

Haiti

Despite some initial progress toward stabilization after the presidential election of 2006 and the local elections that followed, Haiti continues to suffer from high crime rates and chronic human rights problems, including inhumane prison conditions and threats to human rights defenders.

The challenges facing Haiti were compounded by food riots in spring 2008 and an exceptionally destructive hurricane season. At least five people were reportedly killed in food riots in Port-au-Prince and Les Cayes in April. The unrest led to Prime Minister Jacques Edouard Alexis's dismissal that month, leaving the post of prime minister vacant until Michèle Pierre-Louis took office in September. Haiti was hit by four hurricanes in August and September, which left hundreds dead and an estimated one million homeless or displaced and in dire need of humanitarian assistance.

Violence and Weak State Institutions

Despite some improvements in the security situation, high levels of violent crime persisted in 2008. In June United Nations police reported that 157 people had been abducted in Haiti in the first six months of the year (a rate of about one person per day). In the context of the overall high rate of kidnappings, the number of child abductions has continued to rise at an alarming rate in urban areas. Most girls who were abducted reported having been raped or sexually abused by their captors. In one highly publicized kidnapping case, despite a ransom being paid, a 16-year-old kidnapping victim was killed and his body was found on the streets of Port-au-Prince bearing signs of torture.

Police lawlessness contributes to overall insecurity. The Haitian National Police is largely ineffective in preventing and investigating crime. Reports of arbitrary arrests as well as excessive and indiscriminate use of force by police continue. There are

also allegations of involvement of some police officers in criminal activity. Although some police units have received training on human rights and arrest procedures, the police continue to experience severe shortages of personnel, equipment, and training.

Haiti also continues to suffer from an ineffective justice system plagued by politicization, corruption, and a lack of personnel, training, and resources. In 2008 Haiti was ranked 177 out of 180 on Transparency International's Corruption Perceptions Index, which serves as a recognized standard for international corruption comparisons. Perpetrators of abuses are rarely held accountable. Sexual abuse of women and girls remains a serious problem, and those responsible are typically not held to account.

Accountability for Past Abuses

Accountability for past abuses remains out of reach. For example, in February 2004 in La Scierie, Saint Marc, armed anti-government gangs took over a police station, and government-linked forces responded with excessive force. There were also reports of abuses by the anti-government gangs. Several killings, including of civilians, resulted from clashes between the groups, but no one has been held responsible for the deaths. Accountability also remains lacking in regard to the 1994 case involving the killing of civilians in Raboteau by soldiers and paramilitaries during the time of the military government. In 2005 the Haitian Supreme Court overturned the convictions of 15 former soldiers and paramilitaries in the Raboteau case, basing its decision on extremely weak grounds.

Detention Conditions

The dysfunctional and politicized judicial system contributes to the severe overcrowding that plagues Haiti's prison system. Arbitrary long-term pretrial detention of suspects is commonplace. Conditions in detention facilities are dire, with prisoners held in dirty, crammed cells often lacking sanitary facilities. In September 2008 nearly 300 pretrial detainees were behind bars at a police station in Gonaives, held in small cells with a total capacity of 75 people. Detainees in some facilities take turns sleeping and standing due to a lack of space and beds, and

some complain that they do not receive daily meals. Reports of untreated tuberculosis, malaria, scabies, and malnutrition are common in Haitian detention centers.

Child Labor and Access to Education

Only about half of primary-school-age children attend school and less than 2 percent of children finish secondary school, according to the United Nations Children's Fund. Although enrollment in public schools is supposed to be free, the costs of uniforms, books and other school supplies are often too high for many parents to meet.

The UN estimates there are at least 170,000 child domestic workers in Haiti. Known in Haitian Creole as *restavèks*—from the French “rester avec” (to stay with)—they form part of a long standing system by which parents from mostly low-income rural areas send their children to live with other families, typically in urban areas, in the hope that the receiving families will care for their children and provide them with food, clothing, shelter, and schooling in exchange for the children performing light chores. These children are often unpaid for their work, denied an education, and physically and sexually abused.

Human Rights Defenders

Human rights defenders remain the targets of threats and attacks. Lovinsky Pierre-Antoine, a well-known human rights advocate and former coordinator of Fondasyon Trant Septanm—an organization that worked on behalf of victims of the 1991 and 2004 coup d'états—was abducted on August 12, 2007, while serving as an adviser to a delegation of human rights advocates from Canada and the United States who were traveling in Haiti. His whereabouts remain unknown at this writing. Wilson Mesilien, a Fondasyon Trant Septanm co-founder who was serving as interim coordinator following Pierre-Antoine's disappearance, reportedly received threats and has gone into hiding with his wife and four children.

Frantzo Joseph, coordinator of the Grand Ravine Community Human Rights Council (CCDH-GR), a community group working in the Grand Ravine neighborhood of Port-au-Prince, reportedly received repeated threats and has also gone into hiding with

his family. The previous CCDH-GR coordinator, Bruner Esterne, was shot dead by three unknown individuals in September 2006.

Investigations into these three human rights defender cases have not progressed.

On March 7, 2008, the Inter-American Court of Human Rights heard the case of *Fleury v. Haiti*. Lysias Fleury is a human rights activist who was arbitrarily arrested, beaten, and tortured by members of the Haitian National Police in 2002.

Key International Actors

In the wake of the 2008 hurricanes, Haiti received promises of humanitarian aid, particularly from countries throughout the region and in Europe. The delivery of humanitarian aid to areas most affected by the storms has been delayed, in part due to the damage caused to the country's infrastructure by the storms.

The UN Security Council voted in October 2008 to extend the mandate of the UN stabilization mission in Haiti (known by its French acronym, MINUSTAH) to October 15, 2009. The UN force, present in Haiti since 2004 and currently under Brazilian command, contains 6,854 troops and 1,858 police officers. There have been reports of serious abuses over the course of MINUSTAH's mandate, including by personnel from Brazil, Jordan, and Sri Lanka. In February 2008 the UN Office of Internal Oversight Services issued conclusions from its investigation into allegations of violations against children by the personnel of the 950-member Sri Lankan troop contingent, finding that acts of sexual exploitation and abuse were "frequent" and occurred "at virtually every location where the contingent personnel were deployed." Though reports of MINUSTAH abuses appear to have decreased over the past year, problems remain. For example, in August 2008 witnesses reported seeing MINUSTAH forces beating two plainclothes Haitian police officers during a security operation in Cité Soleil.

In 2008, in its first ever judgment in a case against Haiti, the Inter-American Court of Human Rights sharply criticized Haiti's current and former governments for their detention and mistreatment of former Prime Minister Yvon Neptune. It found Haiti responsible for violating 11 different provisions of the American Convention on

Human Rights, including the right to physical integrity, the right to personal liberty, and the right to a fair trial and judicial protection. Haiti was ordered to adopt judicial reforms, improve prison conditions, quickly resolve Neptune's criminal case, and pay Neptune US\$95,000 in damages and costs.