

- **Publication date:**
08 June 2015



Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Haiti: The availability of official documents since the 12 January 2010 earthquake, including the possibility of obtaining fraudulent identification documents; whether the authorities can issue documents such as birth and death certificates, police reports, medical reports and driver's licences (2014 - May 2015) [HTI105165.FE]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Background

In correspondence with the Research Directorate, the Coordinator of the Support Group for Repatriates and Refugees (Groupe d'appui aux rapatriés et réfugiés, GARR), a network of associations and NGOs located in Port-au-Prince that work in migration and internal displacement (GARR 10 Jan. 2012), stated that the earthquake [translation] "[did] not have significant consequences on the management of Haitian civil status"; he explained that "only four civil status offices" had been destroyed, but that the Ministry of Justice and Public Safety (ministère de la Justice et de la Sécurité publique, MJSP) and the civil status officers concerned had "stated that they recuperated all the civil status documents" (ibid. 24 May 2015). In correspondence with the Research Directorate, the Director of Citizen Action for the Abolition of Torture (Action citoyenne pour l'abolition de la torture, ACAT), an NGO located in Port-au-Prince, states that [translation] "part of the civil status system" was touched by the earthquake, namely, two civil status offices in Petit-Goâve, the trial court registry in Port-au-Prince and "part" of the Haitian National Archives (Archives nationales d'Haïti), and that "some reconstruction work" had been carried out since then (ACAT 11 May 2015). The ACAT Director and the GARR Coordinator both stated that the Haitian authorities are able to issue civil status documents, including birth certificates, extracts of birth certificates and death certificates (ibid.; GARR 24 May 2015). In that respect, the GARR Coordinator noted the following:

[translation]

[All the] civil status offices continue to register declarations and prepare and issue to parties the six Haitian civil status certificates (birth, recognition, adoption, marriage, divorce and death).

The civil status section of the Haitian National Archives (Archives nationales d'Haïti, ANH) continues to issue extracts of civil status certificates for which the ANH is the depository. (ibid.)

In an article from GARR dated April 2015, sent to the Research Directorate by the GARR Coordinator, he presents the Haitian civil status system as among the [translation] “[civil status] systems that are inadequate and outdated” (GARR Apr. 2015, 1). He points out that the weaknesses of the Haitian civil status system are such that they [translation] “prevent it from completing its mission of registering all of people’s civil status data, from birth to death” (ibid.). He explains that the absence of an organization to coordinate and control the various institutions contributing to Haitian civil status, the lack of security of registration procedures in civil status offices, the insufficient and poor distribution of civil status offices, as well as deficiencies in training and equipment are among the obstacles faced by the civil status system (ibid., 78). In correspondence with the Research Directorate, the GARR Coordinator noted that the problems of the civil status system [translation] “existed before the earthquake” (ibid. 24 May 2015). The ACAT Director stated that the [translation] “civil status system needed to be strengthened” with respect to the spaces given to archives, the hiring of employees in some civil status offices and the ongoing training of civil status officers and other employees (ACAT 11 May 2015).

2. Issuance of Civil Status Documents

With respect to how the civil status system works, sources state that civil status officers issue the civil status certificates, for example, birth certificates, marriage certificates and death certificates, in the civil status offices, which are spread out across the country (GARR 24 May 2015; Collectif Haïti de France n.d.a) and total 186 [or 185 (ACAT 11 May 2015)] (GARR 24 May 2015). The civil status document that the civil status officer gives the party is called the official copy; the officer also registers the civil status certificates in two registers: one that is sent to National Archives and the other that they save until they leave their duties or pass away, in which case all the registers are sent to the trial court registry (Collectif Haïti de France n.d.a; GARR 24 May 2015) of the jurisdiction concerned (ibid.). Similarly, an article from the Haitian news network AlterPresse states that in Haiti, the civil status offices register [translation] “civil status actions,” that the civil status system’s functioning is “overseen” by the MJSP, and that the two register depositories are the registries and National Archives (AlterPresse 27 Dec. 2007). The website of the Haitian Collective of France (Collectif Haïti de France), which is composed of associations and individuals who work for the development of Haiti (Collectif Haïti de France n.d.b), states that the register that is sent to National Archives first goes through the MJSP (ibid. n.d.a). The GARR Coordinator noted that [translation] “Haitian legislation enabled trial court registries from the country’s 18 jurisdictions to issue certificate extracts from the registers that they possessed” (GARR 24 May 2015).

