

Haiti

**COI Compilation
July 2021**

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This report collates **country of origin information (COI) on Haiti up to 19 July 2021** on issues of relevance in refugee status determination. It does not cover issues related to birth registration, legal identity, and nationality, which may be the object of a dedicated report of relevance in the context of legal procedures for the protection of stateless persons, or the prevention or resolution of situations of statelessness or of risks of statelessness.

The report is based on publicly available information, research and commentaries. It is illustrative but is neither exhaustive of information available in the public domain nor intended to be a general report on human rights conditions. The report is not conclusive as to the merits of any individual refugee claim.

All sources are cited and fully referenced. A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments. Research focused on events between 1 January 2019 and 27 April 2021, with additional information added up to 19 July 2021. All sources were accessed between 1 April and 19 July 2021.

Users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

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Table of Contents

Table of Contents.....	3
List of Abbreviations.....	5
Methodology	8
Terms of reference	8
Information gathering.....	8
Challenges and quality control.....	8
Map.....	10
1. Overview.....	11
1.1 Electoral rights and context of elections	12
1.1.1 Context of Elections	13
1.2 Freedom of religion	16
1.3 Judicial system and due process	17
1.3.1 Judicial independence and accountability	19
1.3.2 Due process	21
1.4 Structure of the police	24
1.5 Economic situation.....	27
2 Situation of political activists and opponents	31
2.1 Legislation	31
2.2 Opponent political parties.....	34
2.3 Demonstrations.....	36
2.4 Targeted profiles.....	39
2.5 Treatment by authorities	41
2.6 Availability of state protection, including judicial processes and recourse available 44	
3 Situation of LGBTI persons	46
3.1 Treatment by society.....	46
3.2 Availability of state protection.....	49
3.3 Access to health care, education, housing and employment	51
4 Situation of survivors of gender-based violence	52
4.1 Statistics	53
4.2 Legislation applied to GBV survivors.....	54
4.3 Trafficking in women	56
4.4 Children survivor of gender-based violence	58
4.4.1 "Restavèk"	60
4.5 Availability of state protection.....	62
4.5.1 Access to justice	64
4.6 Access to health care, education, housing, employment and support services	65
4.7 Freedom of expression and situation of journalists.....	67
4.7.1 Situation of journalists.....	68
5 Non-state armed groups	71
5.1 Types of non-state armed groups	72
5.2 Activities and areas of presence	74
5.2.1 Bel-Air and Cité Soleil	77

5.3	Criminality	79
5.4	Targeted profiles	82
5.5	State response.....	83
5.5.1	Accountability.....	83
5.5.2	State initiatives.....	85
5.6	Availability of state protection.....	88
6	Situation of persons affected by natural disasters	90
6.1	Situation of persons in temporary shelters	91
6.2	Situation of persons affected by 2010 earthquake and 2016 hurricane	93
6.3	Treatment by authorities	95
	Bibliography	97

List of Abbreviations

ACCORD	Austrian Centre for Country of Origin & Asylum Research and Documentation
ANI	Agence Nationale d'Intelligence (National Agency of Investigations)
BAI	Bureaux des Avocats Internationaux
BINUH	Bureau Intégré des Nations Unies en Haïti (United Nations Integrated Office in Haiti)
CEDAW	Committee on the Elimination of Discrimination against Women
CEP	Conseil Électoral Provisoire (Provisional Electoral Council)
CIA	Central Intelligence Agency of the United States of America
CIMO	Corps d'Intervention et de Maintien de l'Ordre (Body on Intervention and Law Enforcement)
CNDDR	Commission Nationale de Désarmement de Démobilisation et de Réinsertion (National Commission for Disarmament, Demobilization and Reintegration)
COI	Country of Origin Information
COUDs	Centres d'Opérations d'Urgence Départementaux (Departmental Emergency Operations Centres)
CRS	Congressional Research Service of United States
CSPJ	Conseil Supérieur du Pouvoir Judiciaire (Superior Council of the Judiciary)
CSW	Christian Solidarity Worldwide
DCPR	Direction Centrale de la Police Routière (Central Directorate of Road Police)
DPC	Direction de la Protection Civile (Direction for Civil Protection)
EASO	European Asylum Support Office
ECOI	European Country of Origin Information Network
EMMUS	Enquête Mortalité, Morbidité et Utilisation des Services (Mortality, Morbidity and Use of Services Survey)
FHF	Fédération Haïtienne de Football (Haitian Football Federation)
FOP	Force d'Opposition Progressiste (Progressive Opposition Force)
G9	G9 en Famille et Alliés (G9 Family and Allies)
HRW	Human Rights Watch
HDI	Human Development Index
HRS	Human Rights Service of the United Nations Integrated Office in Haiti
IACHR	Inter-American Commission on Human Rights
IAPA	Inter American Press Association

IDETTE	Initiative Départementale Contre la Traite et le Trafic des Enfants (Departmental Initiative Against Trafficking and Smuggling in Children)
IDMC	Internal Displacement Monitoring Centre
IGPNH	Inspection Générale de la Police Nationale Haïtienne (General Inspectorate of the Haitian National Police)
IHE	Institut Haïtien de l'Enfance (Haitian Institute for Children)
IHRC	International Human Rights Clinic of Harvard Law School
IHSI	Institut Haïtien de Statistique et d'Informatique (Haitian Institute of Statistics and Informatics)
IJDH	Institute for Justice & Democracy in Haiti
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IWPR	Institute for War and Peace Reporting
LGBTI	Lesbian, gay, bisexual, trans and intersex persons
MCFDF	Ministère à la Condition Féminine et aux Droits des Femmes (Ministry of the Condition of Women and Women's Rights)
MJSP	Ministère de la Justice et de la Sécurité Publique (Ministry of Justice and Public Security)
MINUJUSTH	United Nations Mission for Justice Support in Haiti
MINUSTAH	United Nations Stabilization Mission in Haiti
MSF	Médecins Sans Frontières (Doctors Without Borders)
MSPP	Ministère de la Santé Publique et de la Population (Ministry of Public Health and Population)
NGO	Non-governmental organization
NRC	Norwegian Refugee Council
OAS	Organization of American States
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OECD	Organisation for Economic Co-operation and Development
OFPRA	Office français de protection des réfugiés et apatrides (French Office for the Protection of Refugees and Stateless People)
OHCCCH	Observatoire Haïtien des Crimes contre l'Humanité
OHCHR	Office of the United Nations High Commissioner for Human Rights
OONI	Open Observatory of Network Interference
OPC	Office de la Protection du Citoyen (Citizen Protection Office)
PHTK	Parti Haïtien Tèt Kale (Bald Head Haitian Party)
PNH	Police Nationale d'Haït (National Police of Haiti)

RNDDH	Réseau National de Défense des Droits Humains (National Human Rights Defence Network)
RSF	Reporters Without Borders
SIGI	Social Institutions and Gender Index of OECD
SNGRD	Système National de Gestion des Risques et des Désastres (National Risk and Disaster Management System)
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDSS	United Nations Department of Safety and Security
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations International Children's Emergency Fund
UNHCR	United Nations High Commissioner for Refugees
WHO	World Health Organization

Methodology

Terms of reference

This report was commissioned by UNHCR for the purposes of assisting national asylum authorities with the assessment of claims for international protection by persons originating from Haiti.

The reference period for this report is from **1 January 2019 to 27 April 2021, with additional information added up to 19 July 2021**. Information dated before the reference period is included for the purposes of providing context to referenced information.

Information gathering

Research was conducted from 1 April 2021 to 19 July 2021. The information surrounding the death of Jovenel Moïse, indicated in [Section 1](#), was included for reference; additional information that meets country of origin information methodological standards was not available by the finalization of this report.

The information was collected from public electronic sources mainly available in English and French, although Portuguese and Spanish sources have also been consulted. Considering reliability standards, the report used both primary and secondary sources, integrating different types of publications from governments, United Nations, local and international civil society organizations, academic productions, media outlets based in and outside Haiti, blogs, legislation, thematic specialized institutions, among other sources. Local and specialized sources in Haiti were briefly introduced in the first mention in the report to provide background information and context.

Initial research was conducted via databases specialized in Country of Origin Information (COI), such as European Country of Origin Information Network (ECOI),¹ the European Asylum Support Office (EASO) Portal,² and the Immigration and Refugee Board of Canada.³ Information was contrasted and corroborated by different sources whenever possible; however, given the scarcity of information for certain topics, corroborating information could not be found among the sources consulted within the time constraints of this report for all topics.

Challenges and quality control

Collecting comprehensive data and official information from government sources on Haiti is a challenge. The websites of government agencies, when they exist, provide scarce information. Not all legislation is available on the government's official website for legislative publications. In some cases, information was not readily available on the official webpages, laws, decrees,

¹ ECOI, *European Country of Origin Information Network*, n.d., www.ecoi.net/.

² EASO, *EASO COI Portal*, n.d., <https://coi.easo.europa.eu/>.

³ Canada, Immigration and Refugee Board, *Country of Origin Information*, n.d., www.irb-cisr.gc.ca/en/country-information/Pages/index.aspx.

or ordinances mentioned by sources. In some instances, two or more different versions of the same legislative text from different government sources were found. Thus, the report used secondary sources to access legislative texts whose currency could not be officially corroborated. Similarly, there is also limited information available online provided by local civil society organizations. In addition, there are local sources reporting only in Creole, which affects the access to information due to the language barrier.

The above-mentioned factors posed challenges and limitations on accessing information. To ensure quality, this report used as reference standards and guidelines from the Austrian Centre for Country of Origin & Asylum Research and Documentation's (ACCORD) *Researching Country of Origin Information Training Manual*.⁴

⁴ Accord, *Researching Country of Origin Information Training Manual*, July 2013, www.coi-training.net/site/assets/files/1021/researching-country-of-origin-information-2013-edition-accord-coi-training-manual.pdf.

Map



Map: Haiti © UN Geospatial⁵

⁵ UN, United Nations Geospatial, *Haiti*, 1 September 2020, www.un.org/geospatial/content/haiti-1.

1. Overview

The Republic of Haiti (*République d'Haïti*, in French, *Repiblik d Ayiti*, in Creole) or Haiti is a semi-presidential republic.⁶ The population estimate for 2020 is 11.1 million,⁷ Port-au-Prince is the capital of the country⁸ and the official languages are Creole and French.⁹ The national territory is composed of 10 administrative divisions called Departments¹⁰ which are subdivided into Arrondissements.¹¹ The current Constitution (*Loi Constitutionnelle*) is from 1987 and was amended in 2012.¹²

The executive branch is governed by the President who is the head of the state while the Prime Minister is the head of the government.¹³ Jovenel Moïse was the President since 7 February 2017 and had been governing by decree as of May 2021¹⁴ On 7 July 2021, a group of around 28 foreign mercenaries, including Colombian and Haitian-American citizens, broke into the president's residency in Port-au-Prince shooting Moïse dead and injuring his wife¹⁵.¹⁶ Claude Joseph assumed the leadership role in the interim.¹⁷ On 19 July 2021, sources reported that Joseph would be stepping down and that Ariel Henry, the interim Prime Minister, will take office on 20 July 2021.¹⁸ On 21 July, Ariel Henry sworn in as President of Haiti.

⁶ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti, 2020*, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 13; US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/.

⁷ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti, 2020*, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 3.

⁸ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, Article c, translated by William S. Hein & Co.

⁹ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, article 5, translated by William S. Hein & Co.

¹⁰ IFES, *Elections in Haiti: January 29 Legislative and Local Elections*, Frequently Asked Questions, 27 January 2017, www.ifes.org/sites/default/files/2017_ifes_haiti_jan_29_legislative_and_local_elections_elections_faq.pdf.

¹¹ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, article 9, translated by William S. Hein & Co.

¹² Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, article 1, translated by William S. Hein & Co.

¹³ IFES, *Elections in Haiti: January 29 Legislative and Local Elections*, Frequently Asked Questions, 27 January 2017, www.ifes.org/sites/default/files/2017_ifes_haiti_jan_29_legislative_and_local_elections_elections_faq.pdf;

Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti, 2020*, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 13.

¹⁴ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 4.

¹⁵ Note: Research and drafting of the present report was finalized on 1 June 2021 The information surrounding the death of Jovenel Moïse was included on 9 July 2021 for reference. Additional information that meets country of origin information methodological standards was not available.

¹⁶ BBC, *Jovenel Moïse: Foreign Hit Squad Killed Haiti's President, Police Say*, 9 July 2021, www.bbc.com/news/world-latin-america-57766749; The Guardian, *Alleged Killers of Haiti President in Country for Three Months, Say Authorities*, 9 July 2021, www.theguardian.com/world/2021/jul/09/jovenel-moise-alleged-hit-squad-members-had-been-in-haiti-for-three-months.

¹⁷ La Razón, *"El magnicidio de Moïse vaticina un largo período marcado por la lucha peligrosa por el poder en Haití"*, 9 July 2021, www.larazon.es/internacional/20210709/ni3eca6dgvdfjfbxfuo6cf6w4ta.html; VOA, *Haitian Americans Worry About Relatives Back Home*, 8 July 2021, www.voanews.com/usa/haitian-americans-worry-about-relatives-back-home.

¹⁸ NPR, *Haiti's Interim Prime Minister Will Step Down To Honor Its Slain President's Wishes*, 19 July 2021, www.npr.org/2021/07/19/1017884122/haiti-interim-prime-minister-to-step-down; France 24, *New Haiti Govt to Be Formed Tuesday, Ariel Henry as PM*, 19 July 2021, www.france24.com/en/live-news/20210719-new-haiti-govt-to-be-formed-tuesday-ariel-henry-as-pm.

The country hosted the United Nations Stabilization Mission in Haiti (MINUSTAH) from June 2004 to October 2017¹⁹ and the United Nations Mission for Justice Support in Haiti (MINUJUSTH)²⁰ from October 2017 to October 2019.²¹

1.1 Electoral rights and context of elections

The Constitution indicates the following:

ARTICLE 52-1

Civic duties are the citizen's moral, political, social and economic obligations as a whole to the State and the country. These obligations are: a. to respect the Constitution and the national emblem; b. to respect the laws; c. to vote in elections without constraint; d. to pay his taxes; e. to serve on a jury; f. to defend the country in the event of war; g. to educate and improve himself; h. to respect and protect the environment; i. to respect scrupulously the revenues and properties of the State; j. to respect the property of others; k. to work to maintain peace; l. to provide assistance to persons in danger; m. to respect the rights and freedom of others.

ARTICLE 58

National sovereignty is vested in all citizens. Citizens directly exercise the prerogatives of sovereignty by: a. electing the President of the Republic; b. electing members of the Legislature; c. electing members of all other bodies or all assemblies provided for by the Constitution and by law.

ARTICLE 191

The Permanent Electoral Council is responsible for organizing and controlling with complete independence all electoral procedures throughout the territory of the Republic until the results of the election are announced.²²

Nationals who are at least 18 years of age can vote.²³ Elections are conducted via universal suffrage by secret ballot and there is no limitation regarding the participation of women or minority groups,²⁴ although "electoral violence" and "social norms" dissuade the participation

¹⁹ "The UN mission succeeded a Multinational Interim Force (MIF) authorized by the Security Council in February 2004 after President Bertrand Aristide departed Haiti for exile in the aftermath of an armed conflict which spread to several cities across the country." See: UN, United Nations Peacekeeping, *MINUSTAH Fact Sheet*, 17 May 2021, <https://peacekeeping.un.org/en/mission/minustah>.

²⁰ MINUJUSTH was set out by the United Nations Security Council to establish a peacekeeping mission following the completion of the mandate of MINUSTAH. See: United Nations (UN), MINUJUSTH, *Mandate*, n.d., <https://minujsth.unmissions.org/en/mandate>.

²¹ United Nations (UN), MINUJUSTH, *Closure of MINUJUSTH*, n.d., <https://minujsth.unmissions.org/en>.

²² Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, Articles 52-1, 58, 191, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, translated by William S. Hein & Co.

²³ IFES, *Elections in Haiti: January 29 Legislative and Local Elections*, Frequently Asked Questions, 27 January 2017 www.ifes.org/sites/default/files/2017_ifes_haiti_jan_29_legislative_and_local_elections_elections_faq.pdf, p. 1.

²⁴ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 14.

of women in electoral processes.²⁵ Presidents are directly elected for a single non-consecutive five-year term.²⁶ The Parliament is bicameral with 30 members serving a six-year term in the Senate and 119 members for four-year terms in the Chamber of Deputies.²⁷

1.1.1 Context of Elections

The Bertelsmann Stiftung *BTI Transformation Index* report indicated that political parties can operate without state interference and that "there are no prohibitions against political parties, trade unions or civic associations assembling; however, weakened trade unions and civil society groups find it hard to be involved in political discussions."²⁸ In accordance with Freedom House, issues related to elections, such as corruption and instability, weaken legitimacy of officials from the executive and legislative branches.²⁹ Jovenel Moïse won the 2015 presidential election which was nullified due to fraud³⁰ and was then elected in 2016 as part of the Bald Head Haitian Party (PHTK, *Parti Haïtien Tèt Kale*) with 55.6 per cent of votes.³¹ Voter turnout in the 2016 election was "less than 21%" of the eligible voters³² and, according to the Bertelsmann Stiftung *BTI Transformation Index* report, it was "among the lowest" participation since 1987.³³ Transparency International ranked Haiti 170 out of 179 in its 2020 Corruption Perceptions Index that measures the levels of corruption in the public sector.³⁴

Sources indicated that Haiti has experienced "political instability" related to gang violence, allegations of government corruption, protests and inability of the state to address basic needs of the population.³⁵ In 2016, President Moïse was elected amid allegations of fraud by the

²⁵ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 14.

²⁶ US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

²⁷ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

²⁸ Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 10.

²⁹ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/LA2019cap4A-en.pdf, p. 366; UN, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 5.

³⁰ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

³¹ US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/spp/crs/row/R45034.pdf>, p. 4; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/.

³² US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/spp/crs/row/R45034.pdf>, p. 4; Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 8.

³³ Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 8.

³⁴ Transparency International, *Corruption Perceptions Index 2020*, n.d., www.transparency.org/en/cpi/2020/index/nzl#.

³⁵ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

opposition.³⁶ In 2018, an economic crisis caused by the restriction of fuel supply triggered socio-political crisis and demonstrations.³⁷ Anti-government demonstrations took place in 2019 throughout the country provoked by allegations on the participation of President Moïse in embezzlement of funds.³⁸ According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the political crisis provoked "almost total paralysis" of the country in 2019.³⁹ In October 2019, the Parliament did not pass an elections law and the electoral council "indefinitely postponed" elections of the legislative that would renew the mandate of parliamentarians in January 2020.⁴⁰ Sources indicated that the Parliament became not functioning due to the lack of renewal of representatives in the legislative branch.⁴¹ As of May 2021, the Parliament has not been able to ratify the appointment of the Prime Minister by the President following constitutional rules because it is "inoperant".⁴²

The United Nations Integrated Office in Haiti (BINUH) indicated that the country witnesses a "protracted polarization" among political actors.⁴³ Sources reported that opponent parties, including Fanmi Lavalas, declared that the President mandate ended on 7 February 2021, and claimed that Jovenel Moïse should quit.⁴⁴ BINUH reported that, on 21 August 2020, a group

³⁶ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 3; Human Rights Watch, *Haiti: Attacks on Judicial Independence*, 22 February 2021, www.hrw.org/news/2021/02/22/haiti-attacks-judicial-independence.

³⁷ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 3.

³⁸ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

³⁹ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 21.

⁴⁰ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sgp/crs/row/R45034.pdf>, p. 2; Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

⁴¹ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 3; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 21; US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sgp/crs/row/R45034.pdf>, p. 4.

⁴² RCI, Cédric Catan, *Haiti: nouveau premier ministre et nouveau gouvernement*, 6 March 2020, www.rci.fm/martinique/infos/Politique/Haiti-nouveau-premier-ministre-et-nouveau-gouvernement#; Le Monde with Agence France-Presse (AFP), *Haiti : Joseph Jouthe nommé premier ministre avec l'objectif de sortir le pays de la crise*, 4 March 2020, www.lemonde.fr/international/article/2020/03/03/haiti-joseph-jouthé-nomme-premier-ministre-avec-l-objectif-de-sortir-le-pays-de-la-crise_6031592_3210.html.

⁴³ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, p. 4.

⁴⁴ Le Monde with Agence France-Presse (AFP), *Haiti : Joseph Jouthe nommé premier ministre avec l'objectif de sortir le pays de la crise*, 4 March 2020, www.lemonde.fr/international/article/2020/03/03/haiti-joseph-jouthé-nomme-premier-ministre-avec-l-objectif-de-sortir-le-pays-de-la-crise_6031592_3210.html; VBI, *Haiti / Politique : Aucune élection n'est possible avec l'équipe en place, pense Fanmi Lavalas*, 6 June 2020, <https://vantbefinfo.com/haiti-politique-aucune-election-nest-possible-avec-lequipe-en-place-pense-fanmi-lavalas/>.

of 228 persons from opposition parties and civil society organizations released a statement objecting to popular elections under the administration of Jovenel Moïse.⁴⁵

President Moïse has been ruling by decree since January 2020⁴⁶ and opposition groups have organized protests since the end of 2019 requesting him to leave office⁴⁷. In February 2021, the police arrested "more than 20" persons, including a judge of the Supreme Court, based on the allegation that there was an ongoing "coup conspiracy" against the government and the life of President Moïse.⁴⁸

On 24 July 2020, all nine members for the Provisional Electoral Council (CEP, *Conseil Électoral Provisoire*) collectively resigned and traditional actors declined to nominate new members.⁴⁹ In September 2020, President Moïse appointed a CEP by decree to call for elections and a constitutional referendum⁵⁰ and did not form a Permanent Electoral Council.⁵¹ According to Human Rights Watch, human rights defenders argued that the presidential decree is "illegal and unconstitutional".⁵² BINUH pointed to the occurrence of incitement to violence by "some" political actors and reported that opposition to the constitutional referendum increased in 2021.⁵³ On 8 June 2021, the government announced, amid political turmoil, that the constitutional referendum scheduled for 27 June 2021 would be postponed and did not define a new date.⁵⁴

Article 191 of the Constitution indicates that "[t]he Permanent Electoral Council is responsible for organizing and controlling with complete independence all electoral procedures throughout the territory of the Republic until the results of the election are announced."⁵⁵ Article 1 of the Electoral Decree (*Décret Electoral*) of 2 March 2015 indicates that "[t]he Provisional Electoral

⁴⁵ UN, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 5.

⁴⁶ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>, p. 4.

⁴⁷ UN, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 5; Abc News, *Haiti's President Alleges Coup Conspiracy, Says 20 Arrested*, 7 February 2021, <https://abcnews.go.com/International/wireStory/haitis-president-alleges-coup-conspiracy-20-arrested-75740352>.

⁴⁸ France 24, *Haiti Political Crisis: President Moïse Alleges Coup Conspiracy, Says 20 Arrested*, 8 February 2021, www.france24.com/en/video/20210208-haiti-political-crisis-president-mo%C3%AFse-alleges-coup-conspiracy-says-20-arrested; Abc News, *Haiti's President Alleges Coup Conspiracy, Says 20 Arrested*, 7 February 2021, <https://abcnews.go.com/International/wireStory/haitis-president-alleges-coup-conspiracy-20-arrested-75740352>.

⁴⁹ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 10.

⁵⁰ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

⁵¹ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 13.

⁵² Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

⁵³ UN, Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 June 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 17.

⁵⁴ Miami Herald, *Haiti's Controversial Constitutional Referendum is Postponed, Again*, 7 June 2021, www.miamiherald.com/news/nation-world/world/americas/haiti/article251906968.html; Al Jazeera, *Haiti Postpones June 27 Constitutional Referendum*, 8 June 2021, www.aljazeera.com/news/2021/6/8/haiti-postpones-june-27-constitutional-referendum.

⁵⁵ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, article 191, translated by William S. Hein & Co.

Council is an independent and impartial public institution responsible for the organization and control of elections throughout the territory of the Republic. It enjoys administrative and financial autonomy."⁵⁶

1.2 Freedom of religion

The Constitution states that "[a]ll religions and faiths shall be freely exercised. Everyone is entitled to profess his religion and practice his faith, provided the exercise of that right does not disturb law and order" (Article 30) and that "[n]o one may be compelled to belong to a religious organization or to follow a religious teaching contrary to his convictions" (Article 30-1).⁵⁷ The 2020 *BTI Transformation Index* indicated that there is no discrimination in place regarding religion in Haiti.⁵⁸ Freedom House indicated that persons can "generally" exercise their religious practices freely.⁵⁹

Catholicism⁶⁰ and voodoo are the official religions of Haiti.⁶¹ According to the *World Factbook* of the Central Intelligence Agency (CIA) of the United States, most of persons in Haiti are Roman Catholic (54.7%) or Protestant (28.5%) while others practice Vodou (2.1%) and other religions (4.6%) or none (10.2%).⁶² Article 30-2 of the Constitution states that "[t]he law establishes the conditions for recognition and practice of religions and faiths."⁶³ The US 2019 *Report on International Religious Freedom* indicates that religious groups follow a multiple-step process to receive government official recognition from the government.⁶⁴

Sources indicated that Roman Catholic and Protestant churches receive "privileges" and "preferential treatment" from the state.⁶⁵ The 2020 *BTI Transformation Index* indicated that government officials "usually" consult the council of Catholic Bishops on national matters and that Catholic and Protestant clergy have political influence based on "moral authority" over national issues.⁶⁶ The US 2019 *Report on International Religious Freedom* stated that the

⁵⁶ Haiti, *Décret Electoral*, 2 March 2015, www.cephaiti.ht/files/doc_off/Drecret_Electoral_04_03_15.pdf, article 1, translated by William S. Hein & Co.

⁵⁷ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, articles 30, 30-1, translated by William S. Hein & Co.

⁵⁸ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 13.

⁵⁹ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

⁶⁰ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 7.

⁶¹ US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/; US, Department of State, *2019 Report on International Religious Freedom: Haiti*, 10 June 2020, www.state.gov/reports/2019-report-on-international-religious-freedom/haiti/, p. 3.

⁶² US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/.

⁶³ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, Arts. 30-2, translated by William S. Hein & Co.

⁶⁴ US, Department of State, *2019 Report on International Religious Freedom: Haiti*, 10 June 2020, www.state.gov/reports/2019-report-on-international-religious-freedom/haiti/, p. 1.

⁶⁵ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; US, Department of State, *2019 Report on International Religious Freedom: Haiti*, 10 June 2020, www.state.gov/reports/2019-report-on-international-religious-freedom/haiti/, p. 1.

⁶⁶ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 7.

Ministry of Education provided funding for registered schools associated with Catholic, Protestant and Anglican religions but not with Muslim ones.⁶⁷

The CIA *World Factbook* indicated that "many" persons in Haiti practice vodou together with other religious beliefs, such as Roman Catholicism.⁶⁸ The Ministry of Foreign Affairs recognized legal power to vodou priests to conduct formal ceremonies, including marriage, baptism and funerals,⁶⁹ and to issue documents with official status.⁷⁰ Sources indicated that vodou practitioners face "social stigmatization" and violence, and are accused of practicing a religion with a "sinister force" or "occult powers".⁷¹ Sources reported that "fundamentalist" persons from the Protestant church and Christian leaders promoted violence and persecution against vodou practitioners although the state does not carry out official persecution.⁷² The US *2019 Report on International Religious Freedom* reported that treatment by society includes incidents of violence against vodou practitioners, such as attacks, killings and setting fire to their houses.⁷³ According to the same source, authorities "at times" provided support to vodou practitioners who were victims in violence acts.⁷⁴ Corroborating information could not be found among the sources consulted within the time constraints of this report.

Sources indicated that the government has not granted official registration to Muslim groups.⁷⁵ According to the US *2019 Report on International Religious Freedom*, society "generally" respects Muslim practices, including the use of hijab in women.⁷⁶ Additional information could not be found among the sources consulted within the time constraints of this report.

1.3 Judicial system and due process

The Constitution indicates the following:

ARTICLE 173

⁶⁷ US, Department of State, *2019 Report on International Religious Freedom: Haiti*, 10 June 2020, www.state.gov/reports/2019-report-on-international-religious-freedom/haiti/, p. 1.

⁶⁸ US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/.

⁶⁹ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 7.

⁷⁰ US, Department of State, *2019 Report on International Religious Freedom*, 10 June 2020, www.state.gov/reports/2019-report-on-international-religious-freedom/haiti/, p. 3.

⁷¹ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; US, Department of State, *2019 Report on International Religious Freedom: Haiti*, 10 June 2020, www.state.gov/reports/2019-report-on-international-religious-freedom/haiti/, pp. 1-5.

⁷² US, Department of State, *2019 Report on International Religious Freedom: Haiti*, 10 June 2020, www.state.gov/reports/2019-report-on-international-religious-freedom/haiti/, p. 1; Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 7.

⁷³ US, Department of State, *2019 Report on International Religious Freedom: Haiti*, 10 June 2020, www.state.gov/reports/2019-report-on-international-religious-freedom/haiti/, p. 1.

⁷⁴ US, Department of State, *2019 Report on International Religious Freedom: Haiti*, 10 June 2020, www.state.gov/reports/2019-report-on-international-religious-freedom/haiti/, pp. 3-4.

⁷⁵ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; US, Department of State, *2019 Report on International Religious Freedom: Haiti*, 10 June 2020, www.state.gov/reports/2019-report-on-international-religious-freedom/haiti/, p. 1.

⁷⁶ US, Department of State, *2019 Report on International Religious Freedom: Haiti*, 10 June 2020, www.state.gov/reports/2019-report-on-international-religious-freedom/haiti/, p. 1.

The Judicial Power shall be vested in the Supreme Court, the Courts of Appeal, Courts of First Instance, Courts of Peace and special courts, whose number, composition, organization, operation and jurisdiction are set by law.

ARTICLE 173-2

No court and no jurisdiction in disputed matters may be established except by law. No special court may be established under any name whatever.

ARTICLE 174

Judges of the Supreme Court and the Courts of Appeal are appointed for ten (10) years. Judges of the Courts of First Instance are appointed for seven (7) years. Their term begins at the time they take their oath of office.

ARTICLE 175

Supreme Court justices are appointed by the President of the Republic from a list submitted by the Senate of three (3) persons per court seat. Judges of the Courts of Appeal and Courts of First Instance are appointed from a list submitted by the Departmental Assembly concerned; Justices of the Peace are appointed from a list draw up by the Communal Assemblies.

ARTICLE 177

Judges of the Supreme Court, the Courts of Appeal and the Courts of First Instance are appointed for life. They may be removed from office only because of a legally determined abuse of authority or be suspended following an indictment leveled against them. They may not be reassigned, without their consent, even in the case of a promotion. Their service may be terminated during their term of office only in the event of a duly determined permanent physical or mental incapacity.⁷⁷

There are 18 courts of first instance and an average of one magistrate for every 16,000 Haitian inhabitants.⁷⁸ The Supreme Court (*Cour de Cassation*) is the highest court in the country and the Superior Council of the Judiciary (CSPJ, *Conseil Supérieur du Pouvoir Judiciaire*) is responsible for administering and monitoring standards and safeguards of the judicial system, including independence, transparency and accountability.⁷⁹

Sources indicated that the judiciary lacks resources.⁸⁰ Marianne Tøraasen, a Doctoral researcher at the Norwegian social science Chr. Michelsen Institute (CMI) and whose PhD

⁷⁷ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, Arts. 173, 173-2, 174, 175, 177, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, translated by William S. Hein & Co.

⁷⁸ Avocats sans Frontières Canada, Kay Fanm and Office de la Protection du Citoyen (OPC), *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 31.

⁷⁹ US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/; Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 11; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 8.

⁸⁰ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 25; Freedom House, *Freedom in the World 2020: Haiti*,

focuses on women judges in Haiti,⁸¹ indicated that, according to a Haitian judge she interviewed, the building of the Court of Appeal in Port-au-Prince goes out of electricity "every other day".⁸² The same source noted that, according to a judge, "sometimes" paper is lacking even to issue notifications.⁸³ Corroborating information could not be found among the sources consulted within the time constraints of this report.

On 15 October 2019, the United Nations Mission for Justice Support in Haiti (MINUJUSTH) ended its mandate which aimed to provide support on judicial reforms.⁸⁴ On 25 June 2019, the Resolution 2476 of the UN Security Council established the United Nations Integrated Office in Haiti (BINUH)⁸⁵ whose mandate focuses on "political stability and good governance", including the "[a]dvancement of reforms in the justice sector, in particular to reduce pre-trial detention, ensure accountability for corruption, and combat impunity".⁸⁶ The mandate of the BINUH was renewed on 15 October 2020 for a period of 12 months.⁸⁷

1.3.1 Judicial independence and accountability

Sources indicated that the judiciary is subject to "high" levels of corruption.⁸⁸ Persons use bribery to get priority in cases and "some" court clerks charge fees not stipulated by the law as a requirement to process cases or to begin criminal prosecutions.⁸⁹ Judges reportedly

4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; Tøraasen, Marianne, CMI, *The Long Fight Against Impunity for Gender-Based Violence in Haiti*, 2019, www.cmi.no/publications/6875-the-long-fight-against-impunity-for-gender-based-violence-in-haiti.

⁸¹ CMI, *Research Staff: Marianne Tøraasen*, n.d., www.cmi.no/staff/marianne-toraasen.

⁸² Tøraasen, Marianne, CMI, *The Long Fight Against Impunity for Gender-Based Violence in Haiti*, 2019, www.cmi.no/publications/6875-the-long-fight-against-impunity-for-gender-based-violence-in-haiti.

⁸³ Tøraasen, Marianne, CMI, *The Long Fight Against Impunity for Gender-Based Violence in Haiti*, 2019, www.cmi.no/publications/6875-the-long-fight-against-impunity-for-gender-based-violence-in-haiti.

⁸⁴ UN, MINUJUSTH, *Closure of MINUJUSTH*, n.d., <https://minujusth.unmissions.org/en>; Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 33.

⁸⁵ BINUH is composed of 19 agencies, funds and programmes of the United Nations present in Haiti. See: UN, MINUJUSTH, *Closure of MINUJUSTH*, n.d., <https://minujusth.unmissions.org/en>.

⁸⁶ UN, BINUH, *Mandate*, n.d., <https://binuh.unmissions.org/en/mandate>.

⁸⁷ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 25.

⁸⁸ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 11; Avocats sans Frontières Canada, Kay Fanm and Office de la Protection du Citoyen (OPC), *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 34; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 1.

