

Human Rights Situation in **Haiti**



OEA/Ser.L/V/II.
Doc. 358
August 30, 2022
Original: español

Inter-American Commission on Human Rights

Human Rights Situation In Haiti

2022

Approved by the Inter-American Commission on Human Rights on
August 30, 2022

OAS Cataloging-in-Publication Data

Inter-American Commission on Human Rights.

Situación de Derechos Humanos en Haití / Aprobado por la
Comisión Interamericana de Derechos Humanos el 30 de agosto
de 2022 / Comisión Interamericana de Derechos Humanos.

p.; cm. (OAS. Documentos oficiales; OEA/Ser.L)

ISBN 978-0-8270-7767-6

1. Human rights--Haiti. 2. Civil rights--Haiti. I. Title. II. Series.

OEA/Ser.L/V/II. Doc.358/22.

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Members

Julissa Mantilla Falcón
Margarette May Macaulay
Esmeralda Arosemena de Troitiño
Joel Hernández
Edgar Stuardo Ralón Orellana
Roberta Clarke
Carlos Bernal Pulido

Executive Secretary

Tania Reneaum Panszi

Assistant Executive Secretary for Monitoring, Promotion and Technical Cooperation

María Claudia Pulido

Assistant Executive Secretary for Cases and Petitions

Jorge Meza Flores

In collaboration with

Pedro Vaca Villarreal, Special Rapporteur for Freedom of Expression

Soledad García Muñoz, Special Rapporteur on Economic, Social, Cultural,
and Environmental Rights (ESCER)

INDEX

EXECUTIVE SUMMARY 6

CHAPTER 1 | INTRODUCTION 14

- A. Background and Purpose 15
- B. Context 17
- C. Methodology and Structure 19

CHAPTER 2 | DEMOCRATIC INSTITUTIONALITY IN HAITI 21

- A. Background and Purpose 22
- B. Political tensions and crisis of legitimacy of the powers in Haiti (2018-2021) 25
- C. Assassination of the president and institutional challenges for the interim government (from July 2021 to date) 30

CHAPTER 3 | CITIZEN SECURITY 34

- A. General considerations 35
- B. Factors in the situation of citizen insecurity 38
- C. Increasing violence (2018-2022) 42

CHAPTER 4 | ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS IN HAITI 53

- A. Context of the ESCR in Haiti 54
- B. The situation of poverty and inequality in Haiti 55
- C. Right to health care and its social determinants 57
- D. Natural disasters, climate emergency, and the human right to water 58

CHAPTER 5 | FREEDOM OF EXPRESSION **62**

- A. Murders of journalists and impunity 63
- B. Attacks, threats, and intimidation of journalists and the media 67
- C. Access to public information 77

CHAPTER 6 | HUMAN MOBILITY **79**

- A. General considerations on internal and international human mobility
of haitian nationals 80
- B. Internal displacement 82
- C. International mobility of Haitian persons and their families 89

CHAPTER 7 | CONCLUSIONS AND RECOMMENDATIONS **94**



Executive Summary

EXECUTIVE SUMMARY

Background

1. For decades, the Inter-American Commission on Human Rights (Commission or IACHR) has monitored the human rights situation in Haiti. Since 1968, the IACHR has published eight country reports; of these, seven have addressed the human rights situation in Haiti¹, and the remaining one analyzed the situation of the administration of justice in the country². During the 2010s, the country experienced the effects of a long process of redemocratization, after almost three decades of the Duvalier regime, between 1957 and 1986. Also, during this period, the country faced ongoing democratic weakness, characterized by successive interruptions of presidential mandates in the face of coups d'état³.
2. Since 2018, the Commission has provided special follow-up to the human rights situation in Haiti. This, with the worsening of the economic, political, social, and democratic institutional crisis the country is experiencing, with the confluence of serious affectations that prevent the State, in general, from effectively protecting the rights of the Haitian population.
3. In this context, on February 29, 2019, the IACHR announced the creation of a Rapid and Integrated Response Coordination Unit (SACROI) to give special attention to the human rights situation in Haiti. Thus, the IACHR addressed and developed a specific strategy for the country and sought to strengthen dialogue with United Nations agencies on the ground, as well as with local actors, national human rights bodies, and civil society in the country.
4. The *Report on the Human Rights Situation in Haiti* aims to analyze the relevant processes and situations that accompany the weakening of the conditions for the enjoyment and effective exercise of human rights in the country, specifically, given the worsening of the situation of citizen security and democratic instability in the country since 2018, in a context characterized by severe socioeconomic conditions that rank Haiti as the poorest country in

¹ IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.21 doc. 6 (Spanish) Rev. 21 May 1969; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.46 doc. 66 rev. 1, 13 Dec. 1979; IACHR, Report on the Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.74 doc. 9 rev. 1, 7 Sept. 1988; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.77 .rev.1 Doc. 18 8 May 1990; IACHR, Report on the Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.85 Doc. 9 rev. 11 February 1994; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V.88 Doc. 10 rev. February 9, 1995; and IACHR, Observations of the Inter-American Commission on Human Rights on its visit to Haiti in April 2007, OEA/Ser.L/V/II.131 doc. 36 2 March 2008.

