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Freedom House

Freedom in the World 2021 - Haiti

PARTLY FREE

37

/ 100

[Political Rights](#) 15 / 40[Civil Liberties](#) 22 / 60

LAST YEAR'S SCORE & STATUS

38 / 100 Partly Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

As a result of political instability, street protests, and rampant gang violence, the Haitian government struggles to meet the most basic needs of its citizens. The criminal justice system lacks the resources, independence, and integrity to uphold due process and ensure physical security for the population. Antigovernment protests often result in excessive use of force by police.

Key Developments in 2020

- In May, President Jovenel Moïse prohibited the sharing of photos or videos of the bodies of people who died from COVID-19. The government claimed the law was intended to prevent social stigmatization for people who contracted the virus. Anticorruption activists and human rights groups criticized the rules as laying the groundwork for the government to further restrict free speech in the future. According to government data provided to the World Health Organization (WHO), there were only 10,000 confirmed cases of COVID-19 and 236 deaths during the year, though many believe case numbers were far higher, as testing sites were limited and distrust in the health care system is widespread.
- In January, the parliament dissolved after legislative and mayoral elections that were due in October 2019 were postponed indefinitely, and the mandates of the incumbents expired. President Moïse attempted to consolidate power in the executive branch and passed decrees without legislative approval. Major antigovernment protests that took place throughout the year called for his resignation over allegations of corruption, his various decrees, and the mismanagement of the coronavirus pandemic.
- In August, constitutional scholar and head of the Port-au-Prince Bar Association Monferrier Dorval was assassinated hours after he denounced Moïse administration policies on a public radio show. Gang violence and criminality continued to rise during the year, deepening the country's rule-of-law and humanitarian crisis.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? **2 / 4**

In Haiti's semipresidential system, the president is directly elected for a five-year term. The prime minister is appointed by the president and confirmed by Parliament.

Jovenel Moïse of the Haitian Tet Kale Party (PHTK), the handpicked successor of Michel Martelly, won the 2015 presidential election, but the contest was nullified due to extensive fraud. Moïse went on to win a repeat election in 2016, taking 55.6 percent of the vote. He was inaugurated in early 2017 after an electoral tribunal verified the election result, citing irregularities but no evidence of widespread fraud. Civil society groups claimed that fraud in the vote tally, inconsistent voter registration lists, voter disenfranchisement, and a low voter turnout of 21 percent undermined the new president's mandate.

After a series of four prime ministers between 2017 and 2019, Joseph Jouthe, a trained civil engineer, was appointed prime minister by presidential decree in March 2020. Jouthe was unable to receive parliamentary approval after Parliament dissolved in January, when the terms of most parliamentarians expired. Jouthe replaced Fritz-William Michel, a former finance ministry official, who had also been appointed by Moïse without parliamentary confirmation.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 0 / 4

The directly elected, bicameral Parliament is composed of a Senate, with 30 members who serve six-year terms, and a Chamber of Deputies, with 119 members who serve four-year terms. The 2015 legislative elections were plagued by disorder, fraud, and violence. Despite concerns about the elections’ credibility, 92 lawmakers took office in early 2016. Elections for a portion of the Senate and the runoff elections for the remaining seats in the Chamber of Deputies were held in 2016 along with the repeat presidential election, and the contests were marred by low voter turnout and fraud. The PHTK emerged as the largest single party in both chambers, followed by Vérité (Truth), though most of the seats were divided among a large number of smaller parties.

Elections for the Chamber of Deputies, two-thirds of the Senate, and local mayoralities were canceled in October 2019 and were not held in 2020. As a result, the parliament was dissolved in January 2020 and did not function throughout the year.

