



Freedom in the World 2015 - Haiti

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2015 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 5.0

Civil Liberties (1 = best, 7 = worst): 5

Political Rights (1 = best, 7 = worst): 5

Ratings Change

Haiti's political rights rating declined from 4 to 5 due to its failure to hold constitutionally mandated parliamentary and municipal elections for three years, use of the judicial system to persecute political opponents and human rights defenders, and tolerance of violence against media that are critical of the government.

OVERVIEW

Legislative and municipal elections due in 2011 and 2013 were delayed for another year in 2014, causing Haiti to descend toward political crisis. As Haitians took to the streets in protest, Prime Minister Laurent Lamothe resigned in December at the recommendation of a presidential commission.

The double homicide of human rights defender Daniel Dorsainvil and his wife in February and the fruitless police investigation deepened fear among activists. The government made some moves to improve its capacity to respond to rights violations, but in practice enjoyment of civil liberties did not markedly improve. However, an appellate court did reinstate human rights charges against former dictator Jean-Claude Duvalier, and the case continues against his regime despite his death in October.

The great economic insecurity of the majority of the Haitian population is one of the main contributors to Haitians' inability to enforce their individual rights. The vast majority of the population lives in extreme poverty, with 76 percent of people earning less than \$2 per day.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 17 / 40 (-1)

A. Electoral Process: 4 / 12

Haiti's constitution provides for a president directly elected for a five-year term, a bicameral parliament composed of a 30-member Senate that serves six-year terms and a 99-member Chamber of Deputies that serves four-year terms, and a prime minister appointed by the president and approved by the parliament. Presidential and parliamentary elections held in 2010 were marred by reports of fraud, voter intimidation, violations of electoral laws, illegal exclusion of political parties and candidates, low voter turnout, and problems with the composition of the electoral council. Following a dispute over first-round results, musician Michel Martelly won the presidential election in a 2011 second round compromised by 23 percent voter turnout. After parliamentary runoff elections, the Inité coalition of Martelly's predecessor, René Prével, held 46 seats in the lower house and 6 of the 11 Senate seats at stake. Smaller parties divided the remainder.

Midterm parliamentary and municipal elections constitutionally required in 2011 and 2013 had yet to take place by the end of 2014. The resulting vacancies have crippled the Senate, which has struggled to obtain a quorum since one-third of its seats expired in 2012. The terms of another one-third of the Senate and all 99 members of the House of Deputies were set to expire in January 2015. Nationwide demonstrations and international pressure prompted a last-minute agreement on December 29 between the president, parliament, and Superior Council of Judicial Power (CSPJ) to avert the crisis and extend the mandate of parliamentarians for an additional few months.

According to the constitution, elections must be organized by a Permanent Electoral Council that has never been fully realized in practice. Constitutional amendments adopted in 2012 reformed the council appointment process. Discrepancies between the published constitutional amendments and those that had been ratified, as well as subsequent irregularities in appointments to the new council, resulted in a political impasse.

In March 2014, President Martelly and some political parties, lawmakers, and members of civil society signed the El Rancho Accord, which proposed to hold elections on October 26, create a Provisional Electoral Council (CEP), and approve necessary amendments to the 2013 Electoral Law. The accord was not approved by the Senate, and was seen as a maneuver by Martelly to circumvent the legislature. Under the constitution, a CEP must be chosen from representatives of the public sector and civil society organizations; however, the accord proposes appointment by the three branches of government. With one-third of Senate terms expired and given the executive branch's close ties with the CSPJ, the process favors the executive branch.

Despite the lack of parliamentary approval, President Martelly signed a presidential decree in June setting the elections for October 26 and confirming a CEP. The CEP has since been reshuffled but still does not conform to constitutional requirements. In August, the CEP announced that elections would not be held on October 26. No new date was confirmed.

Amid growing public pressure, Prime Minister Lamothe resigned in December and Martelly released around 20 political prisoners per recommendations from a Consultative Commission he convened appointed to address the country's political stalemate. Martelly's nominee to replace Lamothe, Evans Paul, had not been approved by the parliament at year's end. The commission also recommended a new, constitutional CEP.

B. Political Pluralism & Participation: 8 / 16 (-1)

As overdue elections approached, leaders of the political opposition faced increased judicial persecution. In August, an investigation involving 10-year-old money-laundering and drug-trafficking charges was launched against former president Jean-Bertrand Aristide, who heads Haiti's most popular political party, Fanmi Lavalas. Lavalas was one of 16 political parties arbitrarily excluded from the 2010 election. The 2014 investigation targeted many Lavalas members and was carried out by Judge Lamarre Bélizaire. When Martelly appointed him, Bélizaire did not meet Haiti's requirement for judges to have five years of legal experience and has been disbarred by the Port-au-Prince Bar Association for 10 years for his illegal pursuit of political dissidents. In September, the presidential security detail for Aristide and his family was removed.

Attorney André Michel, an outspoken leader of the Assembly of Progressive National Democrats (RDNP) – one of several political parties that have denounced the president's handling of election procedures – was detained in 2013 following harassment and death threats. Michel had brought corruption claims against President Martelly's wife and son. In August 2014, Judge Bélizaire indicted Michel and his two clients for murder without any formal investigation. Rony Timothée and Biron Ogidé, both leaders of the opposition organization FOPARK, were arrested in October during a demonstration, and Judge Bélizaire was appointed to their case. Timothée, Ogidé, Michel, and Michel's two clients were all exonerated by an appeals court in December per recommendations of the Consultative Commission.