² IACHR, Haiti: Failed Justice or The Rule of Law? Challenges Ahead for Haiti and the International Community, OEA/Ser.L/V/II.123 doc.6 rev 1 26 October 2005.

³ IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.77.rev.1 Doc. 18 8 May 1990; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.85 Doc. 9 rev. 11 February 1994 ; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V.88 Doc. 10 rev. Doc. 10 rev. February 9, 1995; and IACHR, Observations of the Inter-American Commission on Human Rights on its visit to Haiti in April 2007, OEA/Ser.L/V/II.131 doc. 36 2 March 2008.magrela.

the Americas. In this sense, this document encompasses the period between 2018 and June 2022, with emphasis on the emerging trends in human rights over that period.

Democratic Institutions

5. The IACHR has followed the challenges Haiti has faced for decades with its democratic institutions. In this regard, Haiti has experienced progressively increasing institutional and political instability, marked by obstacles of various sorts that historically have affected the functioning of its legislative, executive, and judicial branches. In particular, since the period of the Duvalier dictatorship (1957-1986), the IACHR has documented human rights violations and abuses committed in a context of democratic exception, authoritarianism, and absence of rule-of-law guarantees⁴. With the end of this dictatorship in 1986, the IACHR observed the challenges to the strengthening the rule of law at key moments to democratic institutions such as: i) the functioning of the transitional government between 1986 and 1990, ii) the 1991 military coup and subsequent dictatorship that ensued until 1994, and iii) the coup d'état in 2004⁵.
6. The IACHR notes that the challenges Haiti currently faces in relation to its democratic institutions have to do with structural factors of political instability and obstacles to institution-building in recent decades. As of 2018, the IACHR has observed two interconnected cycles that characterize the institutional and political dynamics in the country. The first cycle – between 2018 and mid-2021 – was marked by increasing social protests motivated by economic, social, and political discontent, as well as by efforts to strengthen electoral institutions while elections were being contested in the courts. The most critical point occurred on January 13, 2020, with the expiration of the mandates of 119 deputies and two thirds of the senators; a situation that left the Legislative Branch without a parliamentary quorum needed to operate. In this context, the Executive Power assumed legislative functions by issuing Executive Decrees, exacerbating polarization in the country. There was also sharp criticism about the length of the presidential term in office. The second cycle began on July 7, 2021, with the assassination of the President of the Republic, Jovenel Moïse. This event led to the worsening of the political, institutional, and economic crisis in the country. In the months following, the conditions for democratic governance included efforts to form an ad hoc government, engagement with civil society actors, and proposals for the refill vacant positions in the three branches of government.

⁴ For example, in: IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.21 doc. 6 (Spanish) Rev. 21 May 1969; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.46 doc. 66 rev. 1; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.74 doc. 9 rev. 1.

⁵ IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.74 doc. 9 rev. 1 Sept. 7, 1988. 9 rev. 1 Sept. 7, 1988; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.77 doc. 18 rev.1 May 8, 1990.

Citizen Security

7. The deteriorating situation of citizen security in the Republic of Haiti has been a historical and complex challenge to the protection and enjoyment of the human rights of all persons in the country. Persistent social, economic, and political problems, as well as the weakness of state institutions to adequately contain criminal activity, are factors that contribute to the high levels of violence in the country. In this regard, among the structural challenges Haiti faces for guaranteeing citizen security are: i) challenges with regard to strengthening and consolidating security institutions; ii) lack of systematized data collection processes; iii) presence of and conflicts between organized armed groups; iv) indiscriminate access to firearms; and v) impunity for criminal acts, especially in cases where members of public safety forces are themselves alleged to be involved⁶.
8. Since 2018, the IACHR has observed that these factors have directly contributed to the situation of citizen insecurity, reflected in the steady rise of clashes between rival groups fighting for territorial control of populated areas. Between 2018 and late 2021, the number of homicides increased by approximately 113%, according to Haitian National Police data compiled by the United Nations Integrated Office in Haiti (BINUH), from 757 to 1,615⁷. The same period saw the number of annual kidnappings increase from 49 to 655 per year, a 1,236% increase⁸.