2.1 Birth Certificates

According to the statements of a Haitian legal practitioner during an interview with the Haitian daily *Le Nouvelliste* in May 2014 on birth certificates, a birth must be declared within one month following the child’s birth, under Article 55, paragraph 1, of the Civil Code (*Le Nouvelliste* 21 May 2014). An article from GARR dated 16 April 2014 corroborates this information. However, the GARR Coordinator stated that the declaration must take place within 25 months following the child’s birth (GARR 24 May 2015). The father or the mother of the child must report to the civil status office of the place of birth or of the mother’s residence, and two witnesses must be present (ibid.; *Le Nouvelliste* 21 May 2014). The declaration of birth may be carried out by another person, that is, a member of the medical personnel who helped with the birth, according to the legal practitioner (ibid.), or a representative, according to the GARR Coordinator (GARR 24 May 2015). The legal practitioner and the Coordinator both noted that, following the legal time frame, matters

must be taken to the court, which will authorize the civil status officer to register the declaration of birth (ibid.; *Le Nouvelliste* 21 May 2014). The GARR Coordinator indicated that it is the trial court of the place of birth of the child or of their place of residence (GARR 24 May 2015). The GARR Coordinator and the legal practitioner noted that this judgment is called a late declaration of birth, if the parents are alive, and that it [translation] “is in lieu of a birth certificate,” if they are deceased (ibid.; *Le Nouvelliste* 21 May 2014).

2.1.1 Presidential Decree on Late Declaration of Birth

A presidential decree on late declarations of birth was published in the official newspaper *Le Moniteur* on 16 January 2014 (Haiti 2014). Under this decree, [translation] “any person who has never had a birth certificate has a period of five (5) years from the date of publication of the decree to regularize their civil status” (Haiti 2014, Art. 1). According to Article 2 of the decree, [translation] “late declaration of birth will be done by one of the living biological parents, under this decree, without previous judgment. If the biological parents are deceased or unknown, the late declaration is made by a third party authorized by law” (ibid., Art. 2). An MJSP media release states that the late declaration of birth is made to a civil status officer or a consul (*Haïti progrès* 12 Sept. 2014; *HaïtiLibre* 6 Sept. 2014).

GARR notes certain problems related to late declaration of birth certificates and civil status certificates registered under an order or decree: because there is no means provided to civil status officers to validate whether an individual has not previously registered, some people take advantage of orders to register a second time, instead of applying for a birth certificate extract to National Archives, or to create a new identity, some foreign consulates and [translation] “even [...] some public Haitian institutions” suspect these certificates as being false (GARR 16 Apr. 2014). GARR considers that, although the decree of 16 January 2014 is [translation] “commendable,” the fact that four similar decrees and orders, rather than one law, have been adopted between 1988 and 2014 to try to resolve [translation] “the problem of not registering civil status,” shows “the ineffectiveness of these measures” (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the ACAT Director, operational problems hindered the implementation of the decree of 16 January 2014, including an insufficient number of blank birth certificate forms and registers in the civil status offices and the absence of a national campaign about the decree (ACAT 11 May 2015). The ACAT Director stated that the public was not aware that the decree existed (ibid.). GARR also notes that the decrees regarding late declaration of birth [translation] “were not accompanied by national awareness campaigns to reach the most remote areas of the country” (GARR 16 Apr. 2014). Citing the content of an MJSP press release, media stated in September 2014 that the MJSP promised to distribute over two million birth certificate forms to civil status officers, that it had hired employees in all the communes to support the civil status officers and that it had organized training sessions for them about the application of the decree from 16 January 2014, as well as [translation] “a series of caravans of declarations of birth in a number of regions of the country” (*Haïti progrès* 12 Sept. 2014; *HaïtiLibre* 6 Sept. 2014).

The ACAT Director stated that after the earthquake, his organization, through international partnerships, had enabled over 10,000 displaced people to obtain certificates or birth certificate extracts (11 May 2015). An article published on the Haitian news website Haiti Press Network (HPN) states that this initiative, which received funding from the United Nations High

Commissioner for Refugees, was part of a strategy implemented by ACAT [translation] “to make a list of and document individuals around the country who had lost their birth certificates after the 2010 earthquake” (HPN 10 July 2014).

