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HAUT-COMMISSARIAT

Report on the situation of human rights in Haiti

1 July 2015 – 31 December 2016



July 2017

Executive summary

1. The present report, prepared by the Human Rights Section (HRS) of the United Nations Stabilization Mission in Haiti (MINUSTAH) / Office of the High Commissioner for Human Rights (OHCHR), presents and analyses the key elements of the human rights situation in Haiti between July 2015 and December 2016. It follows a report covering the period from July 2014 to June 2015 and published in February 2016.
2. Among the most important developments, it highlights the conclusion of the electoral cycle, which, after 18 months of sometimes violent protests, resulted in a return to constitutional order with the election of the President, 119 deputies (including three women), 20 senators (including one woman), and the holding of local elections. Haiti continued its collaboration with the special procedures of the Human Rights Council and United Nations treaty bodies. However, this relatively satisfactory involvement of the State in the implementation of human rights mechanisms should not mask the lack of substantive progress underlined in this report and in previous MINUSTAH public reports.
3. Despite the existence of a national normative framework regulating the exceptional circumstances under which law enforcement agents can resort to force (including firearms), the HRS has conducted several investigations on allegations of illegal use of force by state agents, which in some cases resulted in death. Allegations of ill-treatment and illegal or arbitrary arrests by Haitian National Police have also been reported. The HRS notes that despite its efforts to improve communication and increase transparency, the General Inspectorate of the HNP does not allocate enough resources to investigate crimes committed by police officers.
4. Even if the prison population ceased to increase during the period under review, its extent remains alarming and amounts to cruel, inhuman and degrading treatment. The dysfunctioning judicial system and illegal arrests are the main causes of this situation, which has continued to deteriorate since 2004. The measures that have been taken until now have not reversed this trend. The average occupancy rate of prisons in the country is 644 per cent and the average space available is 0.7 square metres per person.
5. The extreme slowness of judicial proceedings in cases related to political crimes of the past, such as the so-called ‘Duvalier’ and ‘Aristide’ affaires or the murder of journalist Jean Léopold Dominique, highlights the incapacity or unwillingness by the prosecution to conduct such proceedings and constitutes an obstacle in the fight against impunity.
6. Thousands of people of Haitian descent, or considered Haitian by the Dominican authorities, have returned or have been deported to Haiti, and have faced difficulties in their reception and reintegration. Beyond the migratory situation on the border with the Dominican Republic, the HRS is concerned about the limited capacity of Haiti to respond to the needs created by the growing risk of deportation due to an increasingly strict regional migration policy, which particularly affects people of Haitian origin, and in particular from countries such as the Bahamas, the United States and the Turks and Caicos Islands.
7. The HRS has continuously monitored and investigated the allegations of discrimination based on gender, sexual orientation and disability and supported civil society organizations fighting against these types of discrimination. The HRS noted that authorities who have the responsibility to protect and respect the rights of all people without discrimination were at the origin of a ban put on a cultural festival serving as a platform for artists from the LGBTI community. Several critics of the event had publicly affirmed that such festivals undermine the Haitian social and moral foundations and disrupt public order.