Economic, Social, Cultural, and Environmental Rights

9. According to information from the World Bank, 58.5% of the Haitian population lives below the poverty line, which places Haiti as the poorest country in the Americas and one of the poorest in the world⁹. For their part, the United Nations Development Program and Oxford Poverty and Human Development Initiative report that the Multidimensional Poverty Index would place the State of Haiti as the country in Latin America and the

⁶ IACHR, Haiti: Frustrated Justice or Rule of Law? Challenges for Haiti and the international community, OEA/Ser/L/V/II.123 Doc. 6 rev. 1, 26 October 2005, p. 223.

⁷ UN Security Council, United Nations Mission for Justice Support in Haiti - Report of the Secretary General S/2019/198, 1 March 2019. Data has been compiled from United Nations Mission for Justice Support in Haiti (MINUJUSH) United Nations Integrated Office in Haiti (BINUH) reports, using HNP data.

⁸ UN Security Council, United Nations Integrated Office in Haiti-Report of the Secretary General S/2022/117, February 15, 2022. The data have been compiled from the reports of the United Nations Justice Support Mission in Haiti (MINUJUSH) of the United Nations Integrated Office in Haiti (BINUH), using data from the HNP UN Security Council, United Nations Integrated Office in Haiti-Report of the Secretary General S/2022/117, February 15, 2022. The data have been compiled from the reports of the United Nations Justice Support Mission in Haiti (MINUJUSH) of the United Nations Integrated Office in Haiti (BINUH), using data from the HNP.

⁹ World Bank, [World Development Indicators database](#), 2021.

Caribbean with the highest percentage of people living in multidimensional poverty, with 41.3% of the total population¹⁰.

10. In a regional context marked by social crisis, with high unemployment rates and levels of poverty and extreme poverty higher than those observed before the COVID-19 pandemic¹¹, OSRESCER has monitored the particular context of the Haitian State in relation to ESC rights, characterized by systemic and structural problems, such as the existence of a very weak institutional and democratic framework that prevents the planning and monitoring of public policies; the prevalence of a very deteriorated economic situation in recent years that prevents access to essential goods and services; and a particular exposure to phenomena related to climate change¹². In addition, political events and natural disasters occurred in the country throughout the year 2021, which exacerbated the climate of crisis and violence in the country and, consequently, affected populations in situations of special vulnerability in a differentiated manner, and resulted in devastating consequences for the enjoyment of ESC rights in the Haitian State¹³.

Freedom of Expression

11. Violence against journalists continues to be one of the main challenges facing Haiti in terms of freedom of expression, which have intensified in the context of the social and political crisis that the country is going through. In this regard, journalists in Haiti warn about the environment of fear and insecurity in which they work, in which they face continuous attacks and lack of protection¹⁴. In this line, the Office of the Special Rapporteur for Freedom of Expression (RELE) has learned of several public complaints from journalists regarding the lack of judicial progress in investigations into attacks and murders against journalists. In this regard, they have pointed out that Haiti will continue to be an unsuitable terrain for journalistic investigation as long as "the judicial system remains weak and incapable of protecting journalists and witnesses"¹⁵.
12. In this context, SRFOE continues to receive information on the persistence of attacks and threats to press workers in Haiti. According to information received by the Rapporteurship,

¹⁰ UNDP and Oxford Poverty and Human Development Initiative, *Global Multidimensional Poverty Index*, 2020

¹¹ Economic Commission for Latin America and the Caribbean (ECLAC), *Social Panorama of Latin America 2021*, Santiago, March 2022, p. 14.

¹² Further, see, OCHA, , [Aperçu des besoins humanitaires](#), March 2021.

¹³ IACHR. Press Release 212/21 – The IACHR and OSRESCER express solidarity with the Haitian people in response to the 7.2 magnitude earthquake, urging the State and the international community to adopt an immediate and comprehensive humanitarian response. Washington DC, August 15, 2021. CNN, "Haiti: political instability, cholera outbreak, devastating earthquake, assassination of president. What you need to know about the country," August 14, 2021.

¹⁴ AyiboPost. November 14, 2020. [Pourquoi le journalisme d'investigation est-il si rare en Haïti?](#)

¹⁵ AyiboPost. November 14, 2020. [Pourquoi le journalisme d'investigation est-il si rare en Haïti?](#)

between 2019 and 2021, several attacks against journalists were recorded, allegedly coming from both governmental spheres and armed groups. Some of these attacks reportedly occurred in the context of social demonstrations. According to several reporters, there is a generalized atmosphere of self-censorship in the journalistic exercise¹⁶. Some press workers have indicated that they even prefer to limit their public exposure as much as possible, and not to wear any kind of press identification¹⁷.

