

HAITI 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Haiti is a constitutional republic with a multi-party political system. President Michel Martelly took office in 2011 following a two-round electoral process that, despite some allegations of fraud and irregularities, international observers deemed generally free and fair. The government did not hold partial Senate and local elections, delayed since October 2011, because of a continuing impasse between the executive, legislative, and judicial branches over the proper procedures to establish and organize elections. Authorities maintained effective control over the security forces.

The most serious impediments to human rights involved weak democratic governance in the country; insufficient respect for the rule of law, exacerbated by a deficient judicial system; and chronic corruption in all branches of government.

Other human rights problems included the following: isolated allegations of arbitrary and unlawful killings by government officials; allegations of use of force against suspects and protesters; overcrowding and poor sanitation in prisons; prolonged pretrial detention; an inefficient, unreliable, and inconsistent judiciary; governmental confiscation of private property without due process; rape, violence, and societal discrimination against women; child abuse; allegations of social marginalization of vulnerable populations; and trafficking in persons. Allegations persisted of sexual exploitation and abuse by members of the UN Stabilization Mission in Haiti (MINUSTAH), although to a lesser extent than in previous years. Violence, including gender-based violence, and crime within the remaining internally displaced persons (IDP) camps, which contained approximately 85,000 IDPs as of September, remained a problem.

Although the government took steps to prosecute or punish government and law enforcement officials accused of committing abuses, credible reports persisted of officials engaging in corrupt practices, and civil society groups alleged that impunity was a problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were isolated allegations of police and other government officials' involvement in arbitrary or unlawful killings. Some of these resulted in arrests; however, none resulted in convictions.

Human rights activists and some members of parliament alleged that members of the Haitian National Police's (HNP) Departmental Unit for Maintenance of Order (UDMO) killed Fanmi Lavalas activist Fritz Gerald Civil in April. Following weeks of protests demanding potable water, electricity, and the reduction of tariffs in the port of Miragoane, customs officials denied entry to an unidentified ship suspected of carrying weapons destined for persons associated with the Fanmi Lavalas party. On April 4, Civil led demonstrators to the port in protest. The HNP responded, arresting seven associates of Civil. Civil escaped but was later found dead near a public beach. Following Civil's death, Lavalas sympathizers demanded the perpetrators' arrest and prosecution; however, the local investigating magistrate did not find evidence of criminal activity on the part of the HNP.

In July police and firefighters brutally beat a mentally ill resident of Croix Desprez, who died three days later. Unable to persuade Wilson Rock to get out of a hole at a construction site of his own volition, law enforcement poured bleach into the hole, making it difficult for Rock to breathe. Firefighters then brought him to the surface by offering a rope. Amateur video images showed that, once he was on the surface, police began beating the handcuffed victim, with his face against the ground and his feet tied with rope. The HNP's Office of the Inspector General (OIG) placed eight of the 12 police officers and firefighters present on administrative leave pending an investigation. As of September the OIG recommended that the HNP Directorate General dismiss four officers and suspend the other four.

There were no further developments in the 2013 killing of Fenol Preval by Cite Soleil mayoral private security officials, or in the 2013 killings of Civil Merius, Serge Demosthene, and Rolcy Ametis, in which the HNP was implicated. There were no prospects for further developments in the 2013 investigation launched by Judge Wilner Morin into the killing of HNP officer Walky Calixte, who was shot and killed by assailants as he was leaving his home in Martissant days after he had arrested then deputy Rodriguez Sejour's nephew on suspicion of illegal arms possession.

b. Disappearance

There were no reports of politically motivated disappearances by government agents during the year.

Allegations of current and former HNP officers' alleged involvement in kidnappings persisted. Nevertheless, through September the number of kidnappings decreased 80 percent compared with 2013. International and domestic authorities credited the decline to the increasing effectiveness of the HNP's antikidnapping unit.

The six HNP officers imprisoned for their involvement in the high-profile Clifford Brandt kidnapping ring remained incarcerated. While their lawyers successfully argued for their release on technicalities, the government appealed the ruling, and the detainees remained detained pending review from the high court.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were several reports from international and domestic nongovernmental organizations (NGOs) that members of the HNP allegedly beat or otherwise abused detainees and suspects. Prisoners at times were subject to degrading treatment, in large part due to overcrowded facilities. Several reports noted corrections officers used physical punishment and psychological abuse to mistreat prisoners.

In March, during demonstrations in Jacmel, HNP officers allegedly shot and injured two persons. Prosecutors requested that the HNP department director present the officers involved to the court, but authorities took no further action.

In August human rights groups reported that private security officers of the Speaker of the Chamber of Deputies, Jacques Stevenson Thimoleon, and Deputy Jean Rene Lochard, beat an HNP officer who attempted to join the parliamentarian's private party held in a Petit Goave nightclub. According to several accounts, Lochard struck the officer first and ordered him handcuffed. A few hours later, Thimoleon's security released the officer but took his service weapon and badge. The next day the officer had to travel to Thimoleon's home to recover his badge and gun but not before signing a prepared statement in which the officer agreed not to sue security guards who beat him.

During the August celebration of the festival of Notre Dame in Petit-Goave in a nightclub, HNP Mobile Intervention Brigade and UDMO officers responded

violently when revelers threw empty plastic bottles at a patrol vehicle. UDMO officers' use of tear gas and physical beatings injured more than 30 persons. An OIG investigation was in progress, and, as of September, two officers were suspended pending review.

While allegations persisted that MINUSTAH soldiers were involved in incidents of sexual abuse and exploitation, the number of incidents reportedly decreased from 2013. UN officials attributed the decline from 17 allegations in 2013 to five as of July in part to their efforts to combat the problem, and they highlighted a zero-tolerance policy that included training, awareness raising, and enforcement.

In June a court in Les Cayes sentenced a police officer found guilty of the rape of a 15-year-old boy in 2013 to 10 years' imprisonment. The human rights organization GADES (Groupe d'Appui au Developpement du Sud) accompanied the victim and provided legal support throughout the judicial process. Following the judgment members of GADES received numerous threats. The police officer's lawyer publicly threatened GADES' coordinator in court, stating members of the group would face repercussions for his client's incarceration. According to testimonies received by Amnesty International (AI), police needed to intervene to maintain order in the court. At least three GADES members received anonymous threatening calls on their private telephones. GADES filed complaints with the police and the Office of the Public Prosecutor in July but were unaware of any investigation by the public prosecutor into their complaints, nor had the organization received any protection from the authorities as of October.

Prison and Detention Center Conditions

Prisons and detention centers throughout the country remained overcrowded, poorly maintained, and unsanitary.

Physical Conditions: Prison and detention center overcrowding was severe, especially in the National Penitentiary; the Petionville women's prison; the Petit-Goave jail; and the prisons in Jeremie, Les Cayes, Port de Paix, and Hinche. Only the newly constructed prison in Croix des Bouquets conformed to international norms and was not significantly overcrowded, albeit already slightly over capacity. Others, including the detention facilities in Port-au-Prince, Cap Haitien, Fort Liberte, Mirabalais, Jacmel, Hinche, Les Cayes, Anse-a-Veau, and Port de Paix, exceeded the UN's prescribed capacity of 2.5 square meters (27 square feet) per inmate. In some prisons detainees slept in shifts due to lack of space. Some prisons had no beds for detainees, and some cells had no access to sunlight. In

others the cells often were open to the elements and lacked adequate ventilation. Many prison facilities lacked basic services such as plumbing, sanitation, waste disposal, medical services, potable water, electricity, and isolation units for contagious patients. A newly operational sanitation block in the Les Cayes prison contained nine showers and 10 toilets serving a population of 572 inmates as of October. Some prison officials used chlorine to sanitize drinking water, but in general prisoners did not have access to treated drinking water.

International observers indicated prisoners and detainees continued to suffer from a lack of basic hygiene, malnutrition, poor quality health care, and water-borne illness. An estimated 10 percent of the prison population suffered from malnutrition and severe anemia, while sanitation-related diseases, including scabies, diarrhea, and oral infections, were commonplace across the inmate population. In several prisons the Department of Corrections (DAP) and the International Committee of the Red Cross (ICRC) provided personal hygiene kits; in many others, inmates' families provided them. Because of the poor security, severe understaffing, and conditions of some detention centers, some prisons did not allow prisoners out of their cells for exercise. From October 2013 to July, DAP authorities recorded 44 inmate deaths across the West Department, which includes the large National Penitentiary and Croix-des-Bouquets sites, as well as the Petionville women's facility and Delmas 33 juvenile facility. The majority of deaths were due to heart failure, severe anemia, and strokes, although five were due to HIV/AIDS and three to tuberculosis.

While some detention facilities contained clinics for treatment of illnesses and diseases contracted while in custody, many did not. Few prisons had the resources to treat serious medical situations. In some prisons the incidence of HIV/AIDS and malaria remained a serious problem, although the programs of several NGOs, international organizations, and donor countries continued to reduce the incidence of these diseases. Other common medical problems in prisons included scabies, beriberi, and a small number of cases of confirmed drug-resistant tuberculosis. The National Penitentiary and Cap Haitien prisons experienced small-scale outbreaks of cholera early in the year, affecting approximately 50 prisoners. Both outbreaks were quickly contained but resulted in two prisoners' deaths.

Prison conditions generally varied by inmate gender. Female inmates in coed prisons enjoyed proportionately more space in their cells than their male counterparts, but women at the Petionville women's prison, like men at mixed-gender prison facilities, occupied less than 11 square feet of cell space per person. Female prisoners also enjoyed a better quality of life than did their male

counterparts due to their smaller numbers, which wardens suggested was a contributing factor to their ease of control. Access to water and adequate plumbing was a problem at the women's prison, which had no flushing toilets, and where one pit latrine served 284 inmates.

The DAP, which is part of the HNP, estimated that there were approximately 10,400 prisoners in the country's jails as of August. The DAP also held prisoners in makeshift and unofficial detention centers, such as police stations in Petit-Goave, Miragoane, Gonaives, some parts of Port-au-Prince, and other locations. Local authorities held suspects in makeshift facilities, sometimes for extended periods, without registering them with the DAP.