⁸⁹ Avocats sans Frontières Canada, Kay Fanm and Office de la Protection du Citoyen (OPC), *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 34; Tøraasen, Marianne, CMI, *The Long Fight Against Impunity for Gender-Based Violence in Haiti*, 2019, www.cmi.no/publications/6875-the-long-fight-against-impunity-for-gender-based-violence-in-haiti; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, pp. 8-9.

proceed with judicial appointments based on "friendships"⁹⁰ or "political favors" and "at times" judges receive cases for the judgment of people they know or are close to.⁹¹

Sources indicated that the judiciary lacks independence,⁹² credibility⁹³ and effectiveness on law enforcement.⁹⁴ Judicial actors suffer political interference from the presidency,⁹⁵ senior officials of the executive and legislative branches⁹⁶ and judges act to protect persons who were responsible for their appointment as magistrates.⁹⁷ According to the *2020 BTI Transformation Index*, there has been no application of "checks and balances" under the government of President Moïse.⁹⁸

On 7 February 2021, "at least" 22 persons, including a Supreme Court judge, were arrested and three judges of the Supreme Court were subject to "forced" retirement for their alleged attempt to get presidential powers through irregular means.⁹⁹ Human Rights Watch reported that Coq Thelot, one of the judges removed from office, had received death threats due to his position against a Presidential decree published in September 2020 relating to the appointment of all members of the Provisional Electoral Council which would have violated constitutional norms that require appointments to be based on recommendations made by civil society.¹⁰⁰ On 11 February 2021, President Moïse appointed through decree three judges to the Supreme Court without legal procedures provided for appointments.¹⁰¹ Judicial staff has conducted strikes affecting the functioning of rule of law institutions¹⁰² and, on 15 February 2021, judicial officials began a strike in reaction to the collective arrest of members of the

⁹⁰ Avocats sans Frontières Canada, Kay Fanm and Office de la Protection du Citoyen (OPC), *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 34.

⁹¹ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, pp. 8-9.

⁹² Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, pp. 11-12.

⁹³ Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, pp. 11-12.

⁹⁴ UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 56.

⁹⁵ Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 11.

⁹⁶ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 8.

⁹⁷ Avocats sans Frontières Canada, Kay Fanm and Office de la Protection du Citoyen (OPC), *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 33.

⁹⁸ Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 11.

⁹⁹ UN, OHCHR, *Press briefing notes on Haiti*, 19 February 2021, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26763&LangID=E; Human Rights Watch, *Haiti: Attacks on Judicial Independence*, 22 February 2021, www.hrw.org/news/2021/02/22/haiti-attacks-judicial-independence.

¹⁰⁰ Human Rights Watch, *Haiti: Attacks on Judicial Independence*, 22 February 2021, www.hrw.org/news/2021/02/22/haiti-attacks-judicial-independence.

¹⁰¹ Human Rights Watch, *Haiti: Attacks on Judicial Independence*, 22 February 2021, www.hrw.org/news/2021/02/22/haiti-attacks-judicial-independence; UN, OHCHR, *Press briefing notes on Haiti*, 19 February 2021, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26763&LangID=E.

¹⁰² UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf.

judiciary.¹⁰³ The Office of the United Nations High Commissioner for Human Rights (OHCHR) declared that the arrests constituted an "attack" over the independence of the judicial branch and affected the separation of powers.¹⁰⁴ A member of the Port-au-Prince Bar Association, Chantal Hudicort, declared at a United Nations Security Council meeting on 17 June 2021, that the dismissal of judiciary personnel "exacerbated" tensions between the executive and judicial branches and that the judiciary has become "dysfunctional".¹⁰⁵

The monitoring role of the CSPJ is categorized by sources as "ineffective" and "contested".¹⁰⁶ According to the US *Country Reports on Human Rights Practices for 2020*, institutional activities of the CSPJ's are impaired by "internal political divisions" and "problems" related to organizational, funding and logistical issues.¹⁰⁷ The same source stated that judicial officials "often" perform outside full-time jobs, and persons without legal authority acted as "communal administrators" in rural areas using their offices as "courtrooms" to plan detentions and issue legal judgments.¹⁰⁸ A 2021 OCHA report indicated that internal control mechanisms of the judiciary were "reinforced" within the Ministry of Justice and Public Security (MJSP, *Ministère de la Justice et de la Sécurité Publique*) and CSPJ as part of state efforts to strengthen the judicial branch.¹⁰⁹

1.3.2 Due process

The Constitution states the following:

ARTICLE 180

Court proceedings are public. However, they may take place in closed session in the interest of public order and good morals, at the decision of the Court.

ARTICLE 180-1

Sentences may not be delivered in closed session in cases of political offenses or offenses involving the press.

ARTICLE 181

¹⁰³ UN, OHCHR, *Press Briefing Notes on Haiti*, 19 February 2021, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26763&LangID=E.

¹⁰⁴ UN, OHCHR, *Press Briefing Notes on Haiti*, 19 February 2021, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26763&LangID=E.

¹⁰⁵ United Nations (UN), Security Council, *Crucial Elections Needed by End of 2021 to Break Political Impasse, Tackle Worsening Conditions in Haiti, Experts Tell Security Council*, 17 June 2021, www.un.org/press/en/2021/sc14554.doc.htm.

¹⁰⁶ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 11; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 8.

¹⁰⁷ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 8.

¹⁰⁸ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, pp. 8-10.

¹⁰⁹ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 25.

All order or judgments shall state the grounds for the decision and shall be handed down in a public hearing.¹¹⁰

Freedom House indicated that the criminal justice system lacks "integrity",¹¹¹ while the IACHR indicated it lacks "institutionality".¹¹² According to OCHA, justice officials "often" do not apply national and international human rights norms.¹¹³ According to Freedom House, right's related to due process are "regularly" infringed.¹¹⁴ Sources indicated that cases are subject to "long delays", "mismanagement" and closure without the application of legal procedures.¹¹⁵ A BINUH 2020 report stated that there was no progress on judicial proceedings related to human rights abuses by state officials and indicated as an example that the General Inspectorate of the National Police opened 172 investigations related to human rights violations between October 2019 to August 2020 of which 13 cases were concluded and 14 were referred to judicial prosecution.¹¹⁶ Although a law to promote free legal assistance to persons in situation of vulnerability was published on 26 October 2018,¹¹⁷ "most" of accused persons do not have access to legal representation.¹¹⁸ The *2020 BTI Transformation Index* stated that "[f]or the average Haitian citizen, it is nearly impossible to call on judiciary channels, due to high costs of appealing, endemic corruption and language problems (although every legal document should be available in Creole, in reality documents only exist in French)".¹¹⁹

¹¹⁰ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, Arts. 180, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, 180-1, 181, translated by William S. Hein & Co.

¹¹¹ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

¹¹² IACHR, *II Annual Report Of The Office Of The Special Rapporteur On Economic, Social, Cultural And Environmental Rights 2018*, 2019, www.oas.org/en/iachr/docs/annual/2019/docs/IA2019REDESCA-en.pdf, para. 364.

¹¹³ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 25.

¹¹⁴ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

¹¹⁵ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, pp. 8-9; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

¹¹⁶ UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 34.

¹¹⁷ Le Nouvelliste, *Justice: une nouvelle loi sur l'assistance légale entrée en vigueur*, 8 November 2018, <https://lenouvelliste.com/article/194734/justice-une-nouvelle-loi-sur-lassistance-legale-entree-en-vigueur#:~:text=Afin%20d'am%C3%A9liorer%20l'acc%C3%A8s,Moniteur%2C%20le%2026%20octobre%202018> ; UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 25.

¹¹⁸ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, pp. 11-12.

¹¹⁹ Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 12.

1.3.3 Prison conditions

Sources indicate that pretrial detention represents 75-80 per cent of the total incarcerated population,¹²⁰ reaching to "more than" 82 per cent as of 1 June 2021.¹²¹ Persons are, on average, 1,100 days¹²² in pretrial detention and there are inmates for more than five or ten years in this condition.¹²³ Judicial officials "frequently" did not comply with procedural rights and legal time requirements.¹²⁴ A "few" number of persons in detention have access to legal counsel and "many" were imprisoned without trial.¹²⁵

Sources categorise prison conditions in Haiti as "severely overcrowded", "inhumane",¹²⁶ "cruel and inhuman", "alarming",¹²⁷ and "harsh and life-threatening".¹²⁸ A report by the UN Secretary General to the Security Council indicates that, according to OHCHR and BINUH, "[i]n multiple prisons and police stations, persons deprived of liberty are cramped in extremely overcrowded cells without a toilet for up to 23 hours per day, with limited or no access to health care and with insufficient food" and that these conditions amount to "torture or cruel, inhumane and degrading treatment."¹²⁹ The average space per person is reportedly 0.28 square meters.¹³⁰ A report produced by OHCHR and BINUH indicates that the treatment of incarcerated women, children and handicapped persons varies from prison to prison.¹³¹ Prison conditions are also

¹²⁰ IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, pp. 366-367; OHCHR – Human rights situation in Haiti, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24438&LangID=E, 3 April 2019; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

¹²¹ UN, OHCHR and BINUH, "*N ap mouri*": *Rapport sur les conditions de détention en Haïti*, June 2021, <https://www.ohchr.org/Documents/Countries/HT/2021-06-26-rapport-detention-fr.pdf>, p. 4

¹²² UN, OHCHR, *Human Rights Situation in Haiti: Briefing to the Security Council on Haiti*, 3 April 2019, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24438&LangID=E.

¹²³ IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, pp. 366-367.

¹²⁴ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, pp. 8-9; Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 12.

¹²⁵ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 12; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; UN, OHCHR, *Human Rights Situation in Haiti: Briefing to the Security Council on Haiti*, 3 April 2019, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24438&LangID=E.

¹²⁶ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

¹²⁷ UN, Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf.

¹²⁸ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 1.

¹²⁹ UN, Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 June 2021, <https://undocs.org/S/2021/559>, para. 39.

¹³⁰ UN, Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 June 2021, <https://undocs.org/S/2021/559>, para. 39.

¹³¹ UN, OHCHR and BINUH, "*N ap mouri*": *Rapport sur les conditions de détention en Haïti*, June 2021, <https://www.ohchr.org/Documents/Countries/HT/2021-06-26-rapport-detention-fr.pdf>, p. 4.

unsanitary, provide insufficient nutrition,¹³² and lack adequate basic services such as plumbing, waste disposal, electricity, ventilation and lighting.¹³³

According to the UN Secretary General report to the Security Council, even though the General Inspectorate of the Haitian National Police finalised 36 investigations against prison officials between 1 February and 31 May 2021, that led to the suspension of 16 and one dismissal, human rights violations committed in prison by law enforcement officials persist and lack accountability.¹³⁴

The UN Secretary General report to the Security Council indicates that, according to the International Organization for Migration, there are "multiple allegations of mistreatment and human rights violations, such as ill-treatment in places of detention and the irregular confiscation of migrant property, including identification documents".¹³⁵

1.4 Structure of the police

The Constitution states the following:

ARTICLE 263 [Amended by the Constitutional Law of 9 May 2011 / 19 June 2012]

The Public Force is composed of two (2) distinct corps: 1. the Armed Forces of Haiti; 2. the National Police of Haiti.

ARTICLE 269

The Police Force is an armed body. It operates under the Ministry of Justice.

ARTICLE 269-1

It is established to ensure law and order and protect the life and property of citizens. Its organization and mode of operation are regulated by law.

ARTICLE 270

The Commander in Chief of the Police Forces is appointed, in accordance with the Constitution, for a three (3) year term, which is renewable.

ARTICLE 271

An Academy and a Police School have been established, whose organization and operations are set by law.

ARTICLE 272

¹³² US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 3; UN, OHCHR and BINUH, "N ap mouri": Rapport sur les conditions de détention en Haïti, June 2021, <https://www.ohchr.org/Documents/Countries/HT/2021-06-26-rapport-detention-fr.pdf>, p. 13.

¹³³ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 4.

¹³⁴ UN, Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 June 2021, <https://undocs.org/S/2021/559>, para. 40.

¹³⁵ UN, Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 June 2021, <https://undocs.org/S/2021/559>, para. 43.

Specialized sections, particularly the Penitentiary Administration, the Firemen's Service, the Traffic Police, the Highway Police, Criminal Investigations, the Narcotics Service and the Anti-Smuggling Service, have been established by the law governing the organization, operation and location of the Police Forces.

ARTICLE 273

The police, as an auxiliary of the Justice System, investigate violations, offenses and crimes committed, in order to discover and arrest the perpetrators of them.¹³⁶

According to the BINUH, the National Police of Haiti (PNH, *Police Nationale d'Haïti*) had an estimated workforce of 14,997 police officers nationwide in February 2021, of which 1,581 were women (approximately 10.5 per cent).¹³⁷ The *2020 BTI Transformation Index* reported a ratio of 1.37 police officers per 1,000 Haitian inhabitants¹³⁸ and the BINUH estimated 1.28 in its 2020 report,¹³⁹ which is below the United Nations standard ratio of 2.2 police officers per 1,000 inhabitants.¹⁴⁰ In addition, sources reported that the PNH relies on "limited"¹⁴¹ resources and is "underfunded",¹⁴² although the 2021 report of BINUH indicated a budget increase of 53 per cent from the 2019 to the 2020 fiscal years.¹⁴³

Sources indicated that police officers committed "serious" human rights violations, including summary executions.¹⁴⁴ The BINUH documented, from 1 September 2020 to 31 January 2021, 81 human rights violations committed by police officers of which 12 persons were killed, including one girl and 25 persons injured, including two women.¹⁴⁵ The BINUH stated that the number of human rights violations perpetrated by the police decreased 12.3 per cent from the

¹³⁶ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, Arts. 263, 269, 269-1, 270, 272, 273, translated by William S. Hein & Co.

¹³⁷ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 26.

¹³⁸ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 6.

¹³⁹ UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 26.

¹⁴⁰ US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sgp/crs/row/R45034.pdf>, pp. 10-11; Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 6; UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 26.

¹⁴¹ UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 26.

¹⁴² US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sgp/crs/row/R45034.pdf>, pp. 10-11; UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 26.

¹⁴³ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 25.

¹⁴⁴ UN, OHCHR, *Human Rights Situation in Haiti: Briefing to the Security Council on Haiti*, 3 April 2019, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24438&LangID=E; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 1; UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 34.

¹⁴⁵ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 34.

previous period analysed.¹⁴⁶ According to the OHCHR, police officers expressed "greater adherence to human rights norms" compared to previous periods.¹⁴⁷

Sources indicated that administrative investigations of alleged abuses and misconduct committed by officers of the PNH lack accountability and are "rarely" referred to judicial proceedings.¹⁴⁸ The General Inspectorate of the Haitian National Police (IGPNH, *Inspection Générale de la Police Nationale Haïtienne*), which integrates the police reform,¹⁴⁹ "expanded" its capacity to investigate human rights abuses and cases of misconduct through the reactivation of its thematic round table with civil society in April 2020.¹⁵⁰ The IGPNH also established its first regional office in November 2020 in Cap-Haïtien.¹⁵¹

The Haitian Times, a news outlet based in the United States,¹⁵² reported that, in November 2019, "hundreds" of PNH members marched in Port-au-Prince to claim their right to unionize and demand better working conditions and payment.¹⁵³ In February 2020, protests escalated following the dismissal of six police officers for their attempt to form a union, leading to the creation of the unlawful armed group called *Fantôme 509*,¹⁵⁴ which is composed of current and former police officers.¹⁵⁵ *Fantôme 509* is allegedly "heavily armed" and perpetrate "violent actions".¹⁵⁶ In March 2021, masked and unmasked members of *Fantôme 509* broke into the detention centres in Port-au-Prince and released detained police officers.¹⁵⁷ According to Associated Press, in March 2021 *Fantôme 509* killed two police officers amid a protest in the

¹⁴⁶ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 34.

¹⁴⁷ UN, OHCHR, *Human Rights Situation in Haiti: Briefing to the Security Council on Haiti*, 3 April 2019, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24438&LangID=E.

¹⁴⁸ UN, OHCHR, *Human Rights Situation in Haiti: Briefing to the Security Council on Haiti*, 3 April 2019, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24438&LangID=E; UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 34.

¹⁴⁹ UN, Security Council, *United Nations Integrated Office in Haiti, Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 29; UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 27.

¹⁵⁰ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 25.

¹⁵¹ UN, Security Council, *United Nations Integrated Office in Haiti, Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 29; UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 27.

¹⁵² Haitian Times (the), *About The Haitian Times*, n.d., <https://haitiantimes.com/about-the-haitian-times/>.

¹⁵³ Haitian Times (the), *Haiti Police Call for Right to Unionize*, 19 November 2019, <https://haitiantimes.com/2019/11/18/haiti-police-call-for-right-to-unionize/>.

¹⁵⁴ Abc News, *Haiti Police Exchange Fire with Troops Near National Palace*, 23 February 2020, <https://abcnews.go.com/International/wireStory/haiti-police-exchange-fire-troops-national-palace-69162334>; UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 32; UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 27.

¹⁵⁵ US, OSAC, *Security Alert: Port-au-Prince (Haiti)*, *Fantom 509 Currently Active*, 22 March 2021, www.osac.gov/Country/Haiti/Content/Detail/Report/9d57ef74-53fb-4290-a249-1b29ee1b57d7.

¹⁵⁶ US, OSAC, *Security Alert: Port-au-Prince (Haiti)*, *Fantom 509 Currently Active*, 22 March 2021, www.osac.gov/Country/Haiti/Content/Detail/Report/9d57ef74-53fb-4290-a249-1b29ee1b57d7.

¹⁵⁷ VOA, *Haiti's Rebel Police Officers Stage 2nd Jailbreak in 2 Days*, 19 March 2021, www.voanews.com/americas/haitis-rebel-police-officers-stage-2nd-jailbreak-2-days; AP, , 22 March 2021, <https://apnews.com/article/port-au-prince-haiti-police-8d01ca03658a40c10813419dbfe673d6>.

neighbourhood of Delmas, in Port-au-Prince, following a series of "violent" demonstrations and acts perpetrated by members of *Fantôme 509*, such as attacks to police station.¹⁵⁸ According to the BINUH, misconduct episodes has eroded public trust in the institution by the population.¹⁵⁹

1.5 Economic situation

Haiti is the poorest country in the Western Hemisphere as of May 2021¹⁶⁰ Indicators estimate that around 60-70 per cent of the population live in poverty,¹⁶¹ while 50.8 per cent live on less than 3.20 USD a day¹⁶² and "almost" 25 per cent are in extreme poverty (under 1.90 USD a day and without enough resources to meet basic needs).¹⁶³ According to the *2020 BTI Transformation Index*, about 50 per cent of the population live on less than 1.25 USD a day.¹⁶⁴ Poverty levels have increased since 2017 and the number of persons in situation of food insecurity duplicated from 2018 to 2019.¹⁶⁵ The *2020 Human Development Index* (HDI), which is composed of indicators on life expectancy, education and standard of living,¹⁶⁶ ranked Haiti, in tandem with Sudan, 170 out of 189 countries and territories.¹⁶⁷ The *2020 BTI Transformation Index* and the *CIA World Factbook* indicated that the unemployment rate was

¹⁵⁸ AP, *Officers Kill 2 Policemen Amid Violent Protests in Haiti*, 22 March 2021, <https://apnews.com/article/port-au-prince-haiti-police-8d01ca03658a40c10813419dbfe673d6>.

¹⁵⁹ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 34; UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 26.

¹⁶⁰ US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/; Political Handbook of the World 2018-2019. *Haiti*, December 2019. Edited by Thomas Lansford. Thousand Oaks: CQ Press, <https://sk.sagepub.com/cqpress/political-handbook-of-the-world-2018-2019>, p. 3.

¹⁶¹ US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/; Amnesty International, *Human Rights in the Americas: Review of 2019*, Haiti, 27 February 2020, www.amnesty.org/en/countries/americas/haiti/report-haiti/; Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 16.

¹⁶² Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 3.

¹⁶³ UN, UNESCO, *Haiti Country Page*, n.d., <http://uis.unesco.org/en/country/ht>; IPC, *Haiti: Acute Food Insecurity Analysis October 2019 – June 2020*, October 2019, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Haiti_AcuteFoodSec_2019Oct2020Feb_English.pdf, p. 2; US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sgp/crs/row/R45034.pdf>, p. 2.

¹⁶⁴ Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 16.

¹⁶⁵ UN, OCHA, *Haiti Situation Report Last Updated: 17 June 2019*, 17 June 2019, p. 2, www.ecoi.net/en/file/local/2010947/Situation+Report+-+Haiti+-+17+Jun+2019.pdf; Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, p. 3, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf.

¹⁶⁶ UN, UNDP, *Human Development Report 2020*, Haiti, n.d., p. 2, <http://hdr.undp.org/sites/default/files/Country-Profiles/HTI.pdf>.

¹⁶⁷ UN, UNDP, *Human Development Report 2020*, Haiti, n.d., p. 2, <http://hdr.undp.org/sites/default/files/Country-Profiles/HTI.pdf>.

estimated at 40.6 per cent in 2010¹⁶⁸ while the World Bank indicated that 14.5 per cent of the total labour force was unemployed as of 2020.¹⁶⁹

Sources indicated that Haiti faces inequality, economic crisis and instability both in rural and urban areas.¹⁷⁰ Climate hazards, such as hurricanes and droughts, have affected food production and deepen economic crisis.¹⁷¹ In 2019, the El Niño weather phenomenon increased water scarcity and contributed to a drop of 12.3 per cent in crop production, including cereals and beans, compared to the previous year.¹⁷²

Sources reported that Haitians live "chronic" and "critical" food insecurity.¹⁷³ Sources indicated that 44 per cent of the population lives in rural areas, where the need of urgent food assistance increased in the last years.¹⁷⁴ Sources also indicated that about 33 per cent of households in urban areas are also in need of urgent food assistance, and that the metropolitan region of Port-au-Prince is affected by food insecurity in similar or "worst" levels than rural areas.¹⁷⁵ Sources indicated that due to food insecurity, 20 to 31 per cent of the population has limited or poor food consumption.¹⁷⁶ In accordance with a report published in September 2020 by the

¹⁶⁸ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 24; US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/.

¹⁶⁹ World Bank, *Unemployment, Total (% of Total Labor Force) (Modeled ILO Estimate) - Haiti*, 29 January 2021, <https://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?locations=HT>.

¹⁷⁰ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, pp. 1-2; The New Humanitarian, Jessica Obert, *Hunger in Haiti: Ten Years After Catastrophe Struck, A New Crisis Looms*, 13 January 2020, www.thenewhumanitarian.org/news-feature/2020/1/13/Haiti-insecurity-famine-malnutrition-health-aid-displacement-protests; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 33.

¹⁷¹ UN, OCHA, *Haiti Situation Report Last Updated: 17 June 2019*, 17 June 2019, www.ecoi.net/en/file/local/2010947/Situation+Report+-+Haiti+-+17+Jun+2019.pdf, p. 2; IPC, *Haiti: Acute Food Insecurity Analysis October 2019 – June 2020*, October 2019, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Haiti_AcuteFoodSec_2019Oct2020Feb_English.pdf, p. 2; Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 2.

¹⁷² IPC, *Haiti: Acute Food Insecurity Analysis October 2019 – June 2020*, October 2019, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Haiti_AcuteFoodSec_2019Oct2020Feb_English.pdf, p. 2.

¹⁷³ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 1; UN, OCHA, *Haiti Situation Report Last Updated: 17 June 2019*, 17 June 2019, www.ecoi.net/en/file/local/2010947/Situation+Report+-+Haiti+-+17+Jun+2019.pdf, p. 2; UN, FAO and WFP, *Monitoring Food Security in Countries with Conflict Situations: A Joint FAO/WFP Update for the Members of the United Nations Security Council*, January 2020, Issue No. 7, www.wfp.org/publications/monitoring-food-security-countries-conflict-situations, p. 5.

¹⁷⁴ UN, UNESCO, *Haiti Country Page*, n.d., <http://uis.unesco.org/en/country/ht>; UN, FAO and WFP, *Monitoring Food Security in Countries with Conflict Situations: A Joint FAO/WFP Update for the Members of the United Nations Security Council*, January 2020, Issue No. 7, www.wfp.org/publications/monitoring-food-security-countries-conflict-situations, p. 5.

¹⁷⁵ IPC, *Haiti: Acute Food Insecurity Analysis October 2019 – June 2020*, October 2019, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Haiti_AcuteFoodSec_2019Oct2020Feb_English.pdf, p. 2; UN, FAO and WFP, *Monitoring Food Security in Countries with Conflict Situations: A Joint FAO/WFP Update for the Members of the United Nations Security Council*, January 2020, Issue No. 7, www.wfp.org/publications/monitoring-food-security-countries-conflict-situations, p. 5.

¹⁷⁶ IPC, *Haiti: Acute Food Insecurity Analysis October 2019 – June 2020*, October 2019, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Haiti_AcuteFoodSec_2019Oct2020Feb_English.pdf, p. 2; Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 2.

Integrated Food Security Phase Classification (IPC), an international initiative composed of 15 United Nations and NGO organizations specialized in food security and nutrition analysis,¹⁷⁷ persons face "extreme loss of livelihood assets in the following regions considered in "emergency situation": The North-West, La Gonave, The South-East, coastal areas of the South and Cité Soleil.¹⁷⁸ Sources reported a rise in food prices¹⁷⁹ which, according to The New Humanitarian, an independent non-profit international news organization specialized in humanitarian crisis and disaster,¹⁸⁰ the increase in 2019 was by 34 per cent.¹⁸¹ A 2020 joint report by the Food and Agriculture Organization (FAO) and World Food Programme (WFP) indicated that the number of Haitians who require urgent assistance regarding food, nutrition and livelihood is estimated at 3.7 million, while 2.7 million are in "crisis" and one million in a "situation of emergency".¹⁸²

The economic situation in Haiti is affected by "high" public debt, dependence on imported products and a fall of foreign direct investment.¹⁸³ The inflation rate was reportedly in the range between 15¹⁸⁴ and 19.5 per cent.¹⁸⁵ Sources indicated that civil unrest and protests also contribute to economic decline.¹⁸⁶ In 2019, protests throughout the country caused a standstill in economic activities and food distribution programs and raised the levels of vulnerability.¹⁸⁷

¹⁷⁷ IPC, *IPC Overview and Classification System*, n.d., www.ipcinfo.org/ipcinfo-website/ipc-overview-and-classification-system/en/.

¹⁷⁸ PC, *Haiti: Acute Food Insecurity Analysis, August 2020 - June 2021*, September 2020, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC%20Haiti%20AcuteFoodSec%202020Aug2021June%20English%20Summary.pdf, p.2.

¹⁷⁹ IPC, *Haiti: Acute Food Insecurity Analysis October 2019 - June 2020*, October 2019, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Haiti_AcuteFoodSec_2019Oct2020Feb_English.pdf, p. 2; The New Humanitarian, Jessica Obert, *Hunger in Haiti: Ten Years After Catastrophe Struck, A New Crisis Looms*, 13 January 2020, www.thenewhumanitarian.org/news-feature/2020/1/13/Haiti-insecurity-famine-malnutrition-health-aid-displacement-protests.

¹⁸⁰ The New Humanitarian, *About Us*, n.d., www.thenewhumanitarian.org/content/about-us.

¹⁸¹ The New Humanitarian, Jessica Obert, *Hunger in Haiti: Ten Years After Catastrophe Struck, A New Crisis Looms*, 13 January 2020, www.thenewhumanitarian.org/news-feature/2020/1/13/Haiti-insecurity-famine-malnutrition-health-aid-displacement-protests.

¹⁸² UN, FAO and WFP, *Monitoring Food Security in Countries with Conflict Situations: A Joint FAO/WFP Update for the Members of the United Nations Security Council*, January 2020, Issue No. 7, www.wfp.org/publications/monitoring-food-security-countries-conflict-situations, p. 5.

¹⁸³ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, pp. 2-3; IPC, *Haiti: Acute Food Insecurity Analysis October 2019 - June 2020*, October 2019, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Haiti_AcuteFoodSec_2019Oct2020Feb_English.pdf, p. 2; Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 3.

¹⁸⁴ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 3.

¹⁸⁵ IPC, *Haiti: Acute Food Insecurity Analysis October 2019 - June 2020*, October 2019, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Haiti_AcuteFoodSec_2019Oct2020Feb_English.pdf, p. 2.

¹⁸⁶ The New Humanitarian, Jessica Obert, *Hunger in Haiti: Ten Years After Catastrophe Struck, A New Crisis Looms*, 13 January 2020, www.thenewhumanitarian.org/news-feature/2020/1/13/Haiti-insecurity-famine-malnutrition-health-aid-displacement-protests; Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 4.

¹⁸⁷ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 4; IPC, *Haiti: Acute Food Insecurity Analysis October 2019 - June 2020*, October 2019, www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Haiti_AcuteFoodSec_2019Oct2020Feb_English.pdf, p.

2; UN, OCHA, *Haïti aperçu des besoins humanitaires 2021, March 2021*, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 33.

2 Situation of political activists and opponents

2.1 Legislation

The Constitution indicates the following:

ARTICLE 17

All Haitians, regardless of sex or marital status, who have attained eighteen years of age may exercise their political and civil rights if they meet the other conditions prescribed by the Constitution and by law.

ARTICLE 31

Freedom of unarmed assembly and association for political, economic, social, cultural or any other peaceful purposes is guaranteed.

ARTICLE 31-1

Political parties and groups shall compete with each other in the exercise of suffrage. They may be established and may carry out their activities freely. They must respect the principles of national and democratic sovereignty. The law determines the conditions for their recognition and operation, and the advantages and privileges reserved to them.¹⁸⁸

The Criminal Code (*Code pénal*), of 23 September 1985, states the following:

ARTICLE 64

Attacks and plots whose aim will be to destroy political institutions or to change the Government, to incite citizens or inhabitants to arm themselves against the authority of the leader state will be punished with detention. The sentence will be ten years at least and fifteen years at most.

ARTICLE 81

When, by assembly, assault or threats, one or more citizens have been prevented from exercising their political rights, each of the culprits will be punished by imprisonment of at least three months, and at most one year, and the ban on the right to vote and to be elected, for at least five years and at most ten years. - Crim. C. 26, 28, 10, 20, 82 et seq.

ARTICLE 84

Any citizen who has, in the elections, bought or sold a suffrage, at any price, will be punished with prohibition of political rights and any public office or employment, for at least five years and at most ten years.

In addition, the seller and the buyer of the suffrage will each be sentenced to a fine double the value of the things received or promised.

¹⁸⁸ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, Arts. 17, 31, 31-1, translated by William S. Hein & Co.

ARTICLE 236

No association of more than twenty people, the purpose of which will be to meet every day or on certain designated days, to deal with religious, literary, political or other objects can be formed only with the approval of the Government, and under the conditions which the public authority may wish to impose on society. - Crim. C. 227 et seq.

In the number of people indicated by this article, are not included those domiciled in the house where the association meets – Civ. C. 91 et seq.

ARTICLE 238

If by speeches, exhortations, invocations or prayers, in any language whatsoever or by reading, posting, publishing or distributing writings whatsoever, there has been any provocation in these assemblies to crimes or misdemeanours the penalty will be from three months to one year of imprisonment, against the heads, directors and administrators of these associations, without prejudice to the harsher penalties which would be imposed by the law against the individuals personally guilty of provocation, which, in no way cases, could not be punished with a penalty less than that inflicted on the heads, directors and administrators of the association. Crim. C. 26 et seq., 44 et seq.¹⁸⁹

The Law on the Formation, Operation and Financing of Political Parties (*Loi Portant Formation, Fonctionnement et Financement des Partis Politiques*), of 16 March 2014, indicates the following:

ARTICLE 3

The State guarantees the right of citizens to freely form political parties and to operate them within the framework of the laws in force.

ARTICLE 4

Membership of a Political Party is a personal act relating to individual freedom. No one can be forced to join a political party. No one can be a member of more than one political party at the same time. A Political Party cannot be a member of several groups or groupings of political parties at the same time. Political parties must work to promote membership among young people, women and people with disabilities.

ARTICLE 25

The right to democratic opposition is recognized.

ARTICLE 26

Democratic opposition is understood to mean one or more parties distinct from the party or from the coalition of political parties constituting the Government or supporting government action. It is an element of pluralist democracy.

¹⁸⁹ Haiti, *Code pénal*, 23 September 1985, www.refworld.org/docid/4c3440772.html, Arts. 64, 81, 84, 236, 238, translated informally by the author.

ARTICLE 27

Democratic opposition can be exercised either in the field of Parliament or in the social field.

ARTICLE 28

Democratic opposition essentially includes the right to alternation, which is not the right to automatically replace the team in power, but the right to use constitutional and legal procedures to achieve this.¹⁹⁰

On 26 November 2020, President Moïse issued the Decree for the Creation, Organization and Operation of the National Agency of Investigations (*Décret Portant Création, Organisation et Fonctionnement de l'Agence Nationale d'Intelligence*) and the Decree for the Strengthening of the Public Security (*Décret pour le Renforcement de la Sécurité Publique*).¹⁹¹ Human rights defenders have presented concerns regarding the extent of powers assigned to agents of the National Agency of Investigations (ANI, *Agence Nationale d'Intelligence*),¹⁹² which includes entitlement to operate anonymously.¹⁹³ According to Freedom House, the National Agency of Investigations (ANI, *Agence Nationale d'Intelligence*) is authorized to operate with "total secrecy and the ability to conduct surveillance of individuals and businesses at any time, even if there is no relevant ongoing investigation."

Article 2 of Decree for the Strengthening of the Public Security indicates the following:

Individuals guilty of acts of terrorism are subject to thirty (30) to fifty (50) years of criminal imprisonment and a fine of two million (2,000,000.00) [approximately 22,659 USD] to two hundred million (200,000,000.00) gourdes [approximately 2,265,853 USD], without prejudice to the monetary losses and other penalties provided for by the Penal Code.

The Tribunal orders the posting of the pronounced decision and the dissemination of it in the press.

In the event of a repeat offense, the penalty is that of life imprisonment.¹⁹⁴

¹⁹⁰ Haiti, *Loi portant formation, fonctionnement et financement des partis politiques*, 16 March 2014, www.cephaiti.ht/files/doc_off/CEP_Loi_sur_les_Partis_Politiques.pdf, Arts. 4, 25-28, translated informally by the author.

¹⁹¹ VOA, *Thousands of Haitians Protest Violence, Impunity on Human Rights Day*, 10 December 2020, www.voanews.com/americas/thousands-haitians-protest-violence-impunity-human-rights-day; Associated Press News, *Explainer: Why Haiti's Political Strife Has Worsened*, 8 February 2021, <https://apnews.com/article/port-au-prince-arrests-haiti-courts-f9e8037b08878b2e2b26799ec6afce74>.

