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Bi-Annual Report on Human Rights in Haiti
July – December 2013
Executive Summary



June 2014

Human Rights in Haiti - July to December 2013

Executive Summary

This report, prepared by the Human Rights Section of MINUSTAH / High Commissioner for Human Rights (HRS), presents and analyses key elements of the situation of human rights in Haiti between July and December 2013. It follows a report covering the period January to June 2013, published in September 2013.¹

Among the most important developments in the second half of 2013, we note the ratification of the International Covenant on Economic, Social and Cultural Rights and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption as well as the signing of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Another important advance is the accreditation of the Office of the Citizen Protector (Ombudsman, OPC) with A status by the Sub-Committee on Accreditation of the International Coordinating Committee for National Human Rights Institutions. However, some recommendations were made, especially in regard to the principle of independence.

Most of the 122 recommendations accepted by Haiti after its first Universal Periodic Review (UPR) cycle in 2011 are underway.² Thirteen recommendations, including on the fight against trafficking in persons, have not seen any progress since the submission to parliament of the draft law on trafficking. Six recommendations that Haiti did not accept, concerning the national institution for the promotion and protection of human rights, have nonetheless been implemented. It should be noted that budgetary constraints and the challenges of reconstruction needs following the earthquake of 2010 constitute significant obstacles to the effective implementation of certain recommendations.

Although ill-treatment, arbitrary arrest and illegal use of force by agents of the Haitian National Police (PNH), including the Penitentiary Administration (DAP), remained a major concern throughout the country, the HRS is much more troubled about the weakness of the mechanisms put in place to respond to these allegations. The General Inspectorate of the Haitian National Police (IGPNH) reports that disciplinary investigations are conducted on a regular basis, among which 324 resulted in recommendations for sanctions during the period (out of a total of 1,022 files created). On 31 December 2013, the IGPNH was finalizing its annual activity report, demonstrating the institution's commitment to transparency towards the public. No such report had been produced since 2008.

¹ See MINUSTAH and OHCHR, *Rapport semestriel sur les droits de l'homme en Haïti — Janvier à Juin 2013* (in French), available at: <http://bit.ly/1kXuM8>

² Making an exact count is difficult due to the nature of the recommendations: most require ongoing implementation while some others include several issues.

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The prosecution of serious human rights violations committed in the past did not see any significant progress. At the end of 2013, more than seven months after the appeals hearings on the investigating judge's order in the prosecution of Mr. Duvalier, the Court of Appeals had not yet issued its decision.³

During the second part of the year, the HRS continued to monitor cases casting doubt on the independence of the judiciary and confirming that a high level of impunity still prevails in Haiti, in particular, in relation to allegations of threats or acts of retaliation against persons involved in exposing corruption. Additionally, the HRS documented and reported on allegations of attacks against human rights defenders during the period.

Furthermore, the degree of impunity for rape remains very high. The State fails consistently to fulfil its obligation to conduct investigations and to ensure that victims have an effective access to due process.

Violations of the right to liberty and security of the person and the right to a trial within a reasonable time remain among the most numerous violations of human rights observed by the HRS. In particular, the extremely high rate of pre-trial detention — over 70% — and the unreasonable delay between arrest and trial, continue to raise serious concerns.

A large proportion of persons deprived of freedom are detained arbitrarily, in violation of national, regional and international standards, and their conditions of detention amount to cruel, inhuman or degrading treatment, as noted particularly by the Independent Expert on the situation of human rights in Haiti (IE).

It must nevertheless be underscored that the government and MINUSTAH initiated discussions on a national strategy to urgently and significantly reduce overcrowding, by combatting prolonged pre-trial detention and other irregularities in detention.

The HRS continued to monitor and report cases of administrative and judicial authorities, local elected officials and members of parliament employing security guards or civilian "brigades" to perform security functions reserved exclusively to the State. The inaction of the government on this worrying situation, particularly in the pre-election period, raises questions.

Although lynching remains widespread in Haiti, its perpetrators are very rarely held responsible, thereby exacerbating the cycle of impunity. Despite some efforts by state authorities to prevent and combat the phenomenon, these remained largely inadequate. The phenomenon appears to have increased compared to previous years.

The protection of human rights in the context of humanitarian operations and development remains a major challenge in Haiti. In addition to the situation of those living in the camps, considered to be victims of the 2010 earthquake, we must also consider the situation of persons

³ A decision was finally delivered on 20 February 2014, see p. 21.

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living in other informal settlements, created before or since the earthquake, who also experience extreme poverty. The population of these informal settlements does not benefit from relocation assistance programs, because they are not considered victims of the earthquake. Despite efforts on housing policy, serious obstacles still exist in the realisation of the right of all Haitians to decent housing.

The risk of forced eviction has remained a source of concern for the HRS. The Haitian government has not proposed concrete measures to address equitably the claims and rights of both landowners and IDPs.

Finally, the HRS stresses the positive efforts of the Directorate for Civil Protection (DPC) to integrate the principles of protection into emergency response to climate-geological hazards.