Corrections authorities in Port-au-Prince maintained separate penitentiaries for adult men, women, and minors. Government reports suggested that, as of July, approximately 4 percent of prison detainees were female and 2 percent were children. In Port-au-Prince all male prisoners under 18 years of age were to be held at the juvenile facility at Delmas 33, but due to the lack of sufficient documentation, authorities could not always verify the ages of detainees. At times authorities detained minors believed to be older and whose ages could not be confirmed with adult inmates. Authorities moved the vast majority of these minors to juvenile detention centers within two months of verifying their ages. Outside Port-au-Prince minors and adults often occupied the same cells due to lack of available space. Authorities did not hold girls separately from women at the Petionville women's prison but separated convicts from pretrial detainees when possible. Due to lack of space, resources, and oversight outside the capital, authorities often did not segregate juveniles from adult prisoners or convicted prisoners from pretrial detainees, as the law requires.

Corrections officers were severely underresourced and lacked basic riot control and self-defense capacity. Prisoners' access to adequate nutrition remained a problem. The HNP has contractual and fiscal responsibility for the delivery of food to prisons. Some prisons had kitchen facilities and employed persons to prepare and distribute food. Prison authorities generally provided prisoners with one or two meals a day, consisting of broth with flour dumplings and potatoes, rice and beans, or porridge. None of the regular meals served to prisoners provided sufficient calories, according to medical standards. As a result authorities allowed prisoners regular deliveries of food from relatives and friends. Human rights groups reported that families sometimes paid prison staff to deliver supplemental meals and clothing to prisoners.

The HNP also managed other service contracts at prisons, such as sewage treatment. Most prisons had insufficient sewage facilities for their populations. Since only one HNP central office handled all contracts for law enforcement and prisons, attention to sewage problems often was lacking.

In August there was a large prison break at the Croix-des-Bouquets prison, the first major event of its kind since the post-2010 earthquake escape at the National Penitentiary. More than 300 prisoners of the facility's 900 total, including accused kidnapper Clifford Brandt, escaped in what authorities claimed to be an orchestrated event, potentially facilitated by DAP officers at the prison. Authorities noted, however, that insufficient staffing at the prison also appeared to have been a factor. As of September HNP authorities had recaptured approximately 70 of the escapees, including Brandt, and 30 officers had been detained pending an administrative investigation.

Administration: The government did not keep adequate prison records. In 2009 the UN Development Programme (UNDP) and the government created a database that began to track prison inmates. Its effectiveness was limited because the UNDP system was not completely compatible with the internal HNP recordkeeping system. All prisons utilized only handwritten paper files to document and manage inmates. The DAP, however, began using donor-provided portable biometric devices to register certain incoming inmates with the centrally managed database at the Judicial Police. There was no alternative sentencing for nonviolent offenders.

Prison authorities generally allowed prisoners and detainees access to visitors, but in May, after the highly publicized arrest of Rony Thimothee, spokesman for the opposition coalition Patriotic Force for the Respect of the Constitution (FOPARK) (see section 1.d.), opposition senator Moise Jean-Charles, and several FOPARK members were denied access to visit Thimothee in prison. In response to the incident, the HNP conducted an investigation, and on June 26, the offending prison guard was suspended without pay for 40 days.

The law permits religious observance in prison, and inmates could request to see a Protestant minister, a Catholic priest, or a Vodou houngan (religious leader). In practice most inmates gained access to religious services only once or twice a year. Prisons provided few, if any, organized, regular religious services, but members of religious organizations occasionally visited prisoners. Prison authorities were supportive of NGOs providing services to prisoners, particularly at the National Penitentiary in Port-au-Prince. NGOs provided limited medical services.

There was no prison ombudsman to handle complaints; however, the country's independent human rights monitoring body, the Office of the Citizen Protector (OPC), maintained a presence at several prison facilities and advocated for the rights and better conditions of prisoners, especially juveniles in preventive detention.

Independent Monitoring: The OPC regularly visited prisons and detention facilities in the country's 18 jurisdictions and worked closely with NGOs and civil society groups. The DAP permitted the ICRC, MINUSTAH, local human rights NGOs, and other organizations to freely monitor prison conditions. These institutions and organizations investigated allegations of abuse and mistreatment of prisoners, resulting several times in the improvement of their situations.

Improvements: The minister delegate for Human Rights and the Fight against Extreme Poverty, Marie Carmelle Rose Anne Auguste, continued to conduct several needs assessments in various prisons throughout the country. Her office, working in coordination with the DAP, provided clothing, toilet tissue, cups, bowls, forks, pillows, and hygiene kits to prisoners, as well as beds and reinforced tables and chairs for reading and writing workshops to inmates at the National Penitentiary.

Construction of new 200-, 150-, and 300-bed prison facilities in Cabaret, Petit-Goave, and Fort Liberte respectively, continued during the year. The government, in collaboration with international donors, completed renovations at the existing prison in Cap Haitien and the juvenile detention center at Delmas 33 in Port-au-Prince.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the constitution stipulates that authorities may arrest a person only if apprehended during the commission of a crime or based on a warrant issued by a competent official such as a justice of the peace or magistrate. Authorities must bring the detainee before a judge within 48 hours of arrest. By routinely holding prisoners in pretrial detention, authorities often failed to comply with these provisions.

The OPC's national and 12 regional offices worked on behalf of citizens to verify that law enforcement and judicial authorities respected the right to due process. When authorities detained persons beyond the maximum allotted 48 hours, the

responsibility of the OPC was to intervene on their behalf to speed the process. The OPC did not have the resources to intervene in all cases of arbitrary detention.

The law requires that authorities refer to the HNP's OIG all cases involving allegations of HNP criminal misconduct. Despite installing a full cadre of six inspectors during the year, the past shortage of investigators and expertise impeded cases from being investigated or closed in a timely manner. Senior HNP officials acknowledged receipt of several complaints alleging abuses committed by HNP officers during the year but noted that financial, staffing, and training limitations prevented the institution from readily addressing all reports of such misconduct.

Following violent protests in Port-au-Prince on May 14 to mark the third anniversary of President Michel Martelly's accession to the presidency, on May 17, Prosecutor Darius Kherson Charles issued, and the HNP executed, an arrest warrant for Rony Thimothee, spokesperson for the opposition FOPARK coalition, for inciting violence in the protests. After Thimothee's arrest police transported him to the office of the Port-au-Prince prosecutor, where he refused to be questioned without his lawyer present. Police then moved him to the Petionville police commissariat to await a hearing. On May 19, the Port-au-Prince prosecutor ordered Thimothee transported to the prison in Archaie, without having had a hearing. On June 4, the investigative judge released Thimothee and dismissed all charges. Thimothee, backed by several human rights groups, described his arrest as arbitrary and politically motivated. He insisted that HNP officers detained him without any legal justification and that his speedy imprisonment without judicial review was an effort to silence him.

In September, Judge Lamarre Belizaire issued an order placing former president Jean Bertrand Aristide under house arrest pending investigation. Some human rights advocates described this action as unjust and without legal basis, similar to Belizaire's 2013 rulings, in which he ordered the arrest of Enold Florestal, the plaintiff in a corruption case against the wife and son of President Martelly, and issued an arrest warrant for one of Florestal's lawyers, Andre Michel, for allegedly planning the 2010 shooting death of Florestal's brother-in-law. In August Belizaire, after clearing two other suspects in this case, charged the Florestal brothers and Michel for murder and referred the matter for prosecution.

Role of the Police and Security Apparatus

The HNP is an autonomous civilian institution under the authority of a single director general and includes police, corrections, fire, emergency response, airport

security, port security, and coast guard functions. The HNP's capabilities and professionalism continued to improve during the year, resulting in an 80 percent reduction in kidnapping from January to September compared with the same period in 2013.

The HNP took steps during the year toward imposing systematic discipline on officers found to have committed abuses or fraud, but civil society continued to allege that impunity was a problem. The OIG, which is responsible for conducting internal investigations into allegations of police misconduct and recommending administrative action or referring criminal cases to the prosecutor, was more active than in previous years. In May the OIG recommended dismissal of 645 officers, approved by the HNP director general and the Ministry of Justice and Public Security. The vast majority of cases were for dereliction of duty, including many officers who remained on the HNP payroll but may not have worked for years. The office also adjudicated cases of homicide, drug trafficking, and embezzlement. A lack of well-trained internal investigators in the HNP resulted in slow case investigations and impeded final resolutions.

The Ministry of Justice and Public Security, through its minister and the secretary of state for public security, provides oversight to the HNP.

Women constituted approximately 10 percent of police; incoming classes of new HNP recruits exhibited a similar gender distribution. The HNP sexual and gender-based violence (SGBV) unit remained underresourced and understaffed. The unit had two satellite offices at Fort National and Delmas 33. The HNP assigned officers who benefited from SGBV training to serve as regional SGBV representatives in all 10 departments. These officers had minimal links to the SGBV unit in Port-au-Prince.

Since 2004 MINUSTAH, made up of 8,188 international military and police officers and civilians as of August, has operated with a mandate to assist and advise the government on security-related matters. MINUSTAH retained responsibility for patrolling IDP camps, but without arrest authority and with limited HNP support, it had difficulty controlling the crime and violence that occasionally erupted.

Foreign governments and other entities continued to provide a wide variety of training and other types of assistance to increase HNP professionalism, to include increasing respect for human rights. The HNP improved its outreach to and relations with local populations in Port-au-Prince by developing a new community-

policing unit, staffed as of August with approximately 80 officers. The unit aimed to implement policing strategies oriented toward crime reduction and fostering positive police-populace communication over aggressive interdiction.

Arrest Procedures and Treatment of Detainees

The law permits police officers to make arrests with a court-authorized warrant or when they apprehend a suspect during the commission of a crime.

Authorities generally allowed detainees access to family members after arrest. While authorities generally acknowledged the right to counsel, most detainees could not afford a private attorney. Some departmental bar associations and legal assistance groups provided free counsel to indigents. Some NGO attorneys also provided free services to the indigent and, for the first time, the initial Ministry of Justice and Public Security budget draft for the year included an allocation for government-provided legal assistance through bar associations. The criminal procedure code does not allow for a functional bail system.

