Having historically hidden behind forced secrecy, its members were targeted for even harsher discrimination following the devastating Jan. 12, 2010, earthquake, when Evangelical preachers in churches and on radio stations claimed the earthquake, which took thousands of lives, was a form of divine punishment for what they described as the sins of the LGBT community ([NotiCen, Jan. 21, 2010](#), [Feb. 18, 2010](#), [April 29, 2010](#)).

Following the earthquake, LGBT victims were further discriminated against when some international aid agencies operating the camps for displaced people, seeking to empower women,

initially decided to distribute food to women only, on the assumption that they would responsibly share it with their male partners and their children.

Thus, homosexual men, known in Haitian Creole as *masisi*, as well as other men without wives or female partners, were left out. Added to that, homosexuals were also reportedly victims of rape and harassment in the makeshift camps where earthquake victims were lodged.

Last year, the Massimadi Haiti Festival, which was to celebrate the Afro-Caribbean LGBT community, was cancelled, both because of organizers' fear of violence and a government ban. According to an Associated Press (AP) report at the time, then-Capital Commissioner Jean Danton banned the event as an action to protect Haitian "moral and social" values.

But Jeudy, also quoted by AP, said that his group still planned to hold Massimadi at a later date, despite the fact that "there are very homophobic people who are against it."

At the time, the US gay news source Washington Blade quoted Josué Azor, a Port-au-Prince LGBT nightlife photographer, as saying, "When you have politicians, men that are in power, and they can make that kind of decision, it's like a slippery slope for the violation of liberties that are normally protected by the law."

Sentiment grows after earthquake

Azor said anti-LGBT sentiment escalated after the earthquake. US Protestant and Evangelical organizations increased their presence in Haiti after the quake, he said, and preached against "everything that's Haitian," including Voodoo and sexual diversity.

"They came with the idea to [serve] God or to make people become Protestant, and in exchange, they gave some kind of education, maybe some food," but they were also actually "preaching this kind of hate," Azor said.

When an anti-gay march was held in Port-au-Prince three years after the earthquake, Pastor Gerard Forges, one of the organizers, then told reporters, "What we call *masisi*, it's recently [that] we allow this in public ... before, it was private."

Forges said he was opposed to the actions of LGBT people, not to the people themselves, and said that there were members of the LGBT community among the close to 8,000 members of his Pentecostal congregation.

"We have homosexuals in church, we sit with them," he said. "We say, 'God loves you, we love you, but we don't like what you do.'"

In a 2014 interview with the Arab independent news channel Al-Jazeera, a gay member of the local LGBT community, identified as Ralph, said, "We have to live in secret" because of prejudice and violence. He said the secrecy led to a demoralizing but necessary double life.

Ralph recalled that the previous year, as he headed home after seeing a gay friend off at a bus stop, he was viciously attacked. When, still bleeding from the beating, he tried to lodge a complaint at a police station, "the police said, if you're gay they have reason to beat you," he told Al-Jazeera.

Kouraj—founded in 2011 and the recipient of a grant from the New York-based human rights group American Jewish World Service (AJWS)—itself has felt the anti-LGBT violence.

According to the AJWS, Kouraj saw harassment and threats turn into violence two years after its founding, when a group of men wielding firearms and machetes, and yelling anti-LGBT insults, stormed the local organization's Port-au-Prince headquarters, assaulting and robbing two of the group's members.

"When Kouraj's founding members formed their nonprofit group in 2011, they knew they would be facing serious risks," AJWS said in a statement in 2014. "It takes grit to come out as LGBT in Haiti, let alone to publicly respond to homophobia."

Remarking that Kouraj's members were up "against formidable opponents," it noted that the group's aim is "to empower gay and transgender Haitians to insist on acceptance in their own society" and stand up for their rights.

"Most Haitians affiliate with the Roman Catholic Church—and, despite recent LGBT-friendly comments from Pope Francis, local church leaders have vociferously denounced LGBT people as immoral," AJWS said. "Kouraj is trying to shift Haitian cultural attitudes on LGBT issues. It brings LGBT people together to discuss their concerns, raises awareness about LGBT rights in the wider community, and sparks public debate about the stigma surrounding same-sex relationships."

Regardless of the aggressive environment that members of the LGBT community endure in Haiti, Jeudy is clear about what the just order of things should be: "We have the right to protest, and we have the right to be who we are, and we have the right to be free," he said.

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