¹⁹² Freedom House, *Freedom in the World 2021: Haiti*, 3 March 2021, <https://freedomhouse.org/country/haiti/freedom-world/2021>; Le National, Wenceslas Douzable, *L'Agence Nationale d'Intelligence – Une nécessité nationale ou une épée de Damoclès?*, 29 December 2020, www.lenational.org/post_free.php?elif=1_CONTENTUE/tribunes&rebmun=1726.

¹⁹³ RFI, *Haiti: inquiétudes autour d'une nouvelle agence nationale d'intelligence rattaché à l'État*, 17 December 2020, www.rfi.fr/fr/am%C3%A9riques/20201216-ha%C3%AFti-inqui%C3%A9tudes-autour-d-une-nouvelle-agence-nationale-d-intelligence-rattach%C3%A9-%C3%A0-l-%C3%A9tat; Freedom House, *Freedom in the World 2021: Haiti*, 3 March 2021, <https://freedomhouse.org/country/haiti/freedom-world/2021>; Ayibopost, Samuel Celiné, *Pourquoi les experts refusent de parler de l'Agence nationale d'intelligence de Jovenel Moïse?*, 20 January 2021, <https://ayibopost.com/pourquoi-les-experts-refusent-de-parler-de-lagence-nationale-dintelligence-de-jovenel-moise/>.

¹⁹⁴ Haiti, *Décret pour le renforcement de la sécurité publique*, 26 November 2020, <https://drive.google.com/file/d/1ZBHT9vFJMZan0pfVgqfcHzFW6LV404ST/view>, Art. 2, translated informally by the author.

Sources reported that authorities have used the Presidential Decree for the Strengthening of the Public Security, published on 26 November 2020, to forbid tactics used in protests, such as tire burning and road blockages, and classify them as terrorism.¹⁹⁵

2.2 Opponent political parties

Information on the current status, organization and activities of political parties was scarce among the sources consulted within the time constraints of this report.

Sources indicated that political polarization in Haiti is "extreme" and "protracted", which contributes to political crisis.¹⁹⁶ Disputes among political parties for power transition is affected by corruption, funding from "drug-related" sources and violence.¹⁹⁷ Political opposition parties have been making alliances against the government of President Moïse to request his dismissal.¹⁹⁸

On 27 March 2019, "dozens" of political parties and unions, including Mopod and Pitit Dessalines, launched a joint opposition group called Progressive Opposition Force (FOP, *Force d'Opposition Progressiste*, in French, or *Fòs Opozisyon Progresis*, in Creole).¹⁹⁹ The joint political platform declared that its goal is to fight for the dismissal of Jovenel Moïse and to form a transitional government.²⁰⁰ On 25 January 2021, *Le Nouvelliste*, a Haitian daily based in Port-au-Prince, reported that Jean-Charles Moïse, leader of the opponent political party Plateforme Pitit Dessalines,²⁰¹ had announced a meeting of political opposition parties

¹⁹⁵ VOA, *Thousands of Haitians Protest Violence, Impunity on Human Rights Day*, 10 December 2020, www.voanews.com/americas/thousands-haitians-protest-violence-impunity-human-rights-day; Associated Press News, *Explainer: Why Haiti's Political Strife Has Worsened*, 8 February 2021, <https://apnews.com/article/port-au-prince-arrests-haiti-courts-f9e8037b08878b2e2b26799ec6afce74>.

¹⁹⁶ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf; UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, p. 4; IACHR, *Annual Report of the Office of the Special Rapporteur for Freedom of Expression: Annual Report of the Inter-American Commission on Human Rights*, 2020, vol. 2, 30 March 2021, www.oas.org/en/iachr/docs/annual/2020/Chapters/rele-en.PDF, para. 781.

¹⁹⁷ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 9; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

¹⁹⁸ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 21; *HaitiLibre*, *Haiti - Politique: les appels à la démission du Chef de l'État se multiplient*, 5 June 2019, www.haitilibre.com/article-27907-haiti-politique-les-appels-a-la-demission-du-chef-de-l-etat-se-multiplient.html; VBI, *Haiti – Crise : L'opposition opte pour le choix d'un juge de la Cour de Cassation pour assurer la transition*, 10 November 2019, <https://vantbefinfo.com/haiti-crise-lopposition-opte-pour-le-choix-dun-juge-de-la-cour-de-cassation-pour-assurer-la-transition/>.

¹⁹⁹ *Le National*, *FOP, la nouvelle structure de l'opposition*, 28 March 2019, www.lenational.org/post_free.php?elif=1_CONTENUE/actualitees&rebmun=5087; *Haiti Liberté*, *Présentation de Force de l'opposition progressiste (FOP)!* 3 April 2019, <https://haitiliberte.com/presentation-de-force-de-lopposition-progressiste-fop/>.

²⁰⁰ *Le National*, *FOP, la nouvelle structure de l'opposition*, 28 March 2019, www.lenational.org/post_free.php?elif=1_CONTENUE/actualitees&rebmun=5087; *Haiti Liberté*, *Présentation de Force de l'opposition progressiste (FOP)!* 3 April 2019, <https://haitiliberte.com/presentation-de-force-de-lopposition-progressiste-fop/>.

²⁰¹ *Le Nouvelliste*, *Plusieurs partis de l'opposition trouvent un accord pour préparer la transition, sans Fanmi lavalas*, 25 January 2021, <https://lenouvelliste.com/article/225635/plusieurs-partis-de-lopposition-trouvent-un-accord-pour-preparer-la-transition-sans-fanmi-lavalas>; OFPRA, *Le parti Pitit Dessalines et la Force de l'opposition progressiste (FOP) depuis l'élection de Jovenel Moïse le 20 novembre 2016*, 17 June 2019, https://coi.easo.europa.eu/administration/france/PLib/1905_HTI_PititDessalines.pdf, p. 2; Loop News, *Environ 6*

to lead, on the appointment of a president from the Supreme Court, a two-year transition for the departure of the President Jovenel Moïse.²⁰² In February 2021, opposition leaders, including Jean-Charles Moïse, promoted nationwide mobilization in support of the political transition.²⁰³ An opposition agreement called Terrace Garden Final Accord (*Ako Final Teras Garden*) composed of seven members from civil society and seven leaders of the opposition was formed to organize the transition.²⁰⁴ Opponents named the Supreme Court magistrate Joseph Mecene Jean-Louis as an interim president to lead the transitional government.²⁰⁵ Also in February 2021, a general strike called by unions took place nationwide to pressure Jovenel Moïse to resign.²⁰⁶

Former President Jean-Bertrand Aristide launched the Fanmi Lavalas political party in 1996, based in Tabarre region, and is the leader as of May 2021²⁰⁷ Fanmi Lavalas considers itself in the opposition and demanded the resignation of President Moïse,²⁰⁸ but refused to participate in joint actions with other parties to oust President Moïse, including the Democratic Bloc (*Bloc Démocratique*) and Forum Papay.²⁰⁹ According to the Bertelsmann Stiftung *BTI*

militants Pitit Dessalines assassinés et portés disparus, 1 October 2019, www.loophaiti.com/content/environ-6-militants-assassines-et-portes-disparus-du-23-au-28-sept.

²⁰² Le Nouvelliste, *Plusieurs partis de l'opposition trouvent un accord pour préparer la transition, sans Fanmi lavalas*, 25 January 2021, <https://lenouvelliste.com/article/225635/plusieurs-partis-de-lopposition-trouvent-un-accord-pour-preparer-la-transition-sans-fanmi-lavalas>.

²⁰³ TeleSur, *Haiti: Political and Social Organizations Call for More Strikes*, 4 February 2021, www.telesurenglish.net/news/Haiti-Political-and-Social-Organizations-Call-for-More-Strikes-20210204-0015.html; WIC News, *Haiti Opposition Plans to Replace President Moïse on February 7*, 3 February 2021, <https://wicnews.com/caribbean/haiti-opposition-plans-replace-president-moise-february-7-080332556/>.

²⁰⁴ VOA, *Haiti Opposition Agrees on Plan to Replace President Moïse on February 7*, 1 February 2021, www.voanews.com/americas/haiti-opposition-agrees-plan-replace-president-moise-february-7; WIC News, *Haiti Opposition Plans to Replace President Moïse on February 7*, 3 February 2021, <https://wicnews.com/caribbean/haiti-opposition-plans-replace-president-moise-february-7-080332556/>.

²⁰⁵ France 24, *Haiti Opposition Names Interim Leader as Political Crisis Deepens*, 9 February 2021, www.france24.com/en/americas/20210209-haiti-opposition-names-interim-leader-as-political-crisis-deepens; CNN, *Haitian Opposition Picks Interim Leader As Row Over President's Term Limit Intensifies*, 8 February 2021, <https://edition.cnn.com/2021/02/08/americas/haiti-opposition-president-term-protests-intl/index.html>; Washington Post, Anthony Faiola, *Coup Allegations and Rival Claims to the Presidency Deepen Haiti's Crisis*, 8 February 2021, www.washingtonpost.com/world/the_americas/haiti-moise-constitutional-crisis/2021/02/08/c7dfbf86-6a15-11eb-9f80-3d7646ce1bc0_story.html.

²⁰⁶ VOA, *Haiti Opposition Agrees on Plan to Replace President Moïse on February 7*, 1 February 2021, www.voanews.com/americas/haiti-opposition-agrees-plan-replace-president-moise-february-7; WIC News, *Haiti Opposition Plans to Replace President Moïse on February 7*, 3 February 2021, <https://wicnews.com/caribbean/haiti-opposition-plans-replace-president-moise-february-7-080332556/>; TeleSur, *Haiti: Political and Social Organizations Call for More Strikes*, 4 February 2021, www.telesurenglish.net/news/Haiti-Political-and-Social-Organizations-Call-for-More-Strikes-20210204-0015.html.

²⁰⁷ Political Handbook of the World 2018-2019. *Haiti*, December 2019. Edited by Thomas Lansford. Thousand Oaks: CQ Press, <https://sk.sagepub.com/cqpress/political-handbook-of-the-world-2018-2019>; Haïti-Référence, 2410 – *Les partis politiques*, 3 June 2020, www.haiti-reference.com/pages/plan/politique/organisations-politiques/partis-politiques/.

²⁰⁸ Le Nouvelliste, *Fanmi Lavalas pour la démission de Jovenel Moïse et le renvoi du Parlement*, 4 June 2019, <https://lenouvelliste.com/article/202638/fanmi-lavalas-pour-la-demission-de-jovenel-moise-et-le-renvoi-du-parlement>; HaïtiLibre, *Haïti - Politique: les appels à la démission du Chef de l'État se multiplient*, 5 June 2019, www.haitilibre.com/article-27907-haiti-politique-les-appels-a-la-demission-du-chef-de-l-etat-se-multiplient.html.

²⁰⁹ Le Nouvelliste, *Plusieurs partis de l'opposition trouvent un accord pour préparer la transition, sans Fanmi lavalas*, 25 January 2021, <https://lenouvelliste.com/article/225635/plusieurs-partis-de-lopposition-trouvent-un-accord-pour-preparer-la-transition-sans-fanmi-lavalas>; VBI, *Haïti – Crise : L'opposition opte pour le choix d'un juge de la Cour de Cassation pour assurer la transition*, 10 November 2019, <https://vantbefinfo.com/haiti-crise-lopposition-opte-pour-le-choix-dun-juge-de-la-cour-de-cassation-pour-assurer-la-transition/>.

Transformation Index report, Fanmi Lavalas is the largest Haitian political party.²¹⁰ Additional information could not be found among the sources consulted within the time constraints of this report.

2.3 Demonstrations

Sources indicated that the main reasons for demonstrations in Haiti are public insecurity, including kidnappings and killings²¹¹; corruption²¹²; embezzlement of funds by state officials²¹³; precariousness on the provision of basic services, such as electricity²¹⁴; impunity of politicians²¹⁵; and discontent with the administration of President Moïse.²¹⁶ According to OCHA, the political situation in country characterized by institutional "fragility", corruption and lack of trust on political figures lead to a "permanent culture of protest".²¹⁷ Sources indicated that state officials "regularly" address opposition protests through "repressive"²¹⁸ and "excessive" force²¹⁹, including beatings, use of ammunition at short distance,²²⁰ lethal weapons and tear gas to disperse protesters.²²¹

²¹⁰ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 9.

²¹¹ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 17; UN, Security Council, *United Nations Integrated Office in Haiti, Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 11.

²¹² US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 6.

²¹³ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 3; Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

²¹⁴ UN, Security Council, *United Nations Integrated Office in Haiti, Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 11.

²¹⁵ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 6; US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>

²¹⁶ US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>; UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 6.

²¹⁷ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 6.

²¹⁸ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

²¹⁹ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; Amnesty International, *Haiti: Amnesty International Verifies Evidence of Excessive Use of Force Against Protesters*, 31 October 2019, www.amnesty.org/en/latest/news/2019/10/haiti-amnesty-verifies-evidence-excessive-force-against-protesters/; IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, pp. 366-369.

²²⁰ Amnesty International, *Haiti: Amnesty International Verifies Evidence of Excessive Use of Force Against Protesters*, 31 October 2019, www.amnesty.org/en/latest/news/2019/10/haiti-amnesty-verifies-evidence-excessive-force-against-protesters/.

²²¹ BBC News, *Dispute over Haiti Presidential Term Triggers Unrest*, 15 February 2021, www.bbc.com/news/world-latin-america-56069575; Amnesty International, *Haiti: Amnesty International Verifies Evidence of Excessive Use of Force Against Protesters*, 31 October 2019, www.amnesty.org/en/latest/news/2019/10/haiti-amnesty-verifies-evidence-excessive-force-against-protesters/; UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur*

In 2019, protests increased with the allegations that President Moïse and senior state officials would have embezzled money from the oil-funding programme by Venezuela called PetroCaribe,²²² which reportedly was "up to" 2 billion USD.²²³ The social-political instability of the country led to an increase in the number of protests²²⁴ and to "mass" mobilization.²²⁵

Sources indicated that 2019 demonstrations became "violent" and "paralyzed" activities in the country through the use of blockades.²²⁶ A 2021 joint report by BINUH and OHCHR indicated that barricades and "passage fees" used amid protests hindered the movement of people and goods, including access to basic services such as health care.²²⁷ The same source documented that PNH officials committed cruel, inhuman or degrading treatment against demonstrators such as injuries caused by "punches and rifle butts".²²⁸ In addition, state officials were reportedly responsible for the death of 60 persons (seven women and two minors) and causing injuries to 171 persons (19 women and nine minors) through indiscriminate use of force in the response to demonstrations.²²⁹ On 27 September 2019, a woman reportedly died in Mirebalais from a respiratory crisis caused by tear gas.²³⁰ In October 2020, security guards reportedly killed a student named Grégory Saint-Hilaire with a shot in his back amid protests at the Superior Normal School (*École Normale Supérieure*) in Port-au-Prince.²³¹

les droits humains et l'obligation de l'État de protéger tous les citoyens, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 13.

²²² Amnesty International, *Human Rights in the Americas: Review of 2019*, Haiti, 27 February 2020, www.amnesty.org/en/countries/americas/haiti/report-haiti/; Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 3.

²²³ France 24, *PetroCaribe Scandal: Haiti Court Accuses Officials of Mismanaging \$2 Bln in Aid*, 18 August 2020, www.france24.com/en/20200817-petrocaribe-scandal-haiti-court-accuses-officials-of-mismanaging-2-bln-in-aid/; Amnesty International, *Human Rights in the Americas: Review of 2019*, Haiti, 27 February 2020, www.amnesty.org/en/countries/americas/haiti/report-haiti/.

²²⁴ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 3; Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 369.

²²⁵ US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>; UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf.

²²⁶ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 10; Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 3; UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 3.

²²⁷ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, pp. 3-4.

²²⁸ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 13.

²²⁹ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 13.

²³⁰ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 14.

²³¹ Haitian Times (the), *Haiti's Office of Protection Condemns to Grad Student's Murder*, 5 October 2020, <https://haitiantimes.com/2020/10/05/haitis-office-of-protection-reacts-to-grad-students-murder/>; Haiti Liberté, *Fierce Protests Erupt After Presidential Guard Mortally Wounds Student Protestor*, 14 October 2020, <https://haitiliberte.com/fierce-protests-erupt-after-presidential-guard-mortally-wounds-student-protestor/>.

Amnesty International reported that "at least" 83 persons died in 2019 during two demonstrations, "many" of them reportedly perpetrated by police officers.²³² The same source indicated that the police used semi-automatic rifles to fire live ammunition against demonstrators during the 2019 protests.²³³ The US Congressional Research Service indicated that "more than" 42 persons were killed and "hundreds" were injured in September and November 2019, of which 19 deaths were committed by security forces.²³⁴ Sources indicated that non-state armed groups participated in the demonstrations and were associated with both pro and anti-government protesters.²³⁵

In 2020, demonstrations against the government also took place.²³⁶ According to BINUH, in 2020 there were 55 civil unrests in May and June, and the number increased to 174 during July and August,²³⁷ amounting to an average of 84 demonstrations per month in the second semester of 2020.²³⁸ Sources indicated that the police repressed protests using force.²³⁹ Freedom House reported that "over" 80 persons were killed and 200 injured during the 2020 demonstrations.²⁴⁰ Through 2020, religious groups protested against provisions of a new Criminal Code to be voted regarding legalization of same-sex marriage and changes on sexual, reproductive and women's rights.²⁴¹ In January and February 2021, protests took place countrywide calling for the resignation of President Moïse, with the police using rubber bullets to disperse them.²⁴²

University students marched in Port-au-Prince in October 2020 protesting the death of the fellow student Gregory Saint-Hilaire, who was allegedly killed by security officers when he demanded a job he had been promised to.²⁴³ The police repressed the demonstration with

²³² Amnesty International, *Human Rights in the Americas: Review of 2019*, Haiti, 27 February 2020, www.amnesty.org/en/countries/americas/haiti/report-haiti/.

²³³ Amnesty International, *Haiti: Amnesty International Verifies Evidence of Excessive Use of Force Against Protesters*, 31 October 2019, www.amnesty.org/en/latest/news/2019/10/haiti-amnesty-verifies-evidence-excessive-force-against-protesters/.

²³⁴ US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sgp/crs/row/R45034.pdf>.

²³⁵ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 15; US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sgp/crs/row/R45034.pdf>.

²³⁶ UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 11; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

²³⁷ UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 11.

²³⁸ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 17.

²³⁹ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

²⁴⁰ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

²⁴¹ Haitian Times (the), *Haiti Religious Protestants Marched Across Country to Protest New Penal Code*, 27 July 2020, <https://haitiantimes.com/2020/07/27/haiti-religious-protestants-marched-across-country-to-protest-new-penal-code/>; UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 11.

²⁴² BBC News, *Dispute over Haiti Presidential Term Triggers Unrest*, 15 February 2021, www.bbc.com/news/world-latin-america-56069575.

²⁴³ VOA, *Haiti Police Fire Tear Gas, Live Rounds at Student Protesters*, 9 October 2020, www.voanews.com/americas/haiti-police-fire-tear-gas-live-rounds-student-protesters; IJDH, *Human Rights and*

"violence", tear gas and shots.²⁴⁴ Additional information on students associated with political movements could not be found among the sources consulted within the time constraints of this report.

2.4 Targeted profiles

According to different sources, targeted profiles include human rights defenders,²⁴⁵ journalists,²⁴⁶ members of civil society organizations,²⁴⁷ lawyers and judges,²⁴⁸ activists of political parties,²⁴⁹ and impoverished communities associated with the opposition, such as Bel-Air and Cité Soleil.^{250, 251} A 2021 report by BINUH indicated that 13 episodes of threats, intimidation or attacks against targeted groups were documented between 1 September 2020 and 31 January 2021.²⁵²

Sources indicated that members of human rights organizations have been facing threats and intimidation.²⁵³ In 2019, the Executive Director of the civil society organization National Human

Rule of Law in Haiti: Key Recent Developments, March to October 2020, www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation_Mar-Oct-2020-FINAL.pdf, p. 3.

²⁴⁴ VOA, *Haiti Police Fire Tear Gas, Live Rounds at Student Protesters*, 9 October 2020, www.voanews.com/americas/haiti-police-fire-tear-gas-live-rounds-student-protesters; IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments*, March to October 2020, www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation_Mar-Oct-2020-FINAL.pdf, p. 3.

²⁴⁵ BBC News, *Dispute over Haiti Presidential Term Triggers Unrest*, 15 February 2021, www.bbc.com/news/world-latin-america-56069575; Amnesty International, *Human Rights in the Americas: Review of 2019*, Haiti, 27 February 2020, www.amnesty.org/en/countries/americas/haiti/report-haiti/; UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 38.

²⁴⁶ Amnesty International, *Human Rights in the Americas: Review of 2019*, Haiti, 27 February 2020, www.amnesty.org/en/countries/americas/haiti/report-haiti/; UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 38; IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 369.

²⁴⁷ BBC News, *Dispute over Haiti Presidential Term Triggers Unrest*, 15 February 2021, www.bbc.com/news/world-latin-america-56069575; UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 38; IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 369.

²⁴⁸ UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 38; BBC News, *Dispute over Haiti Presidential Term Triggers Unrest*, 15 February 2021, www.bbc.com/news/world-latin-america-56069575.

²⁴⁹ BBC News, *Dispute over Haiti Presidential Term Triggers Unrest*, 15 February 2021, www.bbc.com/news/world-latin-america-56069575.

²⁵⁰ For more information on attacks in Bel-Air and Cité Soleil, see [Section 6.2.1](#).

²⁵¹ BAI and IJDH, *Haiti at a Crossroads: An Analysis of the Drivers Behind Haiti's Political Crisis*, May 2019, www.ijdh.org/wp-content/uploads/2019/05/IJDH-Report-Haiti-at-a-Crossroads-May-2019.pdf, pp. 6-7; IHRC and OHCHC, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf; IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments*, March to October 2020, www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation_Mar-Oct-2020-FINAL.pdf.

²⁵² UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 38.

²⁵³ UN, Security Council, United Nations Integrated Office in Haiti, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 38; Frontline Defenders, *Armed Attack Against the Office of Human Rights Organisation Réseau National de Défense des Droits de l'Homme*, 14 May 2020, www.frontlinedefenders.org/en/case/armed-attack-against-office-human-rights-organisation-reseau-national-de-defense-des-droits-de.

Rights Defence Network (RNDDH, *Réseau National de Défense des Droits Humains*), based in Port-au-Prince, Pierre Espérance, declared that he had been receiving death threats allegedly involving state officials and gang members.²⁵⁴ On 11 May 2020, unidentified armed individuals fired against the office of RNDDH in Port-au-Prince.²⁵⁵ On 28 August 2020, unknown individuals murdered Monferri Dorval, a constitutional scholar and former head of the Port-au-Prince Bar Association.²⁵⁶ He had given an interview hours before to a radio where he declared the need of "another kind of country, another state" and had supported "controversial" positions regarding the government.²⁵⁷

Freedom House indicated that government officials "sometimes" threaten leaders of political opposition parties.²⁵⁸ On 1 October 2019, Loop News, a news outlet based in Port-au-Prince specialized in the Caribbean region,²⁵⁹ reported that unidentified individuals murdered about six militants of Pitit Dessalines from 23 to 29 September 2019.²⁶⁰ Alter Presse, a Haitian news outlet based in Delmas,²⁶¹ reported that armed groups allegedly "close to power" murdered a political militant called Ronald on 7 October 2019 following a dispute between demonstrators claiming the end of the current government and members of the Bald Head Haitian Party (PHTK, *Parti Haïtien Tèt Kale*) of President Moïse.²⁶² Le Nouvelliste, a Haitian daily based in Port-au-Prince, reported that political activist Ti Tcho, known to be an "influential" opponent, was murdered in Gonaïves in June 2020.²⁶³

The 2021 joint report by BINUH and OHCHR reported that both state agents and non-identified armed groups threaten and target journalists.²⁶⁴ Human Rights Watch indicated that "at least" eight journalists were wounded amid demonstrations from mid-September to mid-October

²⁵⁴ AI, Human Rights Defender Fears for Safety; FIDH, *Haïti : Planification d'assassinat à l'encontre de M. Pierre Espérance*, 9 May 2019, www.fidh.org/fr/themes/defenseurs-des-droits-humains/haïti-planification-d-assassinat-a-l-encontre-de-m-pierre-esperance; AlterPresse, *Haïti-Insécurité : De sérieuses menaces contre le défenseur des droits humains Pierre Espérance*, 27 April 2019, www.alterpresse.org/spip.php?article24267#_YKwE_ZNKj0o.

²⁵⁵ Frontline Defenders, *Armed Attack Against the Office of Human Rights Organisation Réseau National de Défense des Droits de l'Homme*, 14 May 2020, www.frontlinedefenders.org/en/case/armed-attack-against-office-human-rights-organisation-reseau-national-de-defense-des-droits-de; Coordination Europe-Haiti, *Press release CoEH May 20, 2020*, 22 May 2020, www.coeh.eu/press-release-coeh-may-20-2020/.

²⁵⁶ UN, UNHCR, *The Legacy of a Haitian Human Rights Champion and Constitutional Expert*, 10 December 2021, www.unhcr.org/news/stories/2020/12/5fd24c964/the-legacy-of-a-haitian-human-rights-champion-and-constitutional-expert.html; Miami Herald, *Haitian Lawyer, Constitutional Expert Gunned Down Hours after Controversial Radio Interview*, 29 August 2020, www.miamiherald.com/news/nation-world/world/americas/haïti/article245352670.html.

²⁵⁷ ABA, *Assassination of Monferri Dorval*, 13 November 2020, www.americanbar.org/content/dam/aba/administrative/human_rights/rule-of-law-letters/haïti-nov2020.pdf; Miami Herald, *Haitian Lawyer, Constitutional Expert Gunned Down Hours after Controversial Radio Interview*, 29 August 2020, www.miamiherald.com/news/nation-world/world/americas/haïti/article245352670.html.

²⁵⁸ Freedom House, *Freedom in the World 2020: Haïti*, 4 March 2020, <https://freedomhouse.org/country/haïti/freedom-world/2020>.

²⁵⁹ Loop News, *A propos de nous*, <https://haïti.loopnews.com/content/propos-de-nous>.

²⁶⁰ Loop News, *Environ 6 militants Pitit Dessalines assassinés et portés disparus*, 1 October 2019, www.loophaïti.com/content/environ-6-militants-assassinés-et-portés-disparus-du-23-au-28-sept.

²⁶¹ AlterPresse, *Qui sommes nous?*, n.d., www.alterpresse.org/spip.php?page=nous.

²⁶² AlterPresse, *Haïti-Crise : Le Secteur dit démocratique et populaire condamne l'assassinat par balles d'un jeune militant politique*, 9 October 2019, www.alterpresse.org/spip.php?article24818#_YHRZ02RKhfQ.

²⁶³ Le Nouvelliste, *Gonaïves : vent de panique suite à la mort d'un membre influent de l'opposition*, 17 June 2020, <https://lenouvelliste.com/article/217382/gonaives-vent-de-panique-suite-a-la-mort-dun-membre-influent-de-lopposition>.

²⁶⁴ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 19.

2019.²⁶⁵ Sources indicated that journalists "often" face verbal and physical attacks during demonstration coverage.²⁶⁶ On 13 April 2019, IFEX, an international network based in Canada and focused on grassroots groups promoting freedom of expression,²⁶⁷ reported that the news photographer Vladimir Leganeur had disappeared amid protests in the country.²⁶⁸ On 30 September 2019, Reuters reported that police fired against a protest and hit the wrist of a journalist from Radio Sans Fin, a local Haitian radio.²⁶⁹

Freedom House indicated that, although the government does not carry out "widespread surveillance", persons are subject to "violent reprisals" and to the use of criminal provisions like defamation to discourage criticism on topics such as corruption and organized crime.²⁷⁰ In June 2019, non-identified individuals killed, in Port-au-Prince, radio journalist Pétion Rospide from the Haitian Radio sans Fin right after his public criticism regarding four vehicles of Radio Télé Ginen having been set on fire.²⁷¹ In October 2019, Néhémie Joseph, a journalist from the Haitian Radio Méga and Radio Panic FM, was killed in Mirebalais by non-identified armed persons.²⁷² Joseph had expressed criticism of the government and reportedly received threats by residents in Mirebalais.²⁷³

2.5 Treatment by authorities

Sources indicated that authorities, including the PNH, adopt "state-sponsored" violence and violate human rights in order to repress groups holding anti-government views.²⁷⁴ Actions

²⁶⁵ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

²⁶⁶ IACHR, *Annual Report of the Office of the Special Rapporteur for Freedom of Expression: Annual Report of the Inter-American Commission on Human Rights*, 2020, vol. 2, 30 March 2021, www.oas.org/en/iachr/docs/annual/2020/Chapters/rele-en.PDF, para. 770; RSF, *Another Journalist Murdered in Haiti*, 11 October 2019, <https://rsf.org/en/news/another-journalist-murdered-haiti>; Columbia Journalism Review, Chantal Flores, *In Haiti's Uprising, Journalists Are Caught in the Middle*, 17 January 2020, www.cjr.org/watchdog/haiti-uprising-jovenel-moise.php.

²⁶⁷ IFEX, *What We Do*, n.d., <https://ifex.org/what-we-do/>.

²⁶⁸ IFEX, *Violence Against Journalists and Impunity a Constant in Haiti*, 15 April 2019, <https://ifex.org/violence-against-journalists-and-impunity-a-constant-in-haiti/>.

²⁶⁹ Reuters, *Haitian Journalist Shot in Wrist in Latest Round of Protests*, 30 September 2019, www.reuters.com/article/us-haiti-protests/haitian-journalist-shot-in-wrist-in-latest-round-of-protests-idUSKBN1WG2FQ.

²⁷⁰ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

²⁷¹ RSF, *Haiti: Inquiétude pour la sécurité des journalistes après l'assassinat de Pétion Rospide*, 12 June 2019, <https://rsf.org/fr/actualites/haiti-inquietude-pour-la-securite-des-journalistes-apres-l-assassinat-de-petion-rospide>; CPJ, *Radio Sans Fin Host Pétion Rospide Killed in Port-au-Prince*, Haiti, 13 June 2019, <https://cpj.org/2019/06/radio-sans-fin-petion-rospide-killed-haiti/>.

²⁷² Le Nouvelliste, *Un journaliste tué par balle à Mirebalais*, 10 October 2019, <https://lenouvelliste.com/article/207862/un-journaliste-tue-par-balle-a-mirebalais>; RSF, *Another Journalist Murdered in Haiti*, 11 October 2019, <https://rsf.org/en/news/another-journalist-murdered-haiti>; CPJ, *Radio Panic FM Journalist Found Dead in Haiti Following Threats*, 11 October 2019, <https://cpj.org/2019/10/radio-panic-fm-journalist-found-dead-in-haiti-foll/>.

²⁷³ RSF, *Another Journalist Murdered in Haiti*, 11 October 2019, <https://rsf.org/en/news/another-journalist-murdered-haiti>; Le Nouvelliste, *Un journaliste tué par balle à Mirebalais*, 10 October 2019, <https://lenouvelliste.com/article/207862/un-journaliste-tue-par-balle-a-mirebalais>; CPJ, *Radio Panic FM Journalist Found Dead in Haiti Following Threats*, 11 October 2019, <https://cpj.org/2019/10/radio-panic-fm-journalist-found-dead-in-haiti-foll/>.

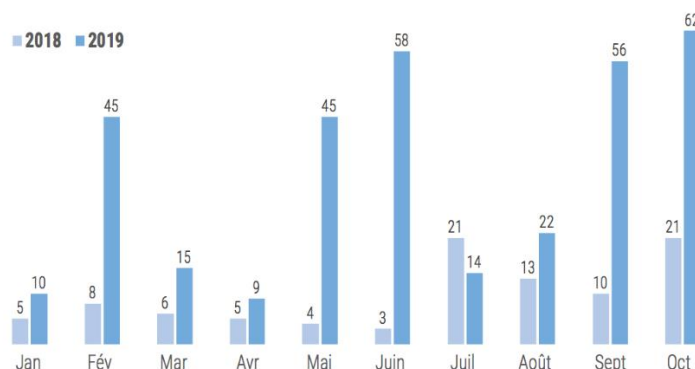
²⁷⁴ BAI and IJDH, *Haiti at a Crossroads: An Analysis of the Drivers Behind Haiti's Political Crisis*, May 2019, www.ijdh.org/wp-content/uploads/2019/05/IJDH-Report-Haiti-at-a-Crossroads-May-2019.pdf, pp. 6-7; UN,

include arbitrary detention,²⁷⁵ attempt of bribery, criminalization of social movements and civic acts, illegal surveillance,²⁷⁶ torture, forced labour,²⁷⁷ attacks in association with gangs,²⁷⁸ and "excessive" targeted use of force against political opponents.²⁷⁹

According to BINUH and OHCHR, 567 cases of human rights violations and abuse were registered in the context of the 2019 protests, especially from September to December, which included women (43 victims) and minors (47).²⁸⁰ Actors responsible by such acts were from state security forces (34 per cent) and non-state actors (66 per cent).²⁸¹ The Human Rights Service of BINUH (HRS) reported a 333 per cent increase in human rights violations or abuses from 2018 to 2019.²⁸² OCHA reported the following regarding the increase political of violence between 2018 and 2019:

Violence politique : 2018 et 2019

Nombre d'incidents



OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 7; IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, p. 3, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf.

²⁷⁵ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 4.

²⁷⁶ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, p. 7, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf.

²⁷⁷ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 4.

²⁷⁸ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 7.

²⁷⁹ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 7; IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 366.

²⁸⁰ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 3.

²⁸¹ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 3.

²⁸² UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 3.

Chart 3: OCHA, *Haiti: Aperçu de Besoins Humanitaires 2020*, 2020.²⁸³

Sources report that "grave" human rights violations under the government of President Moïse were committed, including extrajudicial killings, forced evictions and PNH abuses against protesters and opponent groups.²⁸⁴ Authorities have reportedly used the Presidential Decree for the Strengthening of the Public Security, published on 26 November 2020, to forbid tactics used in protests, such as tire burning and road blockages, and classify them as terrorist acts.²⁸⁵ In February 2021, "at least" 23 persons were arrested, including a judge from the Supreme Court, for contesting the legitimacy of President Moïse.²⁸⁶ According to CNN, minister of justice Rockefeller Vincent declared that those detained were engaging in conspiracy against the state.²⁸⁷

A 2019 report by the Bureau des Avocats Internationaux (BAI), a human rights organization based in Port-au-Prince,²⁸⁸ and the Institute for Justice & Democracy in Haiti (IJDH), a human rights organization based in Boston, United States,²⁸⁹ indicated that President Moïse publicly declared that he "categorically denies all allegations of human rights violations" in his government when commenting about a letter from the US Congress.²⁹⁰ On 14 December 2020, *Le Nouvelliste*, a Haitian daily, quotes the minister of justice as indicating, in reference to the participation of BAI, IJDH and RNDDH in a hearing at the Inter-American Commission on Human Rights (IACHR) about violation of human rights in Haiti, that "some organizations are used as tools of destabilization to discredit, delegitimize, create an environment conducive to violence in order to facilitate the execution of a coup, the seizure of power, apart from the elections".²⁹¹

²⁸³ UN, OCHA, *Haiti aperçu des besoins humanitaires 2020*, 7 January 2020, www.humanitarianresponse.info/en/operations/ha%C3%Afti/document/haiti-aper%C3%A7u-des-besoins-humanitaires-%E2%80%93-janvier-2020, p. 13.