Score Change: The score declined from 1 to 0 because no new parliament was elected or installed during the year, even though the mandates of lower house members and most senators expired in January.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4

The Provisional Electoral Council (CEP) was established in the late 1980s as a temporary body, but it continues to be responsible for managing the electoral process. Although the constitution has provisions to prevent executive dominance of the CEP, the executive branch asserts significant control over it in practice. Legislative elections were not held from 2011 until 2015 because a number of electoral councils appointed by former president Martelly did not meet constitutional requirements or receive parliamentary approval; critics claimed that CEP members would have been beholden to Martelly. A new CEP was appointed in September 2020 by presidential decree. Human rights observers claim the CEP’s appointment and its mandate given by the president’s decree, which tasks the body with drafting a constitutional referendum, were unconstitutional. The CEP announced that an electoral calendar and draft electoral decree were underway, though neither were released by the end of the year.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Legal and administrative barriers that prevented some parties from registering or running in past elections have largely been eliminated. The number of members required to form a political party was reduced from 500 to 20 in 2014, leading to the creation of dozens of new parties. However, the risk of violence continues to impair normal political activity. Opposition party leaders are sometimes threatened, and protests organized by opposition parties are regularly met with repressive force by the government.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

Haiti has a poor record of peaceful democratic transfers of power. It remains difficult for the opposition to increase its support or gain power through elections, which are regularly disrupted by violence, marred by accusations of fraud, and postponed. The PHTK has consolidated power in the legislature and at the local level, in part through alliances with smaller parties.

B3 0-4 pts

Are the people’s political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 2 / 4

Haitians’ political choices are free from explicit domination by the military and other forces outside the political system. However, many politicians rely on money linked to drug trafficking, gangs, and other illegal sources of funding to finance their campaigns, which has a considerable influence over political outcomes in the country. Politicians from the ruling PHTK and opposition groups have hired gangs to either incite or halt residents’ involvement in protests and other political activities, according to local human rights activists.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 2 / 4

Haitian women are underrepresented in political life, with only four out of 149 parliamentary seats held by women from 2017–2019. The constitution mandates that 30 percent of public officials be women, but there are no penalties for noncompliance. Election-related violence and social and cultural norms discourage women from participating in politics. Due to societal discrimination, the interests of LGBT+ people are not represented in the political system, and there are no openly LGBT+ politicians.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 1 / 4

Parliament was dissolved in January 2020 as the mandates of two-thirds of Senate members and all Chamber of Deputy members expired and no new elections were held. President Moïse attempted to rule by decree, though the legitimacy of his power was questioned as only members of parliament have the constitutional authority to pass laws. Legitimacy questions also undermined the mandates of the prime minister and various government ministries. Corruption, instability, and security threats hinder the government from carrying out its own policies and providing basic services across the country.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1 / 4

Corruption is widespread in Haiti, as are allegations of impunity for government officials. A 2017 law reduced the independence and powers of the Central Financial Intelligence Unit (UCREF), which was responsible for investigating money-laundering cases. That same year, Moïse replaced the heads of the Anticorruption Unit (ULCC) and the UCREF with political allies and former members of the Martelly administration; both units had been investigating Moïse for potential money laundering.

In August 2020, the Superior Court of Auditors and Administrative Disputes (CSCCA) issued its third and final report on corruption among government officials involving a low-interest development-loan program operated by Venezuela. A prior report alleged that Moïse embezzled millions of dollars from a road rehabilitation project funded by the program in 2016 before he took office, which the president refuted. None of the ministers or state officials implicated in the corruption scandal were prosecuted by the end of 2020. In September 2020, against objections from the CSCCA’s president, Moïse issued a decree that rendered the court’s opinions on public procurement contracts advisory and nonbinding, which would allow for the awarding of state contracts without prior court approval.

C3 0-4 pts

Does the government operate with openness and transparency? 2 / 4

Haitians’ general distrust of the government stems in large part from the absence of transparency and accountability measures that are needed to reduce corruption. There are no laws providing the public with access to state information, and it is reportedly very difficult to obtain government documents and data in practice. All government officials must file financial disclosure forms within 90 days of taking office and within 90 days of leaving office, though these requirements are not well enforced, and the reports are not made public.

In November 2020, President Moïse created the National Intelligence Agency (ANI) to gather information on and prevent terrorist acts, under an expanded definition of the term. The presidential decree that created the body granted the ANI total secrecy and the ability to conduct surveillance of individuals and businesses at any time, even if there is no relevant ongoing investigation.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 2 / 4

The constitution includes protections for press freedom, and the media sector is pluralistic, but the work of journalists is constrained by threats and violence, government interference, and a lack of financial resources.