13. Effective citizen access to public information continues to be a challenge in Haiti. Human rights and journalism organizations highlight the opacity of institutions and public figures, the difficulties they face in accessing information related to the COVID-19 pandemic, as well as other information of public interest and sensitive issues in the context of the political and social conflict in Haiti¹⁸.

Human Mobility

14. The situation of Haitian persons in human mobility in their own country and in third States is one of the main concerns of the IACHR. In light of the principles of international solidarity and cooperation established in Resolution 02/2021, Haiti and other States in the region should adopt measures to promote a comprehensive, immediate, effective and lasting response that guarantees the rights of persons in human mobility¹⁹. This, also based on the principles of solidarity and inter-American cooperation contemplated in the Charter of the Organization of American States, which seek to achieve the objectives of integral development and social justice²⁰.
15. Recently, the IACHR has given special follow-up to the aggravated situations that affect the protection of the rights of displaced persons and persons in human mobility in a context in which different situations converge, such as: the serious economic, political, institutional and social crisis that Haiti has been experiencing since 2018, and the consequences derived from the COVID-19 pandemic. In addition, there are the effects of natural disasters

¹⁶ Ayibo Post. March 16, 2021. . [Insecurity Coupled with Impunity Forces Haitian Journalists to Hide Sensitive Information](#) .

¹⁷ Ayibo Post. March 16, 2021. . [Insecurity Coupled with Impunity Forces Haitian Journalists to Hide Sensitive Information](#) .

¹⁸ Connectas. 12 de diciembre de 2019. *Haití, ¿cómo salir de la crisis de corrupción y pobreza extrema?*; CPJ. 8 de abril de 2020. Haitian journalist Robenson Sanon says covering COVID-19 feels like being ‘soldiers in the battlefield’; AyiboPost. November 14, 2020. [Pourquoi le journalisme d’investigation est-il si rare en Haïti?](#)

¹⁹ Further, see IACHR, Resolution N. 02/2021 "Protection of Haitian Persons in Human Mobility: Inter-American Solidarity", October 24, 2021.

²⁰ OAS, [Press Release by the Organization of American States](#).

such as the 7.2 magnitude earthquake of August 14, 2021 and tropical storm Grace, which occurred on the same day²¹.

16. In particular, the IACHR has historically noted that the situation of particular vulnerability of internally displaced persons in Haiti is complex and has multiple causes, such as those derived from the effects of natural disasters. Likewise, the IACHR notes with concern that displacement situations are prolonged over time and, consequently, generate long-term settlements of displaced persons, and expose this population to recurrent and aggravated effects, with the risk of new displacements.
17. Regarding persons in international human mobility, as of 2018, with the increase in citizen insecurity, and in attention to the crisis situation faced by the country, the IACHR warns of the increase in the dynamics of human mobility, both from Haiti and from countries with a significant Haitian diaspora. These phenomena have also been exacerbated by the consequences of the pandemic and the natural disasters of August 2021. This situation has also affected the conditions in which Haitians and their families have been returned to their country of nationality, and has resulted in challenges for the international protection of this population.

Conclusions and Recommendations

18. The IACHR presents conclusions and offers recommendations on the matter. In particular, the recommendations are aimed at contributing to the search for ways and alternatives for the Haitian State to protect the human rights of its population, as well as to address the current crisis prevailing in the country.
19. The catalog of recommendations focuses on areas such as democratic institutions, citizen security, and protection of freedom of expression. The IACHR also offers recommendations for the enjoyment of and access to economic, social, cultural and environmental rights. In particular, the IACHR details measures in the context of the protection of Haitian persons in situations of human mobility and their families, both in relation to forcibly internally displaced populations, especially as a result of natural disasters and violence, as well as the different scenarios of international human mobility. Based on Resolution No. 02/2021 Protection of Haitian Persons in Human Mobility: Inter-American Solidarity, the IACHR calls on the international community to adopt cooperation and solidarity measures aimed at protecting Haitian persons in international mobility.
20. Through its SACROI-Haiti, the IACHR will constantly monitor the measures adopted by the State to implement the recommendations contained in this report. Likewise, through its various mechanisms, the Commission will promote follow-up actions for the

²¹ IACHR, *The IACHR and OSRESCER express solidarity with the Haitian people in the face of the 7.2 magnitude earthquake, urging the State and the international community to adopt an immediate and comprehensive humanitarian response*, August 15, 2021.

implementation of recommendations addressed to the other Member States and the international community.