2.2 Extracts of Civil Status Certificates

The Haitian National Archives website states that it issues extracts of civil status certificates, including of birth certificates and of death certificates, by various issuing methods (Haiti n.d.c). In Haiti, issuance is either done in person for cases where the certificate presents a problem or when the applicant wishes to use the service [translation] “extremely urgently” (even if their certificate does not have a problem), or by sending the document to a post office or home for other cases (ibid.). Moreover, birth extracts can be issued abroad, whether they are extracts of certificates that do not have a problem or extracts of certificates that require [translation] “civil court” intervention (ibid.). According to the Haitian Collective of France, this delivery abroad is reserved for Haitians who are outside of Haiti (Collectif Haïti de France n.d.a). It began on 22 May 2012 (Haiti 22 May 2012). The Embassy of Haiti in Canada has offered this service online since 1 June 2014 (ibid. n.d.b). For example, according to the website of the Embassy of Haiti in Canada, Haitian nationals in Canada can obtain a birth or death certificate extract through their consular section for US\$52 [about C\$65] (ibid. n.d.a). According to the Haitian Collective of France, Haitian consulates in metropolitan France, in Guyana and in Guadeloupe also offer this service to nationals in their sector (Collectif Haïti de France n.d.a).

2.3 Fraudulent Civil Status Documents

The following paragraph is taken from the GARR article published in April 2015:

[translation]

[t]he current registration procedures in civil status offices are not absolutely secure. Anyone can go to a civil status office and declare children who do not exist, thus creating new identities, ready to be used for criminal purposes.

[...]

People’s private lives are also not protected. There are no rules about confidentiality of information stored in the civil status registers. There is no restriction on who may request a complete copy or an “archive extract” of a civil status certificate. Therefore, anyone can go to National Archives or a civil status office with information about a person and obtain a copy of each of their certificates, for fraudulent use or out of simple curiosity. (GARR April 2015, 7)

The GARR Coordinator also noted the following: [translation] “[o]ften, applicants do not go directly to the Haitian National Archives services to request extracts. They use the services of a third person. Sometimes forgers issue false documents to applicants” (ibid. 24 May 2015). Similarly, according to the ACAT Director, there are [translation] “a few cases of civil status document fraud,” namely, of “false birth certificates or non-registered [birth] certificates” (ACAT 11 May 2015). The ACAT Director explained that some people have a birth certificate that was signed by a forger rather than by a civil status officer and they find out about it when they request a birth certificate extract at National Archives, for example when applying for a passport (ibid.).

In March 2015, sources reported on the arrest of four individuals in Verrettes, in lower Artibonite; they were suspected of issuing false birth certificates in exchange for money (Radio vision 2000 30 Mar. 2015; *Le Nouvelliste* 30 Mar. 2015).

Corroborating information concerning fraud in civil status documents could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Availability of Medical Documents

In correspondence with the Research Directorate, the Deputy Director of the Study and Programming Unit (Unité d'étude et de programmation) of the Haitian Ministry of Public Health and Population (ministère de la Santé publique et de la Population, MSPP) stated that registers exist in hospitals in Haiti, particularly in public hospitals (Deputy Director 11 May 2015). However, he noted the absence of registers for [translation] "all sorts of illnesses" and the fact that some registers were "poorly filled out or not filled out" (ibid.). However, in correspondence with the Research Directorate, the Assistant Director General of a state hospital that is a member of the network of the Insurance Office for Employment Injuries, Sickness and Maternity (Office d'assurance accidents du travail, maladie et maternité, OFATMA), an [translation] "organization independent" of the Ministry of Social Affairs and Labour (ministère des Affaires sociales et du Travail) (Haiti n.d.d), stated that these registries, although they may have errors, are [translation] "very reliable and [that they have been] well filled out in terms of health information" (Haiti 21 May 2015). He added that they are kept [translation] "for a long time" (ibid.). Corroborating information on the medical registry conservation period could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the MSPP Deputy Director, medical files that are archived in health institutions are accessible only by medical personnel, the patient and [translation] "upon judicial request" (Deputy Director 11 May 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The MSPP Deputy Director and the Assistant Director General of a state hospital both stated that Haitian hospitals have the capacity to issue medical certificates (ibid.; Haiti 21 May 2015). Corroborating information on the availability of medical documents could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Police Reports

