

## Haiti

The continuing political crisis in Haiti, spurred by contested presidential elections in 2015, led to a power vacuum at the head of state. President Michel Martelly's term of office expired in February 2016, and the 120-day term of provisional President Jocelerme Privert expired in June, though he remained in office at time of writing. A new parliament took office in January 2016, after effectively shutting down in 2015, but continued protracted stalemates over presidential and remaining parliamentary elections hampered legislators' ability to tackle pending priorities.

The crisis hindered the Haitian government's ability to meet the basic needs of its people, resolve longstanding human rights problems, or address continuing humanitarian crises, even as a new crisis emerged. In October 2016, Hurricane Matthew, a devastating storm, hit Haiti's southwest. President Privert estimated the losses surpassed the entire national budget and warned of an impending serious food crisis, driven by the loss of crops from the storm.

As of August, authorities had failed to assist many of the 61,000 individuals still living in displacement camps since the 2010 earthquake to resettle or return to their places of origin, and many continued to face environmental risks and the threat of forced evictions. An ongoing drought affecting much of the country pushed the number of people living with food insecurity to one-third of the population.

Haiti's cholera epidemic has claimed more than 9,300 lives and infected more than 780,000 people in five years. There were more than 21,000 suspected cases and, as of July, 200 deaths in 2016. Cholera cases surged in October in the communities most impacted by Hurricane Matthew. In November, an ambitious campaign aimed to vaccinate more than 800,000 people in seven days.

## **Electoral Crisis**

Presidential and run-off parliamentary elections in October 2015 were contested, and second-round elections were deferred multiple times. To thwart a constitutional crisis when President Martelly's term ended on February 7 without an elected successor, Martelly signed an agreement with the president of the Senate and the Chamber of Deputies that established a short-term solution. Prime Minister Evans Paul served in the presidency until the National Assembly selected a provisional president, Jocelerme Privert, to serve for a 120-day term, during which new presidential elections were scheduled. But the April elections were postponed, and Privert's term expired before a successor was elected. At time of writing, Privert was still acting as president.

In June, a special commission confirmed fraud and irregularities in the 2015 presidential and run-off parliamentary elections and scheduled a new first-round presidential election to be held in October. Presidential campaigning began in September. Due to Hurricane Matthew, the elections were further postponed and finally took place November 20. They proceeded without major reported incidents. At time of writing, the outcome of the November elections was not known. If none of the 27 candidates received more than 50 percent of the vote, a run-off election was scheduled for January 29, 2017.

## **Criminal Justice System**

Haiti's prison system remained severely overcrowded, with many inmates living in inhumane conditions. According to United Nations Secretary-General Ban Ki-moon, nearly all of the almost 11,000 inmates in Haiti's national prison system have access to less than one square meter of space and most face 23 hours of confinement a day. Overcrowding is attributed to high numbers of arbitrary arrests and overuse of pretrial detention. According to Ban, more than 70 percent of suspects are held pending trial. Although the UN and international donors have supported several initiatives to reduce the percentage, it barely budged in 2016.

## **Illiteracy and Barriers to Education**

Approximately one in two Haitians age 15 and older is illiterate. The UN independent expert on Haiti said in 2015 that action to eradicate illiteracy is one of the top human rights priorities in Haiti.

More than 200,000 children remain out of primary school in the country. The quality of education is generally low, and 90 percent of schools are run by private entities that charge school fees that can be prohibitively expensive for low-income families. In March, the UN Committee on the Rights of the Child called on Haiti to establish a comprehensive regulatory framework for—and to monitor regularly—private education providers, to ensure that, among other recommendations, they comply with quality standards and regularly report to relevant authorities on their financial operations, including on school fees and salaries.

### **Accountability for Past Abuses**

The Human Rights Committee and the UN independent expert on Haiti have both called on Haiti to continue investigations into financial and human rights crimes allegedly committed during former President Jean-Claude Duvalier's tenure as president from 1971 to 1986. They have called on Haiti to bring to justice all those responsible for serious human rights violations committed during Duvalier's tenure. Allegations of violations include arbitrary detentions, torture, disappearances, summary executions, and forced exile.