²⁸⁴ BAI and IJDH, *Haiti at a Crossroads: An Analysis of the Drivers Behind Haiti's Political Crisis*, May 2019, www.iwdh.org/wp-content/uploads/2019/05/IJDH-Report-Haiti-at-a-Crossroads-May-2019.pdf, pp. 6-7; Amnesty International, *Haiti: Amnesty International Verifies Evidence of Excessive Use of Force Against Protesters*, 31 October 2019, www.amnesty.org/en/latest/news/2019/10/haiti-amnesty-verifies-evidence-excessive-force-against-protesters/.

²⁸⁵ VOA, *Thousands of Haitians Protest Violence, Impunity on Human Rights Day*, 10 December 2020, www.voanews.com/americas/thousands-haitians-protest-violence-impunity-human-rights-day; Associated Press News, *Explainer: Why Haiti's Political Strife Has Worsened*, 8 February 2021, <https://apnews.com/article/port-au-prince-arrests-haiti-courts-f9e8037b08878b2e2b26799ec6afce74>.

²⁸⁶ BBC News, *Haiti Political Turmoil: Judge and Police Officer Among 23 Arrested for 'Coup Attempt'*, 7 February 2021, www.bbc.com/news/world-latin-america-55975442; BBC News, *Dispute over Haiti Presidential Term Triggers Unrest*, 15 February 2021, www.bbc.com/news/world-latin-america-56069575; CNN Brasil, *Presidente do Haiti acusa opositores de tentativa de golpe; dezenas são presos*, 8 February 2021, www.cnnbrasil.com.br/internacional/2021/02/08/presidente-do-haiti-acusa-opositores-de-tentativa-de-golpe-dezenas-sao-presos.

²⁸⁷ CNN Brasil, *Presidente do Haiti acusa opositores de tentativa de golpe; dezenas são presos*, 8 February 2021, www.cnnbrasil.com.br/internacional/2021/02/08/presidente-do-haiti-acusa-opositores-de-tentativa-de-golpe-dezenas-sao-presos.

²⁸⁸ IJDH, *About*, n.d., www.iwdh.org/about/.

²⁸⁹ IJDH, *About*, n.d., www.iwdh.org/about/.

²⁹⁰ BAI and IJDH, *Haiti at a Crossroads: An Analysis of the Drivers Behind Haiti's Political Crisis*, May 2019, www.iwdh.org/wp-content/uploads/2019/05/IJDH-Report-Haiti-at-a-Crossroads-May-2019.pdf.

²⁹¹ *Le Nouvelliste*, *Le ministre de la Justice accuse des organisations de défense des droits humains d'être « des outils de déstabilisation »*, 14 December 2020, <https://lenouvelliste.com/article/224245/le-ministre-de-la-justice-accuse-des-organisations-de-defense-des-droits-humains-detre-des-outils-de-destabilisation>.

2.6 Availability of state protection, including judicial processes and recourse available

Sources indicated that authorities address with impunity human rights violations and criminal proceedings related to political opponents.²⁹² According to a 2020 report by Freedom House, the state offers "little protection" for persons affected by the unlawful use of force at the same time that crimes remain underreported and statistics on criminal matters are difficult to obtain and validate.²⁹³ A 2020 report by the IJDH titled *Human Rights and Rule of Law in Haiti: Key Developments* indicated that authorities have not prosecuted perpetrators of human rights violations committed during the government of former President Jean-Claude Duvalier.²⁹⁴ According to Human Rights Watch, as of October 2020, "investigations into arbitrary detentions, torture, disappearances, summary executions and forced exile" perpetrated during the presidency of Duvalier were still pending.²⁹⁵

Victims have not been able to access legal recourse, remedy or reparations for human rights violations and abuses.²⁹⁶ The US *Country Reports for 2020* indicated that judges "often" deprived persons of access to rights related to due process,²⁹⁷ including on appeals, such as the presumption of innocence.²⁹⁸ The same source noted that legal assistance is "limited" since persons "not always" are able to pay for an attorney or to access one free of charge, or even to communicate with them during criminal proceedings.²⁹⁹ In addition, the US *Country Reports for 2020* indicated that the legislation does not "clearly" outline the time persons have to launch an appeal and that the "perception of widespread impunity" discourage witnesses to provide oral evidence.³⁰⁰ Article 50 of the Constitution states that "Under the Constitution and the law, a jury is established in criminal cases for violent crimes and political offenses."³⁰¹ However, the US *Country Reports for 2020* indicated that judicial officials did not comply with

²⁹² HRC and OHCHR, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 3; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments*, March to October 2020, www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation_Mar-Oct-2020-FINAL.pdf, p. 3.

²⁹³ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

²⁹⁴ IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments*, March-October 2020, www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation_Mar-Oct-2020-FINAL.pdf.

²⁹⁵ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

²⁹⁶ BAI and IJDH, *Haiti at a Crossroads: An Analysis of the Drivers Behind Haiti's Political Crisis*, May 2019, www.ijdh.org/wp-content/uploads/2019/05/IJDH-Report-Haiti-at-a-Crossroads-May-2019.pdf, pp. 6-7; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 10; UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 3.

²⁹⁷ For more information on due process, see [Section 1.4.2](#).

²⁹⁸ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, pp. 8-9.

²⁹⁹ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, pp. 8-9.

³⁰⁰ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, pp. 8-9.

³⁰¹ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, Art. 50.

the right to a "fair and public trial", and noted that accused persons face "poor treatment", including deprivation of food and water.³⁰² Corroborating information could not be found among the sources consulted within the time constraints of this report.

Sources indicated that the judiciary is subject to political influence and has been reportedly used to deprive political opponents of their rights.³⁰³ According to a 2021 report by BINUH and OHCHR about demonstrations in Haiti and human rights, no perpetrator of human rights violations and abuses during protests in 2018 and 2019 has been held accountable for their acts, nor the victims or their families have received reparation for deaths, disabilities or health effects caused by such violations.³⁰⁴ The same source reported that the General Inspectorate of the Haitian National Police (IGPNH) opened 48 investigations of misconduct of PNH officials during the protests of which 15 were established by initiative of the IGPNH while the others were a response to demands presented by family members of victims.³⁰⁵ Out of this total, 16 cases were closed, eight were referred to prosecution and 32 were pending information as of December 2020.³⁰⁶ Additional information could not be found among the sources consulted within the time constraints of this report.

OCHA indicated that "lack of political willingness" and "weakness" of security institutions affect the availability of state protection,³⁰⁷ while Freedom House indicated that gang influence contributes to a "culture of impunity".³⁰⁸ Sources reported that authorities were accused of obstructing investigations and conducting unlawful proceedings in the criminal investigation of the murder of the former head of the Port-au-Prince Bar Association Monferrier Dorval.³⁰⁹ A 2021 report by BINUH indicated that "crime-scene evidence" of the Dorval's case had disappeared from the Tribunal of First Instance in Port-au-Prince in October 2020.³¹⁰ On 11 October 2019, Reporters Without Borders reported that the investigation about the missing of the freelance reporter and photographer Vladjimir Legagneur had not presented "significant progress" since his disappearance on 14 March 2018.³¹¹

³⁰² US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 9.

³⁰³ IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments*, March to October 2020, www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation_Mar-Oct-2020-FINAL.pdf, p. 8.

³⁰⁴ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 18.

³⁰⁵ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 18.

³⁰⁶ UN, OHCHR and BINUH, *Manifestations en Haïti: Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 18.

³⁰⁷ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 7.

³⁰⁸ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

³⁰⁹ AlterPresse, *Haïti-Assassinat de Me. Monferrier Dorval : Des manquements et accroc à l'enquête, relèvent le Collectif des juristes progressistes haïtiens et l'Imed*, 16 September 2020, www.alterpresse.org/spip.php?article26158#.YJkqcn1Ki0p; IHRG and OHCHR, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 7.

³¹⁰ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 35.

³¹¹ RSF, *Another Journalist Murdered in Haiti*, 11 October 2019, <https://rsf.org/en/news/another-journalist-murdered-haiti>.

3 Situation of LGBTI persons

3.1 Treatment by society

Sources indicated that members of LGBTI community in Haiti face discrimination³¹², social stigma,³¹³ and harassment.³¹⁴ The Haitian Times reported that LGBTI persons are subject to "hostility" and "hate" due to their sexual orientation.³¹⁵ Willy Dunbar, PhD candidate in Health Policy and Systems at the Université Libre de Bruxelles, and Yves Coppieters, Professor of Public Health at the Université Libre de Bruxelles, stated in articles published in June 2019 at The Conversation, an international non-profit news organization focused on publishing "informative articles written by academic experts for the general public",³¹⁶ that society members consider homosexuality as a "taboo"³¹⁷ or a "threat".³¹⁸

Sources indicated that "many" persons in Haiti consider that homosexuality was "imported" from abroad and is not part of the local culture.³¹⁹ According to an article published in Slate, an online magazine covering "political, economic, diplomatic, technological, cultural and societal" issues,³²⁰ LGBTI human rights defenders "prefer" the use of expressions in Creole to refer to LGBTI-related notions, such as "*communauté M*" in reference to the Creole word "*masis*" for "gay".³²¹ Corroborating information could not be found among the sources consulted within the time constraints of this report.

³¹² Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 368.

³¹³ OutRight Action International, *Haiti at a Glance*, n.d., <https://outrightinternational.org/region/haiti>; UN, OCHA, *Haïti aperçu des besoins humanitaires 2019*, January 2019, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/hno-haiti_2019-fr.pdf, p. 36.

³¹⁴ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 368.

³¹⁵ Haitian Times (the), *Stuck Between Church, State and Family – LGBTIQ People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtqi-people-in-haiti/>.

³¹⁶ The Conversation, *Who we are*, n.d., <https://theconversation.com/us/who-we-are>, accessed on 13 May 2021

³¹⁷ Dunbar, Willy and Coppieters, Yves, *In Haiti, Gay Men Infected with HIV Are Targets of Discrimination*, in: The Conversation, 26 June 2019, <https://theconversation.com/in-haiti-gay-men-infected-with-hiv-are-targets-of-discrimination-119318>; Dunbar, Willy and Coppieters, Yves, *En Haïti, la chasse aux homosexuels et victimes du VIH continue*, in: The Conversation, 17 June 2019, <https://theconversation.com/en-ha-ti-la-chasse-aux-homosexuels-et-victimes-du-vih-continue-116674>.

³¹⁸ Dunbar, Willy and Coppieters, Yves, *En Haïti, la chasse aux homosexuels et victimes du VIH continue*, in: The Conversation, 17 June 2019, <https://theconversation.com/en-ha-ti-la-chasse-aux-homosexuels-et-victimes-du-vih-continue-116674>.

³¹⁹ UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 25; Slate.fr, David Nieto, *En Haïti, l'évangélisation entrave les droits des LGBT+*, 20 January 2020, www.slate.fr/story/186275/haiti-lgbt-communaute-m-discriminations-defense-droits, accessed on 9 April 2021

³²⁰ Slate, *Qui sommes-nous?*, n.d., www.slate.fr/qui-sommes-nous.

³²¹ Slate.fr, David Nieto, *En Haïti, l'évangélisation entrave les droits des LGBT+*, 20 January 2020, www.slate.fr/story/186275/haiti-lgbt-communaute-m-discriminations-defense-droits, accessed on 9 April 2021

LGBTI persons are subject to violence³²² and, in accordance with the Joint United Nations Programme on HIV/AIDS (UNAIDS), to "physical assaults and homophobic rape".³²³ Sources indicated that violence,³²⁴ "hostility",³²⁵ "exclusion", abuse,³²⁶ threats and "confrontations" against the LGBTI community have increased³²⁷ and that LGBTI persons and activists have been forced to move inside³²⁸ or outside the country.³²⁹ The IACHR *Annual Report 2019* indicated the existence of "homophobia" and "transphobia".³³⁰ The US *2020 Trafficking in Persons Report* stated that "LGBTI youth often left homeless and stigmatized by their families and society" are included in social groups vulnerable to trafficking and targeted by traffickers in Haiti.³³¹

Sources reported that there have been murders and disappearances of LGBTI persons.³³² On 25 November 2019, the founder of Kouraj, an LGBTI advocacy organization, and LGBTI rights activist, Charlot Jeudy, was found dead at his house.³³³ The IACHR and Erasing 76 Crimes, a news website focusing on countries with anti-LGBTI laws,³³⁴ reported that Mickerlange François, a transgender policeman, and Maïkadou Rosier, a makeup artist, were murdered³³⁵

³²² IACHR, *Annual Report 2020*, n.d., www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4A-en.pdf, para. 439; Haitian Times (the), *Stuck Between Church, State and Family – LGBTIQ People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtiq-people-in-haiti/>.

³²³ UNAIDS, *Feature Story: Remembering the Leadership of Charlot Jeudy*, 3 December 2019, www.unaids.org/en/resources/presscentre/featurestories/2019/december/remembering-the-leadership-of-charlot-jeudy.

³²⁴ ILGA, Lucas Ramón Mendos, *State-Sponsored Homophobia 2019*, March 2019, https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf, p. 112.

³²⁵ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 22.

³²⁶ UNAIDS, *Feature Story: Remembering the Leadership of Charlot Jeudy*, 3 December 2019, www.unaids.org/en/resources/presscentre/featurestories/2019/december/remembering-the-leadership-of-charlot-jeudy.

³²⁷ Haitian Times (the), *Stuck Between Church, State and Family – LGBTIQ People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtiq-people-in-haiti/>.

³²⁸ IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 368.

³²⁹ Haitian Times (the), *Stuck Between Church, State and Family – LGBTIQ People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtiq-people-in-haiti/>.

³³⁰ IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 368.

³³¹ US, Department of State, *2020 Trafficking in Persons Report: Haiti*, 25 June 2020, www.state.gov/reports/2020-trafficking-in-persons-report/haiti/.

³³² IACHR, *Annual Report 2020*, n.d., www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4A-en.pdf, para. 439; Haitian Times (the), *Stuck Between Church, State and Family – LGBTIQ People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtiq-people-in-haiti/>; Erasing 76 Crimes, *LGBT+ Community Mourns a Transphobic Murder in Haiti*, 8 December 2020, <https://76crimes.com/2020/12/08/lgbt-community-mourns-a-transphobic-murder-in-haiti/>.

³³³ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; Haitian Times (the), *Haitian LGBT Rights Activist Charlot Jeudy, Found Dead*, 26 November 2019, <https://haitiantimes.com/2019/11/26/haitian-lgbt-rights-activist-charlot-jeudy-found-dead/>; UNAIDS, *Feature Story: Remembering the Leadership of Charlot Jeudy*, 3 December 2019, www.unaids.org/en/resources/presscentre/featurestories/2019/december/remembering-the-leadership-of-charlot-jeudy.

³³⁴ Erasing 76 Crimes, *About*, n.d., <https://76crimes.com/about/>.

³³⁵ IACHR, *Annual Report 2020*, n.d., www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4A-en.pdf, para. 439; Erasing 76 Crimes, *LGBT+ Community Mourns a Transphobic Murder in Haiti*, 8 December 2020, <https://76crimes.com/2020/12/08/lgbt-community-mourns-a-transphobic-murder-in-haiti/>.

in October 2020.³³⁶ On 17 October 2020, Mickerlange François was killed in a nightclub in Port-au-Prince allegedly motivated by a romantic relationship between the victim and the partner of the person who was later arrested by the police accused of committing the crime.³³⁷ On 9 October 2020, Pierre Édouard Rosiers known as "Maïkadou" was killed at home in Port-au-Prince under unknown circumstances.³³⁸ The Minister of Culture and Communication declared that "serious investigations" should be implemented to clarify Maïkadou's death.³³⁹

OutRight Action International, (OutRight), an international non-profit organization based in the United States specialized on defence of human rights of LGBTIQ people,³⁴⁰ indicated that religious groups influence narratives about LGBTI communities that include considering their identities as "immoral".³⁴¹ According to The Haitian Times, a news outlet based in the United States,³⁴² a Church narrative disseminated in Haiti considers LGBTI persons as "demon possessed".³⁴³ Sources indicated that "some" persons, based on religious beliefs, blamed the LGBTI community for the 2010 earthquake.³⁴⁴ In July 2020, religious groups promoted campaigns and marches against a Presidential decree to change the Criminal Code which included provisions to address discrimination based on sexual orientation.³⁴⁵ The Haitian Times indicated that religious leaders supported the demonstrations motivated by the understanding that The Decree would modify criminal offenses, such as same-sex marriage, which could lead to a "general degradation of society".³⁴⁶ Miami Herald reported that the

³³⁶ Erasing 76 Crimes, *LGBT+ Community Mourns a Transphobic Murder in Haiti*, 8 December 2020, <https://76crimes.com/2020/12/08/lgbt-community-mourns-a-transphobic-murder-in-haiti/>.

³³⁷ Erasing 76 Crimes, *LGBT+ Community Mourns a Transphobic Murder in Haiti*, 8 December 2020, <https://76crimes.com/2020/12/08/lgbt-community-mourns-a-transphobic-murder-in-haiti/>; VBI, *Sécurité : Arrestation à Cavaillon du présumé assassin de la policière Mickerlange François*, 20 October 2020, <https://vantbefinfo.com/securite-arrestation-a-cavaillon-du-presume-assassin-de-la-policiere-mickerlange-francois/>; Haiti Standard, *Une « relation homosexuelle » serait à l'origine du meurtre de la policière Mickerlange François*, 23 October 2020, <https://haitistandard.com/une-relation-homosexuelle-serait-a-lorigine-du-meurtre-de-la-policiere-mickerlange-francois/>.

³³⁸ Haiti24, *Culture-Nécrologie : Le maquilleur Maïkadou Rosier est mort*, 9 October 2020, <https://haiti24.net/haiti-culture-le-maquilleur-maïkadou-rosier-est-mort/>; Haiti Standard, *Décès : l'homosexuel Maïkadou Rosier retrouvé mort en sa résidence*, 9 October 2020, <https://haitistandard.com/decès-lhomosexuel-maïkadou-rosier-retrouve-mort-en-sa-residence/>.

³³⁹ Le Nouvelliste, *Le milieu artistique haïtien pleure la mort de Maïkadou*, 10 October 2020, <https://lenouvelliste.com/article/221954/le-milieu-artistique-haitien-pleure-la-mort-de-maïkadou> ; HPN Haiti, *Haïti-Culture : Décès vendredi, de l'acteur et maquilleur Pierre Edouard Maïkadou Rosier*, 10 October 2020, www.hpnhaiti.com/nouvelles/index.php/art/8325-haiti-culture-deces-vendredi-de-l-acteur-et-maquilleur-pierre-edouard-maïkadou-rosier.

³⁴⁰ OutRight Action International, *About us*, n.d., <https://outrightinternational.org/about-us>.

³⁴¹ OutRight Action International, *Haiti at a Glance*, n.d., <https://outrightinternational.org/region/haiti>.

³⁴² Haitian Times (the), *About The Haitian Times*, n.d., <https://haitiantimes.com/about-the-haitian-times/>.

³⁴³ Haitian Times (the), *Stuck Between Church, State and Family – LGBTIQ People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtqi-people-in-haiti/>.

³⁴⁴ UNAIDS, *Feature Story: Remembering the Leadership of Charlot Jeudy*, 3 December 2019, www.unaids.org/en/resources/presscentre/featurestories/2019/december/remembering-the-leadership-of-charlot-jeudy; Haitian Times (the), *Stuck Between Church, State and Family – LGBTIQ People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtqi-people-in-haiti/>.

³⁴⁵ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 22; Miami Herald, *Legalization of Abortion, Gay Rights Has Haiti Churches Up in Arms, Criticizing President*, 6 August 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article244729532.html; Haitian Times (the), *Stuck Between Church, State and Family – LGBTIQ People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtqi-people-in-haiti/>.

³⁴⁶ Haitian Times (the), *Stuck Between Church, State and Family – LGBTIQ People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtqi-people-in-haiti/>.

Association of Salesian Cooperators of Haiti promoted a march in Jacmel village in the context of July 2020 demonstrations "chanting anti-Jovenel, anti-abortion, anti-homosexuality and anti-same sex marriage".³⁴⁷

According to The Haitian Times, families "too often force" LGBTI persons to leave their homes due to sexual orientation or gender identity.³⁴⁸ The OCHA report *Haiti Humanitarian Needs Overview 2019* indicated that the exclusion of family members, including through stigmatization of LGBTI persons, is integrated in the domestic violence that persist in the country.³⁴⁹ The IACHR *Annual Report 2020* indicated the existence of "conversion therapies"³⁵⁰ conducted in Haiti in order to "correct the sexual orientation and gender identity of LGBTI persons or persons perceived as such".³⁵¹

3.2 Availability of state protection

Article 35-2 of the Constitution indicates that "[t]he State guarantees workers equal working conditions and wages regardless of their sex, beliefs, opinions and marital status." The legislation does not prohibit or criminalize same-sex relations and acts.³⁵²

Sources indicated that there is no civil or criminal law protecting persons from discrimination based on sexual orientation³⁵³ and the legislation does not recognize same-sex marriage or civil unions.³⁵⁴ The *State Sponsored Homophobia 2020* report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) indicated that there is no protection for

³⁴⁷ Miami Herald, *Legalization of Abortion, Gay Rights Has Haiti Churches Up in Arms, Criticizing President*, 6 August 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article244729532.html.

³⁴⁸ Haitian Times (the), *Stuck Between Church, State and Family – LGBTIQ People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtqi-people-in-haiti/>.

³⁴⁹ UN, OCHA, *Haiti aperçu des besoins humanitaires 2019*, January 2019, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/hno-haiti_2019-fr.pdf, p. 36.

³⁵⁰ According to OHCHR, "Conversion therapy" is used as an umbrella term to describe interventions of a wide-ranging nature, all of which have in common the belief that a person's sexual orientation or gender identity (SOGI) can and should be changed. Such practices aim (or claim to aim) at changing people from gay, lesbian or bisexual to heterosexual and from trans or gender diverse to cisgender. Depending on the context, the term is used for a multitude of practices and methods, some of which are clandestine and therefore poorly documented". See: UN, OHCHR, *Report on Conversion Therapy*, May 2020, www.ohchr.org/Documents/Issues/SexualOrientation/ConversionTherapyReport.pdf.

³⁵¹ IACHR, *Annual Report 2020*, n.d., www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4A-en.pdf, para. 440.

³⁵² ILGA, Lucas Ramón Mendos, *State-Sponsored Homophobia: Global Legislation Overview Update 2020*, www.ecoi.net/en/file/local/2044751/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf, p. 185; OutRight Action International, *Haiti at a Glance*, n.d., <https://outrightinternational.org/region/haiti>; Dunbar, Willy and Coppieters, Yves, *En Haïti, la chasse aux homosexuels et victimes du VIH continue*, in: The Conversation, 17 June 2019, <https://theconversation.com/en-ha-ti-la-chasse-aux-homosexuels-et-victimes-du-vih-continue-116674>.

³⁵³ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; Dunbar, Willy and Coppieters, Yves, *En Haïti, la chasse aux homosexuels et victimes du VIH continue*, in: The Conversation, 17 June 2019, <https://theconversation.com/en-ha-ti-la-chasse-aux-homosexuels-et-victimes-du-vih-continue-116674>.

³⁵⁴ ILGA, Lucas Ramón Mendos, *State-Sponsored Homophobia: Global Legislation Overview Update 2020*, www.ecoi.net/en/file/local/2044751/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf, p. 326; RTÉ, Della Kilroy, *The Struggle for LGBT Rights in Haiti*, 22 March 2019, https://medium.com/@dellakilroy_32307/the-struggle-for-lgbt-rights-in-haiti-4a250340933f.

LGBTI persons in the Constitution, and rights to employment, joint adoption and second parent adoption are not legally guaranteed.³⁵⁵ OutRight Action International (OutRight), an international non-profit organization based in the United States that advocates for the rights of LGBTI persons,³⁵⁶ indicated that LGBTI organizations are not able to formally register associations.³⁵⁷ Corroborating information could not be found among the sources consulted within the time constraints of this report.

In 2017, the Senate passed two bills regarding LGBTI rights, but they have not yet been approved by the Chamber of Deputies.³⁵⁸ One bill is intended to include "homosexuality" as an exclusion reason to deny LGBTI persons the access to the "certificate of good standing" (*Certificat de Bonne Vie et Mœurs*) which is required by employers and universities; and the other bill aims to prohibit same-sex marriage and "public support for homosexuality".³⁵⁹

The US *Country Reports for 2020* indicated that LGBTI persons have a "sense of insecurity" and that society, including politicians, oppose to the social integration of the LGBTI community.³⁶⁰ According to the IACHR *Annual Report 2019*, LGBTI persons face "additional difficulties" to receive protection and to file police complaints on violence.³⁶¹ According to the *State Sponsored Homophobia 2020* report by ILGA, there is "[l]imited protection against hate crimes" for LGBTI community.³⁶²

Sources indicated that LGBTI persons face stigmatization by authorities³⁶³ and "difficulties" to report cases to the police,³⁶⁴ including lack of willingness to document or investigate cases³⁶⁵

³⁵⁵ ILGA, Lucas Ramón Mendos, *State-Sponsored Homophobia: Global Legislation Overview Update 2020*, www.ecoi.net/en/file/local/2044751/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf, p. 326.

³⁵⁶ OutRight Action International, *About us*, n.d., <https://outrightinternational.org/about-us>.

³⁵⁷ OutRight Action International, *Haiti at a Glance*, n.d., <https://outrightinternational.org/region/haiti>.

³⁵⁸ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; OutRight Action International, *Haiti at a Glance*, n.d., <https://outrightinternational.org/region/haiti>.

³⁵⁹ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; OutRight Action International, *Haiti at a Glance*, n.d., <https://outrightinternational.org/region/haiti>; ILGA, Lucas Ramón Mendos, *State-Sponsored Homophobia: Global Legislation Overview Update 2020*, www.ecoi.net/en/file/local/2044751/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf, p. 173.

³⁶⁰ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 22.

³⁶¹ IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 368.

³⁶² ILGA, Lucas Ramón Mendos, *State-Sponsored Homophobia: Global Legislation Overview Update 2020*, www.ecoi.net/en/file/local/2044751/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf, p. 326.

³⁶³ OutRight Action International, *Haiti at a Glance*, n.d., <https://outrightinternational.org/region/haiti>; RTÉ, Della Kilroy, *The Struggle for LGBT Rights in Haiti*, 22 March 2019, https://medium.com/@dellakilroy_32307/the-struggle-for-lgbt-rights-in-haiti-4a250340933f.

³⁶⁴ IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 368; Erasing 76 Crimes, *LGBT+ Community Mourns a Transphobic Murder in Haiti*, 8 December 2020, <https://76crimes.com/2020/12/08/lgbt-community-mourns-a-transphobic-murder-in-haiti/>.

³⁶⁵ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 21.

and attempt to minimize crimes suffered by members of the LGBTI community.³⁶⁶ According to OutRight, treatment of authorities regarding violence based on sexual orientation include harassment, discrimination and violence.³⁶⁷ Erasing 76 Crimes stated that the judiciary processes LGBTI cases "slower" than for other types of crimes.³⁶⁸ For example, sources reported that the investigation into the death of LGBTI activist Charlot Jeudy, which occurred on 25 November 2019, did not present progress.³⁶⁹

Additional information on treatment by authorities of complaints could not be found among the sources consulted within the time constraints of this report.

3.3 Access to health care, education, housing and employment

Information on access to services by LGBTI persons was scarce among the sources consulted within the time constraints of this report.

Sources reported that LGBTI persons face "stigmatization" and barriers to access services³⁷⁰ and health care.³⁷¹ UNAIDS indicated that human rights organizations documented cases of denial of "access to emergency housing, food, health care and work" to LGBTI people.³⁷² Willy Dunbar and Yves Coppieters stated in articles published in June 2019 at The Conversation that "ostracism" prevented sexual minorities from accessing HIV treatment.³⁷³

Information on support or protection services available for sexual and gender minorities could not be found among the sources consulted within the time constraints of this report.

³⁶⁶ Erasing 76 Crimes, *LGBT+ Community Mourns a Transphobic Murder in Haiti*, 8 December 2020, <https://76crimes.com/2020/12/08/lgbt-community-mourns-a-transphobic-murder-in-haiti/>.

³⁶⁷ OutRight Action International, *Haiti at a Glance*, n.d., <https://outrightinternational.org/region/haiti>.

³⁶⁸ Erasing 76 Crimes, *LGBT+ Community Mourns a Transphobic Murder in Haiti*, 8 December 2020, <https://76crimes.com/2020/12/08/lgbt-community-mourns-a-transphobic-murder-in-haiti/>.

³⁶⁹ IACHR, *Annual Report 2020*, n.d., www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4A-en.pdf, para. 439; Haitian Times (the), *Stuck Between Church, State and Family – LGBTIQ People in Haiti*, 6 October 2020, <https://haitiantimes.com/2020/10/06/stuck-between-church-state-and-family-lgbtq-people-in-haiti/>.

³⁷⁰ UN, OCHA, *Haiti aperçu des besoins humanitaires 2019*, January 2019, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/hno-haiti_2019-fr.pdf, p. 36; Dunbar, Willy and Coppieters, Yves, *In Haiti, Gay Men Infected with HIV Are Targets of Discrimination*, in: *The Conversation*, 26 June 2019, <https://theconversation.com/in-haiti-gay-men-infected-with-hiv-are-targets-of-discrimination-119318>.

³⁷¹ IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 368.

³⁷² UNAIDS, *Feature Story: Remembering the Leadership of Charlot Jeudy*, 3 December 2019, www.unaids.org/en/resources/presscentre/featurestories/2019/december/remembering-the-leadership-of-charlot-jeudy.

³⁷³ Dunbar, Willy and Coppieters, Yves, *En Haiti, la chasse aux homosexuels et victimes du VIH continue*, in: *The Conversation*, 17 June 2019, <https://theconversation.com/en-ha-ti-la-chasse-aux-homosexuels-et-victimes-du-vih-continue-116674>; Dunbar, Willy and Coppieters, Yves, *In Haiti, Gay Men Infected with HIV Are Targets of Discrimination*, in: *The Conversation*, 26 June 2019, <https://theconversation.com/in-haiti-gay-men-infected-with-hiv-are-targets-of-discrimination-119318>.

4 Situation of survivors of gender-based violence

Sources indicated that women are subjected to physical, sexual, psychological, verbal and economic violence.³⁷⁴ A joint report published on 30 May 2019 by Lawyers Without Borders Canada, a non-governmental organization for international organization specialized in strengthening access to justice on human rights to persons in situation of vulnerability,³⁷⁵ Kay Fanm, a Haitian civil society organization specialized in the provision of support services to survivors of GBV,³⁷⁶ and the OPC, indicated that verbal violence occurs in both private and public spaces, including in the lyrics of "popular music".³⁷⁷ Women experience verbal violence through "street harassment" that can include "intimidating, disrespectful, demeaning and/or insulting" behaviours by men.³⁷⁸ Corroborating information could not be found among the sources consulted within the time constraints of this report.

Women in Haiti are subjected to discrimination³⁷⁹ and marginalization, including in the access to education and political engagement.³⁸⁰ A 2020 joint report by CARE, an international humanitarian organization,³⁸¹ and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), indicated that the "normalization" and "tolerance" regarding GBV are established social practices.³⁸² According to an assessment³⁸³ conducted in 2020 by CARE, women and girls declared that their "security concerns" include the absence

³⁷⁴ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 85; Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haiti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 6.

³⁷⁵ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haiti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 9.

³⁷⁶ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haiti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 9.

³⁷⁷ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haiti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, pp. 13-14.

³⁷⁸ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haiti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 14.

³⁷⁹ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 13.

³⁸⁰ UN, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 53; Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haiti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 15.

³⁸¹ CARE, *Who We Are*, n.d., www.care-international.org/who-we-are-1.

³⁸² CARE International and ONU FEMMES, *Analyse rapide genre – COVID-19 Haiti*, 25 September 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/ARG-Covid-19-Haiti-CARE-ONUFemme-Rapport-version-01-Oct-2020-finale.pdf>, p. 38.

³⁸³ The assessment used "mixed methodology" that included the review of documentary sources and data collection of primary sources, including interviews with community members, persons working in sanitary matters, and members of state, local and international organizations. Data collection was conducted from 12 June 2020 to 1 July 2020. See: CARE International and ONU FEMMES, *Analyse rapide genre – COVID-19 Haiti*, 25 September 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/ARG-Covid-19-Haiti-CARE-ONUFemme-Rapport-version-01-Oct-2020-finale.pdf>, p. 13.

of safe spaces in their community, lack of accessibility to services and resources, risk of attacks outside their communities, and the lack of privacy at home.³⁸⁴

Sources indicated that the incidence of GBV in metropolitan areas is associated with gang violence³⁸⁵ and that persons living with economic vulnerability are "particularly" subjected to GBV, including sexual assault and rape.³⁸⁶ OCHA indicated that persons in situation of economic vulnerability "tend" to accept "small sums or insignificant gifts" as informal settlement agreements when they survive GBV.³⁸⁷

4.1 Statistics

Sources indicated that gender-based violence (GBV) is "widespread" in the country.³⁸⁸ Two sources reported³⁸⁹ that 29 per cent of women (ages 15 to 49) have been subjected to physical violence, 12 per cent to sexual violence and 45 per cent to violence perpetrated by an intimate partner.³⁹⁰ According to Doctors Without Borders (MSF), 13 per cent of women had suffered GBV, and 20.4 per cent of non-single women had experienced sexual or physical violence by their intimate partner.³⁹¹

³⁸⁴ CARE International and ONU FEMMES, *Analyse rapide genre – COVID-19 Haiti*, 25 September 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/ARG-Covid-19-Haiti-CARE-ONUFemme-Rapport-version-01-Oct-2020-finale.pdf>, pp. 35, 38.

³⁸⁵ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 86; Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf.

³⁸⁶ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 17; UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 86.

³⁸⁷ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 86.