21. Finally, the Commission places itself at the disposal of the Haitian State, in accordance with its mandate, to provide all the technical assistance required.



Chapter 1

Introduction

INTRODUCTION

A. Background and purpose

22. For decades, the IACHR has monitored the human rights situation in Haiti. Since 1968, the IACHR has published eight country reports; of these, seven have addressed the human rights situation in Haiti²², and the remaining one analyzed the situation of the administration of justice in the country²³.
23. Based on its monitoring mandate, the Commission has given special follow-up to the human rights situation in Haiti, particularly in the wake of the events that, beginning in 2018, exacerbated the factors that prevent the Haitian State – in general – from effectively guaranteeing the human rights of its population. This, given the confluence of serious affectations in the conditions of access to essential goods and services; the political and institutional crisis; and the high levels of citizen insecurity derived from the growing conflicts between armed groups.
24. In this context, on February 29, 2019, the IACHR announced the creation of a Rapid and Integrated Response Coordination Unit (SACROI) to give special attention to the human rights situation in Haiti. Thus, through its various mechanisms, the IACHR addressed and developed a specific strategy to monitor the human rights situation in that country. It also sought to strengthen dialogue with United Nations agencies on the ground, with local actors, with national human rights bodies and with civil society in the country²⁴. The IACHR also conducted a working visit to Haiti between December 17 and 20, 2019, which aimed to observe the human rights situation in the country and strengthen cooperation actions related to human rights²⁵. On that occasion, the delegation was headed by Commissioner Flávia Piovesan, Rapporteur for Haiti and on the Rights of LGBTI Persons, and integrated by Commissioner Margarette May Macaulay, Rapporteur on the Rights of Women and on

²² IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.21 doc. 6 (Spanish) Rev. 21 May 1969; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.46 doc. 66 rev. 1, 13 December 1979; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.74 doc. 9 rev. 1, 7 September 1988; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.77 Doc. 9 rev. 1, 7 September 1988; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.77.rev.1 Doc. 18 8 May 1990; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.85 Doc. 9 rev. 11 Feb. 1994 ; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V.88 Doc. 10 rev. 9 February 1995; and IACHR, [Observations of the Inter-American Commission on Human Rights on its visit to Haiti in April 2007](#), OEA/Ser.L/V/II.131 doc. 36.

²³ IACHR, [Haiti: Failed Justice or The Rule of Law? Challenges Ahead for Haiti and the International Community](#), OEA/Ser.L/V/II.123 doc.6 rev 1, 26 October 2005.

²⁴ IACHR, [IACHR expresses concern over worsening violence and shortages in Haiti and announces the installation of a Timely and Integrated Coordination and Response Room \(SACROI\) to monitor the situation](#), Press Release No. 046/19, February 27, 2019.

²⁵ IACHR, [In Loco Visit to Haiti, 17-19 December 2019](#).

the Rights of Afro-descendants and against Racial Discrimination, and staff of the Executive Secretariat²⁶.

25. On August XXX, 2022, the IACHR transmitted to the State of Haiti a copy of the preliminary draft of this report, and requested it to forward its observations in accordance with its Rules of Procedure. On XX 2022, the IACHR received the information from the State, which, as appropriate, was incorporated into this final version approved by the IACHR on XXX.
26. The Commission thanks the Government of Haiti for its openness to international scrutiny during a period of intense challenges to the country's institutions, which has resulted in a dialogue at the highest level with the IACHR, as well as in the forwarding of all the information provided. The IACHR also recognizes the efforts of the State that made it possible to hold its 175th period of sessions in Haiti from March 2 to 8, 2020.
27. In particular, the IACHR recognizes and appreciates the participation and information provided by civil society organizations, collectives and groups of victims and survivors, and representatives of civil society sectors in the country and in the diaspora. Likewise, the Commission highlights the continuous work of the victims of human rights violations and their families, as well as of human rights organizations in challenging conditions for the construction and strengthening of human rights in the country.
28. The *Report on the Situation of Human Rights in Haiti* aims to analyze the relevant processes and situations that accompany the weakening of the conditions for the enjoyment and effective exercise of human rights in the country, in particular, with the worsening of the situation of citizen insecurity and democratic instability in the country since 2018. The above, in a context characterized by severe socioeconomic conditions, which place Haiti as the poorest country in the Americas. In this regard, the timeframe of this document covers the period between 2018 and June 2022.
29. At the same time, this report reports on the structural patterns that represent major obstacles to effectively guaranteeing the human rights of the Haitian population, as well as emerging violations and risks. Considering the particularities of the country and of the Haitian population in a situation of human mobility, it includes an analysis of the main challenges in this area, as well as the standards for the *protection of the rights of this population group. This is based on Resolution No. 02/2021 on Protection of Haitian*