Duvalier died in 2014, six months after the Port-of-Prince Court of Appeal ruled that the statute of limitations could not be applied to crimes against humanity and ordered that investigations against him should continue. At time of writing, a reopened investigation into crimes committed by Duvalier's collaborators remained pending.

### **Violence against Women**

Gender-based violence is a widespread problem. Haiti does not have specific legislation domestic violence, sexual harassment, or other forms of violence targeted at women. Rape is only criminalized according to a 2005 ministerial decree. In March, the UN Committee on the Elimination of Discrimination Against Women called on Haiti to expedite the adoption of a draft law on violence against women. The political crisis prevented progress towards consideration of the bill or a similarly pending criminal code reform that would address gaps in protection.

## **Children’s Domestic Labor**

Widespread use of child domestic workers—known as restavèk—continues. Restavèks, most 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. Though difficult to calculate, some estimates suggest that between 225,000 and 300,000 children work as restavèks. These children are often unpaid, denied education, and physically or sexually abused. Haiti’s labor code does not set a minimum age for work in domestic services, though the minimum age for work in industrial, agricultural, and commercial enterprises is 15. In March, the UN Committee on the Rights of the Child called on Haiti to criminalize the practice of placing children in domestic service.

## **Deportation and Statelessness for Dominicans of Haitian Descent**

At least 135,000 Dominicans of Haitian descent and Haitian migrants working in the Dominican Republic reentered Haiti between July 2015 and August 2016, after Dominican officials deported more than 27,000 people and another 24,254 were deported without official documentation, others fled under pressure or threat. This occurred in accordance with a controversial 2015 regularization plan for foreigners in the Dominican Republic. Many deportations did not meet international standards and many people have been swept up in arbitrary, summary deportations without any sort of hearing.

Some of the poorest arrivals live in unofficial camps in the Anse a Pitres area, in harsh conditions with little or no access to basic services. Humanitarians relocated 580 families from these camps into housing in April and May 2016.

## **Key International Actors**

The UN Stabilization Mission in Haiti (MINUSTAH) has been operating since 2004 and has contributed to efforts to improve public security, protect vulnerable groups, and strengthen the country’s democratic institutions. The UN Security Council has extended MINUSTAH’s mandate through April 15, 2017.

In August, prompted by a report of the UN special rapporteur on extreme poverty and human rights, a spokesperson for the UN secretary-general said that MINUSTAH needed “to do more regarding its own involvement in the initial outbreak and the suffering of those affected by cholera.”

In October, the special rapporteur formally issued his report, criticizing the UN's Office of Legal Affairs and alleging that the office came up "with patently artificial and wholly unfounded legal pretense for insisting that the [UN] must not take responsibility for what it has done." The same month, the UN deputy secretary general announced the UN's new approach to cholera in Haiti, which included both an intensification to treat and eliminate cholera, and plans to develop a framework for material assistance to those most affected by cholera.

In a special session of the UN General Assembly in December, the UN secretary-general apologized on behalf of the UN. "We simply did not do enough with regard to the cholera outbreak and its spread in Haiti. We are profoundly sorry for our role," he said. He called the provision of material assistance a "concrete expression" of the UN's "regret" for the suffering of many Haitians. Initial responses from victims were positive, although they highlighted that consultations for implementing the UN plans needed to be robust.

In August, an appeal filed in 2013 by the Institute for Justice and Democracy in Haiti and the Bureau des Avocats Internationaux on behalf of 5,000 victims of the epidemic was dismissed in United States federal court. At time of writing, no petition to the US Supreme Court had been filed. To date, there has been no independent adjudication of the facts surrounding the introduction of cholera and the question of the UN's involvement.

According to figures from the UN Office of Internal Oversight Services, at least 102 allegations of sexual abuse or exploitation have been made against MINUSTAH personnel since 2007.