Arbitrary Arrest: Independent reporting confirmed instances in which, contrary to law, police apprehended persons not actively committing crimes without warrants or with improperly prepared warrants. Authorities frequently detained individuals on unspecified charges. Persons arrested reported credible instances of extortion, false charges, illegal detention, physical violence by HNP personnel, and judiciary officials' refusal to comply with basic due process requirements. The judicial system rarely observed the constitutional mandate to bring detainees before a judge within 48 hours. In some cases detainees spent years in detention without appearing before a judge.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. Prison population statistics did not include the large number of persons held in police stations around the country for longer than the 48-hour maximum initial detention period. Of the approximately 10,400 prison inmates, authorities held an estimated 7,650 (or 74 percent) in pretrial detention. Approximately 73 percent of adult male prisoners and 80 percent of adult female prisoners were in pretrial detention, while 80 percent of male minors and 92 percent of female minors were pretrial detainees. Pretrial detention was significantly more prevalent in Port-au-Prince, where the pretrial detainee population represented approximately 51 percent of the national pretrial detainee prison population. As of July authorities had yet to try an estimated 90 percent of Port-au-Prince's inmates.

In some jurisdictions outside Port-au-Prince, the size of the pretrial detention population was much closer to internationally defined norms. Many pretrial detainees had never consulted with an attorney, appeared before a judge, or been given a docket timeline. While statements from prison wardens suggested that on average the majority of inmates spent between two and five years in pretrial detention, reports indicated that time spent in pretrial detention was much lower and varied by geographic jurisdiction. The average length of pretrial detention for inmates in the prisons in Saint-Marc, Fort Liberte, and Cap Haitien were 4.0, 4.2, and 8.6 months, respectively. Prisoners in the National Penitentiary and women's prison spent an average of 15 and 21 months, respectively.

Amnesty: In June the government pardoned five juvenile prisoners from the Delmas 33 facility in conjunction with the International Week of the Child.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, senior officials in the executive and legislative branches exerted significant influence on the judicial branch and law enforcement. Allegations of high-level executive intimidation of judicial officials and corruption were frequent. MINUSTAH and international and local NGOs repeatedly criticized the government for attempting to influence judicial officials. Judges assigned to politically sensitive cases complained about interference from the executive branch.

Parliamentary officials rarely cooperated with the judiciary to investigate accusations of corruption and crime involving sitting parliamentarians. In one high-profile case, Daniel Theodore, a student at the Public University Southeast Jacmel and delegate of the “protest movement for the Advancement of Coral Sout” (MORACS), lost a tooth after being violently beaten by Senator Wencesclas Lambert on two separate occasions. The first incident occurred on March 9 during a meeting between the senator and members of MORACS and then again on March 10 when Theodore was about to give an interview to Signal FM radio. Upon filing a complaint against the senator, Theodore was informed by the court that the senator enjoyed immunity. Judge Monique Jean eventually declared that there was no proof of an assault.

Internal political divisions and organizational, funding, and logistical problems often hampered the efficient functioning of the Supreme Council of the Judiciary (CSPJ), charged with independently overseeing judicial appointments, the

discipline of judges, ethics issues, and management of the judiciary's financial resources.

Pervasive and longstanding problems, primarily stemming from a lack of judicial oversight and professionalism, contributed to a large backlog of criminal cases. Judiciary personnel were paid haphazardly, with arrears often running into months, and reported to inadequate work facilities that often lacked basic supplies. In July judges instituted a four-day nationwide strike calling for the payment of 20 months of salaries not paid under the previous government (2007-09). The lack of timely renewal of judicial mandates further slowed the functioning of the judiciary during the year.

The code of criminal procedure does not clearly assign criminal investigation responsibility, which it divides among police, justices of the peace, prosecutors, and investigating magistrates. As a result authorities often failed to question witnesses, complete investigations, compile complete case files, or conduct autopsies. While the law provides magistrates two months to request additional information from investigators, authorities were not supposed to invoke this delay more than twice for a given case. Magistrates often did not follow this requirement, and investigative judges often dropped cases or did not return them within the two-month limit. This resulted in extended pretrial detention for numerous detainees.

Corruption and a lack of judicial oversight also severely hampered the judiciary. Human rights organizations reported that several judicial officials, including judges and court clerks, arbitrarily charged fees to initiate criminal prosecutions, and that judges and prosecutors failed to respond to those who could not afford to pay. There were widespread, credible allegations of unqualified and unprofessional judges who received appointments as political favors. There were also persistent accusations that court deans--who are responsible for assigning cases to judges for investigation and review--at times assigned politically sensitive cases to judges with close ties to figures in the executive and legislative branches. In response human rights organizations often formally requested that the CSPJ investigate the behavior and review the judicial decisions of judiciary officials. The CSPJ was not always effective in providing judicial accountability and transparency. Many judicial officials also held full-time occupations outside the courts, although the constitution bars judges from holding any other type of employment except teaching.

Trial Procedures

The judicial apparatus follows a civil law system based on the Napoleonic Code and has remained largely unchanged since 1880. Authorities widely ignored certain constitutionally assured trial and due process rights. The constitution also expressly denies police and judicial authorities the right to interrogate suspects unless legal counsel or a representative of the suspect's choice is present or the suspect waives this right.

The constitution provides defendants a presumption of innocence, as well as the right to attend trial, confront hostile witnesses, and call witnesses and evidence on their own behalf. Judges often denied these rights. The perception of widespread impunity also discouraged some witnesses from testifying at trials. Defendants and their attorneys had access to government-held evidence before trial, and defendants had the right of appeal.

The functioning of civil courts (tribunaux de paix), the lowest courts in the judicial system, was poor. Judges presided in chamber based on their personal availability and often maintained separate, full-time jobs. Law enforcement personnel rarely maintained order during court proceedings, and frequently there was no court reporter. Bribes were often the principal factor in a judge's decision to hear a case.

In multiple locales, especially in rural areas, elected communal administrators (CASECs) took the place of state judges and asserted powers of arrest, detention, and issuance of legal judgments. Some CASECs turned their offices into courtrooms.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Victims of alleged human rights abuses were legally able to bring their cases before a judge for cessation of the violation. Courts could award damages for human rights abuse claims brought in civil forums. Seeking these types of remedies was difficult and rarely successful.

After more than two years of lower court and appellate procedures, a three-member panel ruled on February 20 that former president Jean-Claude Duvalier could be tried on charges of crimes against humanity and other human rights abuses. The

panel remanded the matter for new human rights and corruption proceedings, allowed the possibility for a significantly expanded plaintiffs' class, and called for additional findings of fact on both corruption and human rights charges. The court explicitly ruled that "customary human rights law is Haiti law," setting a precedent and decisively rejecting the Duvalier defense team's primary contention that the country's human rights framework did not allow him to face crimes against humanity and other human rights charges in Haiti. Following the death of Duvalier on October 4, lawyers representing the victims in the case against Duvalier and his collaborators stated that the case would continue against the Duvalier regime and other named defendants. The judge in the matter continued to interview witnesses and gather evidence.

Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission of Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights. The court can order civil remedies including fair compensation to the individual injured.

Property Restitution

There were several highly publicized reports that the government failed to provide proportionate and timely restitution or compensation for governmental confiscation of private property.

The government's plans to reconstruct Port-au-Prince's downtown area raised anger and dissatisfaction over the enforcement of eminent domain laws in the area. Many residents and business owners claimed they did not receive proper notice from government officials to vacate their property prior to demolition. The government asserted its right to exercise eminent domain and claimed all property owners would be compensated at some future date.

The government continued to implement an ambitious initiative to develop Ile-a-Vache, a sparsely populated island off the southern coast, for international tourism. The project prompted outcries from islanders who claimed the government excluded them from the decision-making process that opened the island for investment in an international airport, hotels, villas, a golf course, and an underwater museum--and placed their futures in jeopardy. Advocates claimed that as many as 100 to 200 families would be affected by the planned development and expected to be relocated. While the civil code deemed island territories "public

state property” and therefore not subject to private land ownership, most of Ile-a-Vache’s residents asserted some form of tenancy to their land.

The Organization of Ile-a-Vache Farmers organized several demonstrations to protect land that had been in their families for generations. They demonstrated against the development plans with tire-burning protests, prompting a police response. A few residents reported police beat them. The government reacted to the protests by increasing police forces on the island and jailing the organization’s vice president, Jean Matulnes Lamy, at the National Penitentiary. While officials stated Lamy was detained on charges unrelated to the protests, activists believed his imprisonment was meant to have a chilling effect on the opposition.

The 2013 presidential decree declaring that the island was a public utility called for residents to be relocated, not removed from the island, and compensated for their losses. Nearly 20 families had been displaced so far without redress.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions; however, there were several reports of government agents, including off-duty police officers, assisting in unauthorized forced evictions and relocations of IDPs.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights. The independent media were active and expressed a wide variety of views without restriction.

Press Freedoms: The independent media were active and expressed a wide variety of views without formal restriction. There were isolated incidents, however, of actions against journalists by national and local government officials. As a result some independent media believed they were unable to criticize the government freely.

In April the National Telecommunications Council (CONATEL) threatened to apply retaliatory measures against any media that published information considered false or defamatory. CONATEL threatened to sanction Radio Zenith

for spreading what it considered unsubstantiated, derogatory information about government and police authorities, citing a 1977 executive order issued by the former dictator Jean- Claude Duvalier as legal authority.

Violence and Harassment: Some journalists were subjected to threats, harassment, and physical assault, allegedly due to their reporting throughout the year. In some instances government authorities participated in these acts. There were some developments in prominent cases from previous years.

In August a correspondent of Radio Kiskeya in Petit-Goave, Roney Innocente Desgranges, and the chief executive officer of Radio Television Plus, Gibson Bazile, received an envelope at their homes containing a 12-gauge cartridge accompanied by a threatening letter referencing political reporting they had done that was critical of certain government officials.

Two presidential security officers, under HNP command, assigned as security guards for President Michel Martelly, assaulted a reporter of Radio Kiskeya while the journalist was attempting to question President Martelly during a visit to a school in October 2013. The investigating judge, Jean Wilner Morin, issued an arrest warrant after the officers failed to appear before the judge for questioning. Authorities had not executed the arrest warrant as of October.

