

# World Report 2023



In 2022, Haiti remained in a long-standing political, security and humanitarian crisis that has left all government branches inoperative, compounding overwhelming impunity for human rights abuses.

Armed gangs intensified their control of strategic areas increasing violence, including at the main fuel terminal in Port-au-Prince, and preventing the distribution of fuel. The lack of access to fuel has harshly impacted businesses, schools, and hospitals and created shortages of basic goods including water and telecommunications.

More than 42 percent of Haiti's population needs humanitarian assistance and up to 40 percent of the country experiences acute food insecurity, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

Despite dire conditions, the United States and other countries repatriated almost 41,000 Haitians by air and sea from January 2021 to September 2022, and the Dominican Republic expelled almost 59,000 people to Haiti by land between February and October 2022, including people born in the Dominican Republic but considered by Dominican authorities to be Haitian, available data show.

Starting in late August, thousands of Haitians took to the streets in nationwide demonstrations against the government and to protest increasing gang violence, widespread hunger, a lack of basic public services, runaway inflation and fuel price increases triggered by Prime Minister Ariel Henry's removal of subsidies.

An outbreak of cholera caused at least 223 deaths as of November 27.

## Constitutional Crisis

Since the assassination of President Jovenel Moïse in July 2021, Prime Minister Henry has led the government without a constitutional mandate, as he did not receive parliamentary approval.

Parliament stopped functioning in January 2020, when former President Moïse refused to organize legislative elections. Prime Minister Henry rules by decree.

In August 2021, a group of cross-sector leaders known as the Commission for a Haitian Solution to the Crisis, joined by hundreds of civil society groups and political parties—currently known as the Montana Group—produced and signed the “Montana Accord,” which laid out a process toward establishing a new transitional government that would organize free and fair elections.

On January 31, 2022, the Montana Group elected Fritz Jean, former head of Haiti’s central bank, as interim president. Neither the international community nor the Henry government recognized him.

In July, Henry said he would hold general elections, but he did not appoint any members to the Provisional Electoral Council, the body tasked with organizing elections, which is not now functioning. Negotiations on a transitional government continued as of October.

## **Dysfunctional Justice System**

Haiti’s justice system barely functioned. Only 3 of 12 justices of the Supreme Court of Justice continued working—meaning the court lacks a quorum to hear cases and issue rulings. Without an elected president and functioning Senate, the appointment of additional justices stalled.

In the first half of 2022, the Council of Ministers, which is made up of the cabinet members, appointed 113 lower-level judges, increasing the capacity of the judicial system. But in June, a gang took control of Port-au-Prince’s Palace of Justice, the main justice complex in the country. It appears to have stolen or destroyed evidence that may be impossible to recover, as Haitian courts do not have digital copies of files.

Four people had been detained for more than a year, without formal charges, as of October, in connection with the August 2020 killing of Monferrier Dorval, Port-au-Prince Bar Association president. As of October, no judge had been appointed to the case after the previous judge’s February resignation.

Only 200 criminal trials were held from October 2021 through September 2022, the nongovernmental organization National Human Rights Defense Network (RNDDH) reported. In some jurisdictions, courts had held no hearings on criminal cases for three years, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported.

As of September, Haiti’s prisons held almost three times more detainees than for which they were built. Many of the more than 11,700 detainees—84 percent of whom were awaiting trial—are living in inhumane conditions. The Ombudsperson’s Office, UN agencies, and Haitian rights groups have reported cases of torture by prison guards, of rape by other detainees, and scores of deaths related to malnutrition.

The entry into force of new criminal procedure and penal codes providing alternatives to pretrial detention was postponed from June 2022 to June 2024 to allow a government commission to organize their implementation.

In early November, prime minister Henry appointed a new president of Haiti’s Supreme Court.

## **Investigation of President Moïse’s Assassination**

President Moïse was assassinated on July 7, 2021. In response, security forces killed 3 people and arrested 47 in Haiti, including former Colombian military officers, the RNDDH reported. One detainee died, four were released, and 42 remained imprisoned, as of October. None have been charged.

