

## HAITI

Political instability, the lasting effects of the January 2010 earthquake, and the persistence of a deadly cholera epidemic continue to hinder the Haitian government's efforts to meet the basic needs of its people and address long-standing human rights problems, such as violence against women and girls, inhumane prison conditions, and impunity for past abuses.

The February resignation of Prime Minister Garry Conille, and the government's failure to hold key elections in 2012, left critical political posts vacant. In May, the terms of one-third of Haiti's senators ended. However, at this writing elections had still been held to replace them, undermining the body's ability to legislate.

In February, after President Michel Martelly announced his decision not to re-establish the Haitian army, disbanded in 1995 after decades of committing grave human rights abuses, former army personnel occupied old military bases and other buildings. The Haitian National Police (HNP), with the support of United Nations forces, intervened to end the illegal occupations.

The UN estimates nearly 400,000 internally displaced persons (IDPs) were living in camps in June 2012. More than 65,000 people have been evicted from camps since July 2010, and an additional 80,000 camp residents faced the threat of eviction at this writing. A cholera epidemic is estimated to have killed more than 7,440 people and infected 600,000 since October 2010.

### Justice System

Dismissals and resignations of high-ranking officials undercut efforts to increase the effectiveness of the justice system. Minister of Justice Josué Pierre-Louis resigned in late 2011 amid controversy over the arrest of a member of parliament.

Haiti's capital, Port-au-Prince, has had seven chief prosecutors since President Martelly took office in May 2011. In September 2012, Chief Prosecutor Jean Renel Sénatus alleged he was fired for denying a request by Minister of Justice Jean Renel Sanon to issue 36 illegal arrest warrants for government opponents, including three esteemed human rights lawyers.

Martelly formally established the Superior Council of the Judiciary in July 2012. A 2007 law provided for this body to promote judicial independence in a justice system long troubled by politicization, corruption, and lack of transparency. Within the first month of operation, two council members resigned over allegations that the executive had wielded undue influence when appointing the Permanent Electoral Council (CEP). As of November 2012, the council struggled to fulfill its mandate as controversy continued to engulf the CEP appointments.

The HNP's weak capacity contributes to overall insecurity in Haiti. While the government and the UN Stabilization Mission in Haiti (MINUSTAH) have made reforming the police a priority, there have been difficulties training sufficient numbers of entry-level cadets. According to the UN Office of the High Commissioner for Human Rights (OHCHR), Haitian authorities have made little progress in investigating allegations of extrajudicial killings, arbitrary arrests, and ill-treatment of detainees by police that occurred in 2011.

## **Detention Conditions**

Haiti's prison system remains severely overcrowded, in large part due to high numbers of arbitrary arrests and prolonged pre-trial detentions. For example, in the prison in St. Marc, western Haiti, 36 inmates occupy a cell designed to hold only 8, and must take turns sitting and sleeping because of limited space. The UN reported a dramatic increase in prisoner deaths in the first half of 2012—from 43 in all 2011 to 69 in the first half of 2012—due to a resurgence of cholera and tuberculosis in Haiti's prisons.

A review of potential cases of arbitrary detention by prison and judicial officers led to numerous individuals being released in 2012.

## **Women's Rights**

While Haiti has long suffered from high rates of sexual violence, the precarious conditions after the earthquake have left some women and girls more vulnerable to such abuse. Even

as displacement camps close, gender-based violence continues to be a problem. Victims face challenges in accessing post-rape medical services to prevent unwanted pregnancy or sexually transmitted diseases.

The justice sector fails to respond adequately to these crimes, yet 2012 saw progress in some cases: courts in Port-au-Prince convicted at least 13 individuals for rape in August 2012. Two of these convictions were obtained with the support of forensic evidence, an advance for Haiti's judicial system.

### **Children's Rights**

Prior to the earthquake, only about half of primary school-age children in Haiti attended school. In 2011, President Martelly introduced a plan for free universal primary education. By the beginning of 2012, an estimated 772,000 children had received tuition assistance through the program.

Use of child domestic workers—known as *restavèks*—continues, despite efforts to end the practice. *Restavèks*, 80 percent of whom are girls, are sent from low-income households to live with wealthier families in the hope that they will be schooled and cared for in exchange for performing light chores. These children are often unpaid, denied education, and physically or sexually abused.

After numerous reports of improper adoption procedures immediately after the earthquake, some children's rights advocates raised concerns that the government lacked adequate adoption procedures. To ensure greater protection of children in the adoption process, parliament ratified the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption in June 2012.

### **Accountability for Past Abuses**

Former President Jean-Claude Duvalier returned to Haiti in January 2011 after nearly 25 years in exile. He was charged with financial and human rights crimes allegedly committed during his 15-year tenure as president. From 1971 to 1986, Duvalier commanded a network of security forces that committed serious human rights violations, including arbitrary detentions, torture, disappearances, summary executions, and forced exile.

In January 2012, the investigating judge in the case found, contrary to international standards, that the statute of limitations prevented prosecuting Duvalier for his human rights crimes. An appeal was pending at this writing.

## **Key International Actors**

MINUSTAH has been in Haiti since 2004. In October 2010, allegations surfaced that a contingent of UN peacekeepers were the source of the cholera epidemic. A UN independent investigation found that the cholera epidemic was caused by a confluence of circumstances, while numerous scientific analyses claim evidence that MINUSTAH soldiers most likely introduced the strain.

In November 2011, the Institute for Justice and Democracy in Haiti and the Bureau des Avocats Internationaux filed a complaint with the UN on behalf of 5,000 cholera victims, alleging that MINUSTAH was the proximate cause of their illness. The complaint seeks the installation of a national water and sanitation system, financial compensation for individual victims, and a public apology from the UN. At this writing, no progress had been reported in the case.

Sexual abuse and exploitation by UN forces in Haiti remains a problem. According to UN figures, at least 60 allegations of sexual abuse have been made against peacekeepers in the last five years. In 2012, several Pakistani peacekeepers were accused of raping a 14-year-old boy. Pakistani authorities court-martialed two of them on a UN base, sentencing each of them to one year in prison in Pakistan. Local Haitian authorities were not notified until after the trial.

The UN Security Council extended MINUSTAH's mandate through October 15, 2013.

Haiti's parliament ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in January 2012.