²⁶ During the visit, the Commission met with the President of the Republic, the Minister of Foreign Affairs, the Minister of Human Rights and Fight against Extreme Poverty, the Minister of Justice and Public Security, the National Police and the Minister for the Status and Rights of Women. In addition, the IACHR held meetings with the Citizen Protection Office (OPC), the National Migration Office, and with international organizations and diplomatic authorities from the states of Brazil, Canada, Spain, the United States, France and the European Union. It also held meetings with members of more than 70 civil society organizations dedicated to the defense of the rights of women, LGBTI persons, journalists, representatives of victims of police violence and survivors of the La Saline massacre, persons deprived of their liberty, and victims of other acts of violence in the country. IACHR, [On-site Visit to Haiti, 17-19 December 2019](#).

*Persons in Human Mobility: Inter-American Solidarity*²⁷. In this context, the IACHR recognizes that many of the human rights problems affecting the country are structural, and that several of them do not have an immediate or unidimensional solution. This report takes this complexity into consideration to analyze the human rights situation according to Inter-American standards and to formulate recommendations to the State that seek to help identify ways to rebuild sustainable conditions for the protection of human rights for the entire population.

30. The Commission also conveys that all references to facts that may constitute criminal conduct or human rights violations are made only in a descriptive manner in the report and recalls that it is the responsibility of the internal organs of the State to carry out the relevant processes in compliance with their obligations to investigate, prosecute and punish.
31. Lastly, the IACHR expresses to the Haitian State its willingness to provide the necessary technical support to promote the effective enjoyment of human rights for all persons.

B. Context

32. For decades, the IACHR has observed that the human rights situation in Haiti has been characterized by constant political instability and growing violence, as well as high levels of poverty and socio-environmental disasters.
33. During the last decades, the country has been affected by a long process of redemocratization, after almost three decades of the Duvalier regime, between 1957 and 1986. Likewise, during this period, the country faced a constant democratic weakness, characterized by successive interruptions of presidential mandates in the face of coups d'état²⁸. In relation to democratic institutions, the country went through several setbacks, including: i) the cancellation of elections in 2010, due to the earthquake; ii) the cancellation of the electoral process in 2015, in the face of increasing allegations of electoral irregularities, and iii) the presence of periods of presidential interim and institutional vacuums²⁹.
34. Haiti's recent institutional and security context was marked by international presence in internal security matters. Thus, between 2004 and 2017, Haiti received the United Nations Stabilization Mission in Haiti (MINUSTAH), whose task was to restore order and stabilize the country, which was replaced by a gradually smaller and more restricted presence. The

²⁷ IACHR, [Protección de las Personas Haitianas en Movilidad Humana: Solidaridad Interamericana](#), Res No. 02/2021.

²⁸ IACHR, [Report on the Situation of Human Rights in Haiti](#), OEA/Ser.L/V/II.77.rev.1 Doc. 18 May 8, 1990; IACHR, [Report on the Situation of Human Rights in Haiti](#), OEA/Ser.L/V/II.85 Doc. 9 rev. 11 February 1994; IACHR, [Report on the Situation of Human Rights in Haiti](#), OEA/Ser.L/V.88 Doc. 10 rev. Doc. 10 rev. February 9, 1995; and IACHR, [Observations of the Inter-American Commission on Human Rights on its visit to Haiti in April 2007](#), OEA/Ser.L/V/II.131 doc. 36, March 2, 2008.

²⁹ IACHR, [IACHR Deeply Concerned over Inaction to Avoid Institutional Vacuum in Haiti](#), Press Release No. 84/16, June 22, 2016.

reconfiguration of MINUSTAH also meant the progressive delegation of security and policing competencies to the Haitian National Police (HNP)³⁰. In October 2017, MINUSTAH gave way to a small peacekeeping mission, the United Nations Justice Support Mission in Haiti (MINUJUSTH)³¹. It was essentially mandated to strengthen the rule of law and human rights, as well as to develop the strength of the HNP. In turn, in October 2019, MINUJUSTH was replaced by the United Nations Integrated Office in Haiti (BINUH). With its current mandate, BINUH has as its main objectives: i) to strengthen political stability and good governance, including the rule of law; ii) to promote a peaceful and stable environment, including by supporting an inclusive inter-Haitian national dialogue; and iii) to protect and promote human rights³².