There were significant developments in the 2000 killing of journalist Jean Dominique as additional key suspects were indicted in January. In June authorities arrested and detained Markington Philippe in Argentina and extradited him to Haiti, where he awaited trial as of October.

Censorship or Content Restrictions: There were no reported cases of government-sponsored censorship. Human rights advocates claimed that certain government officials used public security ordinances to limit radio commentary criticizing the executive branch.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authorization. According to the International Telecommunication Union, approximately 11 percent of citizens used the internet in 2013.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for the freedoms of assembly and association, and the government generally respected these rights.

Freedom of Assembly

There were several instances when police used force to impose order during demonstrations. Citizens must apply for a permit to hold legal demonstrations. Impromptu political demonstrations in some instances provoked aggressive law enforcement responses. The HNP generally responded to these protests in a professional and effective manner.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with international and humanitarian organizations, as well as other countries, in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. Local and international human rights organizations, however, highlighted government consent of or active participation in the forced eviction of several IDPs from remaining tent camps.

Foreign Travel: The Institute for Social Well-Being and Research (IBESR), under the Ministry of Social Affairs and Labor, maintained its policy of requiring minors departing the country without their parents to have parental documentation authorizing the travel. According to IBESR officials, this policy helped deter instances of child trafficking and smuggling.

In August Judge Lamarre Belizaire issued two orders instructing the director general of the Immigration and Emigration Office to prohibit more than 30 members of the Aristide Foundation for Democracy and former officials of the Aristide administration, including former president Aristide, from leaving the country. The travel ban was seen as part of the continuing investigation into longstanding accusations of misuse of public funds and money laundering from illicit drug trafficking against members of the Aristide administration.

Emigration and Repatriation: A lack of resources hampered the ability of the National Migration Authority (ONM) to meet the basic needs of returning economic migrants and criminal returnees. In April the ONM was unable to support the rent for the Port-au-Prince deportee reception center, and the ONM maintained a sporadic supply of food, hygiene kits, and transportation as part of their repatriation operations for economic migrants returning to Cap Haitien and Port-au-Prince.

Internally Displaced Persons (IDPs)

The government engaged in efforts to promote the safe, voluntary return, or resettlement of post-2010 earthquake IDPs but required substantial operational and financial support from international partners. These actions contributed to the significant decline of the IDP population during the year. The presence of IDP camps in the country persisted, with a large concentration of the estimated 123 remaining camps located in the greater Port-au-Prince metropolitan area. September estimates placed the number of IDPs remaining in camps at approximately 85,000 persons, with approximately 61,500 IDPs departing camps or being resettled during as of September. Statistics from the International Organization for Migration (IOM) Displacement Tracking Matrix suggested that by June the overall post-2010 earthquake IDP population had decreased 93.7 percent from the estimated peak of internal displacement in 2010.

The government, with the aid of international partners, continued the 16/6 Project. By the end of 2012, 11,000 families residing in IDP camps benefitted from this project, which completely emptied many highly visible camps on public land in Port-au-Prince. Several NGOs and international partners implemented similar resettlement programs. Approximately 97 percent of all IDP households that departed camps during the year left because of the support they received from national or internationally supported resettlement programs.

While some of the larger IDP camps had support from NGOs, the UN, and domestic law enforcement, many others were unregulated, with severely strained resources and extremely limited access to clean water and sanitation.

Through the UN police force (UNPOL), MINUSTAH maintained its presence in IDP camps and provided 24-hour security in some camps with high levels of reported violence. Nonetheless, even in camps with a law enforcement presence, residents and international observers reported little in the way of effective protection from violence, including SGBV, urban crime, and forced evictions. MINUSTAH and UNPOL members did not have arrest authority and typically functioned as a deterrent force rather than one actively engaged in law enforcement. International arrangements governing MINUSTAH's operations require an HNP officer to be present for any law enforcement operation, which effectively prevented MINUSTAH officers from engaging in crime prevention in the IDP camps without an HNP presence. Understaffing by the HNP sometimes prevented this partnership from functioning effectively. International workers in the camps noted that the HNP and MINUSTAH did not always enjoy positive relationships with IDPs. Camp residents and NGO workers reported that most police patrols, both UNPOL and HNP, monitored only the perimeter of camps and typically did not patrol after dark.

Some IDPs who received money, services, or a combination of both as incentives to move out of camps did so successfully, while others simply moved to different unregulated camps.

Data on forced evictions from the reports of international organizations working with IDPs suggested that through June, approximately 300 IDPs leaving camps were forcibly evicted, compared with 4,908 in all of 2013.

From December 2013 to February, authorities attempted to comply with a June 2013 court order to remove residents from an IDP settlement in the Canaan area of Port-au-Prince. AI reported that HNP officers and armed men with machetes forcibly evicted approximately 100 families between December 7 and 10, 2013. Police allegedly fired into the air and used tear gas against the residents, injuring at least three persons. AI reported police returned in February to continue the eviction, prompting residents to demonstrate against the eviction process. Residents reported police allegedly beat two persons and used tear gas to disperse the demonstrators. Residents claimed they never had an opportunity to challenge the court-ordered evictions.

Protection of Refugees

Access to Asylum: The law provides for the granting of refugee status or asylum through Haitian missions or consulates abroad. Additionally, individuals could petition for asylum through the local office of the UN High Commissioner for Refugees. There were few reports, however, of requests for such status.

Stateless Persons

The country's dysfunctional civil registry system yielded no reliable estimates on the number of stateless persons within the country. Haitians abroad reported complex bureaucratic procedures and high fees when obtaining government documentation such as birth certificates. These individuals were effectively stateless in their country of residence.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: The country held two rounds of presidential and legislative elections in 2010 and 2011. Michel Martelly won the presidential run-off, during which there were isolated incidents of fraud, flawed voter registration lists, ballot stuffing, intimidation, and some violence. International observers and civil society generally considered the second round to be free and fair.

Elections scheduled to take place in October--for the entire Chamber of Deputies, two-thirds of the Senate, and most municipal and regional offices--did not take place as planned. A continuing impasse between the executive, legislative, and judicial branches over the proper procedures to establish and promulgate an elections law impeded passage of one. The terms of all local and municipal officials expired in 2011, while the terms of one-third of the Senate expired in May 2012. While the 10 Senate seats remained unfilled--causing significant quorum problems in the upper house--many of the local and municipal officials whose terms expired in 2011 were replaced by executive branch appointees seen as friendly to the administration. The replacement of democratically elected officials with political appointees at the local level fueled criticism of President Martelly.

The entire Chamber of Deputies and another one-third of the Senate were due to expire on January 12, 2015.

On March 15, culminating several weeks of talks early in the year, President Martelly, representatives from the Senate, and approximately 50 political parties signed the El Rancho Accord, an agreement designed to provide new impetus to the electoral process. The agreement contemplated omnibus 2014 elections, with a first round target date of October 26, covering two-thirds of the Senate, the entire Chamber of Deputies, and all local and municipal posts. The proposed undertaking would involve more than 30,000 candidates vying for 4,000 seats.

Despite the initial optimism from domestic leaders and the international community that the El Rancho signing generated, significant obstacles persisted. After months of debate between the executive, legislative, and judicial branch actors over the reconstitution of the electoral council, on July 16, President Martelly ultimately promulgated a decree formally filling all nine positions on the Provisional Electoral Council (CEP) and setting elections for October 26. As of November, because of a persistent failure to gather the mandatory 16-member quorum, the Senate failed to vote on passage of amendments to the 2013 electoral law, and elections had not occurred as planned.

None of the major opposition political parties registered to compete in elections by the initial June 25 deadline. Meanwhile, another deadline, the July 27 voter registration cutoff, also passed amid a general atmosphere of uncertainty about elections. The opposition maintained the CEP was not impartial and not constitutionally formulated. In efforts to boost confidence in the CEP, all three branches of government made changes over the year to their respective appointees to the CEP--each branch appoints three members to the nine-seat council. In August the CEP announced that the initial October 26 target date for legislative elections would not be met but did not set an alternate date. Government officials claimed that voters who registered between the initial July closing of the voter rolls and the CEP's establishment of a final date would have their names transferred to the eligible voters' lists for future contests.

Political Parties and Political Participation: The Law on Formation, Functioning, and Financing of Political Parties, published on January 16 by President Martelly, is the first comprehensive legal instrument for regulating and strengthening political parties. This new law aims to address many structural challenges of the political system and lay the foundation to strengthen parties and improve governance. The law regulates both public and private funding for political

parties, which could establish more fairness in the political process. Traditionally, parties tied to the government had a competitive advantage during elections and received more logistical and financial resources. Additionally, the law encourages women's political participation and sets regulations to safeguard women political rights.

Participation of Women and Minorities: Five female members served in the Chamber of Deputies, which had 94 members as of October, and no women served in the Senate. In 2012 President Martelly promulgated a set of constitutional amendments, including one that recognized the principle of "at least 30 percent women's participation in national life and in public service." Despite an increase in women's participation from 2012 to 2013, the numbers leveled off during the year. As of September seven of 23 ministers and three of 10 secretaries of state were women, as well as three of the nine CEP counselors, including the council's director general. One of the nine members of the CSPJ and one of the nine members of the Cessation Court were women. While parliament has an Office of Gender Equity, led by Deputy Josie Marie Etienne, which is mandated to focus on comprehensively incorporating gender into pending legislation, as well as drafting new legislation aimed at addressing inequities, the delay in elections affected the office's work, since women did not have the opportunity to run for office.

Election laws since 2008 provided significant financial incentives for political parties to field women candidates, but parties consistently failed to meet the incentive criteria. The Senate draft version of the electoral law reinstated some of the gender provisions, but women's groups criticized the fact that no provisions in any version of the electoral law addressed the issue of providing for adequate women's representation in parliament.

Section 4. Corruption and Lack of Transparency in Government

In March the government adopted the Law on Prevention and Repression of Corruption, the country's first anticorruption law. The law criminalizes a wide variety of corruption-related offenses, including illicit enrichment, bribery, embezzlement, illegal procurement, insider trading, influence peddling, and nepotism. The law imposes sentences of three to 15 years' imprisonment and gives new legal authority to the government's Anticorruption Unit (ULCC) and its Financial Intelligence Unit, among others, to combat corruption.