In May 2020, President Moïse issued decrees to combat the COVID-19 pandemic that included prohibition of the sharing of photos or videos of the bodies of people who died from the virus. The government claimed the laws were intended to prevent the stigmatization of people who had contracted coronavirus. Anticorruption activists and human rights groups criticized the rules as laying the groundwork for the government to further restrict free speech in the future.

Attacks on journalists occur frequently. In July 2020, journalist Setoute Yvens survived a shooting attempt, and Pradel Alexandre received death threats in retaliation for their work in Haiti. In April, a group of journalists were attacked as they investigated whether the National Identification Office was violating COVID-19 protocols. In October 2019, Radio Panic FM and Radio Méga reporter Néhémie Joseph was found dead in the city of Mirebalais; Joseph, who criticized the government in social media posts, had accused former mayor Élionel Casséus and Senator Rony Célestin, both members of the ruling PHTK, of threatening his life the month before. Though a suspect was arrested in January 2020, the case was transferred to a second judge after the first judge refused to work without security guarantees; no conviction had been reported by the end of the year.

D2 0-4 pts**Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4**

Freedom of religion is constitutionally guaranteed, and religious groups generally practice freely. However, the traditionally dominant Roman Catholic and Protestant churches and schools receive certain privileges from the state, while Vodou religious leaders experience social stigmatization and violence for their beliefs and practices. The government has denied registration to the small Muslim community.

D3 0-4 pts**Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4**

Educational institutions and academics choose their curriculum freely, but university associations and student groups that protest government actions are often met with police violence.

D4 0-4 pts**Are individuals free to express their personal views on political or other sensitive topics without fear of 3 / surveillance or retribution? 4**

There are few significant constraints on freedom of private discussion. The government does not engage in widespread surveillance, nor is it known to illegally monitor private online communications. However, the penal code includes defamation-related offenses, and the risk of violent reprisals may also serve as a deterrent to unfettered discussion of sensitive issues such as corruption, gangs, and organized crime.

E Associational and Organizational Rights**E1 0-4 pts****Is there freedom of assembly? 1 / 4**

The constitution enshrines freedom of assembly, but this right is often violated in practice by police that use excessive force such as tear gas and live rounds of ammunition in targeted areas to disperse protesters. Antigovernment protests and marches took place through much of 2020, with participants calling for Moïse's resignation over corruption allegations, the country's dire economic prospects, and the mismanagement of the COVID-19 crisis.

In October 2020, student Grégory Saint-Hilaire was shot and killed during a protest against the government's education policy. Student protests escalated after human rights observers attributed the death to the Haitian police.

E2 0-4 pts**Is there freedom for nongovernmental organizations, particularly those that are engaged in human 1 / rights- and governance-related work? 4**

Human rights defenders and activists with NGOs that address sensitive topics are subject to threats and violence, which creates a climate of fear. Violence against activists is rarely investigated or prosecuted. The head of the Port-au-Prince Bar Association, Monferrier Dorval, was assassinated in August 2020 hours after he spoke out against the government on the radio, sparking protests by lawyers and judges around the country. The investigation into the suspicious death in November 2019 of Jedy Charlot, founder of LGBT+ advocacy group Kouraj (Courage), was still stalled without an arrest at the end of 2020.

E3 0-4 pts**Is there freedom for trade unions and similar professional or labor organizations? 1 / 4**

Workers' right to unionize is protected under the law, and strikes are not uncommon, though the union movement in Haiti is weak and lacks collective bargaining power in practice. Most citizens are informally employed. Workers who engage in union activity frequently face harassment, suspension, termination, and other repercussions from employers.

F Rule of Law**F1 0-4 pts****Is there an independent judiciary? 1 / 4**

Despite constitutional guarantees of independence, the judiciary is susceptible to pressure from the executive and legislative branches. A lack of resources has contributed to bribery throughout the judicial system, and weak oversight means that most corrupt officials are not held accountable. When Moïse's government took power, all 18 chief prosecutors from each jurisdiction were replaced; this opened new avenues for executive interference in the judiciary, since prosecutors can determine which cases end up before a judge. The mandates of 33 out of 185 lower court judges were not renewed between 2019 and 2020.