³⁸⁸ Human Rights Watch, *Haiti: End Sexual Abuse in Football*, 18 November 2020, www.hrw.org/news/2020/11/18/haiti-end-sexual-abuse-football; Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 13.

³⁸⁹ Information is based on the Mortality, Morbidity and Use of Services Survey (EMMUS, *Enquête Mortalité, Morbidité et Utilisation des Services*) conducted by the Ministry of Public Health and Population (MSPP, *Ministère de la Santé Publique et de la Population*), the Haitian Institute for Children (IHE, *Institut Haïtien de l'Enfance*), and the Haitian Institute of Statistics and Informatics (IHSI, *Institut Haïtien de Statistique et d'Informatique*) between November 2016 and April 2017. The study was funded by the US and Canada government, UNICEF, UNFPA, World Bank, and the Global Fund to Fight AIDS. The methodology relies on 13,405 household interviews with inhabitants in both rural and urban areas from ten departments and the metropolitan region. See: IHE and USAID, *Enquête mortalité, morbidité et utilisation des services, Haïti, 2016-2017: indicateurs clés*, 2017, <https://mspp.gouv.ht/site/downloads/rapport%20preliminaire%20emmus%20VI.pdf>, pp. 1-3.

³⁹⁰ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 24; CARE International and ONU FEMMES, *Analyse rapide genre – COVID-19 Haiti*, 25 September 2020, pp. 35-36, <https://reliefweb.int/sites/reliefweb.int/files/resources/ARG-Covid-19-Haiti-CARE-ONUFemme-Rapport-version-01-Oct-2020-finale.pdf>.

³⁹¹ MSF, *Haiti: Ten Years On*, 9 January 2020, www.msf.org/ten-years-after-haiti-earthquake-medical-care-deteriorating, p. 7.

BINUH indicated that the national health system had reported 457 rapes (of which 164 were women and 235 were children) from 1 June 2020 to 31 August 2020 whilst 43 rapes had been reported to the PNH reported in the same period.³⁹²

Sources reported that GBV cases, such as domestic violence, increased during the Covid-19 pandemic.³⁹³ According to OCHA, the increase of GBV was 377 per cent in 2020.³⁹⁴ CARE and UN Women reported that the demand for services related to GBV increased 40 per cent in the pandemic context, including abandoned women seeking alimony.³⁹⁵ Also, according to the same sources, the Ministry of Women's Condition and Women's Rights (MCFDF, *Ministère à la Condition Féminine et aux Droits des Femmes*) documented three GBV complaints in the metropolitan area of Port-au-Prince from June to December 2019 while the number of GBV complaints was 17 from January to June 2020 in the same area.³⁹⁶

According to sources, GBV is "underreported".³⁹⁷ Sources reported that 76 per cent of women who had survived physical or sexual violence declared that they did not seek assistance.³⁹⁸

4.2 Legislation applied to GBV survivors

The Constitution states that "[a]n office known as the Office of Citizen Protection is established to protect all individuals against any form of abuse by the government" (Article 207) and that "[i]n the exercise of its functions, [the Office of Citizen Protection] will pay a special attention to the complaints presented by women, particularly in that relating to the discriminations and the aggressions of which they may be victims notably in their work" (Article 207-2bis).³⁹⁹

³⁹² UN, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 22.

³⁹³ UN, OCHA, *Humanitarian Needs Overview: Haiti at a Glance*, Humanitarian Programme Cycle 2021, March 2021, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2021_haiti_hno_summary_en.pdf, p. 1.

³⁹⁴ UN, OCHA, *Humanitarian Needs Overview: Haiti at a Glance*, Humanitarian Programme Cycle 2021, March 2021, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2021_haiti_hno_summary_en.pdf, p. 1; CARE International and ONU FEMMES, *Analyse rapide genre – COVID-19 Haiti*, 25 September 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/ARG-Covid-19-Haiti-CARE-ONUFemme-Rapport-version-01-Oct-2020-finale.pdf>, p. 36; Haiti 24, *Grand'Anse : violées, 41 mineures tombent enceintes de leurs agresseurs*, 15 October 2020, <https://haiti24.net/grandanse-violees-41-mineures-tombent-enceintes-de-leurs-agresseurs/>.

³⁹⁵ CARE International and ONU FEMMES, *Analyse rapide genre – COVID-19 Haiti*, 25 September 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/ARG-Covid-19-Haiti-CARE-ONUFemme-Rapport-version-01-Oct-2020-finale.pdf>, p. 36.

³⁹⁶ CARE International and ONU FEMMES, *Analyse rapide genre – COVID-19 Haiti*, 25 September 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/ARG-Covid-19-Haiti-CARE-ONUFemme-Rapport-version-01-Oct-2020-finale.pdf>, p. 36.

³⁹⁷ MSF, *Haiti: Ten Years On*, 9 January 2020, www.msf.org/ten-years-after-haiti-earthquake-medical-care-deteriorating, p. 7; UN, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 22.

³⁹⁸ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 85; CARE International and ONU FEMMES, *Analyse rapide genre – COVID-19 Haiti*, 25 September 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/ARG-Covid-19-Haiti-CARE-ONUFemme-Rapport-version-01-Oct-2020-finale.pdf>, pp. 35-36.

³⁹⁹ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, Arts. 207, 207-2bis, translated by William S. Hein & Co.

Article 269 of the Criminal Code indicates the following:

The murder of a spouse committed by the other spouse is not excusable if the life of the spouse who committed the murder was not endangered at the very moment when the murder took place. Crim. C. 240, 266.

Nevertheless, in the case of adultery provided for by Article 284, the murder of the wife and her accomplice committed by the husband, or of one of them, at the moment when he catches them in flagrant crime offense in the conjugal house, is excusable. - Civ C. 95, 216, 294. et seq.- Inst. crim. 31.- Crim. C. 336 to 339.⁴⁰⁰

The Decree Modifying the Regime of Sexual Assaults and Eliminating Discrimination against Women (*Décret modifiant de régime des Agression Sexuelles et éliminant en la matière les Discriminations contre la Femme*), of 2005, indicates the following:

ARTICLE 2

Article 278 of the Penal Code now reads as follows: Anyone who has committed a crime of rape, or will be guilty of any other sexual assault, consumed or attempted with violence, threats, surprise or psychological pressure against the person of either sex, will be punished with ten years of forced labour.

ARTICLE 3

Article 279 of the Penal Code now reads as follows: If the crime was committed on the person of a child under the age of fifteen, the guilty person will be punished by fifteen years of imposed labour.

ARTICLE 11

Article 270 of the Penal Code now reads as follows: Murder or injury, if caused immediately in reaction to sexual assault, will be considered murder or excusable injury.⁴⁰¹

Article 276-2 of the Constitution states that "[o]nce international treaties or agreements are approved and ratified in the manner stipulated by the Constitution, they become part of the legislation of the country and abrogate any laws in conflict with them."⁴⁰² According to Lawyers Without Borders Canada, Kay Fanm and the OPC, Haiti has ratified the following international document related to GBV:

Convention on the Political Rights of Women, 31 March 1953; Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 25 July 1951; Convention on the Elimination of All Forms of Discrimination against Women, 3 September 1981; International Covenant on Civil and Political Rights, 16

⁴⁰⁰ Haiti, *Code pénal*, 23 September 1985, www.refworld.org/docid/4c3440772.html, translated informally by the author, Art. 269.

⁴⁰¹ Haïti, *Décret modifiant le régime des Agressions Sexuelles et éliminant en la matière des Discriminations contre les femmes*, 11 August 2015, http://haitijustice.com/pdf/legislation/decret_agressions_sexuelles_femmes_haiti_haitijustice.pdf, Arts. 2, 3, 11, translated informally by the author.

⁴⁰² Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, Art. 276-2, translated by William S. Hein & Co.

December 16 1966; Convention on the Rights of the Child, 2 September 1990; Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, Organization of American States, 9 June 1994.⁴⁰³

Sources indicated that there is no specific legislation to address violence against women⁴⁰⁴ or domestic violence⁴⁰⁵ or that prohibits sexual harassment.⁴⁰⁶ The law does not provide that spousal rape is a crime.⁴⁰⁷ According to the IACHR, abortion is criminalized "in all circumstances", including when a rape caused the pregnancy.⁴⁰⁸

4.3 Trafficking in women

Information on trafficking in women was scarce among the sources consulted within the time constraints of this report.

The Law on the Fight against Trafficking in Persons (*Loi sur la lutte contre la traite des personnes*), of 2 June 2014, states the following:

ARTICLE 1.1.1

The term "trafficking in persons" means the recruitment, transport, harbouring or the reception of people, through the threat of recourse or the use of force or other forms coercion, kidnapping, fraud, deception, abuse of authority or of a situation vulnerability, or by offering or accepting payments or benefits to obtain the consent of one person having authority over another for the purpose of exploitation.

Exploitation must include at a minimum forced labour or servitude, the exploitation of prostitution of others or pimping, pornography, or other forms of exploitation sexual, forced, or exploitative marriage, forced begging, taking organs or tissues and the adoption carried out for the purpose of exploitation as defined in this Law.

⁴⁰³ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 36, translated informally by the author.

⁴⁰⁴ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 38; OECD, SIGI 2019, *Country: Haiti*, n.d., www.genderindex.org/wp-content/uploads/files/datasheets/2019/HT.pdf.

⁴⁰⁵ Human Rights Watch, *Haiti: End Sexual Abuse in Football*, 18 November 2020, www.hrw.org/news/2020/11/18/haiti-end-sexual-abuse-football; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; OECD, SIGI 2019, *Country: Haiti*, n.d., www.genderindex.org/wp-content/uploads/files/datasheets/2019/HT.pdf.

⁴⁰⁶ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 17; Human Rights Watch, *Haiti: End Sexual Abuse in Football*, 18 November 2020, www.hrw.org/news/2020/11/18/haiti-end-sexual-abuse-football; Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 15.

⁴⁰⁷ IACHR, *Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean*, 14 November 2019, www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf, p. 51; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 16.

⁴⁰⁸ IACHR, *Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean*, 14 November 2019, www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf, p. 103.

Any consent given by a person under the conditions listed above, having completed for the purposes of the operations mentioned above, is never valid when any means set out in the first paragraph was used.

Recruitment, transport, transfer, accommodation or reception of a child or reception of a child for the purpose of exploitation are considered "trafficking in persons" even if they do not use any of the means set out in the first paragraph.

ARTICLE 2

An interministerial and sectoral body called "National Committee for Combating Trafficking in Persons", hereinafter the Committee, is created. The Committee's mission is to coordinate activities to combat trafficking, to prevent and combat trafficking in all its forms and to guarantee the protection of victims. It is attached to the Ministry of Social Affairs and Labour.

ARTICLE 8

This law protects the privacy and identity of victims and witnesses of trafficking in persons to protect them from any reprisals, persecution and / or intimidation. To this end, a witness and victim protection system, considering the condition of vulnerable people, particularly vulnerable victims such as children and women, must be put in place. Thus, all measures taken in relation to child victims and witnesses must be based on the principles set out in the Convention on the Rights of the Child and the guidelines on justice, including the primacy of the best interests of the child and considering their opinion in any measure concerning them. To this end, the measures described below must be observed throughout the procedure. In some cases, they will have to continue beyond the judgment phase.

ARTICLE 11

Anyone found guilty of trafficking in persons as defined in article 1.1 commits a crime and is liable to seven (7) to fifteen (15) years of imprisonment and a fine of two hundred thousand gourdes (Gdes 200,000 [approximately 2,212 USD]) to one million five hundred thousand gourdes (Gdes 1,500,000 [approximately 16,588 USD]).

ARTICLE 12

Anyone who obtains or attempts to obtain sexual services from another knowing that the latter is a victim of trafficking commits a crime punishable by imprisonment and the payment of a fine of fifty thousand (50,000 [approximately 553 USD]) to one hundred thousand gourdes (Gdes 100,000 [approximately 1,106 USD]).⁴⁰⁹

According to the *2020 BTI Transformation Index*, trafficking in persons is "widespread" in the country.⁴¹⁰ The US Congressional Research Service and CIA indicated that the country is "a source, transit and destination" territory for persons subject to sex trafficking, including men,

⁴⁰⁹ Haiti, *Loi sur la lutte contre la traite des personnes*, 2 June 2014, www.ilo.org/dyn/natlex/docs/ELECTRONIC/110897/138097/F244712657/HTI-110897.pdf, Arts. 1.1.1, 2, 8, 11, 12, translated informally by the author.

⁴¹⁰ Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti, 2020*, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 13.

women and children.⁴¹¹ The US *2020 Trafficking in Persons Report* on Haiti reported that trafficking in persons increased in the last five years and that the government did not comply with minimum standards on eliminating trafficking, such as conviction of traffickers, allocation of funds and establishment of standard operating procedures for the identification of victims.⁴¹² The same source indicated that there have been government efforts for the elimination of trafficking, such as "investigating more trackers, establishing an executive secretariat to improve monitoring and analysis of tracking within the National Anti-Trafficking Committee".⁴¹³ The CIA *World Factbook* indicated that corruption of the judiciary prevents the implementation of the legislation relating to trafficking in persons.⁴¹⁴ Corroborating information could not be found among the sources consulted within the time constraints of this report.

The US *2020 Trafficking in Persons Report* on Haiti indicated that targeting profiles for trafficking include children living in private or NGO care centres, working children, internally displaced persons, migrants coming from and living Haiti, LGBTI youth and Haitians residing next to the Dominican Republic border.⁴¹⁵ The CIA and the US *2020 Trafficking in Persons Report* stated that "most" cases of trafficking in Haiti comprise children in domestic servitude under the system called in Creole "restavèk".⁴¹⁶ The OCHA report *Haiti Humanitarian Needs Overview 2021* indicate that trafficking in children has been documented in border regions, such as in the Centre (*Centre*) department.⁴¹⁷

For more information on children living as "restavèk", see [Section 5.4.1](#).

4.4 Children survivor of gender-based violence

According to the IACHR, official data of children survivors of GBV is not available.⁴¹⁸ A 2021 report by OCHA on humanitarian needs in Haiti indicated that the estimated number of sexual violence against children is one in four for girls and one in five for boys.⁴¹⁹ The 2019 report of Lawyers Without Borders Canada, Kay Fann and the OPC indicated that sexual violence against girls escalate "dramatically" in "emergencies" and when there is dispute between

⁴¹¹ US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>, p. 22; US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/.

⁴¹² US, Department of State, *2020 Trafficking in Persons Report: Haiti*, 25 June 2020, www.state.gov/reports/2020-trafficking-in-persons-report/haiti/.

⁴¹³ US, Department of State, *2020 Trafficking in Persons Report: Haiti*, 25 June 2020, www.state.gov/reports/2020-trafficking-in-persons-report/haiti/.

⁴¹⁴ US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/.

⁴¹⁵ US, Department of State, *2020 Trafficking in Persons Report: Haiti*, 25 June 2020, www.state.gov/reports/2020-trafficking-in-persons-report/haiti/.

⁴¹⁶ US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/; US, Department of State, *2020 Trafficking in Persons Report: Haiti*, 25 June 2020, www.state.gov/reports/2020-trafficking-in-persons-report/haiti/.

⁴¹⁷ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 86.

⁴¹⁸ IACHR, *II Annual Report Of The Office Of The Special Rapporteur On Economic, Social, Cultural And Environmental Rights 2018*, Special Rapporteur: Soledad García Muñoz, 2019, www.oas.org/en/iachr/docs/annual/2019/docs/IA2019REDESCA-en.pdf, para. 370.

⁴¹⁹ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 81.

gangs who "sometimes" use rape as a weapon.⁴²⁰ Corroborating information could not be found among the sources consulted within the time constraints of this report.

Haitian media sources reported that sexual abuse and exploitation increased in the department of Grand'Anse during the confinement period in the context of the Covid-19 pandemic.⁴²¹ From March to June 2020, the Departmental Initiative Against Trafficking and Smuggling in Children (IDETTE, *Initiative Départementale Contre la Traite et le Trafic des Enfants*) in the department of Grand'Anse documented 41 cases of sexual abuse against children between 14 and 17 years of age, who were all students at the school.⁴²² Sources reported that, in 2020, GBV survivors and their family members declared that Yves Jean-Bart, the president of the Haitian Football Federation (FHF, *Fédération Haïtienne de Football*) had raped and abused child female players at the National Technical Centre (*Centre Technique National*) in Croix-des-Bouquets as well as made death threats to witnesses and survivors.⁴²³

Sources indicated that children, whose families are in a vulnerable situation, resort to survival strategies such as transactional sex.⁴²⁴ The US *Country Reports for 2020* indicated that children in situation of economic vulnerability are subject to sexual exploitation and were "often forced into" practices including prostitution so that they could afford basic needs including school related ones.⁴²⁵

The 2019 report of Lawyers Without Borders Canada, Kay Fanm and the OPC indicated that children in rural areas whose pregnancy was caused by GBV are at risk of getting married to their aggressors and that parents of adolescent girls "conferred" them to "significantly older men" in exchange for money.⁴²⁶ The same source reported that child marriage is "rarely"

⁴²⁰ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, pp. 15-17.

⁴²¹ Haiti 24, *Grand'Anse : violées, 41 mineures tombent enceintes de leurs agresseurs*, 15 October 2020, <https://haiti24.net/grandanse-violees-41-mineures-tombent-enceintes-de-leurs-agresseurs/>; Vant Bèf Info, *Mineures enceintes, viols, orgies, les cas d'exploitation sexuelle en hausse dans la Grand'Anse*, 15 October 2020, <https://vantbefinfo.com/mineures-enceintes-viols-orgies-les-cas-dexploitation-sexuelle-en-hausse-dans-la-grandanse/>; Le Nouvelliste, *Infanticide, abus sexuels sur mineures : la Grand'Anse connaît une situation explosive*, 15 October 2020, <https://lenouvelliste.com/article/222146/infanticide-abus-sexuels-sur-mineures-la-grandanse-connaît-une-situation-explosive>.

⁴²² Haiti 24, *Grand'Anse : violées, 41 mineures tombent enceintes de leurs agresseurs*, 15 October 2020, <https://haiti24.net/grandanse-violees-41-mineures-tombent-enceintes-de-leurs-agresseurs/>; Vant Bèf Info, *Mineures enceintes, viols, orgies, les cas d'exploitation sexuelle en hausse dans la Grand'Anse*, 15 October 2020, <https://vantbefinfo.com/mineures-enceintes-viols-orgies-les-cas-dexploitation-sexuelle-en-hausse-dans-la-grandanse/>; Le Nouvelliste, *Infanticide, abus sexuels sur mineures : la Grand'Anse connaît une situation explosive*, 15 October 2020, <https://lenouvelliste.com/article/222146/infanticide-abus-sexuels-sur-mineures-la-grandanse-connaît-une-situation-explosive>.

⁴²³ DW, *Haitian Football's Sexual Abuse Scandal: Jean-Bart Banned for Life by FIFA*, 20 November 2020, www.dw.com/en/haitian-footballs-sexual-abuse-scandal-jean-bart-banned-for-life-by-fifa/a-55675164; Human Rights Watch, *Haiti: End Sexual Abuse in Football*, 18 November 2020, www.hrw.org/news/2020/11/18/haiti-end-sexual-abuse-football.

⁴²⁴ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 19; UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 82.

⁴²⁵ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 19.

⁴²⁶ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 20.

reported to authorities.⁴²⁷ Corroborating information could not be found among the sources consulted within the time constraints of this report.

The Law on the Fight against Trafficking in Persons (*Loi sur la lutte contre la traite des personnes*) of 2014, states the following:

ARTICLE 9

In case of uncertainty about the age of the victim and when there are reasons to believe that she is a child, she is presumed to be a child and is treated as such pending verification about his age; the assistance to child victims is provided by specially trained professionals considering the specific needs of children, including housing, education and medical and other care. If the victim is an unaccompanied minor, the Committee [National Committee for Combating Trafficking in Persons] ensures that social services implement emergency care, tracing and family reintegration in the best interests of the child.

ARTICLE 21

The offenses provided for in Articles 11, 13,14, 15, 16, 17, 18, 19 and 20 are punishable by life imprisonment when they are committed in the following circumstances:

a) With regard to a child;

[...].⁴²⁸

4.4.1 "Restavèk"

"Restavèk" is a Creole term meaning "to stay with" which indicates the situation of children living in households other than their parents to perform domestic labour.⁴²⁹ Sources indicated that children living as "restavèk" are subjected to abuses including sexual exploitation, physical abuses,⁴³⁰ economic exploitation,⁴³¹ and verbal violence.⁴³² The "restavèk" condition

⁴²⁷ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, pp. 21-22.

⁴²⁸ Haiti, *Loi sur la lutte contre la traite des personnes*, 2 June 2014, www.ilo.org/dyn/natlex/docs/ELECTRONIC/110897/138097/F244712657/HTI-110897.pdf, Arts. 9, 21 a), translated informally by the author.

⁴²⁹ IACHR, *Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean*, 14 November 2019, www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf, p. 126; Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 17; US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>, p. 22.

⁴³⁰ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 17; IACHR, *Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean*, 14 November 2019, www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf, pp. 125-126; US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>, p. 22.

⁴³¹ IACHR, *Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean*, 14 November 2019, www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf, pp. 125-126.

⁴³² Cius, Fiona de Hoog, *Hundreds of Thousands of Haitian Children Suffer in Slavery – and Women Play a Key Role in Perpetuating the System*, In: *The Conversation*, 8 May 2019, <https://theconversation.com/hundreds-of-thousands-of-haitian-children-suffer-in-slavery-and-women-play-a-key-role-in-perpetuating-the-system-115398>.

has been reported as a "form of slavery"⁴³³ and "domestic servitude".⁴³⁴ Parents in situation of economic vulnerability deliver their children to other families with an assumed expectation that their children will have better living conditions, including food and education,⁴³⁵ which "usually" occurs with families from rural areas bringing their children to those in urban centres.⁴³⁶

In an article published on 8 May 2019 in *The Conversation*, an international non-profit news organization focused on publishing "informative articles written by academic experts for the general public",⁴³⁷ Fiona de Hoog Cius, a researcher on modern slavery and human rights at the Sheffield Hallam University, stated that it is "unknown" the number of children living as "restavèk".⁴³⁸ According to the OCHA report *Haiti Humanitarian Needs Overview 2021*, there were "about" 400,000 children in domestic work.⁴³⁹ The following estimate numbers of "restavèk" children were reported by sources: "about" 300,000, "upwards" 225,000 thousand⁴⁴⁰; between 200,000 and 300,000⁴⁴¹; and "about" 286,000 under 15 years of age.⁴⁴² The proportion of girls in "restavèk" was reported as follows: 85 per cent,⁴⁴³ "around two thirds",⁴⁴⁴ or 70 per cent.⁴⁴⁵

⁴³³ IACHR, *Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean*, 14 November 2019, www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf, pp. 125-126; Cius, Fiona de Hoog, *Hundreds of Thousands of Haitian Children Suffer in Slavery – and Women Play a Key Role in Perpetuating the System*, In: *The Conversation*, 8 May 2019, <https://theconversation.com/hundreds-of-thousands-of-haitian-children-suffer-in-slavery-and-women-play-a-key-role-in-perpetuating-the-system-115398>; US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>, p. 22.

⁴³⁴ US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, p. 22, <https://fas.org/sqp/crs/row/R45034.pdf>; US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/.

⁴³⁵ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 17; US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>, p. 22.

⁴³⁶ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 17; Cius, Fiona de Hoog, *Hundreds of Thousands of Haitian Children Suffer in Slavery – and Women Play a Key Role in Perpetuating the System*, In: *The Conversation*, 8 May 2019, <https://theconversation.com/hundreds-of-thousands-of-haitian-children-suffer-in-slavery-and-women-play-a-key-role-in-perpetuating-the-system-115398>.

⁴³⁷ *The Conversation*, Who we are, n.d., <https://theconversation.com/us/who-we-are>, accessed on 13 May 2021

⁴³⁸ Cius, Fiona de Hoog, *Hundreds of Thousands of Haitian Children Suffer in Slavery – and Women Play a Key Role in Perpetuating the System*, In: *The Conversation*, 8 May 2019, <https://theconversation.com/hundreds-of-thousands-of-haitian-children-suffer-in-slavery-and-women-play-a-key-role-in-perpetuating-the-system-115398>.

⁴³⁹ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 85.

⁴⁴⁰ Cius, Fiona de Hoog, *Hundreds of Thousands of Haitian Children Suffer in Slavery – and Women Play a Key Role in Perpetuating the System*, In: *The Conversation*, 8 May 2019, <https://theconversation.com/hundreds-of-thousands-of-haitian-children-suffer-in-slavery-and-women-play-a-key-role-in-perpetuating-the-system-115398>.

⁴⁴¹ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 17.

⁴⁴² US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>, p. 22; US, Department of State, *2020 Trafficking in Persons Report: Haiti*, 25 June 2020, www.state.gov/reports/2020-trafficking-in-persons-report/haiti/.

⁴⁴³ IACHR, *Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean*, 14 November 2019, www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf, pp. 125-126.

⁴⁴⁴ Cius, Fiona de Hoog, *Hundreds of Thousands of Haitian Children Suffer in Slavery – and Women Play a Key Role in Perpetuating the System*, In: *The Conversation*, 8 May 2019, <https://theconversation.com/hundreds-of-thousands-of-haitian-children-suffer-in-slavery-and-women-play-a-key-role-in-perpetuating-the-system-115398>.

⁴⁴⁵ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 17.

The IACHR indicated that "many" of the "restavèk" children are subject to trafficking in the country and abroad,⁴⁴⁶ and the CIA *World Factbook* indicated that they "often" are found in prostitution, begging, or committing street crime after being dismissed or having runaway.⁴⁴⁷ Fiona de Hoog Cius indicated that "restavèk" children face "rage" from women and punishments that include the following examples: a girl "having a hot iron placed on her bare chest, a girl whose school uniform socks were used as toilet paper and a girl who died after being given rat poison to drink (to cause an abortion because she had become pregnant after being raped)."⁴⁴⁸ Corroborating information could not be found among the sources consulted within the time constraints of this report.

4.5 Availability of state protection

Sources indicated that state response lacks to provide a protection environment to GBV survivors.⁴⁴⁹ The government has not allocated a budget to implement a national policy on the prevention and protection against GBV.⁴⁵⁰ According to the US *Country Reports for 2020*, there is no "formal" national plan to address sexual harassment.⁴⁵¹ Lawyers Without Borders Canada, Kay Fanm and the OPC indicated that the state has not made efforts to implement international treaties, to guarantee "due diligence" in investigations or judicial proceedings, or to execute the 2017-2027 National Plan to Combat Violence Against Women (*Plan National de Lutte contre les Violences faites aux Femmes*) launched in January 2017.⁴⁵²

Sources reported that there is "impunity" for GBV aggressors.⁴⁵³ According to Lawyers Without Borders Canada, Kay Fanm and the OPC, impunity occurs during the entire judicial process including the pre-procedural phase and is present throughout all social classes, including for women in positions of "power".⁴⁵⁴ Sources indicated that GBV is "banalized" in the judicial

⁴⁴⁶ IACHR, *Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean*, 14 November 2019, www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf, p. 126.

⁴⁴⁷ US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/.

⁴⁴⁸ Cius, Fiona de Hoog, *Hundreds of Thousands of Haitian Children Suffer in Slavery – and Women Play a Key Role in Perpetuating the System*, In: *The Conversation*, 8 May 2019, <https://theconversation.com/hundreds-of-thousands-of-haitian-children-suffer-in-slavery-and-women-play-a-key-role-in-perpetuating-the-system-115398>.

⁴⁴⁹ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 24; IACHR, *II Annual Report Of The Office Of The Special Rapporteur On Economic, Social, Cultural And Environmental Rights 2018*, Special Rapporteur: Soledad García Muñoz, 2019, www.oas.org/en/iachr/docs/annual/2019/docs/IA2019REDESCA-en.pdf, para. 370.

⁴⁵⁰ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 39; UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 22.

⁴⁵¹ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 17.

⁴⁵² Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 19.

⁴⁵³ IACHR, *II Annual Report Of The Office Of The Special Rapporteur On Economic, Social, Cultural And Environmental Rights 2018*, Special Rapporteur: Soledad García Muñoz, 2019, www.oas.org/en/iachr/docs/annual/2019/docs/IA2019REDESCA-en.pdf, para. 370; Tøraasen, Marianne, CMI, *The Long Fight Against Impunity for Gender-Based Violence in Haiti*, 2019, www.cmi.no/publications/6875-the-long-fight-against-impunity-for-gender-based-violence-in-haiti; RFI, *Haiti Women Protesters Denounce Violence, Political Instability*, 4 April 2021, www.rfi.fr/en/haiti-women-protesters-denounce-violence-political-instability.

⁴⁵⁴ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 6.

system.⁴⁵⁵ Judicial decisions "rarely" lead to prosecutions⁴⁵⁶ and "often" favour reconciliation with perpetrators or offer monetary compensations for survivors instead of convicting the aggressors.⁴⁵⁷ The judiciary is subject to political influence and judges refuse to prosecute aggressors working in managerial positions.⁴⁵⁸ Sources reported that protests against sexual violence and impunity have taken place in the country.⁴⁵⁹ On 3 April 2021, considered the National Day for the Haitian Women's Movement, "hundreds of women" marched in the streets of Port-au-Prince claiming for "democracy" amid political instability in the country, denouncing the rising power of gangs and the impacts on women of their criminal activities, such as kidnapping for ransom and protesting against impunity of men aggressors on GBV cases.⁴⁶⁰

State authorities have been lacking accountability on GBV cases.⁴⁶¹ PNH units do not have the human and material resources or the institutional capacity to address GBV.⁴⁶² According to the 2020 report by CARE and UN Women, police departments centred on GBV are "quasi-dysfunctional," and under 6 per cent of women are aware of the PNH services for GBV

⁴⁵⁵ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 6; UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 24.

⁴⁵⁶ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 26; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

⁴⁵⁷ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 6; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, pp. 16-17; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

⁴⁵⁸ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 6; RFI, *Haiti Women Protesters Denounce Violence, Political Instability*, 4 April 2021, www.rfi.fr/en/haiti-women-protesters-denounce-violence-political-instability; Kay Fanm, *Audience thématique devant la Commission interaméricaine des droits de l'homme: l'impunité des violences faite aux femmes et aux mineures en Haïti*, 27 March 2019, <http://kayfanm.org/impunite-des-violences-faites-aux-femmes-et-aux-mineures-en-haiti-audience-theematique-devant-la-commission-interamericaine-des-droits-de-lhomme/>.

⁴⁵⁹ Tørraasen, Marianne, CMI, *The Long Fight Against Impunity for Gender-Based Violence in Haiti*, 2019, www.cmi.no/publications/6875-the-long-fight-against-impunity-for-gender-based-violence-in-haiti; Le Figaro, *Haïti: des centaines de manifestantes contre les violences et pour la démocratie*, 3 April 2021, www.lefigaro.fr/flash-actu/haiti-des-centaines-de-manifestantes-contre-les-violences-et-pour-la-democratie-20210403; RFI, *Haiti Women Protesters Denounce Violence, Political Instability*, 4 April 2021, www.rfi.fr/en/haiti-women-protesters-denounce-violence-political-instability.

⁴⁶⁰ Le Figaro, *Haïti: des centaines de manifestantes contre les violences et pour la démocratie*, 3 April 2021, www.lefigaro.fr/flash-actu/haiti-des-centaines-de-manifestantes-contre-les-violences-et-pour-la-democratie-20210403; RFI, *Haiti Women Protesters Denounce Violence, Political Instability*, 4 April 2021, www.rfi.fr/en/haiti-women-protesters-denounce-violence-political-instability.

⁴⁶¹ Human Rights Watch, *Haiti: End Sexual Abuse in Football*, 18 November 2020, www.hrw.org/news/2020/11/18/haiti-end-sexual-abuse-football; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 1.

⁴⁶² Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 39; CARE International and ONU FEMMES, *Analyse rapide genre – COVID-19 Haïti*, 25 September 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/ARG-Covid-19-Haiti-CARE-ONUFemme-Rapport-version-01-Oct-2020-finale.pdf>, p. 37.

survivors.⁴⁶³ Marianne Tøraasen, a Doctoral researcher at the Norwegian social science Chr. Michelsen Institute (CMI) and whose PhD is focused on women judges in Haiti,⁴⁶⁴ indicated that "preservation, analysis and use of forensic evidence is highly underdeveloped" to address GBV.⁴⁶⁵

4.5.1 Access to justice

Sources indicated that GBV survivors face "stigma" and "discrimination" in the judiciary,⁴⁶⁶ and that legal assistance to proceed with criminal reports is neither available nor affordable for them.⁴⁶⁷ Marianne Tøraasen indicated that "barriers" of structural and social dimensions to access justice include gender representation in state institutions since, for example, "just" 10 per cent of judges are women.⁴⁶⁸ According to Lawyers Without Borders Canada, Kay Fann and the OPC, using French language in formal proceedings by state authorities, "pressure" from community and religious leaders as well as "familial responsibilities" affect the access to justice to GBV survivors.⁴⁶⁹ The US *Country Reports for 2020* indicated that GBV cases in rural areas were "often" addressed "outside of the justice system" and prosecutors were found to encourage settlements arranged by local leaders.⁴⁷⁰ Corroborating information could not be found among the sources consulted within the time constraints of this report.

According to the IACHR, the lack of enforcement leads to an absence of a reporting "culture".⁴⁷¹ Sources indicated that women face security concerns that prevent them from reporting GBV cases to authorities, including "reprisal" and "threats" against them and their families.⁴⁷² In accordance with the 2019 report by Lawyers Without Borders Canada, Kay

⁴⁶³ CARE International and ONU FEMMES, *Analyse rapide genre – COVID-19 Haiti*, 25 September 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/ARG-Covid-19-Haiti-CARE-ONUFemme-Rapport-version-01-Oct-2020-finale.pdf>, p. 37.

⁴⁶⁴ CMI, *Research Staff: Marianne Tøraasen*, n.d., www.cmi.no/staff/marianne-toraasen.

⁴⁶⁵ Tøraasen, Marianne, CMI, *The Long Fight Against Impunity for Gender-Based Violence in Haiti*, 2019, www.cmi.no/publications/6875-the-long-fight-against-impunity-for-gender-based-violence-in-haiti.

⁴⁶⁶ Human Rights Watch, *Haiti: End Sexual Abuse in Football*, 18 November 2020, www.hrw.org/news/2020/11/18/haiti-end-sexual-abuse-football; Tøraasen, Marianne, CMI, *The Long Fight Against Impunity for Gender-Based Violence in Haiti*, 2019, www.cmi.no/publications/6875-the-long-fight-against-impunity-for-gender-based-violence-in-haiti.