There were numerous reports of government corruption during the year and a perception of impunity for abusers. Law enforcement authorities and the

government's anticorruption agencies launched several investigations that led to the dismissal and arrest of some government officials. Although the government continued to implement legal, administrative, and management reforms designed to increase accountability in several ministries and government institutions, corruption remained widespread in all branches and at all levels.

Corruption: The constitution mandates that the Senate prosecute high-level officials and parliament members accused of official corruption instead of handling such cases within the judicial system. Although the Senate brought no such prosecutions, both houses of parliament continued investigations into the alleged roles played by high-level executive officials, including President Martelly, Prime Minister Laurent Lamothe, and Minister of Justice Sanon, in pressuring Judge Serge Jean Joseph to drop his 2013 corruption case against members of the Martelly family. In September 2013 the Senate voted to adopt its special investigative commission's report recommending the impeachment of the three officials for their roles in pressuring Judge Joseph to drop his inquiry just prior to his sudden death and then "lying to the nation" about their meetings with Judge Joseph afterwards. The Chamber of Deputies, however, did not vote on their commission's report, which also recommended impeachment. In March the official autopsy results from a Canadian coroner's office determined that the judge died a "natural death," the probable cause being a brain hemorrhage.

There were frequent reports of corruption in the HNP. For instance, affluent prisoners at times obtained favorable conditions of detention. The HNP investigated some allegations of police malfeasance. New leadership at the HNP OIG helped to improve the unit's efficiency and push forward more internal investigations. As of September initial OIG investigations indicated the August prison break at the Croix-des-Bouquet facility was an orchestrated event involving multiple HNP officers.

The ULCC reported transferring 24 corruption-related cases to prosecutors through September, including against previous directors of the social insurance agency and the vehicle insurance agency. ULCC officials continued to cite the judiciary, specifically the lack of prosecutorial follow-through, as the reason for why investigations failed to yield successful legal dossiers.

Financial Disclosure: The law requires all senior officials of the government to file financial disclosure forms within 90 days of taking office and within 90 days of leaving office. Officials must report their assets and those of their immediate

family. There is no requirement for periodic reporting. When filed, these disclosure reports were confidential and not available to the public.

The sanction for failure to file financial disclosure reports was a withholding of 30 percent of the official's salary, but the government did not apply this sanction in previous years. In May, however, the Ministry of Finance froze salaries of 140 government officials, including 30 judges and prosecutors in Port-au-Prince, following the ULCC tracking that none of the officials had filed their required submissions. This was the first instance of the government applying prescribed consequences on working-level public officials failing to file.

Public Access to Information: No law requires the government to provide citizens access to government information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated in addressing the views of various human rights groups, although they disagreed at times on the scope of certain human rights problems and the most appropriate means of addressing human rights issues.

There were some reports of governmental efforts to restrict or otherwise suppress criticism, specifically by journalists and radio personalities. Prominent human rights advocacy organizations were often able to elicit supportive responses from the CSPJ after publically calling for investigation into perceived violations of human rights and the rule of law by members of the judiciary.

Government Human Rights Bodies: In May 2013 the Martelly administration issued a decree creating an interministerial human rights committee (CIDH) to coordinate and harmonize the country's laws and public policies with constitutionally provided and internationally recognized human rights. The CIDH is statutorily composed of representatives from the Office of the Prime Minister, minister delegate, Justice Ministry, Labor Ministry, Ministry of Women's Affairs and Women's Rights, Ministry of Public Health, Ministry of Education and Professional Training, Ministry of the Interior and Territorial Collectivities, and Ministry of Foreign Affairs and Worship. The CIDH is also responsible for creating and implementing a national human rights policy strategy. The decree

creating the CIDH stipulates that the body must meet at least quarterly and is to receive its funding from the Ministry of Planning and External Cooperation.

Minister Delegate Auguste provided the prime minister with human rights policy guidance and implemented several national poverty alleviation programs. The minister delegate also led the government in several human rights-related initiatives, including the development of a national human rights institute, follow-up on the 122 recommendations received during the country's Universal Periodic Review, facilitating the creation and work of the CIDH, and preparing reports for international human rights bodies. Auguste also consulted with international organizations and multilateral partners to coordinate government responses to the forced eviction of IDPs. She led the country's diplomatic representation at several international conferences and symposiums on human rights issues.

During the year the CIDH initiated a series of consultations with NGO representatives in departments around the country. The CIDH was seeking feedback and suggestions from human rights advocates for a first draft of a national human rights plan.

The constitution provides a seven-year mandate to the OPC, the country's independent human rights ombudsperson, a post held by Florence Elie, whose term ends in 2016. The OPC continued its investigations into allegations of human rights abuse and worked collaboratively with international organizations. The OPC's regional representatives implemented its assistance programs throughout the country. OPC Director Elie stated that, despite its budget and international donor support, the institution did not possess the necessary funding or physical or human capacity to implement its strategic development and advocacy plan in each of the 10 departments. Human rights advocates and international partners noted that the OPC remained one of the country's most important national institutions responsible for independently monitoring potential human rights abuses, especially in detention centers.

The Chamber of Deputies and the Senate each had a human rights committee; however, neither body undertook any action due to delayed elections.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law does not specifically prohibit discrimination on the grounds of race, gender, language, sexual orientation or gender identity, or social status, but the preamble to the constitution specifically reiterates the importance of adhering to

the Universal Declaration of Human Rights, which prohibits all forms of discrimination. Nonetheless, no effective governmental mechanism administered or enforced such provisions, including provisions called for in various regional and international agreements.

Women

Rape and Domestic Violence: While the law prohibits rape, it does not recognize spousal rape as a crime. The penalty for rape is a minimum of 10 years of forced labor, increasing to a mandatory 15 years if the survivor was less than 16 years old or if the rapist was a person of authority. In the case of gang rape, the maximum penalty is lifelong forced labor. Actual sentences were often less rigorous, and prosecution frequently was not pursued due to lack of reporting and follow-up on survivors' claims. By September international observers reported 415 incidences of rape and rape-related crimes. The criminal code excuses a husband who kills his wife or her partner found engaging in an act of adultery in his home, but a wife who kills her husband under similar circumstances is subject to prosecution.

The law similarly does not classify domestic violence against adults as a distinct crime. Women's rights groups and human rights organizations reported that domestic violence against women remained commonplace and underreported. Police rarely arrested the perpetrators or investigated the incidents, and the survivor sometimes suffered further harassment and reprisals from perpetrators. Judges often released suspects arrested for domestic violence and rape.

Sexual and gender-based violence (SGBV) was a chronic problem. In an August MINUSTAH report, the peacekeeping force noted that the weakness of the justice system made it difficult for SGBV survivors to find redress, and the fear of reprisals and social stigma attached to being a survivor of SGBV contributed to underreporting and infrequent prosecutions.

Human rights groups and lawyers said barriers to reporting rape remained high and included stigmatization, fear of reprisal, and distrust of the judiciary and legal system. They also said there were wide disparities in access to and the quality of medical services from hospitals treating rape survivors. Multiple credible groups said that legal authorities often asked rape survivors inappropriate questions, such as whether the survivor was a virgin before the incident and what clothing the survivor was wearing at the time of the alleged rape. In some cases authorities advised survivors against pressing charges in order to avoid the public humiliation of a trial. Survivors of rape and other forms of sexual violence faced major

obstacles in seeking legal justice, as well as access to protective services such as women's shelters.

MINUSTAH's 2013 report on police and judicial response to rape showed that various actors in the criminal justice system inadequately handled the vast majority of rape cases. The report concluded the state failed in its obligation to conduct investigations and to ensure that rape victims had sufficient access to victims' services or the judicial system. The barriers to justice for rape survivors included the requirement that women obtain a medical certificate verifying the rape. Justices of the peace, who statutorily had no jurisdiction to handle this type of crime, also at times attempted to "amicably resolve" rape complaints by negotiating a financial settlement for the victim in exchange for dropping the complaint. The lack of clerical rigor in properly registering rape complaints also contributed to systemic underreporting.

The vast majority of rape survivors never filed a complaint. Those who chose to file a complaint could do so with police, the Prosecutor's Office, or a justice of the peace. Survivors could also request the doctor at the medical center call the HNP on their behalf. While the UN report found that 81 percent of women who chose to file a rape complaint did so with police, very few of those cases that formally entered the judicial system via police, Prosecutor's Office, or the justices of the peace were ever resolved. According to the report: (1) police handled only 47 percent of the cases reported to them; (2) the justices of the peace forwarded to the proper judicial authorities 61 percent of the cases they received from either police or victims; (3) prosecutors pursued 64 percent of all rape cases they received; (4) investigating magistrates' chambers pursued only 10 percent of the cases received from victims or prosecutors; and (5) first instance courts handled only 34 percent of the cases they received from the investigating magistrates' chambers. Overall, only a small percentage of complaints filed went to trial. The data suggested that fewer than 2 percent of rape complaints made it to the trial phase and an even smaller percentage resulted in a conviction.

Attorneys who represented rape survivors said that authorities were reasonably responsive to cases involving the rape of minors, as the law is clear and judicial measures exist to deal with such cases, which outrage from local communities often accompanied. Authorities, however, frequently dropped or did not pursue cases when the offender was also a minor or the survivor was an adult due to the lack of clear legal or administrative structures to deal with such cases. The attorneys claimed authorities often "provisionally released" juvenile offenders in rape cases back to their parents' recognizance as allowed for in the law.

Through international donor funding and support, the government took significant measures to combat SGBV. From October 2013 to September, authorities had referred 2,294 SGBV survivors to voluntary counseling and testing for HIV and other sexually transmitted infections, as well as reproductive health and psychological support services. Similarly, health-care providers at 30 different facilities were trained to identify and manage SGBV cases and provide referrals to social and legal services. Additionally, authorities sensitized and surveyed persons on SGBV, including medical staff and patients. These developments were part of a much larger, multi-year public awareness and survey project that specifically targeted SGBV and reached approximately 115,000 persons living in high-risk areas.