Four judicial officials who conducted initial proceedings in the Moïse case said they were threatened. Three investigating judges later resigned, citing personal reasons linked to security

problems. One faced a corruption accusation. A fourth resigned in April, complaining he had no access to the case file. In May, a fifth judge was appointed to the case.

Chief Prosecutor Bedford Claude asked a judge, in September 2021, to approve charges against Prime Minister Henry, arguing he had made phone contact, hours after the assassination, with one of the main suspects. Prime Minister Henry denied the allegation and fired Claude. A judicial decision regarding Claude's request to indict Prime Minister Henry remained pending as of October 2022.

The Colombian suspects continued complaining, in 2022, that they had not had any hearings, lacked legal assistance, and suffered inhumane detention conditions. Some said police had tortured them.

The related investigation in the US made some progress. A convicted drug trafficker and former DEA informant, a former Colombian military officer, and former Haitian senator were charged in early 2022 with various offenses, including conspiring to commit murder offenses.

## **Gang Violence**

Violence escalated, mainly in the Port-au-Prince metropolitan area, as the 92 gangs operating there fought for territory, the NGO Fondasyon Je Klere (FJKL) reported. Several officials told Human Rights Watch that gangs had links with politicians and police officers.

Nationwide, BINUH reported 1,349 homicides, from January through August 2022 and 877 kidnappings.

The Institute for Justice & Democracy in Haiti (IJDH), the RNDDH, and the FJKL have documented 20 massacres in Port-au-Prince since 2018, with at least 1,000 victims. There are no charges in these killings.

Gangs reportedly used sexual violence to terrorize and control neighborhoods. From January through March 2022, BINUH registered an average of 98 victims of sexual violence a month in gang-controlled areas of Port-au-Prince. The real number is very likely much higher, as sexual violence remains chronically under-reported.

The wave of brutality displaced 96,000 people in the metropolitan area of Port-au-Prince as of October 2022, BINUH reported.

## **Human Rights Defenders and Journalists**

Civil society groups documented several incidents of attacks, threats, and intimidation against human rights defenders, journalists, and judges from January through October 2022.

In January, gangs killed two journalists investigating the murder of a police inspector. A third journalist survived the attack, but fled Haiti after receiving death threats. In February, a journalist was shot dead while covering a demonstration. In September, gangs killed two journalists while they reported gang violence. No progress has been made in investigations of these or the killings of two other journalists in June 2021.

RNDDH reported that an influential political figure and others held meetings in March, including with a gang leader, to plan the killing of its director. The organization said a person present in one of the meetings revealed the plan.

In 2019, Charlot Jeudy, president of Kouraj, an organization advancing the rights of lesbian, gay, bisexual, and transgender (LGBT) people, was found dead in his home. No progress has been

reported in the investigation.

## **Abuses by Security Forces**

Police responded to anti-government protests with excessive force. A journalist was killed and two injured after police allegedly opened fire with live ammunition on demonstrators in February. The RNDDH reported that several demonstrators were injured, allegedly after inappropriate use of teargas by police.

The police internal affairs office was investigating 50 cases of alleged human rights violations by police from January through October, BINUH reported.

## **Rights to Health, Water, and Food**

More than half of Haitians are chronically food insecure, and 22 percent of children are chronically malnourished.

Exacerbating Haiti's hunger crisis, food prices were 23 percent higher in June 2022, compared to June 2021. Dramatic floods and soil erosion triggered by deforestation and watershed degradation have also undermined agricultural production in some areas.

The 2021 earthquake affected 800,000 people. Insecurity and insufficient funds stalled aid delivery to areas affected by a devastating earthquake in 2021. Those in need of humanitarian assistance, including shelter and access to health, education, and other essential services, increased from 4.4 million in 2021 to 4.9 million in 2022.

Over a third of the population lacks access to clean water and two-thirds have limited or no sanitation service. Only 1 percent of the population had been fully vaccinated against Covid-19, as of October.