Insufficient investments in state capacity have continued to hinder the state from effectively asserting a central role in development, resulting in donor countries and international organizations wielding significant influence over policy making. The UN Stabilization Mission in Haiti (MINUSTAH) has been in the country since 2004; the UN Security Council voted to renew the mission for an additional year in October 2014. MINUSTAH faces growing opposition from the Haitian people, as it is increasingly perceived as an occupying force.

C. Functioning of Government: 5 / 12

Delayed elections, corruption allegations, and lack of judicial independence resulted in staggering political strife between the executive and legislative branches and impaired governance in 2014. The Martelly administration increased the budget and geographic reach of the national anticorruption unit (ULCC) in 2013, and new anticorruption and money-laundering laws were enacted in May 2014. The ULCC reportedly recovered \$2 million in contraband in 2012 and 2013, and planned to train 125 new customs agents. However, corruption allegations persisted due to the weakness of the justice system, poor collaboration among government agencies, and lack of autonomy. Haiti was ranked 161 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

Civil Liberties: 24 / 60 (-1)

D. Freedom of Expression and Belief: 10 / 16

The constitution guarantees freedom of expression, but press freedom is constrained by the feeble judiciary and the inability of police to adequately protect journalists from threats and violence. In face of a literacy rate of 48.7 percent and no daily newspapers printed in Haitian Creole, radio is the main source of information. Internet access is similarly hampered.

Media and other observers have expressed concern about government interference with freedom of the press. In April, the minister of communication denounced "certain press" that he said wanted to tarnish the image of members of the government and pollute the political climate. Police threatened some journalists during the protests sparked by the election delay.

The government generally respects religious and academic freedoms. However, when violations do occur, those persecuted for their views have few protections.

E. Associational and Organizational Rights: 4 / 12 (-1)

The 1987 constitution guarantees freedoms of assembly and association, though these rights are often not respected in practice. Antigovernment demonstrations increased in 2014 in response to delayed elections, alleged corruption, and persecution of government dissidents; protesters were frequently met with police violence. Harassment of, threats against, and illegal arrests of human rights defenders and political dissidents escalated during the year. In February, Daniel Dorsainvil, general coordinator of a coalition of eight Haitian human rights organizations (POHDH), and his wife were murdered. The police investigation has been haphazard, though the government insists the double homicide was unrelated to Dorsainvil's work. In April, Pierre Espérance, executive director of the human rights organization RNDDH (a member of POHDH), received a letter containing death threats and a bullet. Several members of KOFAVIV, a women's rights organization, were threatened and harassed beginning in March. In August, members of the women's rights organization GADES received threats after supporting an underage boy who was raped by a police officer.

The ability to unionize is protected under the law, though the union movement in Haiti is weak and lacks collective bargaining power. The right to strike is severely limited and workers frequently face harassment and other repercussions for organizing. Josué Mérielien, coordinator of a national teacher's union, was summoned to court after his union declined to sign an agreement to end a strike in January. Retaliatory revocations are common, especially in the public sector and garment industry, creating fear among workers.

F. Rule of Law: 4 / 16

The newly appointed CSPJ, tasked with promoting independence of the judiciary, struggled to address politically motivated judicial appointments and interference in judicial proceedings in 2014. As of May, the mandate of 81 judges across Haiti had not been renewed as the CSJP had recommended, often because authorities put forward other candidates. In October the government removed three judges, promoted one, and nominated another without the consent of the CSPJ, which is charged with these functions.

The judicial system is underresourced, inefficient, and frail, and is burdened by a large backlog of cases, outdated legal codes, and poor facilities. Official court business is conducted primarily in French rather than Creole, rendering proceedings only marginally comprehensible to many of those involved. Police are regularly accused of abusing suspects and detainees, and impunity continues to be a problem. The ponderous legal system has little credibility in the public eye and guarantees lengthy pretrial detentions in inhumane conditions; more than 70 percent of the prison population have not been charged.

The government has created a number of committees to enforce individual rights and increased the budget of the Office of Citizen Protection, Haiti's ombudsman. The police force continues to operate with a large degree of impunity. Any judicial proceedings or warrants against police officers must first go through the Ministry of Justice, and no arrest of a police officer can be undertaken without prior authorization from the minister.

In February, an appellate court reinstated crimes against humanity charges against Duvalier, which had been dismissed in 2012. Despite Duvalier's death in October 2014, the court of appeals continues to pursue charges against his regime. Since Martelly took office, the case has been characterized by multiple delays and political interference.

Despite the government's failure to address discrimination and violence against LGBT (lesbian, gay, bisexual, and transgender) individuals, the LGBT rights movement is gaining momentum.

G. Personal Autonomy and Individual Rights: 6 / 16

A combination of relocations, forced evictions, and reclassifications has resulted in a significant decline in the internally displaced population living in camps set up after the devastating 2010 earthquake, though as of December 2014 80,000 people were still displaced. Forced evictions are often carried out without prior notice and with police or other government participation. Several eviction attempts in 2014 were violent, involving burning of tents, beatings, and shootings.

Spotty record keeping at the national level and corruption in the enforcement process have long resulted in severe inconsistencies in property rights enforcement; those with political and economic connections frequently rely on extrajudicial means of enforcement. Government efforts to spur investment are often at the expense of other rights. For example, Jean Mathulnes Lamy was detained without trial for 10 months following his opposition in February 2014 to a tourist development plan that would displace residents on Île-à-Vache, a small island off Haiti's south coast. The police force on the island quadrupled in size in 2014, and police visited community organizers' homes with arrest warrants.

Widespread violence against women has received increasing attention since the 2010 earthquake. While impunity is still pervasive, efforts of the Ministry of Women, grassroots women's groups, and legal organizations have helped improve the response to sexual violence, including more effective prosecutions and the drafting of new laws that empower victims. A long-awaited antitrafficking law was promulgated in June 2014.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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