Students at the magistrate school--who serve as new judges, prosecutors, and court clerks upon graduation--received training on SGBV and strategies for improved investigation and prosecution of such crimes, victim assistance, and evidentiary procedures. Funding from the international community added a special advisor to the HNP's SGBV Unit to strengthen law enforcement's capacity to prevent and respond to SGBV crimes.

Government and international partners also conducted mentoring sessions on SGBV as part of pilot program for chief judges, prosecutors, and justice of the peace courts in order to increase the number of SGBV cases sent to the Prosecutors' Office for prosecution.

Female Genital Mutilation/ Cutting (FGM/C): There is no law that prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Harassment: The law does not specifically prohibit sexual harassment, although the labor code states that men and women have the same rights and obligations. Data concerning sexual harassment in the workplace were not available, although observers suggested that sexual harassment was common, particularly in factories. Such incidents were unreported because of high unemployment and because victims had little confidence in the ability of the judicial system to provide protection.

Anecdotal evidence also suggested that sexual harassment and other derogatory treatment was a particular problem for female law enforcement officers, who constituted 12 percent of the HNP. Female police officers reported facing challenges their male counterparts did not, including coworker gossip, more

limited access to training, fewer promotion opportunities, and discriminatory administrative policies.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children; to obtain the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. According to the UN Population Fund, the contraceptive prevalence rate for married women or women in union between the ages of 15 and 49 increased from 24.8 percent in 2006 to 32 percent in 2013. Despite high levels of general knowledge of contraceptive methods and the government's active engagement in this domain, social, cultural, and legal barriers often impeded women from acquiring additional information on family planning methods and reproductive health care. In the largely conservative society, modern contraception was often socially discouraged. A lack of adequate family planning resources continued to hamper protection of women's reproductive rights. Young, sexually active women found it especially difficult to gain access to family planning services. Governmental family planning services, often located in public health facilities such as hospitals, generally did not have private or confidential screening areas for patients.

The UN Population Fund reported that only 25 percent of all child deliveries in 2011 occurred in health institutions or with a skilled health attendant present. Most women used "matrons," often experienced but untrained local women, to help them give birth at home or in nonmedical facilities. Health-care professionals attributed this practice to the poor and inconsistent quality of maternity services at hospitals and clinics. According to the 2012 Demographic Health Survey, approximately 90 percent of pregnant women went for at least one prenatal visit. While most women in rural provinces chose to deliver at home, many women in urban areas with access to professional delivery services also chose to deliver at home.

UN, World Bank, and local health professional estimates of health trends assessed that maternal mortality further declined in 2013 to 380 per 100,000 live births. A combination of strict laws, unmet family planning needs, lack of medical services, lack of emergency obstetrics, and a high level of unwanted pregnancies and a corresponding high level of unsafe abortions contributed to the high maternal mortality rate.

Discrimination: Women did not enjoy the same social and economic status as men, despite the constitutional amendments recognizing the principle of "at least

30 percent women's participation in national life and notably in public service," but conditions improved during the year. Increased civil society and government advocacy heightened awareness of the link between women's empowerment and national development.

In some social strata, tradition limited women's roles. The majority of women in rural areas remained in the traditional occupations of farming, marketing, and domestic labor. Very poor female heads of household in urban areas also often faced limited employment opportunities, working in domestic labor, sales, and as merchants.

International partner institutions and NGOs provided social support mechanisms to various groups, including women. Minister Delegate Auguste used the various social and poverty reduction programs for which her ministry had responsibility to help economically empower small-business owners and single mothers and provided opportunities for cultural expression to disadvantaged youth and detainees.

While women continued to be underrepresented in supervisory or managerial positions in government and in the private sector, more women held such positions than in previous years. The HNP also saw sustained and significant increases in the number of female recruits and inducted officers. During the year promotion classes included 10 to 12 percent women, compared with 6 percent at the beginning of 2013.

By law men and women have equal protections for economic participation. In practice women faced barriers to accessing to economic inputs such as land ownership; receiving profits from work (particularly agricultural labor); and securing collateral for credit, information on lending programs, and resources for financial security and growth for themselves, their families, and their businesses.

Children

Birth Registration: Citizenship is derived through an individual's parents; only one parent of either sex is necessary to transmit citizenship. Citizenship can also be acquired through a formal request to the Ministry of the Interior. The government did not register all births immediately and did not keep statistics concerning the number of unregistered births each year. Birth registry is free until the age of two years, after which it can be difficult and expensive to obtain a birth certificate, particularly in the provinces.

Birth documents are legally necessary to open bank accounts, apply for credit, gain admission to hospitals, and vote. Individuals who did not possess required birth documents were not denied emergency medical services or educational opportunities on that basis. The 2010 earthquake destroyed many official documents. As a result the National Archives saw its requests for certified copies of documents more than triple upon reopening after the earthquake, and the Office of National Identification (ONI) remained underresourced and overwhelmed by demand.

The government continued its program designed to facilitate the registration of births and procurement of national identification cards for citizens in the provinces and rural communities. Documentation functions are carried out by four government entities: the ONI, a semiautonomous institution linked to the Ministry of Justice and Public Security; the Civil Registry (which also falls under the Justice Ministry); the Ministry of Foreign Affairs; and the National Archives (which falls under the Ministry of Culture). The country's dysfunctional civil registry system and weak consular capacity made obtaining documentation extremely difficult for individuals living inside or outside the country. The government continued to increase efforts to document Haitians both locally and internationally, sponsoring massive programs in the country's most impoverished rural communes to register the late births of thousands of nationals. The ONI indicated that during 2013, the government issued approximately 250,000 passports, 240,000 identification cards, and 129,000 birth certificates.

Education: Constitutional provisions require the government to provide free and compulsory primary education for all children; however, neither primary nor secondary education was compulsory, free, and universal. The government continued to implement the government's free national education program, which provided primary education for the children of poor families without taking children's previous student status into consideration. The UN Children's Fund and other international bodies contributed millions of dollars to subsidize the cost of schooling. Many families not able to get their children into a public school paid for their children to attend private schools, which were generally unaccredited and unregulated.

Child Abuse: The law prohibits domestic violence against minors. The government continued to lack sufficient resources and an adequate legal framework to fully support or enforce existing mechanisms to promote children's rights and welfare but made some progress in institutionalizing protections for

children. The president promulgated a comprehensive adoptions reform bill in November 2013 as well as a law penalizing human trafficking in July. The law provides a definition for human trafficking that meets international requirements, enshrines protections for victims, and facilitates law enforcement's vigorous prosecution of trafficking offenders. Additionally, the government continued to station outside the capital more personnel from the Brigade for the Protection of Minors (BPM) and IBESR. The BPM and IBESR expanded partnership with international organizations and training opportunities for government officials on how to recognize victims of child abuse and exploitation better. Both offices had representatives in each of the 10 departments, as well as a presence at official border crossing points. The IBESR continued its collaborative efforts with local community-based organizations to promote children's rights throughout the country.

While it was recognized nationally that accurate statistics for children working in indentured domestic servitude (referred to as "restaveks") did not exist, authorities estimated that there were between 250,000 and 500,000 such children, the majority of whom were girls. Adoptive families often abused restaveks and subjected them to domestic servitude, a form of trafficking (see section 7.c.). The IBESR continued to work with international and local NGO partners to promote and strengthen community dialogue on the problems and abuses and trafficking associated with the restavek system.

In May Minister of Social Affairs and Labor Charles Jean-Jacques launched, in collaboration with national and international organizations, a 10-month national child domestic servitude census project designed to help government agencies better assess and record the number of restaveks. According to the minister, an accurate census would better inform the government on how to prevent and address child exploitation.

The National Week of the Child, a yearly, nationwide campaign aimed to increase awareness and understanding of children's rights, continued again in June under the auspices of the IBESR. Local organizations and international partners participated, engaging in topics such as forced child labor, human trafficking, and sexual abuse and exploitation.

For more information see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ and the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

Port-au-Prince's population of several thousand street children, the majority of whom were boys, included not only many who were dismissed from or fled employers' homes or abusive families, including situations of domestic servitude, but also some children who lost parents or caretakers in the 2010 earthquake. NGOs reported that street children were likely to be sexually or otherwise abused, received little or no education, and were easily exploited and subjected to forced prostitution and forced begging by trafficking recruiters. Criminal gangs also reportedly forced minors to commit illegal acts. The Labor Ministry, the minister delegate, and the OPC as well as several NGOs and international organizations provided direct social support services and other assistance to street children and victims of exploitation.

The IBESR has official responsibility both for child protection and for monitoring and accrediting the country's numerous residential care centers. In partnership with other governmental agencies and international actors operating through the Vulnerable Children's Working Group, the IBESR made significant effort to expand protections for youth. The IBESR deployed numerous frontline workers and inspectors to bring residential child care centers under its control. In 2012 the institution had identified 724 centers, registered the 16,955 children residing in them, and assessed 468 of the centers.

Early and Forced Marriage: The legal age of marriage is 18 years. Of women between the ages of 20 and 24, 18 percent were married by the age of 18, compared with 3 percent of men. No data were available regarding early and forced marriage, but early marriage was not a widespread custom.

Female Genital Mutilation/ Cutting (FGM/C): There is no law that prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Exploitation of Children: The minimum age for consensual sex is 18 years. The law prohibits the corruption of youth under the age of 21 years, including by prostitution, with penalties ranging from six months' to three years' imprisonment for offenders. The antitrafficking law provides significant penalties. For example, those guilty of human trafficking can serve prison sentences ranging from seven to 15 years and pay a fine ranging from Haitian Gourdes (HTG) 200,000 to HTG 1.5 million (\$4,445 to \$33,330). Similar penalties apply to exploitative employers and individuals attempting to obtain sexual services from a victim of trafficking, and the law provides for increased penalties for offenders when there are aggravating circumstances, including trafficking involving minors.

Child prostitution was reported in IDP camps as well as on the streets. Recruitment of children for sexual exploitation, pornography, and illicit activities is illegal, but the UN reported that armed gangs recruited children as young as 10 years old for such purposes.

Displaced Children: A large population of displaced children continued to reside in 123 IDP camps and was at risk for exploitation and abuse.

Institutionalized Children: Children residing in orphanages and residential care centers were at times at risk of being abused or placed in a situation of forced labor. For more information, see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. For country-specific information, see travel.state.gov/content/childabduction/english/country/haiti.html.