The first case of cholera was confirmed in early October and the outbreak has spread rapidly. Haiti's Health Ministry reported more than 11,800—nearly half of them children under 14—suspected cases and at least 223 deaths as of November 27. The real number of cases is likely much higher, because of under-reporting, UN agencies warned.

## **Right to Education**

Nearly half of Haitians aged 15 and older are illiterate. The quality of public education is generally poor, and 85 percent of schools are private, charging fees that exclude most children from low-income families.

The 2021 earthquake destroyed or heavily damaged 1,250 schools. Insecurity and insufficient funds kept most from being rebuilt. More than 250,000 children lacked access to adequate school buildings, UNICEF estimated.

Gang violence and the cholera outbreak may keep over 2.4 million children out of classrooms, UNICEF warned.

## **Women's and Girls' Rights**

Gender-based violence is common, exacerbated by the 2021 earthquake and escalating gang violence.

In 2020, the International Federation of Football Association (FIFA) Ethics Committee banned Haitian Football Federation (FHF) President Yves Jean-Bart for life, after finding evidence of systematic sexual abuse of female players. FIFA later banned another FHF official for life and suspended another four in connection with the abuses, but did not remove other officials also implicated. In July 2022, Evans Lescouflair, a former sports minister, was arrested in Puerto Rico and sent to Haiti, in connection with child sexual abuse cases filed by survivors.

The new penal code, scheduled to enter into force in 2024, lists sexual harassment and gender-based violence as punishable offenses.

Haiti has a total ban on abortion. The new code will legalize it in all circumstances until the twelfth week of pregnancy, and at any time in cases of rape or incest or when the mental or physical health of the pregnant person is in danger.

## **Disability Rights**

Although Haiti ratified the Convention on the Rights of Persons with Disabilities, its legislative framework has not been harmonized and includes offensive and discriminatory provisions. People with disabilities experience discrimination in access to health, education, and justice, and significant stigma places them at heightened risk of violence.

The pending penal code prohibits violence or incitement against people with disabilities.

## **Sexual Orientation and Gender Identity**

Lesbian, gay, bisexual, and transgender (LGBT) people are particularly exposed to violence. Haitian law does not currently protect LGBT people. The pending penal code provides some protections based on sexual orientation by, for example, imposing higher penalties for crimes motivated by a victim's real or perceived sexual orientation.

## **Migration**

Between January and September 2022, several countries in the region sent more than 21,000 people back to Haiti by flight or boat, compared to 10,152 in the same period of 2021, the International Organization for Migration (IOM) reported. Of those repatriated in 2022, 69 percent were returned by the US, which inappropriately used a health policy known as Title 42. The recent returnees comprised more than 4,000 children, including hundreds of children born in Chile and Brazil of Haitian parents.

The Dominican Republic expelled almost 59,000 people to Haiti by land between February and October 2022, including people born in the Dominican Republic but considered by Dominican authorities to be Haitian, according to the nonprofit Support Group for Refugees and Returnees (GARR).

The US Coast Guard interdicted 7,137 Haitians at sea from October 2021 through September 2022, by far the most in five years.

Most of those the US returned had settled in South America years ago, escaping an already difficult economic and security situation in Haiti. Some suffered discrimination and violence on their way north, as well as lack of access to health care and adequate food and hygiene products in US detention centers. Some returnees said they wanted to ask for asylum in the US but were not given a chance to do so.

As of October, there was no reintegration program to help returnees in Haiti or human rights monitoring mechanisms to assess whether any were persecuted or otherwise harmed upon return.

## **Key International Actors**

The United Nations Security Council extended BINUH's mandate until July 15, 2023.

After the 2021 earthquake, the UN appealed for US\$187 million for immediate emergency relief in the area affected, and received about 40 percent from donors. The UN asked for \$373 million for nationwide humanitarian response for 2022. By June, it had raised less than 30 percent.

In October, the UN Security Council approved sanctions against gang leaders involved in violence, including freezing of assets, travel bans, and arms embargoes. In November, the United States and Canada sanctioned the president of the Haitian Senate and a former Haitian senator, whom they accused of involvement in drug trafficking.