F2 0-4 pts**Does due process prevail in civil and criminal matters? 1 / 4**

Constitutionally protected due process rights are regularly violated in practice. Arbitrary arrest is common, as are extortion attempts by police and in all levels of the legal system. Most suspects do not have legal representation, and even those who do suffer from long delays and case mismanagement. The pretrial detention rate increased from 72

percent in 2019 to 78 percent in 2020, due to frequent court closures caused by antigovernment protests and the coronavirus pandemic, in addition to an existing backlog of cases and resource constraints. Many have never appeared before a judge despite the legal requirement of a court hearing within 48 hours of arrest.

In November 2020, President Moïse published two decrees that expanded the definition of “terrorism” and created the National Intelligence Agency (ANI) to gather information on and prevent terrorist acts that ostensibly threaten national security. Human rights groups have denounced the decrees, criticizing that the new definition of “terrorist act,” which includes robbery, extortion, arson, and the destruction of public and private goods, threatens residents’ civil rights and the rule of law. Further, the decrees authorize the ANI to have total secrecy and conduct surveillance at any time, even if there is no relevant ongoing investigation. ANI staff will be recruited from the Haitian National Police and from the military and will not be subject to legal recourse without prior authorization from the president.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

A culture of impunity in law enforcement leaves civilians in Haiti with little protection from the illegitimate use of force. Crime statistics are difficult to authenticate, and crimes are underreported, but the UN Secretary General recorded that 701 killings in Haiti were reported to police between March and August 2020. Police are regularly accused of abusing suspects and detainees. Conditions in Haiti’s prisons, which are among the world’s most overcrowded, are extremely poor.

Criminal groups also exert considerable influence, operating with relative impunity as they fight for territory and extort residents living in areas under their control. At least 111 people were reportedly murdered, and 48 people went missing in June and July 2020 due to gang violence in Cité Soleil, a slum of Port-au-Prince. In late October, high school student Evelynne Sincère was kidnapped and brutally killed. Her killing sparked mass protests, particularly among the Haitian diaspora, demanding government accountability for the rise in gang violence and kidnappings that disproportionately affects women and girls.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Discrimination against women, the LGBT+ community, and people with disabilities is pervasive. Among other problems, women face bias in employment and disparities in access to financial services.

A new penal code reform was published in June 2020 by executive decree, prohibiting harassment and discrimination on the basis of sexual orientation, which occurs regularly. The reform was met with sharp resistance and public protest by conservative cultural and religious groups.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, 1 / employment, or education? 4

The government generally does not restrict travel or place limits on the ability to change one’s place of employment or education. However, insecurity prevented free movement, particularly in Port-au-Prince, as roads were blockaded in frequent protests and people stayed in their homes due to widespread gang violence. In addition, the government’s flawed response to natural disasters has prevented many displaced residents from returning to their homes, forcing them to live in poor conditions for extended periods. At the end of 2019 (the most recent statistics as of this writing), around 33,000 people were living in camps for the internally displaced. More than 6,125 people (1,500 households) were displaced when their houses were burned down by armed gangs in October 2020.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without 2 / undue interference from state or nonstate actors? 4

Although the legal framework protects property rights and private business activity, it is difficult in practice to register property, enforce contracts, and obtain credit. Poor record keeping and corruption contribute to inconsistent enforcement of property rights.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, 2 / protection from domestic violence, and control over appearance? 4

Basic freedoms related to marriage, divorce, and custody are generally respected. However, there are no laws addressing domestic violence, which is a widespread problem. Both domestic violence and rape are underreported and rarely result in successful prosecutions, with justice officials often favoring reconciliation or other forms of settlement.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Socioeconomic mobility is obstructed by entrenched poverty, with a national literacy rate of 61.7 percent for the population aged 15 and older. Over 50 percent of Haitians live on less than \$2.41 a day. Legal protections against exploitative working conditions in formal employment are weakly enforced, and most workers are informally employed. As many as 300,000 children work as domestic servants, often without pay or access to education; they

are especially vulnerable to physical or sexual abuse. Other forms of child labor are common. In August 2020, in the town of Beamont, reports emerged that 84 high school students were pregnant when school reopened and many of them had dropped out. Nearly half of the 84 students were minors who had been impregnated by men between the ages of 22 and 60, in what human rights group suspect are cases of exploitation of impoverished adolescent girls and young women.

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