



NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT

**Bi-Annual Report on Human Rights in Haiti
January – June 2014
Executive Summary**



Photo: Logan Abassi UN/ MINUSTAH (<https://www.flickr.com/photos/minustah/sets/>)

December 2014

Executive Summary

1. 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 January and June 2014. It follows a report covering the period July to December 2013, published in June 2014.¹

2. Among the most significant developments in the first half of 2014, we note the promulgation and publication of decrees ratifying the Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography of children (4 June). The International Covenant on Economic, Social and Cultural Rights entered into force (8 January) as well as the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1 April). Haiti submitted its mid-term report to the Universal Periodic Review (UPR) and the initial report to the Committee on the Rights of Persons with Disabilities, and is finalising its report to the Committee on the Elimination of Discrimination against Women. To be noted as well is the signature of two Inter-American conventions against racism and discrimination. The visit of the Special Rapporteur on internally displaced persons (29 June to 5 July) was an opportunity to recall the need for sustainable solutions to all persons in situations of vulnerability.

3. If arbitrary arrest and unlawful use of force by agents of the Haitian National Police (PNH) is a major concern across the country, the HRS is also troubled about the weakness of the mechanisms put in place to respond to these allegations. The General Inspectorate of the Haitian National Police (IGPNH) presented a monthly review of its activity, a measure widely covered by the media that shows the organisation's commitment to transparency. It is undeniable that the performance of the IGPNH has improved significantly since last year and that the institution has made significant efforts to increase its credibility as a mechanism of accountability. There remain a large number of cases of professional misconduct by the police that are not brought to its attention. In several other cases where police officers are suspected of having participated to criminal offenses, the HRS observed the reluctance of the HNP to immediately cooperate with the judicial authorities, preferring to rely on the disciplinary investigation conducted by the IGPNH. However, disciplinary and judicial investigations have different objectives and one should never be an obstacle to the other.

4. 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 have been arbitrarily arrested and are arbitrarily detained in conditions amounting to cruel, inhuman or degrading treatment

5. Haiti is still suffering today the consequences of the burdensome legacy it inherited from the past, which could explain its difficulty to fight against impunity for serious violations of hu-

¹ See MINUSTAH and OHCHR, *Rapport semestriel sur la situation des droits de l'homme en Haïti, juillet-décembre 2013* (in French), available at: <http://bit.ly/1vTLmMd>.

Human Rights in Haiti - January to June 2014

man rights committed in the past. While some progress has been made during this period, the setbacks were equally important. Judicial proceedings against Messrs. Aristide and Duvalier and in the case of the murder of journalist Jean Dominique highlight the inability or unwillingness of the public prosecutor to conduct such proceedings. The extreme slowness of the procedures, in itself constitutes a threat to the fight against impunity in that it may comprise an infringement to the victims' and suspects' right to trial within a reasonable time. The Jean Dominique case is still at the investigation stage when the facts date back more than 14 years; it is the same with the case against Mr. Aristide, where the first allegations date back to 2005.

6. The risk of forced evictions for people living in camps or informal settlements remained a source of concern for the HRS. Indeed, the Government has not proposed concrete steps to meet equitably the claims and rights of both landowners and IDPs.

7. The pre-electoral context contributed to demonstrations and tensions between supporters and opponents of the government. Many opposition groups, journalists, and human rights defenders have alleged they were victims of threats and intimidation against their freedom of opinion and expression. They attribute these acts and threats to State officials and government supporters.

8. This report has been shared with the government. Their comments have been annexed to this report.