During a telephone interview with the Research Directorate, a representative of the Platform of Haitian Human Rights Organizations (Plate-forme des organisations haïtiennes des droits humains, POHDH), a Haitian NGO, stated that [translation] "in general," it is not possible to obtain a police report (POHDH 1 May 2015). He supported his statement by explaining that, for reasons of [translation] "status-based discrimination," a citizen who goes to a police station to request a report will have difficulty obtaining it, but a legal practitioner or journalist could obtain it (ibid.). Corroborating and further information on the availability of police reports could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Driver's Licence

According to statistics from Haiti's Tax Office (Direction générale des impôts) of the Ministry of Economy and Finance provided in an attachment to a report that the Ministry of Public Works, Transportation and Communications (ministère des Travaux publics, Transports et Communications, MTPTC) published in February 2015, the Haitian authorities issued 19,621 driver's licences in 2010, 43,825 in 2011, 44,473 in 2012 and 24,240 in 2013 (until April 2014) (Haiti Feb. 2015, 71).

According to the POHDP representative, it is possible to obtain a driver's licence (POHDP 1 May 2015). However, the same source noted that since the Traffic and Highway Police (Direction de la circulation et de la police routière, DCPR) are not present throughout the country, [translation] "in most cases," individuals must go to Port-au-Prince to obtain a licence. Corroborating and further information on the availability of driver's licences could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Action citoyenne pour l'abolition de la torture (ACAT). 11 May 2015. Correspondence from the Director to the Research Directorate.

AlterPresse. 27 December 2007. Vario Séran, Patricia Sanon, Jeffson Bercy, Ferry Pigne and Myriame Étienne. "Le système d'état civil d'Haïti par rapport aux recommandations des Nations Unies." <<http://www.alterpresse.org/spip.php?article6795#.VWisPc9VhBc>> [Accessed 28 May 2015]

Collectif Haïti de France. N.d.a. "Obtenir un extrait d'archives depuis la France." <<http://www.collectif-haiti.fr/extraitarchives.php>> [Accessed 21 May 2015]

_____. N.d.b. "Qui sommes-nous?" <<http://www.collectif-haiti.fr/collectif-haiti-de-france.php>> [Accessed 1 June 2015]

Deputy Director, Unité d'étude et de programmation, ministère de la Santé publique et de la Population (MSPP). 11 May 2015. Correspondence with the Research Directorate.

Groupe d'appui aux rapatriés et réfugiés (GARR). 24 May 2015. Correspondence from the Coordinator to the Research Directorate.

_____. April 2015. "La modernisation du système d'état civil haïtien : un pas nécessaire vers un État de droit." Sent to the Research Directorate by the Coordinator, 24 May 2015.

_____. 16 April 2014. "Haïti/état civil : L'arrêté présidentiel du 16 janvier 2014 est loin d'être bénéfique au système d'état civil haïtien." <<http://www.garr-haiti.org/index.php/nouvelles/actualite/droits-de-l-homme/item/1445-1%E2%80%99arr%C3%AAt%C3%A9-pr%C3%A9sidentiel-du-16-janvier-2014-est-loin->

d%E2%80%99%C3%AAtre-b%C3%A9n%C3%A9fique-au-syst%C3%A8me-
d%E2%80%99%C3%A9tat-civil-ha%C3%Aftien> [Accessed 29 Apr. 2015]

_____. 10 January 2012. "Présentation du GARR." <<http://www.garr-haiti.org/>> [Accessed 29 May 2015]

Haiti. 21 May 2015. State hospital member of the Office d'assurance accidents du travail, maladie et maternité (OFATMA). Correspondence from the Assistant Director General to the Research Directorate.