⁴⁶⁷ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 26; Avocats sans Frontières Canada, Kay Fann and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 6.

⁴⁶⁸ Tøraasen, Marianne, CMI, *The Long Fight Against Impunity for Gender-Based Violence in Haiti*, 2019, www.cmi.no/publications/6875-the-long-fight-against-impunity-for-gender-based-violence-in-haiti.

⁴⁶⁹ Avocats sans Frontières Canada, Kay Fann and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, pp. 6, 16-17.

⁴⁷⁰ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, pp. 16-17.

⁴⁷¹ IACHR, *II Annual Report Of The Office Of The Special Rapporteur On Economic, Social, Cultural And Environmental Rights 2018*, Special Rapporteur: Soledad García Muñoz, 2019, www.oas.org/en/iachr/docs/annual/2019/docs/IA2019REDESCA-en.pdf, para. 370.

⁴⁷² Human Rights Watch, *Haiti: End Sexual Abuse in Football*, 18 November 2020, www.hrw.org/news/2020/11/18/haiti-end-sexual-abuse-football; Avocats sans Frontières Canada, Kay Fann and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, pp. 16-17.

Fanm and the OPC, "some" police stations do not offer confidentiality and victims testify in a "crowded room".⁴⁷³

In 2020, Human Rights Watch documented "threats" and "attacks" against witnesses and whistle-blowers in the Haitian Football Federation's case, including requests for silence in exchange of "large sums of money" or employment positions and the presence of armed men to oversight living or working sites.⁴⁷⁴ According to Human Rights Watch, witnesses moved for the sake of their security, and persons who had cooperated with the investigations of the judiciary or FIFA into allegations of sexual abuse by Yves Jean-Bart, former president of the Haitian Football Federation, were "followed".⁴⁷⁵ Corroborating information could not be found among the sources consulted within the time constraints of this report.

4.6 Access to health care, education, housing, employment and support services

Sources reported that organizations providing health, psychological, legal and economic support to GBV survivors have reduced services due to the lack of human and financial resources.⁴⁷⁶ According to OCHA's report *Haiti Humanitarian Needs Overview 2021*, support services in areas affected by insecurity or located in remote regions for GBV survivors are "almost non-existent" and, based on government data, stigmatization causes men and boys to seek less health service providers for GBV survivors compared to women and girls.⁴⁷⁷

The 2019 report by Lawyers Without Borders Canada, Kay Fanm and the OPC indicated that there are no temporary shelters available or specialized services provided by the state to GBV survivors.⁴⁷⁸ The same source indicated that the OPC offers services such as psychological and legal assistance, and that civil society organization provide specialized services for GBV survivors, such as Gheskio centres, which offer health and psychological assistance through support groups, and Kay Fanm, which provides "holistic care services", including medical care, legal advice and accommodation.⁴⁷⁹ MSF reported that 880 survivors of sexual violence were

⁴⁷³ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 31.

⁴⁷⁴ Human Rights Watch, *Haiti: Lifetime Ban for Football Chief*, 24 November 2020, www.hrw.org/news/2020/11/24/haiti-lifetime-ban-football-chief; Human Rights Watch, *Haiti: Football Sex Abuse Case Witnesses Threatened*, 14 August 2020, www.hrw.org/news/2020/08/14/haiti-football-sex-abuse-case-witnesses-threatened.

⁴⁷⁵ Human Rights Watch, *Haiti: Lifetime Ban for Football Chief*, 24 November 2020, www.hrw.org/news/2020/11/24/haiti-lifetime-ban-football-chief; Human Rights Watch, *Haiti: Football Sex Abuse Case Witnesses Threatened*, 14 August 2020, www.hrw.org/news/2020/08/14/haiti-football-sex-abuse-case-witnesses-threatened.

⁴⁷⁶ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, pp. 24-25; Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, pp. 16-17.

⁴⁷⁷ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, pp. 85-86.

⁴⁷⁸ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, pp. 30-31.

⁴⁷⁹ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, pp. 9, 30-31.

treated by the institution in 2019.⁴⁸⁰ Additional information could not be found among the sources consulted within the time constraints of this report.

CARE and UN Women indicated that their rapid assessment conducted in 2020 included the following findings: "most" services do not suffice demands and are not publicized, 35.8 per cent of GBV survivors did not know where to seek help, "only" 5.7 per cent of women knew the support services of GBV survivors available, and "most" organizations offering services declared that they have not been able to provide "quality services".⁴⁸¹

Sources indicated that women face "discrimination" and "hardly" have access to production means, land property, or employment.⁴⁸² According to OCHA, 11 per cent of landowners in rural areas and "only" 28 per cent of paid farmers are women.⁴⁸³ The 2019 report by Lawyers Without Borders Canada, Kay Fanm and the OPC indicated that women resort to the informal economy.⁴⁸⁴

Additional information on access to health care, education, housing, employment and support services could not be found among the sources consulted within the time constraints of this report.

⁴⁸⁰ MSF, *International Activity Report 2019: Haiti*, n.d., www.msf.org/sites/msf.org/files/2020-08/international-activity-report-2019.pdf, p. 47.

⁴⁸¹ CARE International and ONU FEMMES, *Analyse rapide genre – COVID-19 Haiti*, 25 September 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/ARG-Covid-19-Haiti-CARE-ONUFemme-Rapport-version-01-Oct-2020-finale.pdf>, pp. 5, 36.

⁴⁸² UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, pp. 24-25; Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 15.

⁴⁸³ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, pp. 24-25.

⁴⁸⁴ Avocats sans Frontières Canada, Kay Fanm and OPC, *L'impunité des violences faites aux femmes et aux filles en Haïti*, 30 May 2019, www.asfcanada.ca/site/assets/files/7636/asfc_violence-femme_juillet_19_web.pdf, p. 15.

4.7 Freedom of expression and situation of journalists

The Haitian Constitution protects the right to freedom of expression in articles 28 and 31:

ARTICLE 28

Every Haitian has the right to express his opinions freely on any matter by any means he chooses.

ARTICLE 28-1

Journalists shall freely exercise their profession within the framework of the law. Such exercise may not be subject to any authorization or censorship, except in the case of war.

ARTICLE 28-2

Journalists may not be compelled to reveal their sources. However, it is their duty to verify the authenticity and accuracy of information. It is also this obligation to respect the ethics of their profession.

ARTICLE 28-3

All offenses involving the press and abuses of the right of expression come under the code of criminal law.

ARTICLE 31

Freedom of unarmed assembly and association for political, economic, social, cultural or any other peaceful purposes is guaranteed.⁴⁸⁵

The US *Country Reports for 2020* indicated that constitutional rights are "not always" respected.⁴⁸⁶ According to the *Annual Report 2019* by the Inter-American Commission on Human Rights (IACHR), there is no guarantee to protect the exercise of freedom of expression in the country.⁴⁸⁷ The Human Rights Service of the United Nations Integrated Office in Haiti conducted investigations regarding the impact on human rights caused by demonstrations and the state response to it and indicated that "violation" and "abuse" of rights on freedom of expression and peaceful assembly takes place in the country.⁴⁸⁸

Freedom House classifies Haiti as a "partly free" country, considering indicators on political rights, political pluralism and participation, functioning of government, civil liberties, associational and organizational rights, rule of law and personal autonomy and individual rights.⁴⁸⁹ Reporters Without Borders (RSF) ranked Haiti 87 out of 180 positions in its 2021 *World Press Freedom Index* which evaluates availability levels of freedom to journalists

⁴⁸⁵ Haiti, *Haiti's Constitution of 1987 with Amendments through 2012*, 2012, Translated by William S. Hein & Co., Inc, www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en, Articles 28, 28-1, 28-2, 28-3, 31, translated by William S. Hein & Co.

⁴⁸⁶ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 11.

⁴⁸⁷ IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, p. 369.

⁴⁸⁸ UN, OHCHR and BINUH, *Manifestations en Haïti : Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 3.

⁴⁸⁹ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

regarding "pluralism, independence of the media, quality of legislative framework and safety of journalists".⁴⁹⁰ Article 19, a non-profit international human rights organization,⁴⁹¹ classified Haiti as "restricted"⁴⁹² and ranked the country 75 out of 161 in its *Global Expression Report 2019-2020* which measures indicators such as access to information.⁴⁹³

4.7.1 Situation of journalists

Sources indicated that journalists are subjected to threats, defamation, harassment,⁴⁹⁴ intimidation, violence,⁴⁹⁵ and killing.⁴⁹⁶ Sources indicate that journalists work in an environment of fear, with lack of police protection as they are victims of the insecurity in the country, gangs, the police.⁴⁹⁷

On 14 November 2019, RSF reported an "uptick" in violent acts committed against journalists in the country.⁴⁹⁸ According to the Bertelsmann Stiftung⁴⁹⁹ *BTI Transformation Index* report for 2020, journalists have been facing intimidation attempts under the government of Jovenel Moïse through violence and access blocks to news websites.⁵⁰⁰ Sources indicated that both government and non-state armed actors associated with political opposition or officialism commit aggressions violating freedom of expression.⁵⁰¹ According to Chantal Flores, "a freelance journalist covering enforced disappearance, women's issues and mental health in Latin America and the Balkans",⁵⁰² in a 17 January 2020 journal article published on *Columbia Journalism Review* (of Columbia University Graduate School of Journalism),⁵⁰³

"many journalists report working in dangerous and even life-threatening conditions. Public perception of journalism has deteriorated; protestors accuse media outlets of supporting

⁴⁹⁰ RSF, *Haiti: Dangerous and Precarious Work Environment*, n.d., <https://rsf.org/en/haiti>.

⁴⁹¹ ECOI, *Source Description: Article 2019*, 1 October 2019, www.ecoi.net/en/source/10965.html.

⁴⁹² Classifications of freedom of expression by Article 19 ranges from "Open", "Less Restricted", "Restricted", "Highly Restricted" and "In Crisis". See: Article 19, *The Global Expression Report 2019/2020*, 2020, www.ecoi.net/en/file/local/2039407/GxR2019-20report.pdf, pp. 122-125, p. 123.

⁴⁹³ Article 19, *The Global Expression Report 2019/2020*, 2020, www.ecoi.net/en/file/local/2039407/GxR2019-20report.pdf, p. 123.

⁴⁹⁴ Columbia Journalism Review, Chantal Flores, *In Haiti's Uprising, Journalists Are Caught in the Middle*, 17 January 2020, www.cjr.org/watchdog/haiti-uprising-jovenel-moise.php.

⁴⁹⁵ Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 10.

⁴⁹⁶ UN, OHCHR, *Press Briefing Note on Haiti Unrest*, 1 November 2019, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25247&LangID=E.

⁴⁹⁷ CPJ, *Haitian Journalist Robenson Sanon Says Covering COVID-19 Feels Like Being 'Soldiers in the Battlefield'*, 8 April 2020, <https://cpj.org/2020/04/haitian-journalist-robenson-sanon-says-covering-co/>.

⁴⁹⁸ RSF, *Violence Against the Press in Haiti: RSF and CPJ Write to Minister of Justice*, 14 November 2019, <https://rsf.org/en/news/violence-against-press-haiti-rsf-and-cpj-write-minister-justice>.

⁴⁹⁹ The Bertelsmann Stiftung is based in Gütersloh, Germany, and is a non-profit think tank. See: ECOI, *Source Description: Bertelsmann Stiftung*, 19 May 2020, www.ecoi.net/en/source/10997.html.

⁵⁰⁰ Bertelsmann Stiftung, *BTI Transformation Index, Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 10.

⁵⁰¹ US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 11; IACHR, *Annual Report of the Office of the Special Rapporteur for Freedom of Expression: Annual Report of the Inter-American Commission on Human Rights*, 2020, vol. 2, 30 March 2021, www.oas.org/en/iachr/docs/annual/2020/Chapters/rele-en.PDF, para. 820.

⁵⁰² Columbia Journalism Review, Chantal Flores, *In Haiti's Uprising, Journalists Are Caught in the Middle*, 17 January 2020, www.cjr.org/watchdog/haiti-uprising-jovenel-moise.php.

⁵⁰³ Columbia Journalism Review, *Masthead*, n.d., www.cjr.org/about_us/masthead.php.

the government, and attacks on the press have escalated. Journalists are also harassed by counter-protesters and police from the opposing side. They report physical attacks, death threats, and defamation campaigns on social media".⁵⁰⁴

The British newspaper The Guardian reported that, in September 2019, a Haitian senator shot a photojournalist from Associated Press outside the parliament in Port-au-Prince within the context of the nomination of the Prime Minister.⁵⁰⁵ The Committee to Protect Journalists (CPJ) reported that, in February 2020, armed masked individuals reportedly members of the National Police of Haiti (PNH, *Police Nationale d'Haïti*) attacked a building of the private radio and television outlet Radio Télévision Caraïbes in Port-au-Prince, broking windows and equipment.⁵⁰⁶

Journalists are also subject to "unofficial" censorship and self-censorship to avoid reprisals, including violence and intimidation.⁵⁰⁷ Journalist Ralph Tedy Erol from the news outlet Ted'Actu declared that journalists covering demonstrations are subject to threats and verbal attacks by police officers and protesters.⁵⁰⁸ The CPJ reported that, on 28 July 2020, two armed individuals intercepted and shot at the motorcycle of Setoute Yvens, a journalist from local Radio Télé Mégastar, accusing him of publishing information about criminal activities conducted by these individuals in Port-au-Prince.⁵⁰⁹

Flores quotes Lunie Joseph, journalist at Radio Zenith, as indicating that, unlike previous years, there is more pressure, threats and fear for journalists, with police officers cursing and taking pictures of journalists to later alter them to portray fake nudes of the journalist.⁵¹⁰ On 14 November 2019, RSF and CPJ jointly published an open letter about the state response to violence against journalists in which it is stated that "[e]ven when journalists do report credible death threats to relevant authorities, there are few indications that the cases progress past the initial report, or that journalists receive any official measures to ensure their safety."⁵¹¹ According to RSF, the "few" investigations opened by authorities are conducted slowly and do not lead to conclusions or prosecutions.⁵¹² The *2020 Annual Report* by the Special Rapporteur

⁵⁰⁴ Columbia Journalism Review, Chantal Flores, *In Haiti's Uprising, Journalists Are Caught in the Middle*, 17 January 2020, www.cjr.org/watchdog/haiti-uprising-jovenel-moise.php.

⁵⁰⁵ Guardian (the), *Haiti: Photojournalist Shot in Face as Senator Opens Fire Outside Parliament*, 23 September 2019, www.theguardian.com/world/2019/sep/23/haiti-shooting-senator-gun-parliament-photojournalist.

⁵⁰⁶ CPJ, *Haitian Outlet Radio Télévision Caraïbes Targeted with Arson Attack During Police Protest*, 26 February 2020, <https://cpj.org/2020/02/haitian-radio-outlet-radio-television-caraibes-tar/#:~:text=On%20the%20afternoon%20of%20February,on%20fire%2C%20smashing%20windows%2C%20and>

⁵⁰⁷ Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti, 2020*, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 10; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 11.

⁵⁰⁸ Columbia Journalism Review, Chantal Flores, *In Haiti's Uprising, Journalists Are Caught in the Middle*, 17 January 2020, www.cjr.org/watchdog/haiti-uprising-jovenel-moise.php.

⁵⁰⁹ CPJ, *Journalist Setoute Yvens Survives Shooting Attempt, Another Reporter Receives Death Threats in Haiti*, 4 August 2020, <https://cpj.org/2020/08/journalist-setoute-yvens-survives-shooting-attempt-another-reporter-receives-death-threats-in-haiti/>.

⁵¹⁰ Columbia Journalism Review, Chantal Flores, *In Haiti's Uprising, Journalists Are Caught in the Middle*, 17 January 2020, www.cjr.org/watchdog/haiti-uprising-jovenel-moise.php.

⁵¹¹ RSF, *Violence Against the Press in Haiti: RSF and CPJ Write to Minister of Justice*, 14 November 2019, <https://rsf.org/en/news/violence-against-press-haiti-rsf-and-cpj-write-minister-justice>.

⁵¹² RSF, *Violence Against the Press in Haiti: RSF and CPJ Write to Minister of Justice*, 14 November 2019, <https://rsf.org/en/news/violence-against-press-haiti-rsf-and-cpj-write-minister-justice>.

for Freedom of Expression of the IACHR indicated that authorities did not identify or punish the perpetrators in the murder cases of journalists Pétion Rospide (killed in June 2019 in Port-au-Prince⁵¹³) and Nehemie Joseph (killed in October 2019 in Mirebalais⁵¹⁴).⁵¹⁵

⁵¹³ RSF, *Haïti: Inquiétude pour la sécurité des journalistes après l'assassinat de Pétion Rospide*, 12 June 2019, <https://rsf.org/fr/actualites/haiti-inquietude-pour-la-securite-des-journalistes-apres-lassassinat-de-petion-rospide>; CPJ, *Radio Sans Fin Host Pétion Rospide Killed in Port-au-Prince*, Haiti, 13 June 2019, <https://cpj.org/2019/06/radio-sans-fin-petion-rospide-killed-haiti/>.

⁵¹⁴ Le Nouvelliste, *Un journaliste tué par balle à Mirebalais*, 10 October 2019, <https://lenouvelliste.com/article/207862/un-journaliste-tue-par-balle-a-mirebalais>; CPJ, *Radio Panic FM Journalist Found Dead in Haiti Following Threats*, 11 October 2019, <https://cpj.org/2019/10/radio-panic-fm-journalist-found-dead-in-haiti-foll/>.

⁵¹⁵ IACHR, *Annual Report of the Office of the Special Rapporteur for Freedom of Expression: Annual Report of the Inter-American Commission on Human Rights*, 2020, vol. 2, 30 March 2021, www.oas.org/en/iachr/docs/annual/2020/Chapters/rele-en.PDF, para. 761.

5 Non-state armed groups

In May 2019, the National Commission for Disarmament, Demobilization and Reintegration (CNDDR, *Commission Nationale de Désarmement de Démobilisation et de Réinsertion*) stated that there were 76 "armed gangs" in the country, including groups armed with automatic weapons, and gangs such as Lanmò Sanjou with 349 members.⁵¹⁶ Sources indicated that gang violence has led to internal displacement.⁵¹⁷ According to IDMC, there were 7,900 new internal displacements caused by "conflict and violence" in 2020.⁵¹⁸ On 1 April 2021, OCHA reported that attacks and violence in Tabarre Issa, in Port-au-Prince, during March 2021 had led to "around 3,000" displacements.⁵¹⁹ On 17 June 2021, the Special Representative of the United Nations Secretary-General and Head of BINUH, Helen La Lime, reported that "more than 16,000" persons had been displaced from Port-au-Prince area since January 2021 due to violence committed by criminal gangs.⁵²⁰ On 24 June 2021, the United Nations International Children's Emergency Fund (UNICEF) stated that "about 8,500 women and children" had been displaced in two weeks due to escalating violence and gang clashes in June.⁵²¹ Also in accordance with UNICEF, there are "about 650,000" persons affected by displacement in the country of which 500,000 are in Port-au-Prince metropolitan area.⁵²² According to the *Haiti Humanitarian Needs Overview 2021* by OCHA, persons displaced, returned or repatriated represented 3 per cent (115,000) of the total population in need of humanitarian assistance in the country.⁵²³

⁵¹⁶ Le Nouvelliste, *76 gangs armés répertoriés en Haïti par la Commission de désarmement*, 6 May 2019, <https://lenouvelliste.com/article/201384/76-gangs-armes-repertories-en-haiti-par-la-commission-de-desarmement>; Vant Bèf Info, *La Commission Nationale de désarmement identifie 76 gangs armés à travers Haïti*, 7 May 2019, <https://vantbefinfo.com/la-commission-nationale-de-desarmement-identifie-76-gangs-armes-a-travers-haiti/>; Haiti 24, *76 gangs armés recensés par la commission de désarmement*, 7 May 2019, <https://haiti24.net/76-gangs-armes-recenses-par-la-commission-de-desarmement/>.

⁵¹⁷ UN, OCHA, *Humanitarian Needs Overview: Haïti at a Glance*, Humanitarian Programme Cycle 2021, March 2021,

www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2021_haiti_hno_summary_en.pdf, p. 1; Human Rights Watch HRW, *World Report 2021: Haïti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; IDMC, *Haïti: Displacement Associated with Conflict and Violence, Figure Analysis – GRID 2020*, April 2020, www.ecoi.net/en/file/local/2029017/GRID+2020+-+Conflict+Figure+Analysis+-+HAITI_0.pdf.

⁵¹⁸ IDMC, *Haïti: Country Information*, n.d., www.internal-displacement.org/countries/haiti, accessed on 11 May 2021

⁵¹⁹ UN, OCHA, *Haïti: Displacement and Insecurity in Tabarre Issa (Portau-Prince) Situation Report No 2*, 2 April 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/Information%20Note%20no.%20%20Tabarre%20Issa.pdf>, p. 1.

⁵²⁰ UN, Security Council, *Crucial Elections Needed by End of 2021 to Break Political Impasse, Tackle Worsening Conditions in Haïti, Experts Tell Security Council*, 17 June 2021, www.un.org/press/en/2021/sc14554.doc.htm.

⁵²¹ UN, UNICEF, *Haïti: About 8,500 Women and Children Displaced by 'Urban Guerrilla' in Two Weeks*, 14 June 2021, www.unicef.org/press-releases/haiti-about-8500-women-and-children-displaced-urban-guerrilla-two-weeks.

⁵²² UN, UNICEF, *Haïti: About 8,500 Women and Children Displaced by 'Urban Guerrilla' in Two Weeks*, 14 June 2021, www.unicef.org/press-releases/haiti-about-8500-women-and-children-displaced-urban-guerrilla-two-weeks.

⁵²³ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 5.

5.1 Types of non-state armed groups

Sources indicated that non-state armed groups functioning as gangs have been associated with politicians⁵²⁴ and drug trafficking activities.⁵²⁵ Perpetration of gang violence, including killings, has been associated with the involvement of state officials.⁵²⁶ Sources reported that, according to witnesses, PNH officers, vehicles and uniforms have been reportedly noticed during gang attacks.⁵²⁷ Freedom House indicated that gangs associated with drug trafficking have funded political campaigns.⁵²⁸

The report *Killing with Impunity: State-Sanctioned Massacres in Haiti* published in April 2021 by the International Human Rights Clinic (IHRC)⁵²⁹ of Harvard Law School and the *Observatoire Haïtien des Crimes contre l'Humanité* (OHCCH), defined as a "consortium of Haitian civil society organizations" including the BAI, the RNDDH,⁵³⁰ civil society leaders and lawyers, indicated that government actors provide gangs members with weapons, ammunition and financial resources in exchange for political and electoral support.⁵³¹ The same source indicated that gangs have accumulated "significant socioeconomic power" from their "quasi-governmental" role in facilitating the delivery of government and financial support to residents in areas of their control.⁵³²

In April 2019, Haitian newspapers reported that the general inspector of the PNH, Gabriel Faveur Désir, was arrested due to involvement with gang leader Arnel Joseph on suspicion of providing inside information as a mole to gangs.⁵³³ Also in April 2019, news outlets reported

⁵²⁴ UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 15; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8.

⁵²⁵ US, CRS, p. 17; Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 4.

⁵²⁶ IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments*, March to October 2020, www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation_Mar-Oct-2020-FINAL.pdf; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 2.

⁵²⁷ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8; Independent, *Coronavirus and a Man Named Barbecue Are Testing the Rule of Law in Haiti*, 24 August 2020, www.independent.co.uk/news/world/haiti-coronavirus-barbecue-crime-law-a9681636.html.

⁵²⁸ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>.

⁵²⁹ Beatrice Lindstrom is the IHRC Clinical Instructor and, since 2010, works with human rights issues in Haiti. The IHRC "seeks to protect and promote human rights and international humanitarian law through documentation; legal, factual, and strategic analysis; litigation before national, regional, and international bodies; treaty negotiations; and policy and advocacy initiatives." See: IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 2.

⁵³⁰ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 2.

⁵³¹ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8.

⁵³² IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8.

⁵³³ Le Nouvelliste, *L'inspecteur principal Gabriel Faveur Désir arrêté pour avoir été en contact avec le chef de gang Arnel Joseph*, 8 April 2019, <https://lenouvelliste.com/article/200250/linspecteur-principal-gabriel-faveur-desir>

the Justice and Security Commission of the Senate was investigating 24 telephone calls that were registered between phone numbers used by Senator Gracia Delva from the department of Artibonite and gang leader Arnel Joseph⁵³⁴.⁵³⁵

In June 2020, gangs formed an alliance called "G9 Family and Allies" (*G9, G9 en Famille et Alliés*)⁵³⁶ whose leader is the former PNH officer Jimmy Chérisier also known as Barbecue.⁵³⁷ Jimmy Chérisier has been accused of committing attacks⁵³⁸ and "massacres" against civilians.⁵³⁹ Chérisier reportedly was one of the gang leaders responsible for a series of attacks in 2018 in La Saline and in 2019 in Bel-Air, both in the metropolitan area of Port-au-Prince.⁵⁴⁰ BINUH and OHCHR indicated that the attacks from 4 to 6 November 2019 in Bel-Air were conducted against inhabitants and caused "at least" three deaths, six injured persons including a child, "about" 30 houses and 11 cars burned.⁵⁴¹ The September 2020 report by BINUH indicated that 15 gangs composed the G9⁵⁴² and OCHA indicated that G9 members present themselves with the goal to reduce vulnerability of persons living in neighbourhoods in

[arrete-pour-avoir-ete-en-contact-avec-le-chef-de-gang-arnel-joseph](#); Haiti Progres, *La semaine en bref – 14 au 19 Avril 2019*, 20 April 2019, <https://haitiprogres.com/news/2019/04/20/la-semaine-en-bref-14-au-19-avril-2019/>.

⁵³⁴ The police killed Arnel Joseph in February 2021. See: VOA, *Police Shoot and Kill Known Haitian Gang Leader After Jailbreak*, 27 February 2021, www.voanews.com/americas/police-shoot-and-kill-known-haitian-gang-leader-after-jailbreak; France 24, *En Haïti, une évasion de prisonniers fait 25 morts à Port-au-Prince*, 27 February 2021, www.france24.com/fr/am%C3%A9riques/20210227-ha%C3%AFti-une-%C3%A9vasion-de-prison-fait-25-morts-%C3%A0-port-au-prince.

⁵³⁵ Le Nouvelliste, *Communications téléphoniques fréquentes entre le chef de gang Arnel Joseph et le sénateur Garcia Delva*, 23 April 2019, <https://lenouvelliste.com/article/200860/communications-telephoniques-frequentes-entre-le-chef-de-gang-arnel-joseph-et-le-senateur-gracia-delva>; VOA, *Calls Between Haitian Senator, Gang Leader Roil Haiti*, 26 April 2019, www.voanews.com/americas/calls-between-haitian-senator-gang-leader-roil-haiti.

⁵³⁶ IHRC and OHCHC, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 32; Independent, *Coronavirus and a Man Named Barbecue Are Testing the Rule of Law in Haiti*, 24 August 2020, www.independent.co.uk/news/world/haiti-coronavirus-barbecue-crime-law-a9681636.html.

⁵³⁷ IHRC and OHCHC, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8; UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 32; Francisque, Jameson, AyiboPost, *Haïti: le gouvernement des gangs*, in: Connectas, n.d., www.connectas.org/especiales/haiti-el-gobierno-de-las-pandillas/fr/.

⁵³⁸ OHCHR and BINUH, *Rapport sur les allégations de violations et abus des droits de l'homme lors des attaques dans le quartier de Bel-Air, à Port-au-Prince, du 4 au 6 novembre 2019*, February 2020, www.ecoi.net/en/file/local/2026740/20200217_haiti_-_rapport_bel-air_-_final_master_version.pdf, p. 10; IHRC and OHCHC, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, pp. 8-9.

⁵³⁹ Miami Herald, *Gang Attack in Haiti Neighborhood Leaves Bodies, Homes Charred*, 2 April 2021, www.miamiherald.com/article250400641.html; Independent, *Coronavirus and a Man Named Barbecue Are Testing the Rule of Law in Haiti*, 24 August 2020, www.independent.co.uk/news/world/haiti-coronavirus-barbecue-crime-law-a9681636.html; IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments*, March-October 2020, www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation_Mar-Oct-2020-FINAL.pdf.

⁵⁴⁰ IHRC and OHCHC, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 9; UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 32.

⁵⁴¹ OHCHR and BINUH, *Rapport sur les allégations de violations et abus des droits de l'homme lors des attaques dans le quartier de Bel-Air, à Port-au-Prince, du 4 au 6 novembre 2019*, February 2020, www.ecoi.net/en/file/local/2026740/20200217_haiti_-_rapport_bel-air_-_final_master_version.pdf, p. 4.

⁵⁴² UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 15.

"precarious" situation.⁵⁴³ On 24 August 2020, the British newspaper Independent reported that Jimmy Cherizier had announced in a YouTube video that the creation of G9 was part of a "revolution".⁵⁴⁴ News outlets quoted Jimmy Cherizier stating that it was an "armed revolution" and that children would also be armed if needed to fight against politicians.⁵⁴⁵

Sources indicated that the CNDDR stimulated the formation of G9.⁵⁴⁶ On 2 February 2020, Le Nouvelliste, a Haitian daily based in Port-au-Prince, published the following statement excerpt of the representative of CNDDR, Jean Rebel Dorcénat: "They [G9 Family and Allies] came together because we have a job to do with them. [...] If they federate it is even better. It makes our work easier. That way we don't have to talk to twenty or thirty men every day. We can meet only one who can himself serve as a spokesperson".⁵⁴⁷

5.2 Activities and areas of presence

Sources indicated that gangs have disseminated "violence"⁵⁴⁸ and "terror" against the Haitian population.⁵⁴⁹ According to BINUH, members of gangs have committed human rights violations and abuses.⁵⁵⁰ Gang clashes and activities have caused violent acts, including

⁵⁴³ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 32.

⁵⁴⁴ Independent, *Coronavirus and a Man Named Barbecue Are Testing the Rule of Law in Haiti*, 24 August 2020, www.independent.co.uk/news/world/haiti-coronavirus-barbecue-crime-law-a9681636.html.

⁵⁴⁵ Ayibo Post, *Que veut réellement Jimmy Chérizier alias Barbecue?*, 10 January 2021, <https://ayibopost.com/que-veut-reellement-jimmy-cherizier-alias-barbecue/>; Independent, *Coronavirus and a Man Named Barbecue Are Testing the Rule of Law in Haiti*, 24 August 2020, www.independent.co.uk/news/world/haiti-coronavirus-barbecue-crime-law-a9681636.html.

⁵⁴⁶ Francisque, Jameson, AyiboPost, *Haïti: le gouvernement des gangs*, in: Connectas, n.d., www.connectas.org/especiales/haiti-el-gobierno-de-las-pandillas/fr/; IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8; Le Nouvelliste, *Les gangs se sont fédérés sur proposition de la Commission nationale de désarmement, démantèlement et réinsertion*, 2 February 2020, <https://lenouvelliste.com/article/220527/les-gangs-se-sont-federes-sur-proposition-de-la-commission-nationale-de-desarmement-demantelement-et-reinsertion>.

⁵⁴⁷ Le Nouvelliste, *Les gangs se sont fédérés sur proposition de la Commission nationale de désarmement, démantèlement et réinsertion*, 2 February 2020, <https://lenouvelliste.com/article/220527/les-gangs-se-sont-federes-sur-proposition-de-la-commission-nationale-de-desarmement-demantelement-et-reinsertion>.

⁵⁴⁸ UN, OHCHR and BINUH, *Manifestations en Haïti : Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 16; IACHR, *IACHR and its Special Rapporteurship for Freedom of Expression Concerned about Violence and Increased Political Tensions in Haiti*, 11 October 2019, www.oas.org/en/iachr/media_center/PReleases/2019/258.asp; IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8.

⁵⁴⁹ RNDDH, *Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids: The Authorities in Power Have Installed Terror in Cité Soleil*, 13 August 2020, <https://web.rnddh.org/wp-content/uploads/2020/08/Version-Anglaise-Rap-Cit%C3%A9-Soleil-082020.pdf>, p. 2; HaitiLibre, *Haiti - Security : Jovenel Moïse seeks help from the OAS*, 16 March 2021, www.haitilibre.com/en/news-33251-haiti-security-jovenel-moise-seeks-help-from-the-oas.html; IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8.

⁵⁵⁰ UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 31.

killings,⁵⁵¹ sexual violence against women and girls,⁵⁵² kidnappings,⁵⁵³ destruction of property,⁵⁵⁴ looting and burning of houses.⁵⁵⁵ Armed raids against civilians have also been committed by gang members.⁵⁵⁶ OCHA indicates that armed clashes between gangs and roadblocks in areas with presence of gangs has "severely" limited the movement of people, goods and humanitarian aid.⁵⁵⁷

Sources indicated that gang violence has prevented the population from accessing basic services, including health care and attending school.⁵⁵⁸ According to MSF, gang clashes have hindered access to MSF health centres.⁵⁵⁹ In February 2021, two violent incidents provoked by gangs lead MSF to transfer patients from the neighbourhood of Drouillard to Tabarre, Port-

⁵⁵¹ IHRC and OHCHR, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 19; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 2; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 6.

⁵⁵² IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, pp. 367-368; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 6; RNDDH, *Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids: The Authorities in Power Have Installed Terror in Cité Soleil*, 13 August 2020, <https://web.rnddh.org/wp-content/uploads/2020/08/Version-Anglaise-Rap-Cit%C3%A9-Soleil-082020.pdf>.

⁵⁵³ IACHR, *Annual Report 2020*, n.d., www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4A-en.pdf, para. 432; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 6.

⁵⁵⁴ IHRC and OHCHR, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 19; UN, OHCHR, *Human Rights Situation in Haiti: Briefing to the Security Council on Haiti*, 3 April 2019, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24438&LangID=E.

⁵⁵⁵ UN, OHCHR, *Human Rights Situation in Haiti: Briefing to the Security Council on Haiti*, 3 April 2019, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24438&LangID=E; RNDDH, *Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids: The Authorities in Power Have Installed Terror in Cité Soleil*, 13 August 2020, <https://web.rnddh.org/wp-content/uploads/2020/08/Version-Anglaise-Rap-Cit%C3%A9-Soleil-082020.pdf>, pp. 2-3; Human Rights Watch, *José Miguel Vivanco, Concerns Raised Over Planned Gang Raid in Haiti: Past Raids Led to Killings, Rape*, 28 April 2020, www.hrw.org/news/2020/04/28/concerns-raised-over-planned-gang-raid-haiti.

⁵⁵⁶ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 4; IHRC and OHCHR, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 9.

