

Amnesty International Report 2015/16 - The State of the World's Human Rights - Haiti

Legislative, presidential and municipal elections were held amid violence and controversy. More than 60,000 people made homeless by the January 2010 earthquake remained displaced. Hundreds of Haitian migrants returning or deported from the Dominican Republic settled in makeshift camps with no access to services. Concerns remained over the lack of independence of the justice system.

Background

The failure to hold long-overdue legislative elections rendered Parliament dysfunctional. On 16 January, following an agreement with the political parties, the President confirmed the appointment of Evans Paul as Prime Minister who, two days later, announced the formation of a transitional government including members of opposition parties.

The first round of legislative elections was held on 9 August, and was marked by widespread disruption and violence. The first round of presidential elections as well as the second round of legislative elections and municipal elections were held on 25 October. Although these election rounds saw minimal violence, opposition candidates and national election observers alleged massive frauds. Following mass demonstrations and the refusal of the presidential candidate who had qualified second to participate in the electoral run-off scheduled on 27 December, on 22 December President Martelly established a commission tasked with evaluating the 25 October election. On 21 December, the run-off was postponed.

In October, the UN Security Council renewed the mandate of the UN Stabilization Mission in Haiti (MINUSTAH) for a 12th year and affirmed its intention to consider the possible withdrawal of the mission within a year.

Severe drought in the North-West and South-West departments negatively impacted on food security and nutrition, especially for rural families and those living on the Dominican-Haitian border.

Internally displaced people

At the end of June, more than 60,000 people made homeless by the January 2010 earthquake were still living in 45 makeshift camps. Living conditions in camps worsened as many humanitarian programmes ended due to a lack of funding. Many displaced people left the camps after being allocated one-year rental subsidies. However, the government failed to implement durable solutions for displaced people.^{[1](#)}

Refugees' and migrants' rights

Tens of thousands of Haitian migrants and their families returned to Haiti after the Dominican authorities announced that deportations of irregular migrants would resume from 17 June. Many were reportedly deported; others fled following threats or fearing violent expulsion. Hundreds settled in makeshift camps at the border. Haitian and international human rights organizations, as well as the UN Independent Expert on the situation of human rights in Haiti, raised concerns about the lack of access to services for people living in camps in the Anse-à-Pitres municipality.

Right to health – cholera epidemics

In the first six months, the number of cases and deaths from cholera tripled compared with the same period in 2014. According to official statistics, 9,013 people died of cholera between October 2010 and August 2015. The humanitarian response remained largely underfunded. The UN, which is deemed to have inadvertently triggered the epidemic, continued to refuse to ensure victims' right to remedy and reparations.²

Violence against women and girls

A bill on preventing, prosecuting and eradicating violence against women, drafted in 2011, and the draft penal code containing progressive provisions on gender-based violence remained stalled because of the dysfunctional Parliament. Convictions in cases of sexual violence against women remained low and the majority of domestic violence cases were not investigated or prosecuted.

Impunity

The investigation into alleged crimes against humanity committed by former President Jean-Claude Duvalier and his former collaborators made little progress. Following his visit to Haiti in September, the UN Independent Expert on the situation of human rights in Haiti reiterated his recommendation for the creation of "a truth, justice and peace commission to clarify and provide remedy" for the victims of past human rights violations under François and Jean-Claude Duvalier and President Jean-Bertrand Aristide.

Justice system

The appointment of a new President of the High Council of the Judiciary in March helped restore the institution's credibility. It was also strengthened by the appointment of a Director of the Judicial Inspectorate and 10 sitting judges as inspectors. However, delays in the renewal of judges' tenure and in vetting processes negatively impacted on the efficiency of the judiciary.

Concerns remained about the overall lack of independence of the justice system. For example, human rights organizations expressed concern that a decision by the Port-au-Prince criminal court in April to dismiss the case against two alleged gang members was politically motivated.

About 800 detainees in penitentiaries in the Port-au-Prince region benefited from a case review ordered by the Ministry of Justice to deal with prolonged pre-trial detention and prison overcrowding. However, by the end of September, an excessively high number of detainees remained in pre-trial detention.

Rights of lesbian, gay, bisexual, transgender and intersex people

Cases of verbal and physical attacks against LGBTI people were reported during the year, most of which were not thoroughly investigated. According to LGBTI rights organizations, some presidential and legislative candidates made homophobic statements during the electoral campaign.

Although LGBTI rights organizations were able to contribute to the training of new police recruits, no similar training was known to have been organized for existing police officers.

1. Haiti: “15 Minutes to leave”: Denial of the right to adequate housing in post-quake Haiti ([AMR 36/001/2015](#))
2. Haiti: Five years on, no justice for the victims of the cholera epidemic ([AMR 36/2652/2015](#))