35. The country was also strongly marked by its vulnerability to socio-environmental disasters, which was enhanced by the weak physical infrastructure of its urban centers. According to World Bank data, Haiti remains highly vulnerable to natural hazards, mainly hurricanes, floods and earthquakes. In this regard, more than 96% of the population is exposed to this type of phenomena. Likewise, said entity highlights the reiteration of impacts in the context of the intensification of climate change, highlighting the affectations generated in 2016 by Hurricane Matthew -considered the most devastating disaster since the 2010 earthquake-, with damages estimated at 32 percent of the 2015 GDP³³. In this regard, the IACHR highlights the lasting impacts of the earthquake that affected the capital, Port-au-Prince, on January 12, 2010, with more than 222,570 deaths and 300,572 people injured. It also left some 2.3 million people homeless³⁴.
36. The difficulties the country faces are seriously marked by structural poverty and socioeconomic vulnerability, with the lowest gross domestic product per capita in the Americas, which only reached around US\$ 2,925 in 2020³⁵. According to the World Bank, 58.5% of the Haitian population lives below the poverty line³⁶. This places Haiti as the poorest country in the region, and one of the poorest in the world. At the same time, according to information from the United Nations Development Program (UNDP), Haiti's Human Development Index value increased from 0.414 to 0.510, representing a 23.2% improvement over the same period; life expectancy at birth in Haiti increased by 9.7 years; the average years of schooling increased by 2.9 years, and the expected years of

³⁰ UN, [Minustah Factsheet](#), 2019.

³¹ UN, [MINUJUSTH Factsheet](#), 2021.

³² BINUH, [Mandate](#).

³³ World Bank, [Country Overview Haiti](#), 8 November 2021.

³⁴ IACHR, [Annual Report, Chapter V, Haiti - Follow-up on the Situation of Human Rights in Haiti](#), 2010.

³⁵ World Bank, [Country Overview Haiti](#), 8 November 2021.

³⁶ World Bank, [World Development Indicators database](#), 2021.

schooling increased by 2.5 years. This is despite a structural reduction in the size of the entire Haitian economy over the same period, corresponding to about 21.7% between 1990 and 2019³⁷.

37. In this context, the IACHR highlights the need to strengthen the connection between democracy and development, calling attention to the reconstruction of the country's democratic institutions in a participatory manner, with the inclusion of all political sectors and civil society. Likewise, it highlights the importance of having an effective functioning of the elected bodies of the Legislative and Executive Branches. This, to fully resume representative democracy, thus allowing for the reconstitution of the country's Supreme Court. Likewise, the Commission highlights the importance of strengthening citizen security policies to guarantee the legitimate control of the State over the territories currently dominated by armed groups, as well as to implement preventive community security measures, restoring public confidence in the institutions. In this scenario, the State must investigate and punish, with due process guarantees, those who have perpetrated massacres, kidnappings, and other serious human rights violations.

C. Methodology and structure

38. For the preparation of this report, the Commission compiled, analyzed and systematized information on the human rights situation in Haiti in recent years and on Haitian persons in contexts of mobility in the region. The information presented in this report is based on primary and secondary sources. Regarding primary sources, the IACHR made use of information received through its various mechanisms, such as the visit carried out between December 17 and 19, 2019, various thematic hearings³⁸ and working meetings³⁹, requests for information under Article 41 of the American Convention, as well as through information derived from the system of cases and precautionary measures.
39. Regarding secondary sources, the Commission compiled information contained in: i) State sources; ii) reports, resolutions and pronouncements of intergovernmental bodies; iii) studies by non-governmental organizations, both national and international; iv) press articles; and v) content collected from social networks and other media.
40. The report presents the major facts needed for a clear understanding of the human rights situation in Haiti, particularly as of 2018. Thus, the IACHR gives an account of its findings, conclusions, and recommendations.

³⁷ UNDP, [Human Development Report: Haiti, 2020](#).

³⁸ During the 183rd Session: "Human rights situation of Haitians in human mobility in the region"; 182nd Session: "Human rights situation of returnees in Haiti"; 178th Session: "Access to justice and judicial independence in Haiti"; During the 173rd Session: "[Violence and security in the context of social protests in Haiti](#)" and "[Human rights situation in Haiti](#)";

³⁹ Such as those held during Sessions 173 and 175, held in September 2019 and March 2020, respectively.