⁵⁵⁷ OCHA, *Haiti: Displacements Due to Gang Violence in Port-au-Prince, Situation Report No. 4*, 1 July 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti%20-%20Situation%20Report%20Nr.%204%20-%20Displacements%20Port-au-Prince%20-%20final%20-%20ENG.pdf>

⁵⁵⁸ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 33; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 80.

⁵⁵⁹ MSF, *Haiti: Violent Clashes Block Access to MSF Hospital for Burn Care*, 10 February 2021, www.doctorswithoutborders.org/what-we-do/news-stories/news/haiti-violent-clashes-block-access-msf-hospital-burn-care; MSF, *Violence in Haiti Forces Transfer of Hospital Patients*, 25 February 2021, www.msf.org/violence-haiti-forces-transfer-hospital-patients.

au-Prince.⁵⁶⁰ Also in accordance with MSF, "approximately" two-thirds of patients treated at the Tabarre MSF hospital sustained firearm or stabbing injuries.⁵⁶¹

Sources reported that non-state armed groups, such as G9, "control" territories, engage in inter-gang clashes,⁵⁶² and cause "insecurity"⁵⁶³ in the metropolitan area of Port-au-Prince.⁵⁶⁴ The IACHR *Annual Report 2019* indicated that gang violence in the metropolitan area of Port-au-Prince has had a "differentiated impact" on women such as relating to the increasing number of rapes by armed individuals.⁵⁶⁵ IDMC and OCHA documented displacements associated with gang violence in Port-au-Prince metropolitan area.⁵⁶⁶ OCHA indicated that "hundreds of families" were displaced in 2020 due to gang clashes with the police and rival criminal groups.⁵⁶⁷ According to IDMC, there were 2,128 new displacements in 2019 caused by gang violence in Port-au-Prince and in the department of Artibonite.⁵⁶⁸ A 2021 report by OCHA about insecurity situation in Tabarre Issa region of Port-au-Prince indicated that civilians were displaced amid violence and attacks, including destruction of homes.⁵⁶⁹

Neighbourhoods in Port-au-Prince in situation of economic vulnerability and identified as "important" or "large" electorate strongholds have been subjected to power and control of gangs.⁵⁷⁰ Most areas are neighbourhoods associated with political movements opposing the

⁵⁶⁰ MSF, *Haiti: Violent Clashes Block Access to MSF Hospital for Burn Care*, 10 February 2021, www.doctorswithoutborders.org/what-we-do/news-stories/news/haiti-violent-clashes-block-access-msf-hospital-burn-care; MSF, *Violence in Haiti Forces Transfer of Hospital Patients*, 25 February 2021, www.msf.org/violence-haiti-forces-transfer-hospital-patients.

⁵⁶¹ MSF, *Haiti: Treating Trauma Patients Affected by Chronic Violence*, 17 December 2020, www.doctorswithoutborders.org/what-we-do/news-stories/story/haiti-treating-trauma-patients-affected-chronic-violence.

⁵⁶² UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 31; Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 3.

⁵⁶³ IACHR, *Annual Report 2020*, n.d., www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap.4A-en.pdf, para. 432; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 6.

⁵⁶⁴ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8; UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 17.

⁵⁶⁵ IACHR, *Annual Report 2019 - Chapter IV Human Rights Developments in the Region*, n.d., www.oas.org/en/iachr/docs/annual/2019/docs/IA2019cap4A-en.pdf, pp. 367-368.

⁵⁶⁶ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 6; IDMC, *Haiti: Displacement Associated with Conflict and Violence, Figure Analysis – GRID 2020*, April 2020, www.ecoi.net/en/file/local/2029017/GRID+2020++Conflict+Figure+Analysis++HAITI_0.pdf, p. 1.

⁵⁶⁷ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 32.

⁵⁶⁸ IDMC, *Haiti: Displacement Associated with Conflict and Violence, Figure Analysis – GRID 2020*, April 2020, www.ecoi.net/en/file/local/2029017/GRID+2020++Conflict+Figure+Analysis++HAITI_0.pdf, p. 1.

⁵⁶⁹ UN, OCHA, *Haiti: Displacement and Insecurity in Tabarre Issa (Portau-Prince) Situation Report No 2*, 2 April 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/Information%20Note%20no.%20%20Tabarre%20Issa.pdf>, p. 1.

⁵⁷⁰ Francisque, Jameson, AyiboPost, *Haiti: le gouvernement des gangs*, in: Connectas, n.d., www.connectas.org/especiales/haiti-el-gobierno-de-las-pandillas/fr/; IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8.

administration of President Moïse, such as Bel-Air.⁵⁷¹ Sources indicated that gang members have participated in actions against anti-government demonstrators during protests.⁵⁷²

Sources indicated that gang activities outside the capital have reportedly taken place, such as in the department of North and Artibonite.⁵⁷³ The OCHA report *Haiti Humanitarian Needs Overview 2021* indicated that the presence of non-state armed groups has been increasing in rural areas.⁵⁷⁴ Also in accordance with the OCHA, movement restrictions for UN agencies due to "insecurity" augmented from a monthly average of 1.2 restrictions in the first semester of 2020 to 3.2 in the second semester of 2020.⁵⁷⁵

5.2.1 Bel-Air and Cité Soleil

Sources reported incidents of armed attacks in the Port-au-Prince neighbourhoods of Bel-Air in 2019 and in Cité Soleil in 2020.⁵⁷⁶ According to BINUH, gangs from Cité Soleil and Bel-Air are part of G9, and gang clashes in these two neighbourhoods have caused the displacement of "at least" 298 households.⁵⁷⁷ Both neighbourhoods are reportedly identified as territories of the political opposition.⁵⁷⁸ The BINUH and OHCHR indicated that Bel-Air is associated with both the opposition and to PHTK, the party of President Moïse.⁵⁷⁹

In November 2019, Jimmy Chérizier and leaders of allied gangs conducted armed raids in Bel-Air for three days which included shooting civilians, setting fires to houses and killing persons.⁵⁸⁰ Sources reported that PNH members reportedly participated in the attack together

⁵⁷¹ IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments*, March-October 2020, www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation_Mar-Oct-2020-FINAL.pdf; IHRC and OHCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 9.

⁵⁷² UN, OHCHR and BINUH, *Manifestations en Haïti : Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, p. 16; IHRC and OHCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 3.

⁵⁷³ US, OSAC, *Haiti 2020 Crime & Safety Report*, 29 April 2020, www.osac.gov/Content/Report/09752c66-7cac-47f7-a92e-188fe7af0f75; UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 18.

⁵⁷⁴ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 23.

⁵⁷⁵ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 37.

⁵⁷⁶ UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 15; IHRC and OHCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 9.

⁵⁷⁷ UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 15.

⁵⁷⁸ IHRC and OHCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 3; Independent, *Coronavirus and a Man Named Barbecue Are Testing the Rule of Law in Haiti*, 24 August 2020, www.independent.co.uk/news/world/haiti-coronavirus-barbecue-crime-law-a9681636.html.

⁵⁷⁹ OHCHR and BINUH, *Rapport sur les allégations de violations et abus des droits de l'homme lors des attaques dans le quartier de Bel-Air, à Port-au-Prince, du 4 au 6 novembre 2019*, February 2020, www.ecoi.net/en/file/local/2026740/20200217_haiti_-_rapport_bel-air_-_final_master_version.pdf, p. 10.

⁵⁸⁰ IHRC and OHCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 3; OHCHR and BINUH, *Rapport sur les allégations de violations et abus des droits de l'homme lors des attaques dans le quartier de Bel-Air, à Port-au-Prince, du 4 au 6 novembre 2019*, February 2020, www.ecoi.net/en/file/local/2026740/20200217_haiti_-_rapport_bel-air_-_final_master_version.pdf, p. 4.

with gang members.⁵⁸¹ A 2020 joint report by the BINUH and the OHCHR about human rights violations during the events in Bel-Air indicated that the attacks left three people dead, six wounded and 30 houses and 11 vehicles burned down.⁵⁸² According to the 2021 report by IHRC and OHCCH, the attacks occurred after government attempts to remove blockages during the anti-government protests and resulted in the death of 24 persons.⁵⁸³ IDMC indicated that gang violence in 2019 led to 114 displacements from Bel-Air⁵⁸⁴ and BINUH reported in February 2021 that there were 407 displaced persons from Bel-Air unwilling or unable to return due to disputes between gangs and reprisals against the population.⁵⁸⁵

In April 2021, gang members reportedly associated with Jimmy Chérizier carried out armed attacks in Bel-Air.⁵⁸⁶ According to Miami Herald, a news outlet based in Florida, "[t]hey arrived unannounced, brandishing heavy artillery as they scaled the rooftops of houses, firing shots and setting homes ablaze. While some residents managed to escape amid the [...] smoke and tear gas, others became trapped and died inside their burning houses."⁵⁸⁷

In May 2020, G9 members perpetrated attacks in Cité Soleil with the purpose of gaining control over territories such as Nan Tokyo and Pont Rouge.⁵⁸⁸ The 2021 report by IHRC and OHCCH indicated that the raids in Cité Soleil followed a "pattern of terrorizing civilians" through shootings, burning bodies and homes, aggressions with knives and stones and, decapitations.⁵⁸⁹ Also in accordance with the 2021 report by IHRC and OHCCH, from 23 May to 28 July 2020, armed G9 members assassinated "at least" 145 persons in Cité Soleil area.⁵⁹⁰

According to a report published by RNDDH on 13 August 2020 about violence in Cité Soleil, gang leaders have paid for food, school and health care to residents with funds from the private and public sector, and persons have been subjected to "uninterrupted violence" including

⁵⁸¹ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 3; OHCHR and BINUH, *Rapport sur les allégations de violations et abus des droits de l'homme lors des attaques dans le quartier de Bel-Air, à Port-au-Prince, du 4 au 6 novembre 2019*, February 2020, www.ecoi.net/en/file/local/2026740/20200217_haiti_-_rapport_bel-air_-_final_master_version.pdf, p. 4.

⁵⁸² OHCHR and BINUH, *Rapport sur les allégations de violations et abus des droits de l'homme lors des attaques dans le quartier de Bel-Air, à Port-au-Prince, du 4 au 6 novembre 2019*, February 2020, www.ecoi.net/en/file/local/2026740/20200217_haiti_-_rapport_bel-air_-_final_master_version.pdf, p. 4.

⁵⁸³ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, pp. 3, 18.

⁵⁸⁴ IDMC, *Haiti: Displacement Associated with Conflict and Violence, Figure Analysis – GRID 2020*, April 2020, www.ecoi.net/en/file/local/2029017/GRID+2020+-+Conflict+Figure+Analysis+-+HAITI_0.pdf, p. 1.

⁵⁸⁵ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 33.

⁵⁸⁶ Miami Herald, *Gang Attack in Haiti Neighborhood Leaves Bodies, Homes Charred*, 2 April 2021, www.miamiherald.com/article250400641.html; Haitian Times (the), *Battle for Bel Air Turns Fatal as Residents Resist Gang Takeover*, 2 April 2021, <https://haitiantimes.com/2021/04/02/battle-for-bel-air-turns-fatal-as-residents-resist-gang-takeover/>.

⁵⁸⁷ Miami Herald, *Gang Attack in Haiti Neighborhood Leaves Bodies, Homes Charred*, 2 April 2021, www.miamiherald.com/article250400641.html.

⁵⁸⁸ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 19; RNDDH, *Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids: The Authorities in Power Have Installed Terror in Cité Soleil*, 13 August 2020, <https://web.rnddh.org/wp-content/uploads/2020/08/Version-Anglaise-Rap-Cit%C3%A9-Soleil-082020.pdf>, p. 10.

⁵⁸⁹ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 21.

⁵⁹⁰ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 17.

killings, collective rapes of women and girls, armed attacks, diversion of public transit vans and house fires.⁵⁹¹ On 24 August 2020, British newspaper Independent reported that "in Cité Soleil, victims and human rights groups say G9 gang members have looted and burned down shacks and stalls, systematically raped women, killed at random and dismembered or torched bodies."⁵⁹²

5.3 Criminality

According to Acaps, a non-profit international organization specialized in humanitarian needs analysis and assessment,⁵⁹³ availability of data on criminality in Haiti is "limited."⁵⁹⁴ Different sources reported that gang-related violence in Haiti has been increasing,⁵⁹⁵ including kidnappings and homicides.⁵⁹⁶ The Human Rights Watch *World Report 2021* stated that Haiti experiences "one of its worst outbreaks of violence since 1986."⁵⁹⁷ OCHA categorises gang violence in the country as "widespread", with the burning of "hundreds" of houses in Port-au-Prince metropolitan area leading to "numerous victims, deaths and injuries".⁵⁹⁸ The same source also notes that "thousands" of people have fled their homes due to gang violence, with most resettling with host families or informal shelters.⁵⁹⁹ Over 1.5 million people have been affected by gang violence in Port-au-Prince metropolitan area.⁶⁰⁰

⁵⁹¹ RNDDH, *Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids: The Authorities in Power Have Installed Terror in Cité Soleil*, 13 August 2020, <https://web.rnddh.org/wp-content/uploads/2020/08/Version-Anglaise-Rap-Cit%C3%A9-Soleil-082020.pdf>, pp. 2-3, 8.

⁵⁹² Independent, *Coronavirus and a Man Named Barbecue Are Testing the Rule of Law in Haiti*, 24 August 2020, www.independent.co.uk/news/world/haiti-coronavirus-barbecue-crime-law-a9681636.html.

⁵⁹³ Acaps, *In Short*, n.d., www.acaps.org/who-we-are/in-short.

⁵⁹⁴ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 4.

⁵⁹⁵ Freedom House, *Freedom in the World 2020: Haiti*, 4 March 2020, <https://freedomhouse.org/country/haiti/freedom-world/2020>; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 23; UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 17.

⁵⁹⁶ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 23; UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 17.

⁵⁹⁷ Human Rights Watch HRW, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

⁵⁹⁸ UN, OCHA, *Haiti: Displacement in Port-au-Prince, Situation Report No. 1*, 8 June 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti%20-%20Situation%20Report%20Nr.%201%20-%20Martissant%20-%20final.pdf>.

⁵⁹⁹ UN, OCHA, *Haiti: Displacement in Port-au-Prince, Situation Report No. 1*, 8 June 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti%20-%20Situation%20Report%20Nr.%201%20-%20Martissant%20-%20final.pdf>.

⁶⁰⁰ UN, OCHA, *Haiti: Displacements Due to Gang Violence in Port-au-Prince, Situation Report No. 4*, 1 July 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti%20-%20Situation%20Report%20Nr.%204%20-%20Displacements%20Port-au-Prince%20-%20final%20-%20ENG.pdf>.

The US *Haiti 2020 Crime & Safety Report* indicated that armed robberies both against pedestrians and motorists increased.⁶⁰¹ The same source reported that, in 2019, 787 homicides were reported, of which 81 per cent occurred in the West Department.⁶⁰²

A joint report by the BINUH and the OHCHR published in January 2021 indicated that members of armed gangs and non-identified armed individuals caused the death of 31 persons (including two women and one child) in February 2019, two men during protests in June 2019, 34 persons (including two women and three children) during protests from September to December 2019.⁶⁰³ The same source indicated that gangs injured 96 persons (14 women and six children) in February 2019, three men in the protests in June 2019, and 224 persons (12 women and 18 children) during protests from September to December 2019.⁶⁰⁴

The RNDDH documented the following "abuses" in Cité Soleil in June and July 2020:

Description	People Murdered	Missing persons	People injured	Women and girls Raped	Intercepted vehicles	Houses burnt
June	14	5	1	9	1	-
July	97	43	19	9	4	6
Total	111	48	20	18	5	6

Chart 8: RNDDH, *Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids: The Authorities in Power Have Installed Terror in Cité Soleil, 2020.*⁶⁰⁵

According to BINUH, in 2020, there were 132 reported cases of intentional homicides in May, 171 cases in June (which concurred with the creation of G9) and 77 cases in July.⁶⁰⁶ The following incidents were also reported by BINUH:

- Abductions: 70 cases (13 women and six were children) from September to December 2020;
- Kidnappings: 234 cases in 2020 (59 women and 37 children), representing a 200 per cent increase if compared with the 78 cases in 2019;

⁶⁰¹ US, OSAC, *Haiti 2020 Crime & Safety Report*, 29 April 2020, www.osac.gov/Content/Report/09752c66-7cac-47f7-a92e-188fe7af0f75.

⁶⁰² US, OSAC, *Haiti 2020 Crime & Safety Report*, 29 April 2020, www.osac.gov/Content/Report/09752c66-7cac-47f7-a92e-188fe7af0f75.

⁶⁰³ UN, OHCHR and BINUH, *Manifestations en Haïti : Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, pp. 15-16.

⁶⁰⁴ UN, OHCHR and BINUH, *Manifestations en Haïti : Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, pp. 15-16.

⁶⁰⁵ RNDDH, *Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids: The Authorities in Power Have Installed Terror in Cité Soleil*, 13 August 2020, <https://web.rnndh.org/wp-content/uploads/2020/08/Version-Anglaise-Rap-Cit%C3%A9-Soleil-082020.pdf>, p. 12.

⁶⁰⁶ UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 17.

- Intentional homicide: 1,380 cases in 2020 reported by the police (three quarters of which in the West Department), indicating a 20 per cent increase comparing to the previous year;
- Rapes: 49 cases reported by the police from September to November 2020, indicating a 12 per cent increase compared with the previous period;
- GBV incidents: 424 cases (182 women, 53 men, 146 girls, 43 boys) documented by the national health system from September to November 2020, which was considered "underreported", and a 7.3 per cent decrease compared to the previous quarter.⁶⁰⁷

From September 2020 to January 2021, BINUH documented 337 abuses of human rights associated with activities of gang members and unidentified armed persons, including 63 killings (two women and three boys), 44 wounded persons (four women), 15 rapes of women and 215 kidnappings (32 women, nine girls and eight boys).⁶⁰⁸ According to BINUH, the number of human rights abuses between September 2020 and January 2021 denoted a 95.9 per cent increase regarding the cases reported in the previous period.⁶⁰⁹

On 1 April 2021, OCHA reported that attacks against civilians on Tabarre Issa in Port-au-Prince caused the destruction or damages of "at least" 80 per cent of the houses, and "around" 3,000 displacements, of which "nearly" 70 per cent reported being subjected to violence, including one reported GBV case.⁶¹⁰ MSF reported that their personnel treated 2,860 persons wounded by "intentional physical violence" in 2019.⁶¹¹

A report published by BINUH on 11 June 2021 indicated that, in the first four month of 2021, there were 171 kidnappings reported (36 per cent increase compared to 110 abductions in the last four months of 2020), 525 intentional homicides (17 per cent increase compared to 436 cases in the last four months of 2020).⁶¹² Kidnappings reportedly raised 200 per cent in 2021 compared to the previous year.⁶¹³ On 11 April 2021, members of a gang called "400 Mawozo" kidnapped five Catholic priests, two nuns and three other persons in their way to the installation of a parish priest in Croix Les Bouquet, metropolitan area of Port-au-Prince, and

⁶⁰⁷ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 19.

⁶⁰⁸ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 32.

⁶⁰⁹ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 32.

⁶¹⁰ UN, OCHA, *Haiti: Displacement and Insecurity in Tabarre Issa (Portau-Prince) Situation Report No 2*, 2 April 2021,

<https://reliefweb.int/sites/reliefweb.int/files/resources/Information%20Note%20no.%20%20Tabarre%20Issa.pdf>, p. 1.

⁶¹¹ MSF, *International Activity Report 2019: Haiti*, n.d., www.msf.org/sites/msf.org/files/2020-08/international-activity-report-2019.pdf, p. 47.

⁶¹² UN, Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 June 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 21.

⁶¹³ Haitian Times (the), *Experts: Failures of Haiti institutions laid bare amid rising violence*, 18 May 2021, <https://haitiantimes.com/2021/05/18/experts-failures-of-haiti-institutions-laid-bare-amid-rising-violence/>; VOA, *Catholic Officials Halt Activity in Haiti Over 9 Kidnapped*, 21 April 2021, www.voanews.com/americas/catholic-officials-halt-activity-haiti-over-9-kidnapped; NPR, *Kidnappings in Haiti Surge As Country Plunges Deeper Into Political Turmoil*, 12 April 2021, www.npr.org/2021/04/12/986537201/kidnappings-in-haiti-surge-as-country-plunges-deeper-into-political-turmoil.

held them for a 1,000,000 ransom.⁶¹⁴ On 23 April 2021, Vatican News, defined as "the news portal of the Holy See",⁶¹⁵ reported that three clergy members had been released while the other remained held by the abductors.⁶¹⁶ OCHA indicates that as of 1 July 2021, 18,100 people have been internally displaced, with 80 per cent, or 14,700, being displaced in June 2021 due to gang violence.⁶¹⁷

5.4 Targeted profiles

According to BINUH, "[a]ll segments of the population had been targeted" in human rights abuses caused by gang violence in the Port-au-Prince area.⁶¹⁸ Sources indicated that armed gangs targeted civilians residing in neighbourhoods in situation of economic vulnerability and in areas where political movements of the opposition are active, including Bel-Air.⁶¹⁹ The 2021 report by IHRC and OHCCH stated that "[t]he manner in which the residents were targeted—including being extracted from or sought out in their homes to be murdered or raped—demonstrates that they were primary targets of the attacks and not merely collateral damage in the context of gang fighting."⁶²⁰ According to BINUH, the increase in attacks against the population was associated with activities of G9.⁶²¹

Sources reported that gang members have attacked demonstrators and journalists covering demonstrations.⁶²² For more information on the situation of political opponents and journalists, see [Section 2.4](#).

Sources indicated that gang members have abducted and collectively raped women and girls.⁶²³ The IHRC and OHCCH reported cases of sexual violence perpetrated by gang

⁶¹⁴ BBC News, *Haiti's Moïse 'Won't Give Up' on Freeing Kidnapped Clergy*, 13 April 2021, www.bbc.com/news/world-latin-america-56731802; Vatican News, *Haiti: Three Kidnapped Clergy Released, Six Still Held*, 23 April 2021, www.vaticannews.va/en/church/news/2021-04/haiti-catholic-priests-nuns-kidnapped-some-released.html.

⁶¹⁵ Vatican News, *About Us*, n.d., www.vaticannews.va/en/about-us.html.

⁶¹⁶ Vatican News, *Haiti: Three Kidnapped Clergy Released, Six Still Held*, 23 April 2021, www.vaticannews.va/en/church/news/2021-04/haiti-catholic-priests-nuns-kidnapped-some-released.html.

⁶¹⁷ UN, OCHA, *Haiti: Displacements Due to Gang Violence in Port-au-Prince, Situation Report No. 4*, 1 July 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti%20-%20Situation%20Report%20Nr.%204%20-%20Displacements%20Port-au-Prince%20-%20final%20-%20ENG.pdf>.

⁶¹⁸ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 32.

⁶¹⁹ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 9; Independent, *Coronavirus and a Man Named Barbecue Are Testing the Rule of Law in Haiti*, 24 August 2020, www.independent.co.uk/news/world/haiti-coronavirus-barbecue-crime-law-a9681636.html; Human Rights Watch, José Miguel Vivanco, *Concerns Raised Over Planned Gang Raid in Haiti: Past Raids Led to Killings, Rape*, 28 April 2020, www.hrw.org/news/2020/04/28/concerns-raised-over-planned-gang-raid-haiti.

⁶²⁰ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 20.

⁶²¹ UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 31.

⁶²² UN, OHCHR and BINUH, *Manifestations en Haïti : Leurs impacts sur les droits humains et l'obligation de l'État de protéger tous les citoyens*, 18 January 2021, www.ohchr.org/Documents/Countries/HT/Joint-report.pdf, pp. 16-17; IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, pp. 7-8.

⁶²³ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 80; IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 17.

members in 2020, including: "at least" five members of the gang led by Iscard Andrice beat and raped a woman (25 years of age); two armed men intercepted a woman who was walking to purchase food for their family, pushed her and "took turns raping her"; and three armed men caught two young women and held and raped them for "several hours".⁶²⁴ For more information on the situation of survivors of gender-based violence, see [Section 5](#).

The OCHA report *Haiti Humanitarian Needs Overview 2021* indicated that young people face the risk of recruitment by armed gangs.⁶²⁵ Corroborating and additional information on the situation of young persons could not be found among the sources consulted within the time constraints of this report.

Gangs have targeted police officers in attacks.⁶²⁶ From 5 to 6 June 2021, gang members raided six police stations.⁶²⁷ According to newspaper Reuters, three police officers were killed and their bodies burned during the attacks.⁶²⁸ In the first week of June 2021, criminal groups reportedly attacked the total of nine police stations.⁶²⁹ From January until 6 June 2021, 32 police officers were killed by gang members.⁶³⁰

Information on the situation of descendants of Tontón Macoute could not be found among the sources consulted within the time constraints of this report.

5.5 State response

5.5.1 Accountability

Sources reported that criminal gang members who perpetrated human rights abuses have been treated with "impunity".⁶³¹ Human Right Watch and the 2021 report by IHRC and OHCCH

⁶²⁴ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 17.

⁶²⁵ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 6.

⁶²⁶ UN, Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 June 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 21; Miami Herald, *Haiti Police Have Become Targets of Gang Violence as OAS Mission Heads to Country*, 8 June 2021, www.miamiherald.com/news/nation-world/world/americas/haiti/article251949298.html; Abc News, *Report: Gang Violence Displaces Thousands in Haiti's Capital*, 15 June 2021, <https://abcnews.go.com/International/wireStory/report-gang-violence-displaces-thousands-haitis-capital-78289380>.

⁶²⁷ Miami Herald, *Haiti Police Have Become Targets of Gang Violence as OAS Mission Heads to Country*, 8 June 2021, www.miamiherald.com/news/nation-world/world/americas/haiti/article251949298.html; Reuters, *Gangs Raid Police Stations for Weapons in Haiti as Deadly Violence Surges*, 7 June 2021, www.reuters.com/world/americas/gangs-raid-police-stations-weapons-haiti-deadly-violence-surges-2021-06-07/.

⁶²⁸ Reuters, *Gangs Raid Police Stations for Weapons in Haiti as Deadly Violence Surges*, 7 June 2021, www.reuters.com/world/americas/gangs-raid-police-stations-weapons-haiti-deadly-violence-surges-2021-06-07/.

⁶²⁹ Haitian Times (the), *The Haitian Police: An Institution in Ruin and Now Under Siege*, 15 June 2021, <https://haitiantimes.com/2021/06/15/the-haitian-police-an-institution-in-ruin-and-now-under-siege/>; Miami Herald, *Haiti Police Have Become Targets of Gang Violence as OAS Mission Heads to Country*, 8 June 2021, www.miamiherald.com/news/nation-world/world/americas/haiti/article251949298.html.

⁶³⁰ Haitian Times (the), *The Haitian Police: An Institution in Ruin and Now Under Siege*, 15 June 2021, <https://haitiantimes.com/2021/06/15/the-haitian-police-an-institution-in-ruin-and-now-under-siege/>; Miami Herald, *Haiti Police Have Become Targets of Gang Violence as OAS Mission Heads to Country*, 8 June 2021, www.miamiherald.com/news/nation-world/world/americas/haiti/article251949298.html.

⁶³¹ OHCHR and BINUH, *Rapport sur les allégations de violations et abus des droits de l'homme lors des attaques dans le quartier de Bel-Air, à Port-au-Prince, du 4 au 6 novembre 2019*, February 2020, www.ecoi.net/en/file/local/2026740/20200217_haiti_-_rapport_bel-air_-_final_master_version.pdf, p. 4; IHRC and

indicated that non-state armed groups executed attacks and violence relying on the "complicity" of state actors, including the police.⁶³² OCHA indicates that "[t]he national police is often, during [gang] clashes and attacks, not in a position to provide the necessary security and protection, leaving vulnerable populations to fend for themselves."⁶³³

BINUH and OHCHR indicated that the police did not intervene in the Bel-Air attacks of 2019, an area surrounded by police stations, including the Intervention and Law Enforcement Force (CIMO, *Corps d'Intervention et de Maintien de l'Ordre*) and the Central Directorate of Road Police (DCPR, *Direction Centrale de la Police Routière*).⁶³⁴ The 2021 report by IHRC and OHCHH indicated the lack of police intervention to protect the population during the gang raids in Cité Soleil in 2020.⁶³⁵

Sources indicated that criminal investigations and prosecutions into attacks perpetrated by non-state armed groups have not been concluded.⁶³⁶ According to MINUJUSTH, 11 months after the 2018 attacks in La Saline, no judicial proceedings had been initiated against state and police officials allegedly involved in the attacks.⁶³⁷ Sources indicate that despite existing police warrants against Jimmy Chérizier, he has not been detained.⁶³⁸

Human Rights Watch reported that, on 24 April 2020, government security forces announced an intervention in Village de Dieu and informed the residents that "good people" would have 72 hours to leave and that the government would not be held responsible for what would

OHCHH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, p. 30, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf; UN, MINUJUSTH and OHCHR, *La saline: Justice pour les victimes. L'Etat a l'obligation de protéger tous les citoyens, Rapport sur les allégations de violations et abus des droits de l'homme du 13 et 14 novembre 2018 dans le quartier de La Saline*, Port-au-Prince, June 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/minujusth_hcdh_rapport_la_saline_1.pdf, para. 66.

⁶³² IHRC and OHCHH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8; Human Rights Watch, José Miguel Vivanco, *Concerns Raised Over Planned Gang Raid in Haiti: Past Raids Led to Killings, Rape*, 28 April 2020, www.hrw.org/news/2020/04/28/concerns-raised-over-planned-gang-raid-haiti.

⁶³³ UN, OCHA, *Haiti: Displacements Due to Gang Violence in Port-au-Prince, Situation Report No. 4*, 1 July 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/Haiti%20-%20Situation%20Report%20Nr.%204%20-%20Displacements%20Port-au-Prince%20-%20final%20-%20ENG.pdf>.

⁶³⁴ OHCHR and BINUH, *Rapport sur les allégations de violations et abus des droits de l'homme lors des attaques dans le quartier de Bel-Air, à Port-au-Prince, du 4 au 6 novembre 2019*, February 2020, www.ecoi.net/en/file/local/2026740/20200217_haiti_-_rapport_bel-air_-_final_master_version.pdf, pp. 4, 11.

⁶³⁵ IHRC and OHCHH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 15.

⁶³⁶ UN, Security Council, BINUH, *Report of the Secretary-General*, 25 September 2020, www.ecoi.net/en/file/local/2038716/S_2020_944_E.pdf, para. 31; US, Department of State, *2020 Country Reports on Human Rights Practices: Haiti*, 30 March 2021, www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/, p. 3; IHRC and OHCHH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 30.

⁶³⁷ UN, MINUJUSTH and OHCHR, *La saline: Justice pour les victimes. L'Etat a l'obligation de protéger tous les citoyens, Rapport sur les allégations de violations et abus des droits de l'homme du 13 et 14 novembre 2018 dans le quartier de La Saline*, Port-au-Prince, June 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/minujusth_hcdh_rapport_la_saline_1.pdf, para. 66.

⁶³⁸ IJDH, *Human Rights and Rule of Law in Haiti: Key Recent Developments*, March-October 2020, www.ijdh.org/wp-content/uploads/2020/11/Update-on-Human-Rights-and-Rule-of-Law-Situation_Mar-Oct-2020-FINAL.pdf; UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 32; IHRC and OHCHH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 30.

happen subsequently.⁶³⁹ Jimmy Cherizier, former police officer and member of G9, allegedly declared that he would participate in the initiative with PNH to "clean" the neighbourhood.⁶⁴⁰ On 26 April 2020, a joint letter to the President Jovenel Moïse signed by members of civil society organizations, academia and religious groups⁶⁴¹ called for "urgent" government action to cancel the raid and stated that "[t]he risk of indiscriminate violence in the planned raid is higher given the apparent involvement of a well-known gang leader who has been directly implicated in two past massacres."⁶⁴² According to Human Rights Watch, the government raid in Village de Dieu did not occur on 27 April 2020 as authorities had announced.⁶⁴³

International Crisis Group reported that on 12 March 2021, "at least" four police officers were killed and eight injured in an "anti-gang operation" in the Village de Dieu, in Port-au-Prince.⁶⁴⁴ Haiti Libre, a Haitian daily, quoted a note of the prime minister Joseph Jouthe stating that the operation was intended to "regain control of the security of the Village de Dieu and guarantee the safety of the population by seeking to subdue the members of the armed gangs which sow terror in the country."⁶⁴⁵ According to BINUH, Joseph Jouthe indicated that "strategic errors" and delays in deploying "tactical backup" were the reason of the operation's failure.⁶⁴⁶

5.5.2 State initiatives

The administration of President Moïse reinstated the CNDDR in March 2019 with the reported aim of "dismantling gangs"⁶⁴⁷ and, in December 2020 announced that negotiation attempts

⁶³⁹ Human Rights Watch, José Miguel Vivanco, *Concerns Raised Over Planned Gang Raid in Haiti: Past Raids Led to Killings, Rape*, 28 April 2020, www.hrw.org/news/2020/04/28/concerns-raised-over-planned-gang-raid-haiti.

⁶⁴⁰ Human Rights Watch, José Miguel Vivanco, *Concerns Raised Over Planned Gang Raid in Haiti: Past Raids Led to Killings, Rape*, 28 April 2020, www.hrw.org/news/2020/04/28/concerns-raised-over-planned-gang-raid-haiti; Center for Human Rights and Global Justice, *Letter to the President of the Republic of Haiti Jovenel Moïse*, 26 April 2020, https://chrgj.org/wp-content/uploads/2020/05/Letter-of-Concern-re-Village-de-Dieu_Coalition151.pdf.

⁶⁴¹ The following organizations signed the letter: Action pour la reforestation et la Defense de l'Environnement (AREDE), Alternativ Popilè, American Jewish, World Service, Avocats San Frontières Canada, Beyond Borders, Environmental Justice Initiative for Haiti, Family Action Network Movement (FANM), Fondasyon Men Ansanm Ayiti (FONDAMA), Gender Action Global Justice Clinic, NYU School of Law, Groupe de Support a la Constitution (GSC), Haiti Justice Alliance, Institute for Justice and Democracy in Haiti, Konbit Lakay, Li, Li, Li! Read, Òganizasyon Lite pou demen nou (LIDE-N), Petrochallengers Noupakonplis, Presbyterian Church (USA), Project Blueprint, Quixote Center, Rassembleman Kont Enpinite (RKE), Sam Nef pou Ayiti, Tèt Kole Ti Peyizan (TK). See: Center for Human Rights and Global Justice, *Letter to the President of the Republic of Haiti Jovenel Moïse*, 26 April 2020, https://chrgj.org/wp-content/uploads/2020/05/Letter-of-Concern-re-Village-de-Dieu_Coalition151.pdf.