Anti-Semitism

The Jewish community numbered fewer than 100, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution stipulates for persons with disabilities the means to provide for their autonomy, education, and independence. The law prohibits any discrimination in employment practices against persons with disabilities, requires the government to integrate such persons into the state's public services, and imposes a 2 percent quota for persons with disabilities in the workforces of private sector companies. There was no information available on the extent of government enforcement of these legal protection mechanisms. Government officials also took steps to include protections for persons with disabilities to vote.

The 2010 earthquake substantially increased the size of the community of persons with disabilities and focused international attention on the need to bolster support

mechanisms for this group. Because of widespread and chronic poverty, a shortage of public services, and limited educational opportunities, persons with disabilities remained disadvantaged. Additionally, individuals with disabilities faced significant social stigma because of their condition. As a group, persons with mental or developmental disabilities were consistently marginalized, neglected, and abused in society. While information about the number of persons with disabilities was scarce at the national level, the Office of the Secretary of State for the Integration of Handicapped Persons (BSEIPH), which falls under the Labor Ministry, estimated that 10 percent of citizens had disabilities. The BSEIPH is the lead government agency responsible for providing assistance to persons with disabilities and ensuring their civil, political, and social inclusion. International and local NGOs continued to provide most direct services to persons with disabilities. Access to quality medical care posed a significant challenge for persons with disabilities. Hospitals and clinics in Port-au-Prince did not have sufficient space, human resources, or public funds to treat such individuals. Where facilities existed to treat and rehabilitate them, the conditions were below international standards.

The BSEIPH has several departmental offices outside the capital and continued to refine a strategic development plan to guide the institution's efforts. The BSEIPH also offered scholarships and grants to students with disabilities and initiated a program to help fund the study of disabilities-related issues at the Haitian State University. In June, in partnership with international donors, the BSEIPH renovated two schools in Jacmel to make them accessible to children with disabilities. The government continued to hold public awareness campaigns to change the societal norms of weakness associated with being physically or mentally disabled.

The BSEIPH continued to ensure that existing efforts to craft or reform legislation took into account the needs of persons with disabilities. The BSEIPH continued to provide technical assistance to governmental efforts to harmonize the labor code to the law on the integration of persons with disability, reform domestic adoptions framework, and conform the building code (in partnership with representatives from the Labor Ministry, IBESR, and Ministry of Public Works, Transport, and Communications) to standards of universal accessibility. Similarly, the BSEIPH worked with international NGO Handicap International and the Ministry of Public Health to develop standardized training protocols for physical therapists and other health practitioners.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

There were no laws criminalizing sexual orientation or consensual same-sex conduct between adults, nor were there any reports of police officers actively perpetrating or condoning violence against members of the lesbian, gay, bisexual, and transgender (LGBT) community.

There were no laws criminalizing the changing of one's gender or sex; however, local attitudes remained hostile to outward LGBT identification and expression, particularly in Port-au-Prince. In response to increased advocacy and activism by LGBT and other human rights groups during the year, LGBT persons experienced a higher degree of hostility from more conservative or traditional segments of society, including government officials, than in previous years. Religious and other conservative organizations actively opposed the social integration of LGBT persons and discussion of their human and civil rights. Parliamentarians publicly noted that they would not and should not consider any type of LGBT rights legislation, particularly one calling for marriage equality.

There were no antidiscrimination laws that protected LGBT persons and minority groups. Additionally, traditional mistrust of law enforcement and judiciary officials, along with a historically low rate of successful prosecution of SGBV and related crimes, hindered LGBT advocates and community members from successfully cooperating to reduce violence and discrimination experienced by the group. Some civil society advocates claimed that in the greater Port-au-Prince area, HNP authorities were inconsistent in their willingness to document or investigate LGBT persons' claims of abuse.

LGBT advocacy groups in the capital reported a greater sense of insecurity and less trust of government authorities than did groups in rural areas. Several local NGOs and international organizations provided direct support to LGBT persons who alleged discrimination due to their sexual orientation or gender identity or being victims of SGBV.

LGBT advocacy and human rights groups, as well as international organizations, continued to assert that LGBT persons consistently experienced great difficulty in formally registering complaints of abuse and discrimination with government authorities. Reporting of rape and sexual assault remained low across all demographics of the LGBT community. Although advocates and international partner institutions insisted that the incidence of such abuse remained high, there

was a lack of consensus among advocates on the extent of abuses. The women's victims organization KOFAVIV claimed that, since the 2010 earthquake, cases of rape and other forms of SGBV perpetrated against women, children, and LGBT persons rarely yielded both arrests and convictions of the perpetrators. LGBT advocacy groups also expressed fear of reprisal from perpetrators if they report crimes to police.

During the year the HNP expanded the institution's dialogue with human and LGBT rights groups, engaging with LGBT advocates to discuss the challenges they face in interacting with police. During these exchanges HNP participants affirmed their commitment to protecting the rights of LGBT persons and promised to increase the institution's responsiveness to activists' concerns through training. HNP academy instructors worked with civil society groups and international organizations to incorporate a community policing framework and philosophy, teaching police officers to respect the rights of all civilians without exception, into their adapted human rights training curriculum.

In contrast with 2013, there were no large-scale antigay marches or rallies.

HIV and AIDS Social Stigma

In the most recent demographic and health survey for Haiti (2012), 61 percent of women and 55 percent of men reported discriminatory attitudes towards those with HIV.

Other Societal Violence or Discrimination

According to MINUSTAH reports, vigilante reprisals remained a common practice, especially in rural areas outside the capital. Limited or nonexistent presence of law enforcement and judicial authorities meant that in practice it carried few or no legal repercussions. Through May the HNP recorded 56 cases of lynching, compared with 132 cases reported in 2013. Citizens often retaliated against police officers, particularly after incidents in which police officers attempted to quell mob violence.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of some workers, excluding public sector employees, to form and join unions of their choice and strike (with restrictions). The law allows for collective bargaining and requires employers to conclude a collective contract with a union if that union represents two-thirds of the workers and requests a contract. The law prohibits firing workers based on union activities, and employers are subject to a monetary fine for each individual violation. The law does not, however, require employers to reinstate workers illegally fired for union activity, although illegally fired workers have the right to recoup any compensation to which they are entitled.

The law places several restrictions on these rights. For instance, it requires that any union obtain prior authorization from the government to be recognized. The law limits legal strikes to four types: striking while remaining at post, striking without abandoning the institution, walking out and abandoning the institution, and striking in solidarity with another strike. Public utility service workers and public sector enterprise workers may not strike. The law defines public utility service employees as essential workers who “cannot suspend their activities without causing serious harm to public health and security.” A 48-hour notice period is compulsory for all strikes, and strikes may not exceed one day. The law does not cover freelance workers or workers in the informal economy.

The government made efforts to enforce labor laws. During the year the Labor Ministry recognized nine new unions, bringing the total to 24 unions in the apparel sector, all affiliated with six different federations. Government officials, unions, and factory-level affiliates also continued to expand their dialogue. Labor courts, which function under the supervision of the ministry, are responsible for adjudicating private sector workplace conflicts. There was one labor court in Port-au-Prince. In the provinces plaintiffs had the legal option to use municipal courts for labor disputes.

The law requires ministry mediation before filing cases with the labor court. During the year the labor ombudsperson for the textile sector and the ministry provided mediation services to workers and employers in Port-au-Prince, Caracol, and Ouanaminthe. Due to the judiciary’s limited capacity and procedural delays in forwarding cases from the Labor Ministry to the courts, the mediation services of the textile sector labor ombudsperson and conciliation services of the ministry were often the only official recourse for workers’ grievances in that sector. In Port-au-Prince, where the labor court exists, ministry mediation could be an extra step that would unnecessarily prolong the conflict resolution process to the employee’s disadvantage. The ombudsperson mediated 10 disputes between

workers and management in textile factories during the year, most of which dated to 2011. Through July the ombudsperson negotiated the reinstatement of two workers whom employers dismissed for lack of performance and two more for union activity in three Port-au-Prince factories.

The penalty under the law for interference with union activities is 1,000 to 3,000 HTG (\$22 to \$67). The fines were not high enough to deter violations, and authorities did not impose or collect them. During the year the government required some factories to remedy labor violations, including related to freedom of association.

Antiunion discrimination persisted, although to a lesser extent than in previous years. Workers continued to report acts of suspension, termination, and other retaliation by employers on the grounds of legitimate trade union activities, membership, collective action, and other associational activity. During the year one factory was identified as noncompliant with standards relating to freedom of association, based on dismissals of trade union members and interference with union operations. The factory subsequently rehired the dismissed trade union workers. The textile sector was increasingly unionized; there were 24 unions registered in the sector in the year, up from 17 in 2013 and 11 in 2012. High unemployment and antiunion sentiment among some factory workers and employers were obstacles to union organizing efforts.

Workers exercised the right to strike in practice. Despite the prohibition on public sector strikes, teachers and judges organized several illegal strikes during the year. In contrast with 2013, there were no strikes in the apparel-manufacturing sector during the year.

The April report of the International Labor Organization and International Finance Corporation's Better Work (ILO Better Work Haiti) program noted incidences of employer interference in union activity and a failure to respect collective bargaining in the apparel industry. In one case factory management allegedly failed to implement certain provisions of the collective bargaining agreement in force. In another factory the employer dismissed union leaders working in sections of the factory not affected by order reductions. In March the Social Dialogue Roundtable, comprised of employers, unions, government representatives, and ILO Better Work Haiti, signed a memorandum of understanding to strengthen relations between employers and workers' unions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor; however, the government did not effectively enforce the law in all sectors of the economy. In the textile industry, the ministry and the labor ombudsperson made efforts to address intimidation and employer abuse and worked with factory owners to ensure that working hours complied with national labor law. Penalties for violations of forced labor laws range from 1,000 to 3,000 HTG (\$22 to \$67) but were insufficient to deter violations.