_____. February 2015. Ministère des Travaux publics, Transports et Communications (MTPTC). *Élaboration d'une stratégie nationale de sécurité routière. Annexe 2 du rapport final. Rapport détaillé : stratégie et plan d'action de sécurité routière. Version révisée février 2015.* <http://www.mtptc.gouv.ht/media/upload/doc/publications/Annexe_2.pdf> [Accessed 13 May 2015]

_____. 2014. *Arrêté accordant à toute personne dépourvue d'acte de naissance, un délai de cinq (5) ans pour faire régulariser son état civil.* <http://haitijustice.com/pdf/legislation/arrete_sur_les_actes_de_naissances_haiti_haitijustice.pdf> [Accessed 2 June 2015]

_____. 22 May 2012. Office de la protection du citoyen (OPC). *Discours de la protectrice du citoyen : Lancement du programme d'amélioration du service public et de livraison d'extraits à l'étranger.* <http://protectioncitoyenhaiti.org/index.php?option=com_content&view=article&id=128:l-les-archives-nationales-dhaiti-donnent-le-ton-r-un-modele-de-service-public&catid=41:note-de-presse&Itemid=57> [Accessed 20 May 2015]

_____. N.d.a. Embassy of Haiti in Canada. "Actes d'état civil." <<http://ambassade-haiti.ca/ambassade/structure-et-services/section-consulaire/actes-detat-civil>> [Accessed 20 May 2015]

_____. N.d.b. Embassy of Haiti in Canada. "Nouveau service en ligne." <<http://ambassade-haiti.ca/ambassade/evenements/nouveau-service-en-ligne>> [Accessed 25 May 2015]

_____. N.d.c. Archives nationales d'Haïti. "Nos services et tarifs." <<http://archivesnationales.gouv.ht/fr/page.php?idarticle=7>> [Accessed 20 May 2015]

_____. N.d.d. Office d'assurance accidents du travail, maladie et maternité (OFATMA). "Qui sommes-nous." <<http://www.ofatma.gouv.ht/>> [Accessed 4 June 2015]

HaïtiLibre. 6 September 2014. "Haïti - Justice: Distribution prochaine de 2 millions de formulaires d'acte de naissance." <<http://www.haitilibre.com/article-11991-haiti-justice-distribution-prochaine-de-2-millions-de-formulaires-d-acte-de-naissance.html>> [Accessed 4 May 2015]

Haiti Press Network (HPN). 10 July 2014. Jeff Ibraïme. "Haïti: Plus de 12 000 actes de naissance remis, l'ACAT s'en réjouit." <http://www.hpnhaiti.com/site/index.php?option=com_content&view=article&id=13332:p>

lus-de-12-000-actes-de-naissances-remis-lacat-sen-rejouit&catid=8:societe&Itemid=14> [Accessed 13 May 2015]

Haïti progrès. 12 September 2014. “Plus de 2 millions de formulaires d’acte de naissance seront distribués aux officiers d’état civil.” <<http://haiti-progres.com/article.php?id=1868>> [Accessed 20 May 2015]

Le Nouvelliste. 30 March 2015. “Les remous de l’actualité des lundi 30 et mardi 31 mars 2015.” <<http://lenouvelliste.com/lenouvelliste/articleprint/143125>> [Accessed 13 May 2015]

_____. 21 May 2014. Robenson Geffrard. “L’acte de naissance: un droit pour le citoyen, un devoir pour l’État.” <<http://lenouvelliste.com/lenouvelliste/article/131308/Lacte-de-naissance-un-droit-pour-le-citoyen-un-devoir-pour-lEtat.html>> [Accessed 4 May 2015]

Plate-forme des organisations haïtiennes des droits humains (POHDH). 1 May 2015. Telephone interview with a representative.

Radio vision 2000. 30 March 2015. Succès Estinvil. “Les titres de l’actualité sur Vision 2000.” <<http://radiovision2000haiti.net/public/les-titres-de-lactualite-sur-vision-2000-1012/>> [Accessed 13 May 2015]

Additional Sources Consulted

Oral sources: The following organization was unable to provide information within the time constraints of this Response: Haiti – Office national d’identification.

Attempts to contact the following were unsuccessful within the time constraints of this Response: Collectif Haïti de France; Haiti – Archives nationales; Hôpital la Providence (Les Gonaïves); Hôpital Saint-Antoine (Jérémie); Mouvement des femmes haïtiennes pour l’éducation et le développement; Professor of sociology, Université Paris XII, Créteil, France.

Internet sites, including: Archives sans frontières; Canada – Foreign Affairs, Trade and Development Canada; ecoi.net; Factiva; Fondation Connaissance et Libertés; Haiti – ministère des Haïtiens vivant à l’étranger, Primature; Institut Panos des Caraïbes; *Le Matin*; Organization of American States; United Nations – Refworld, ReliefWeb; United States – Embassy of the United States in Port-au-Prince, Department of State.