⁶⁴² Center for Human Rights and Global Justice, *Letter to the President of the Republic of Haiti Jovenel Moïse*, 26 April 2020, https://chrgj.org/wp-content/uploads/2020/05/Letter-of-Concern-re-Village-de-Dieu_Coalition151.pdf.

⁶⁴³ Human Rights Watch, José Miguel Vivanco, *Concerns Raised Over Planned Gang Raid in Haiti: Past Raids Led to Killings, Rape*, 28 April 2020, www.hrw.org/news/2020/04/28/concerns-raised-over-planned-gang-raid-haiti.

⁶⁴⁴ International Crisis Group, *Crisis Watch: Tracking Conflict Worldwide*, March 2021, https://d2071andvip0wj.cloudfront.net/crisiswatch/CrisisWatch%20March%202021%20Latin%20America%20and%20the%20Caribbean_0.pdf.

⁶⁴⁵ Haiti Libre, *Haiti - FLASH : Reaction of the Prime Minister to the Bloody Failure of the Assault on Village de Dieu*, 14 March 2021, www.haitilibre.com/en/news-33235-haiti-flash-reaction-of-the-prime-minister-to-the-bloody-failure-of-the-assault-on-village-de-dieu.html.

⁶⁴⁶ UN, Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 June 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 20.

⁶⁴⁷ IHRC and OHCCH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8; Le Nouvelliste, *Jouthe enterre la CNDDR et annonce le démantèlement prochain des groupes armé*, 21 December 2021, <https://lenouvelliste.com/article/224504/jouthe-enterre-la-cnDDR-et-annonce-le-demantelement-prochain-des-groupes-arme>.

with armed gangs had ended.⁶⁴⁸ Le Nouvelliste, a Haitian daily based in Port-au-Prince, reported that prime minister Joseph Jouthe declared in a press conference on 21 December 2020 that CNDDR would begin a "dismantling phase" since attempts to "reintegrate" unlawful individuals did not succeed and negotiations were not able to convince them to abandon activities from which they earned money.⁶⁴⁹

BINUH indicated that the state developed the following initiatives throughout 2020 due to increasing violence: increase of the budget of the PNH "for the first time in 13 years"; establishment of an "interministerial task force" commanded by the CNDDR and the Ministry of Social Affairs and Labour; renewal of "the majority" of senior management PNH positions.⁶⁵⁰ Sources reported that the police remain lacking resources despite the government announcement to increase the budget of the PNH.⁶⁵¹

Also in accordance with BINUH, between December 2020 and January 2021, the police implemented a "more robust response" to reduce gang violence, including logistical support and pacification programs.⁶⁵² The same source indicated that the military's engineering unit of Haiti provided support to pacification conducted by the police in the regions of Village de Dieu and Martissant whose operations could remove out gang members in the area at the same time that caused destruction of unknown number of residential buildings.⁶⁵³

On 15 March 2021, President Moïse requested support from the Organization of American States (OAS) to address "security" issues in the country.⁶⁵⁴ From 8 to 10 June 2021, Permanent Representatives to the OAS from Canada, Costa Rica, Ecuador, Saint Vincent and the Grenadines and the United States conducted a "Good Offices Mission" in a three-day visit to Haiti with the goal to "facilitate a dialogue that would lead to free and fair elections."⁶⁵⁵

On 16 March 2021, President Moïse demanded technical and logistical assistance for the police from the UN.⁶⁵⁶ New York Carib News, a news outlet about the Caribbean based in the

⁶⁴⁸ Le Nouvelliste, *Jouthe enterre la CNDDR et annonce le démantèlement prochain des groupes armés*, 21 December 2021, <https://lenouvelliste.com/article/224504/jouthe-enterre-la-cnDDR-et-annonce-le-demantelement-prochain-des-groupes-arme>; AlterPresse, *Criminalité : Le gouvernement ne jure que par le démantèlement des gangs armés en Haïti*, 21 December 2020, www.alterpresse.org/spip.php?article26514#.YLbGDzZKj0o.

⁶⁴⁹ Le Nouvelliste, *Jouthe enterre la CNDDR et annonce le démantèlement prochain des groupes armés*, 21 December 2021, <https://lenouvelliste.com/article/224504/jouthe-enterre-la-cnDDR-et-annonce-le-demantelement-prochain-des-groupes-arme>, translated informally by the author.

⁶⁵⁰ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, paras 17-20.

⁶⁵¹ Reuters, Andre Paultre, *Haitians Barricade Streets to Protest Insecurity after Gang Murders of Police*, 15 March 2021, www.reuters.com/article/us-haiti-politics-unrest-idUSKBN2B72LP; US, United States Mission to the United Nations, *Remarks at a UN Security Council Briefing on Haiti*, 17 June 2021, <https://usun.usmission.gov/remarks-at-a-un-security-council-briefing-on-haiti-2/>.

⁶⁵² UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 18.

⁶⁵³ UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 18.

⁶⁵⁴ International Crisis Group, *Crisis Watch: Tracking Conflict Worldwide*, March 2021, https://d2071andvip0wj.cloudfront.net/crisiswatch/CrisisWatch%20March%202021%20Latin%20America%20and%20the%20Caribbean_0.pdf; HaitiLibre, *Haiti - Security: Jovenel Moïse Seeks Help from the OAS*, 16 March 2021, www.haitilibre.com/en/news-33251-haiti-security-jovenel-moise-seeks-help-from-the-oas.html.

⁶⁵⁵ Organization of American States (OAS), *Press Release: Statement from the OAS Permanent Council Mission to Haiti*, 10 June 2021, www.oas.org/en/media_center/press_release.asp?sCodigo=E-063/21.

⁶⁵⁶ International Crisis Group, *Crisis Watch: Tracking Conflict Worldwide*, March 2021, <https://d2071andvip0wj.cloudfront.net/crisiswatch/CrisisWatch%20March%202021%20Latin%20America%20and>

United States,⁶⁵⁷ quoted President Moïse stating that the support request for the UN was intended to "combat banditry in Haiti and strengthen the poverty reduction program."⁶⁵⁸ Also on 16 March 2021, the government published a presidential decree "Establishing the State of Emergency in the zones of Village de Dieu; de Grand-Ravine; de Delmas 2; de Savien, dans la Petite Rivière de l'Artibonite; and in all other red zones identified by the Superior Council of the National Police, for a period of one (1) month".⁶⁵⁹ The Decree aimed at re-establishing state authority in areas under gang control.⁶⁶⁰ The "state of emergency" is defined in the Decree as:

a situation in which a regime applies restricting certain fundamental freedoms and exceptional powers of the executive which are justified by a situation of proven or imminent national disaster, terrorist attack or serious breach of public order challenging the police and endangering national security and requiring the adoption of urgent measures.⁶⁶¹

Haitian news outlets reported that, on 6 April 2021, the government launched a working group to foster the implementation of a "national strategy on disarmament, dismantling, reintegration and reduction of community violence".⁶⁶² According to BINUH, the national strategy launched in April 2021 was part of the efforts developed by the interministerial task force to decrease community violence.⁶⁶³ The same source reported that there was a consultation process with women from community-based organizations regarding the draft strategy by the CNDDR in order to include women's perspectives and roles in the program.⁶⁶⁴

[%20the%20Caribbean_0.pdf](#); New York Carib News, *Moïse Appeals to UN as He Declares State of Emergency*, 19 March 2021, www.nycaribnews.com/articles/moise-appeals-to-un-as-he-declares-state-of-emergency/.

⁶⁵⁷ New York Carib News, *About Us*, n.d., www.nycaribnews.com/about-us/.

⁶⁵⁸ New York Carib News, *Moïse Appeals to UN as He Declares State of Emergency*, 19 March 2021, www.nycaribnews.com/articles/moise-appeals-to-un-as-he-declares-state-of-emergency/.

⁶⁵⁹ Le National, *Du décret sur l'État d'urgence sécuritaire?*, 23 March 2021, www.lenational.org/post_free.php?elif=1_CONTENTUE/actualitees&rebmun=7699.

⁶⁶⁰ Le Monde, *En Haïti, l'état d'urgence décrété dans plusieurs zones pour lutter contre les gangs*, 19 March 2021, www.lemonde.fr/international/article/2021/03/19/en-haiti-l-etat-d-urgence-decrete-dans-plusieurs-zones-face-aux-gangs_6073665_3210.html; Quixote Center, *A "State of Emergency" Declared in Haiti*, 19 March 2021, www.quixote.org/a-state-of-emergency-declared-in-haiti/.

⁶⁶¹ Le Nouvelliste, *Jovenel Moïse modifie la loi sur l'état d'urgence et se donne de nouveaux pouvoirs*, 17 March 2021, <https://lenouvelliste.com/article/227419/jovenel-moise-modifie-la-loi-sur-letat-durgence-et-se-donne-de-nouveaux-pouvoirs>; New York Carib News, *Moïse Appeals to UN as He Declares State of Emergency*, 19 March 2021, www.nycaribnews.com/articles/moise-appeals-to-un-as-he-declares-state-of-emergency/.

⁶⁶² Le National, *Insécurité : vers la mise en œuvre d'une stratégie nationale de désarmement, démantèlement et réinsertion*, 12 April 2021, www.lenational.org/post_free.php?elif=1_CONTENTUE/actualitees&rebmun=7765; Le Nouvelliste, *Joseph Jouthe crée la SNDDR-RVC pour lutter contre l'insécurité parallèlement à la CNDDR...*, 4 April 2021, <https://lenouvelliste.com/article/228062/joseph-jouthe-cree-la-snddr-rvc-pour-lutter-contre-linsecurite-parallement-a-la-cnDDR>; Vant Bèf Info, *Haiti : Joseph Jouthe lance un groupe de travail sur « la stratégie nationale de désarmement »*, 7 April 2021, <https://vantbefinfo.com/haiti-joseph-jouthe-lance-un-groupe-de-travail-sur-la-strategie-nationale-de-desarmement/>.

⁶⁶³ UN, Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 June 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 24.

⁶⁶⁴ UN, Security Council, *United Nations Integrated Office in Haiti: Report of the Secretary-General*, 11 June 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 24.

5.6 Availability of state protection

Sources indicated that the state has not been able to ensure protection for the population⁶⁶⁵ and that the police has failed to intervene against attacks of non-state armed groups.⁶⁶⁶ According to the 2021 report by IHRC and OHCHH, during the September 2019 attack in Bel-Air, the police did not intervene despite requests for help made by residents via radio and social media.⁶⁶⁷ A 2020 report by BINUH and OHCHR indicated that the police justified that the lack of response was caused by "among other things, the presence of barricades and the lack of vehicles, communication equipment, law enforcement and personal protection equipment for the police to ensure a presence and intervene in the area."⁶⁶⁸

The US *Haiti 2020 Crime & Safety Report* indicated that persons who reside in areas other than Port-au-Prince do not have access to "basic policing services"⁶⁶⁹ and the RNDDH reported in August 2020 that residents in areas under gang control need permission from gang leaders to access authorities.⁶⁷⁰ According to British newspaper Independent, family members of victims refused to report the death of their relatives for fear of reprisals, and provided the example of a couple who received death threats after having authorized the autopsy of their relative and publishing their grief via social media.⁶⁷¹

The report published in August 2020 by RNDDH indicated that the police lack "adequate and sufficient" material resources to fight armed gangs.⁶⁷² The same source reported that armed individuals attacked a police station in Cité Soleil, on 9 August 2020, and that police officers "had to abandon" their assignments due to the lack of equipment, including "bulletproof vests, helmets, armoured vehicles, or enough weapons and ammunition".⁶⁷³ For more information on the structure of the police, see [Section 1.5](#).

⁶⁶⁵ IACHR, *Annual Report 2020*, n.d., www.oas.org/en/iachr/docs/annual/2020/Chapters/IA2020cap_4A-en.pdf, para. 432; UN, Security Council, *United Nations Integrated Office in Haiti Report of the Secretary-General*, 11 February 2021, www.ecoi.net/en/file/local/2046038/S_2021_133_E.pdf, para. 31.

⁶⁶⁶ OHCHR and BINUH, *Rapport sur les allégations de violations et abus des droits de l'homme lors des attaques dans le quartier de Bel-Air, à Port-au-Prince, du 4 au 6 novembre 2019*, February 2020, www.ecoi.net/en/file/local/2026740/20200217_haiti_-_rapport_bel-air_-_final_master_version.pdf, p. 4; IHRC and OHCHH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 8.

⁶⁶⁷ IHRC and OHCHH, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, www.haitilibre.com/docs/Killing_With_Impunity-1.pdf, p. 3.

⁶⁶⁸ OHCHR and BINUH, *Rapport sur les allégations de violations et abus des droits de l'homme lors des attaques dans le quartier de Bel-Air, à Port-au-Prince, du 4 au 6 novembre 2019*, February 2020, www.ecoi.net/en/file/local/2026740/20200217_haiti_-_rapport_bel-air_-_final_master_version.pdf, p. 4, para. 21.

⁶⁶⁹ US, OSAC, *Haiti 2020 Crime & Safety Report*, 29 April 2020, www.osac.gov/Content/Report/09752c66-7cac-47f7-a92e-188fe7af0f75.

⁶⁷⁰ RNDDH, *Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids: The Authorities in Power Have Installed Terror in Cité Soleil*, 13 August 2020, <https://web.rnddh.org/wp-content/uploads/2020/08/Version-Anglaise-Rap-Cit%C3%A9-Soleil-082020.pdf>, p. 2.

⁶⁷¹ Independent, *Coronavirus and a Man Named Barbecue Are Testing the Rule of Law in Haiti*, 24 August 2020, www.independent.co.uk/news/world/haiti-coronavirus-barbecue-crime-law-a9681636.html.

⁶⁷² RNDDH, *Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids: The Authorities in Power Have Installed Terror in Cité Soleil*, 13 August 2020, <https://web.rnddh.org/wp-content/uploads/2020/08/Version-Anglaise-Rap-Cit%C3%A9-Soleil-082020.pdf>, p. 2.

⁶⁷³ RNDDH, *Assassinations, Ambushes, Hostage-taking, Rape, Fires, Raids: The Authorities in Power Have Installed Terror in Cité Soleil*, 13 August 2020, <https://web.rnddh.org/wp-content/uploads/2020/08/Version-Anglaise-Rap-Cit%C3%A9-Soleil-082020.pdf>, pp. 25-26.

The IACHR Resolution 65 of 31 December 2019, granted precautionary measures in benefit of participants of the La Saline Victims Committee regarding the armed attack by gangs in the neighbourhood of La Saline in Port-au-Prince in 2018.⁶⁷⁴ According to the IACHR, the precautionary measures were granted "in the belief that they face a serious, urgent risk of suffering irreparable damage" and the IACHR stated that "beneficiaries continued to be subjected to threats, harassment and other acts of violence, for filing complaints and for further pursuing their demands for justice for the events that allegedly took place on November 13, 2018."⁶⁷⁵

Additional information on access to complaint mechanisms could not be found among the sources consulted within the time constraints of this report.

⁶⁷⁴ IACHR, *IACHR Grants Precautionary Measures in Favor of Victims of La Saline in Haiti*, 29 January 2020, www.oas.org/en/iachr/media_center/PReleases/2020/017.asp.

⁶⁷⁵ IACHR, *IACHR Grants Precautionary Measures in Favor of Victims of La Saline in Haiti*, 29 January 2020, www.oas.org/en/iachr/media_center/PReleases/2020/017.asp.

6 Situation of persons affected by natural disasters

Sources indicated that Haiti is vulnerable to natural hazards⁶⁷⁶ since it is located on a geological line prone to be affected by seismic faults and seasonal hurricanes.⁶⁷⁷ According to the Assessments Capacities Project (Acaps), a non-profit international organization specialized in humanitarian needs analysis and assessment,⁶⁷⁸ the country is also subject to recurring droughts, "flooding, soil erosion, mudslides, and the drying up of rivers".⁶⁷⁹ OCHA reported that "around" 3,3 million persons (34 per cent of the population) live in areas where there is a "high risk" of flooding.⁶⁸⁰ On 23 August 2020, tropical storm Laura caused flooding, damage of houses, destruction of roads and deaths.⁶⁸¹ On 5 April 2021, intense rains flooded "more than" 1,270 houses, with some reported deaths and missing persons.⁶⁸²

Human Rights Watch reported that, "at least" 12,000 persons were displaced in 2020 due to violence committed by non-state armed groups and a cyclone that affected the country in July 2020.⁶⁸³ According to the Internal Displacement Monitoring Centre (IDMC), body of the international humanitarian organization Norwegian Refugee Council (NRC) specialized in data on internal displacement,⁶⁸⁴ natural disasters caused 1,200 new displacements during 2019⁶⁸⁵ and 51,000 was the total estimate of internal displacement from natural disaster as of December 2019 based on empirical information

⁶⁷⁶ UN, OHCHR, *Human Rights Situation in Haiti: Briefing to the Security Council on Haiti*, 3 April 2019, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24438&LangID=E; Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 2; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 6.

⁶⁷⁷ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 3; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 93.

⁶⁷⁸ Acaps, *In Short*, n.d., www.acaps.org/who-we-are/in-short.

⁶⁷⁹ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 3.

⁶⁸⁰ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 93.

⁶⁸¹ Weather Channel (the), *Tropical Storm Laura Kills at Least 23 People in Haiti, Dominican Republic*, 25 August 2020, <https://weather.com/news/news/2020-08-24-tropical-storm-hurricane-laura-haiti-cuba-dominican-republic-puerto-rico>; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 6.

⁶⁸² PAHO, WHO, *Natural Disasters Monitoring - April 6, 2021*, 6 April 2021, www.paho.org/en/natural-disasters-monitoring/natural-disasters-monitoring-april-6-2021; Floodlist, *Haiti – 3 Dead, 3 Missing After Floods in North*, 6 April 2021, <http://floodlist.com/america/haiti-floods-april-2021>.

⁶⁸³ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

⁶⁸⁴ IDMC, *About us*, n.d., www.internal-displacement.org/about-us.

⁶⁸⁵ IDMC noted that "[t]his [number] corresponds to the latest reported occurrences of disaster-related internal displacement. This refers to a number of movements, and not people, as individuals can be displaced several times, and the data we collect does not always reflect this". See: IDMC, *Haiti: Country Information*, n.d., www.internal-displacement.org/countries/haiti.

6.1 Situation of persons in temporary shelters

Sources indicated that, by the end of 2019, there were "nearly" 33,000 persons living in displacement sites since the 2010 earthquake.⁶⁸⁶ The International Organization for Migration (IOM) listed 23 camps in a 2019 site assessment, including one named "Canaan".⁶⁸⁷ In January 2020, Miami Herald, a news outlet based in Florida, reported that there were 22 camps not including Canaan.⁶⁸⁸ In March 2021, OCHA indicated that there were 273,592 persons in need of shelter assistance due to natural hazards or conflicts, and the "majority" of the 200 thousand persons affected by an earthquake in 2018 were living in damaged houses at risk to collapse.⁶⁸⁹

Sources indicated that persons living in shelters lack access to basic services, such as water and electricity.⁶⁹⁰ According to a 2021 OCHA report about humanitarian needs in Haiti, "most" shelters are not adapted to implement hygienic and basic infrastructure requirements, including ventilation, and persons living in shelters are subject to diseases and face increased food insecurity and malnutrition.⁶⁹¹ The same source reported that between 70 and 90 per cent of temporary shelters, including shelters run by the government, do not comply with neither Sphere humanitarian standards^{692, 693}. For instance, OCHA estimate that 75 per cent of evacuation shelters lack accessibility for persons with reduced mobility, which represent 15 per cent of persons in need of shelter assistance,⁶⁹⁴ and none of the evacuation shelters in the departments of Gros Morne, Bassin Bleu, Saint Louis du Nord, Chalsome and Port-de-Paix were found to be "totally functional".⁶⁹⁵ A 2019 site assessment by the IOM indicated that none of the shelters had waste management.⁶⁹⁶ The same source also provided the following

⁶⁸⁶ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html; IDMC, *Haiti: Country Information*, n.d., www.internal-displacement.org/countries/haiti.

⁶⁸⁷ IOM, *DTM Haiti Site Assessment Round 33XLSX*, 6 September 2019, <https://data.humdata.org/dataset/haiti-displacement-data-site-assessment-iom-dtm>.

⁶⁸⁸ Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html.

⁶⁸⁹ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 67.

⁶⁹⁰ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti; Global News, *Haiti 10 Years Later: Temporary Tent City Turns into Makeshift Community for 300,000*, 12 January 2020, <https://globalnews.ca/news/6400510/haiti-revisited-tent-city/>; Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html.

⁶⁹¹ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 68.

⁶⁹² Sphere standards are a set of principles and minimum standards to guide humanitarian response launched in 1997 and used as a reference tool worldwide by humanitarian organizations, UN agencies, governments. See: Sphere, *Humanitarian Standards*, n.d., <https://spherestandards.org/humanitarian-standards/>.

⁶⁹³ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 68.

⁶⁹⁴ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 67.

⁶⁹⁵ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 69.

⁶⁹⁶ IOM, *DTM Haiti Site Assessment Round 33XLSX*, 6 September 2019, <https://data.humdata.org/dataset/haiti-displacement-data-site-assessment-iom-dtm>.

regarding the number of individuals and shelters as well as provision of toilets, water and bathing structure for each settlement:

Commune	Camp Name	Individuals	Shelters	Presence of Toilets	Water Provision	Presence of Bathing
LEOGANE	Mopal	28	6	Yes	No	No
GRESSIER	Teren de la Kolin	604	139	Yes	No	No
PETION-VILLE	Tabarre ISA	2,894	553	No	No	No
TABARRE	Centre Refugies Hatiens	1,237	224	Yes	Yes	No
CROIX-DES-BOUQUETS	New Life Village	45	28	Yes	No	No
LEOGANE	Modsol	1,720	584	Yes	Yes	No
CARREFOUR	CHEGER/ Des gens sans abri	1,502	328	Yes	Yes	No
CITE SOLEIL	Radio Commerce	1,843	445	Yes	No	Yes
CROIX-DES-BOUQUETS	Corail Sector3	3,939	898	Yes	Yes	No
TABARRE	Village Eden	334	69	Yes	No	No
CARREFOUR	Centre d'hebergement Ti Kajou	1,275	425	Yes	No	No
PORT-AU-PRINCE	Kano	2,157	500	No	No	No
LEOGANE	CSC	660	0	Yes	No	No
LEOGANE	CCDL	32	100	Yes	No	Yes
CROIX-DES-BOUQUETS	Corail Sector4	5,068	1,116	Yes	Yes	Yes
DELMAS	CSSVM	772	234	Yes	No	No
DELMAS	Terrain Toto	4,759	1,442	Yes	No	No
DELMAS	Kan de Benediction	1,315	392	No	No	No
DELMAS	Village Des Refugies	1,125	341	Yes	No	No
DELMAS	Camp Canaan	1,703	516	Yes	Yes	No

DELMAS	Comite de Crise Teren Toto (CCTT)	488	148	Yes	No	No
TABARRE	St Etienne 1	461	0	Yes	No	No
TABARRE	St Etienne 2	547	125	Yes	No	No

Chart 5: IOM, *DTM Haiti Site Assessment Round 33XLSX*, 2019.⁶⁹⁷

Persons in shelters were reported to be at risk of gender-based violence, including rape.⁶⁹⁸ According to OCHA, 60 per cent of persons in need of humanitarian assistance who are in shelters are women or girls, and 45 per cent of them are children.⁶⁹⁹ Tøraasen indicated that factors contributing to the vulnerability of women and girls to sexual violence and exploitation in shelters include lack of sanitary facilities and security personnel, overcrowding and "poor lighting".⁷⁰⁰

6.2 Situation of persons affected by 2010 earthquake and 2016 hurricane

Sources indicated that both the 2010 earthquake and the 2016 Hurricane Matthew caused destruction or damages on infrastructure, houses, health facilities and livestock production.⁷⁰¹ The 2010 earthquake triggered the displacement of 1.5 million persons⁷⁰² and, according to a 2020 report by the US Congressional Research Service, the country is "still" in the process of recovering from damages caused by the 2010 earthquake and the 2016 Hurricane Matthew.⁷⁰³

⁶⁹⁷ IOM, *DTM Haiti Site Assessment Round 33XLSX*, 6 September 2019, <https://data.humdata.org/dataset/haiti-displacement-data-site-assessment-iom-dtm>.

⁶⁹⁸ Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html; Tøraasen, Marianne, CMI, *Women's Status in Haiti Ten Years after the Earthquake*, CMI Brief, No. 7, June 2020, www.cmi.no/publications/file/7263-womens-status-in-haiti-ten-years-after-the-earthquake.pdf, p. 3; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 68.

⁶⁹⁹ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 67.

⁷⁰⁰ Tøraasen, Marianne, CMI, *Women's Status in Haiti Ten Years after the Earthquake*, CMI Brief, No. 7, June 2020, www.cmi.no/publications/file/7263-womens-status-in-haiti-ten-years-after-the-earthquake.pdf, p. 3.

⁷⁰¹ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 2; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 93.

⁷⁰² US, CIA, *The World Factbook: Haiti*, 30 March 2021, www.cia.gov/the-world-factbook/countries/haiti/; Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 5; IDMC, *Haiti: Country Information*, n.d., www.internal-displacement.org/countries/haiti.

⁷⁰³ US, CRS, *Haiti's Political and Economic Conditions*, 5 March 2020, <https://fas.org/sqp/crs/row/R45034.pdf>.

Although "most" of the displaced persons have returned to their place of origin,⁷⁰⁴ sources reported that houses remain damaged⁷⁰⁵ and persons living in informal settlements are vulnerable to effects of natural hazards, including landslides.⁷⁰⁶ According to Human Rights Watch's *World Report 2021*, "over" 140 thousand families that were displaced due to Hurricane Matthew continue in need of "decent shelter".⁷⁰⁷ Juliette Benet, in an expert opinion published by IDMC in January 2020, stated that displaced persons have not been able to return to their habitual residence due to poor living conditions in such places.⁷⁰⁸ Sources indicated that persons move among shelters seeking livelihood opportunities⁷⁰⁹ and, in accordance with IDMC, there is also a movement from rural to urban areas.⁷¹⁰

There are temporary sites created to receive displaced persons that became informal settlements inside or nearby urban sites.⁷¹¹ Sources indicated that settlements in the metropolitan area of Port-au-Prince lack structure.⁷¹² According to the Miami Herald, "some" communities formed out of settlements for displaced persons are "controlled" by non-state armed groups.⁷¹³ The same source quoted a man living in a "tent city" in Delmas, in the

⁷⁰⁴ Juliette Benet, *Behind the Numbers: the Shadow of 2010's Earthquake Still Looms Large in Haiti*, IDMC, Expert Opinion, January 2020, www.internal-displacement.org/expert-opinion/behind-the-numbers-the-shadow-of-2010s-earthquake-still-looms-large-in-haiti; Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html.

⁷⁰⁵ Acaps, *Complex Crisis: Haiti*, Briefing Note, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 5; Juliette Benet, *Behind the Numbers: the Shadow of 2010's Earthquake Still Looms Large in Haiti*, IDMC, Expert Opinion, January 2020, www.internal-displacement.org/expert-opinion/behind-the-numbers-the-shadow-of-2010s-earthquake-still-looms-large-in-haiti.

⁷⁰⁶ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 67; Acaps, *Complex Crisis: Haiti*, Briefing Note, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 5

⁷⁰⁷ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

⁷⁰⁸ Juliette Benet, *Behind the Numbers: the Shadow of 2010's Earthquake Still Looms Large in Haiti*, IDMC, Expert Opinion, January 2020, www.internal-displacement.org/expert-opinion/behind-the-numbers-the-shadow-of-2010s-earthquake-still-looms-large-in-haiti.

⁷⁰⁹ UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 67; Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html; IDMC, *Haiti: Country Information*, n.d., www.internal-displacement.org/countries/haiti.

⁷¹⁰ IDMC, *Haiti: Country Information*, n.d., www.internal-displacement.org/countries/haiti.

⁷¹¹ IDMC, *Haiti: Country Information*, n.d., www.internal-displacement.org/countries/haiti; Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html; Global News, *Haiti 10 Years Later: Temporary Tent City Turns into Makeshift Community for 300,000*, 12 January 2020, <https://globalnews.ca/news/6400510/haiti-revisited-tent-city/>.

⁷¹² UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 69; Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html.

⁷¹³ Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html.

metropolitan area of Port-au-Prince, as stating that people living in the settlement faced lack of access to "basic amenities" and water.⁷¹⁴

The "biggest" settlement created as a temporary shelter to accommodate persons affected by the 2010 earthquake is called Canaan, located in the north of Port-au-Prince, and hosted three hundred thousand people as of January 2020.⁷¹⁵ Sources reported that persons at the camp face lack of basic public services, such as running water and electricity.⁷¹⁶ Authorities have reportedly requested the removal of informal settlements, including Canaan, from official data publicized about shelters.⁷¹⁷

Additional information about the situation of persons affected by 2010 earthquake and 2016 hurricane could not be found among the sources consulted within the time constraints of this report.

6.3 Treatment by authorities

Information on the availability of state protection was scarce among the sources consulted within the time constraints of this report.

Sources indicated that there are "limited" government initiatives and resources destined for the management and preparedness for emergencies, such as on infrastructure and reforestation, and that the population remains vulnerable to weather conditions due to the lack of state response.⁷¹⁸ Without providing further details, Acaps reported that "few resources" and "limited support" were available from the Direction for Civil Protection (DPC, *Direction de la Protection Civile*) to respond the cyclone season of June-November 2019.⁷¹⁹ In addition, there is no public investment in shelters and in the construction or reconstruction of houses.⁷²⁰

⁷¹⁴ Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html.

⁷¹⁵ Juliette Benet, *Behind the Numbers: the Shadow of 2010's Earthquake Still Looms Large in Haiti*, IDMC, Expert Opinion, January 2020, www.internal-displacement.org/expert-opinion/behind-the-numbers-the-shadow-of-2010s-earthquake-still-looms-large-in-haiti; Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html.

⁷¹⁶ Global News, *Haiti 10 Years Later: Temporary Tent City Turns into Makeshift Community for 300,000*, 12 January 2020, <https://globalnews.ca/news/6400510/haiti-revisited-tent-city/>; Jacob Kushner, *An Ungoverned City: Can Cities Function without a Government? In Canaan, Haiti, residents give it a try*, in: U.S. News and World Report, 15 January 2019, www.usnews.com/news/cities/articles/2019-01-15/canaan-haiti-is-a-test-of-how-a-city-can-self-govern.

⁷¹⁷ Juliette Benet, *Behind the Numbers: the Shadow of 2010's Earthquake Still Looms Large in Haiti*, IDMC, Expert Opinion, January 2020, www.internal-displacement.org/expert-opinion/behind-the-numbers-the-shadow-of-2010s-earthquake-still-looms-large-in-haiti; Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html.

⁷¹⁸ BTI Country Report 2020, p. 27; UN, OCHA, *Haiti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hiti_hno_2021-fr.pdf, pp. 8, 67.

⁷¹⁹ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 3.

⁷²⁰ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 5; Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html; Bertelsmann Stiftung, BTI Transformation Index, *Country Report 2020: Haiti*, 2020, www.bti-project.org/content/en/downloads/reports/country_report_2020_HTI.pdf, p. 27.

According to Human Rights Watch, authorities have not provided oversight or services in settlements neither offered assistance for persons to return to their places of origin.⁷²¹

OCHA indicated that the state lacks operational capacity for emergency response, including for the functioning of the DPC,⁷²² which is in charge of coordinating response in situations of emergency,⁷²³ and stated that the country is not "prepared to address natural catastrophes".⁷²⁴ Humanitarian and development organizations work in partnership with DPC in support of government efforts to emergency response.⁷²⁵ A situation report published by OCHA on 9 August 2019 indicated that the DPC had an alert system and "well established" communication procedures at national and local level, but resources such as fuel and workforce were "generally" lacking for the operation of the Departmental Emergency Operations Centres (COUDs, *Centres d'Opérations d'Urgence Départementaux*).⁷²⁶ Corroborating information could not be found among the sources consulted within the time constraints of this report.

On 8 January 2020, the Miami Herald reported that the legislative had not voted a new legislation on "quake-resistant building".⁷²⁷ In accordance with OCHA, a decree on the National Risk and Disaster Management System (SNGRD, *Système National de Gestion des Risques et des Désastres*) was published on 15 June 2020 aiming at the establishment of an intersectoral body in charge of elaborating and implementing a country policy on risk and disaster management.⁷²⁸ In July 2020, the government approved the National Risk and Disaster Management Plan 2019-2030 which was reportedly based on a "participatory, inclusive and multisectoral process" and considered the situation of recurrent natural disasters and "multidimensional poverty" prevailing in the country.⁷²⁹

⁷²¹ Human Rights Watch, *World Report 2021: Haiti*, 13 January 2021, www.hrw.org/world-report/2021/country-chapters/Haiti.

⁷²² UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 26.

⁷²³ UN, OCHA, *HAITI Situation Report Last updated: 17 June 2019*, 17 June 2019, www.ecoi.net/en/file/local/2010947/Situation+Report+-+Haiti+-+17+Jun+2019.pdf, p. 2.

⁷²⁴ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 93.

⁷²⁵ Acaps, *Complex Crisis: Haiti, Briefing Note*, 23 March 2020, www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf, p. 3; UN, OCHA, *HAITI Situation Report Last updated: 17 June 2019*, 17 June 2019, www.ecoi.net/en/file/local/2010947/Situation+Report+-+Haiti+-+17+Jun+2019.pdf, p. 2.

⁷²⁶ UN, OCHA, *Haïti Rapport de situation Dernière mise à jour: 9 août 2019*, 9 August 2019, www.ecoi.net/en/file/local/2014229/Rapport+de+situation+-+Haiti+-+9+aou%CC%82t+2019.pdf, p. 2.

⁷²⁷ Miami Herald, *Ten Years after Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises*, 8 January 2020, www.miamiherald.com/news/nation-world/world/americas/haiti/article238836103.html.

⁷²⁸ UN, OCHA, *Haïti aperçu des besoins humanitaires 2021*, March 2021, www.ecoi.net/en/file/local/2046961/hti_hno_2021-fr.pdf, p. 26.

⁷²⁹ Haiti Libre, *Haiti - Security : National Risk and Disaster Management Plan*, 26 July 2020, www.haitilibre.com/en/news-31377-haiti-security-national-risk-and-disaster-management-plan.html; PreventionWeb, *Haiti Approves a New Risk and Disaster Management Plan*, 15 July 2020, www.preventionweb.net/news/view/72922.

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