There were reports that forced or compulsory labor occurred, specifically, instances of forced labor among child domestics, or *restaveks* (see section 7.c.). In the apparel sector, there were concerns related to several practices that, when taken together, were inconsistent with international standards on forced labor. These practices included requiring workers to work overtime in excess of the legal limit and threatening them with dismissal or suspension if they refused to do so.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment in industrial, agricultural, or commercial companies is 15. The minimum age for work outside of these three sectors is 14, although children ages 12 and older may work for up to three hours per day outside of school hours in family enterprises, under Ministry of Social Affairs and Labor supervision. The law allows children who are 14 to be contracted apprentices; children who are 14 to 16 may not work as apprentices more than 25 hours a week. The law prohibits young persons and children from performing any work that is likely to be hazardous, interferes with their education, or is harmful to their physical, mental, spiritual, moral, or social health and development, including the use of children in criminal activities. The law also prohibits minors from working under dangerous or hazardous conditions, such as mining, construction, or sanitation services, and it prohibits night work in industrial enterprises for minors under 18 years of age.

There are no legal penalties for employing children in domestic labor, although the labor code contains prohibitions against minors performing work that harms their health, safety, or moral development. The law requires employers to pay domestic workers over the age of 15, thereby allowing employers of domestic workers to use “food and shelter” as a means of unregulated compensation for those under 15

years of age. Although the law stipulates free and compulsory primary education for all children, children are required to attend school only for six years, making children between the ages of 12 to 14, who are not required to attend school but also are not legally allowed to work, particularly vulnerable to illicit child labor, including the worst forms of child labor.

Young persons between the ages of 15 and 18 seeking employment must obtain a work authorization from the Labor Ministry unless they are employed in domestic service. The labor code provides for penalties for failure to follow procedures, such as obtaining work authorization to employ minors between the ages of 15 to 18 legally, but does not provide penalties for the employment of underage children. The limited penalties of between 3,000 and 5,000 HTG (\$67 to \$111) were not sufficient deterrents to protect children against labor exploitation.

The Labor Ministry, through the IBESR, is responsible for enforcing child labor laws. While enduring resource constraints hindered the IBESR's ability to conduct effective child labor investigations, the IBESR and the HNP's BPM responded to reports of abuse in homes and orphanages where children worked. The government does not report statistics on investigations into child labor law violations or the penalties imposed. Although the government and international donors allocated supplemental funds for the IBESR to acquire a new administrative space and hire more staff, the IBESR continued to lack sufficient social protection programs and effective legislation to eliminate the worst forms of child labor. The ministry directed law enforcement resources to rescue trafficked children working in the informal economy.

The interministerial committee, which included civil society actors, unions, and employers to address the issue of child labor, continued to meet throughout the year on an informal basis to discuss the challenges associated with implementing laws on child labor.

The BPM is responsible for investigating crimes against children. The BPM referred exploited and abused children to the IBESR and partner NGOs for social services. Although the BPM has the authority to respond to allegations of abuse and apprehend persons reported as exploiters of child domestic workers, the BPM did not pursue *restavek* cases for investigation because there were no legal penalties it could impose on those who exploited children in this manner.

Children under the age of 15 commonly worked in the informal sector to supplement family income. Activities and sectors in which children worked

included domestic work, subsistence agriculture, and street trades, such as selling goods, washing cars, serving as porters in public markets and bus stations, and begging. Children also worked with parents on small family farms, although the high unemployment rate among adults kept significant numbers of children from employment on commercial farms.

The worst forms of child labor, including forced child labor, continued to be problematic and endemic--particularly in domestic service. The most recent data from a 2012 IOM survey estimated that 250,000 to 500,000 children were employed in domestic work as *restaveks*. An estimated 225,000 children worked as *restaveks* in urban areas of the country. Most *restaveks* were girls between the ages of five and 17. Exploitation of *restaveks* typically included families forcing them to work excessive hours on physically demanding tasks without commensurate pay or adequate food, refusing to provide an education, and subjecting them to physical or sexual abuse. Girls were often placed in domestic servitude in private urban homes by parents who were unable to provide for them, while boys more frequently were exploited for labor on farms. *Restaveks* who did not run away from families usually remained with them until the age of 14. Many families forced *restaveks* to leave before the age of 15 to avoid paying them wages as required by law. Others ignored the law, often with impunity.

Working on the streets exposed children to a variety of hazards, including severe weather, vehicle accidents, and crime. Abandoned and runaway *restaveks* constituted a significant proportion of the population of children living on the street, many of whom criminal gangs forced into prostitution or street crime, while others became street vendors or beggars.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The constitution provides for freedom of work for all citizens and prohibits discrimination based on sex, origin, religion, opinion, or marital status. For public sector employment, the constitution sets a minimum quota of 30 percent for women. The labor code does not define employment discrimination, although it sets out specific provisions with respect to the rights and obligations of foreigners and women such as the conditions to obtain a work permit, foreign worker quotas, and provisions related to maternity leave. The law does not prohibit discrimination based on disability, language, sexual orientation and/or gender identity, social

status, and HIV-positive status. There are also no penalties provided for by law sanctioning discrimination with respect to employment or occupation.

The government took some steps to enforce the laws through administrative methods, through the Ministry of Women's Conditions and the Secretary of State for the Integration of the Disabled. In the private sector, several work areas, which used to be predominantly male-oriented, began engaging female workers at the same pay scale, including the public transportation and construction industries. Despite these improvements discrimination related to gender remained a major concern, although there was no governmental assessment or report of work abuses. In the garment industry, the April ILO Better Work Haiti report found incidences of sexual harassment of workers in their workplace.

e. Acceptable Conditions of Work

In May the minimum daily wage for re-exporting industrial companies was raised to 225 HTG (\$5.00). At the same time, the minimum wage decree also stipulates that production quotas in re-exporting factories must be set in a manner that permits workers to earn at least 300 HTG (\$6.67) for an eight-hour workday. For all other categories of work, the daily minimum wage was fixed per subcategory from 125 HTG (\$2.78) to 260 HTG (\$5.78) for eight hours of work.

The law sets the standard workday for industrial, commercial, and agricultural establishments at eight hours and the workweek at 48 hours, with 24 hours of rest and paid annual holidays. It also requires payment of overtime, prohibits excessive compulsory overtime, and sets the maximum number of overtime hours allowed at 80 per trimester. The law grants exemptions to health care, lodging, food and beverage, and entertainment establishments; managerial positions; and family establishments that employ only family members. The Labor Directorate may grant exemptions for other employers not specifically exempted by law. The law is silent with respect to prohibiting overtime for public sector employees, and it is similarly vague about domestic workers' rights regarding working hours, salary, vacation, and severance. The law establishes minimum health and safety regulations and requires certain provisions in regards to workers' health and safety, including quotas for on-site nurses per factory, permanent medical services, and annual medical checks. The law allows workers to notify the employer of any defect or situation that may endanger their health or safety and to call on Ministry of Social Affairs and Labor's department of labor or police if the employer fails to make the necessary ameliorations.

Although the law charges the ministry with enforcement of a range of labor-related issues, legislation on wage and hour requirements, standard workweek, premium pay for overtime, and occupational safety and health was not effectively enforced. Penalties were not sufficient to deter violations, and authorities often did not impose them. The penalty for not applying the occupational safety and health provisions of the labor code is 200 to 2,000 HTG (\$4.45 to \$44.40) or up to three months in prison. The penalty for violating the minimum wage or hours of work provisions of the labor code is from 1,000 to 3,000 HTG (\$22 to \$67).

The ministry's capacity to enforce the labor provisions in national and international law was limited by human resource and other constraints. As of October there were 100 labor inspectors, of whom 50 were technicians trained as labor inspectors. During the year the ministry reported conducting 50 inspections in assembly factories in the Port-au-Prince metropolitan area, Caracol, and Ouanaminthe. Labor inspections in the capital and elsewhere faced challenges that included a lack of funding, questionable professionalism, and lack of support from law enforcement.

Different interpretations of the minimum wage law and the absence of a clear interpretation of the criteria for the piece-rate production wage were significant challenges to enforcing compliance in the sector. In October 2013 the Ministry of Social Affairs and Labor clarified that the production rate would not be considered a minimum wage. ILO Better Work Haiti and the CTMO-HOPE Commission, the Tripartite Commission for the Implementation of the HOPE Act, agreed on a methodology for assessing the application of the minimum wage approved by the Ministry of Social Affairs and Labor. The April ILO Better Work Haiti report found that all 23 textile factories assessed were fully compliant with the minimum wage law but that approximately 30 percent of the workers operating in the industry earned the piece-rate production wage or more in eight regular hours. The ILO Better Work Haiti and the CTMO-HOPE Commission were working together to define guidelines for establishing factory production targets in line with international standards.

There were some reports of noncompliance with overtime provisions in apparel factories. For instance, workers in one apparel factory were compelled to work nine hours of overtime and reported they were not notified that voluntary overtime was included in the work schedule. Management reported taking some steps to remedy the problems related to forced labor, including by allowing workers to leave the facility freely.

Most citizens worked in the informal sector and subsistence agriculture, for which minimum wage legislation does not apply, and where daily wages of 20 to 30 HTG (\$0.44 to \$0.67) were common. There continued to be reports of noncompliance regarding compensation, paid leave, social security and other benefits, contracts, health services and first aid, and worker protection in the industrial and assembly sectors. Although overall compliance remained low, several improvements were noted during the year including in compliance efforts for employment contracts, granting required for weekly rest days, maternity leave and annual leave, and paying social security payments and forwarding worker contributions.

Noncompliance with safety and health standards remained a major concern. The April ILO Better Work Haiti report found that all factories failed to provide the required number of medical facilities and staff as required by the law. Other failures included unsafe storage of chemical and hazardous materials, lack of adequate training for workers in regards to exposure to chemical and hazardous materials, and lack of protective equipment or safety warning signs.

ILO Better Work Haiti also reported cases where several workers exposed to work-related hazards failed to receive free health checks. According to the law, the annual medical exams are the responsibility of the Office of Labor Insurance, Maternity, and Accident (OFATMA). While some factories started to conduct medical checks-up independently, OFATMA began efforts to increase its capacities and also began performing medical checks at a number of factories. ILO Better Work continued to work with factories and OFATMA to improve compliance with this requirement.

No group collected formal data, but unions alleged job-related injuries occurred frequently in the construction and public works sectors.