41. Chapter I describes the background and purpose of the report, as well as the historical context of the human rights situation in Haiti; it also describes the structure and methodology for the preparation of this report. Chapter II addresses the weakening of democratic institutions between 2018 and 2022, as well as the major challenges to democratic governance in the country; ranging from the increased in political tensions and the institutional vacuum, to the serious impact of political violence that culminated in the assassination of President Jovenel Moïse, and the resulting challenges in reorganizing State institutions. Chapter III details the main factors causing and affecting citizen insecurity in the context of the country's deteriorating situation, including the increase in homicides and kidnappings, and the serious human rights violations caused by the violence of armed groups and their territorial control.

42. Chapter IV examines the principal challenges for the enjoyment and protection of economic, social, cultural and environmental rights in Haiti, with emphasis on the impacts of extreme poverty, obstacles to access to the right to health care, and other effects caused by the response to socio-environmental disasters in the country. Chapter V specifically addresses the status of protection of freedom of expression, specifically as it relates to the protection of journalists and communicators in the country. Chapter VI analyzes displacement and human mobility factors, as well as the challenges of protecting the rights of Haitian people in different human-mobility contexts, while also highlighting best practices in the region. Finally, in Chapter VII, the IACHR presents its conclusions and issues a series of recommendations to the State and the international community.



Chapter 2

Democratic institutional in Haiti

DEMOCRATIC INSTITUTIONALITY IN HAITI

43. Historically, the IACHR has recorded important cycles of political and institutional instability in Haiti, marked by institutional processes that depart from the essential guarantees of representative democracy and the rule of law. In this chapter, the IACHR analyzes the main background and aspects of the context that frame the main challenges to democratic institutions in Haiti, with an emphasis on those that have arisen since 2018. In this regard, the IACHR gives an account of the political tensions and the process of erosion of the legitimacy of the Powers in the country. Similarly – in the context following the assassination of President Moïse in July 2021 – the IACHR addresses the major challenges to the consolidation and strengthening of institutions, such as the restructuring of mandates for members of the Legislative and Executive Branches, the appointment of judges to the Supreme Court of Haiti (*Cour de Cassation*), and the restoration of political and institutional conditions for full democratic governance in the country.

A. Background and context

44. The IACHR notes that the current challenges surrounding democratic institutions in Haiti are the result of structural factors in recent decades: instability and obstacles to institution-building. Even before 2018, Haiti was experiencing increasing institutional and political instability, marked by obstacles of various kinds that affected the functioning of its Legislative, Executive and Judicial Branches.

45. For years, the IACHR has provided special follow-up to these institutional challenges. Thus, since the most tragic period of the Duvalier dictatorship in Haiti, the IACHR has documented human rights violations and abuses committed in a context of democratic exception, authoritarianism, and the absence of guarantees of the rule of law⁴⁰. Likewise, it closely observed the end of the Duvalier family regime in 1986 and the challenges to institution-building at key moments for democratic institutions, such as: i) the functioning of the transitional government during 1986–1990⁴¹; ii) the military coup in 1991, and the ensuing dictatorship that held sway until 1994; and iii) the coup d'état in 2004⁴².

46. Since 2010, the IACHR has focused on monitoring and making recommendations to support the strengthening and stabilization of democratic life and political freedoms in the

⁴⁰ For example, in: IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.21 doc. 6 (Spanish) Rev. 21 May 1969; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.46 doc. 66 rev. 1; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.74 doc. 9 rev. 1.

⁴¹ IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.74 doc. 9 rev. 1 September 7, 1988; IACHR, Report on the Situation of Human Rights in Haiti, OEA/Ser.L/V/II.77 doc. 18 rev.1 May 8, 1990.

⁴² See IACHR, [Haiti: Failed Justice or The Rule of Law? Challenges Ahead for Haiti and the International Community](#), OEA/Ser.L/V/II.123 doc.6 rev 1 , October 26, 2005; IACHR, [Observations of the Inter-American Commission on Human Rights Upon Conclusion of its April 2007 Visit to Haiti](#), OEA/Ser.L/V/II.131 doc. 36 March 2, 2008.

country. In this way, it particularly observed the challenges presented as a result of the lack of guarantees for the strengthening of the independence of the branches of government, political violence, and the excessive use of police force - including in the context of social protests. In addition, it warned of the persistence of patterns of opposition to the results of elections and the legitimacy of mandates, as well as the interruption of popularly elected mandates⁴³. In this regard, in its report, *Haiti: Frustrated Justice or Rule of Law? Challenges for Haiti and the International Community*, the IACHR indicated that "the political situation in Haiti has been extremely unstable. Although some progress has been made towards the holding of national elections, the political situation in the country remains highly polarized and, as has been the case throughout much of Haiti's history, corruption and violence continue to plague [its] political culture"⁴⁴. Since then, the country has gone through electoral and political cycles marked by instability. More recently, the IACHR has pronounced itself on the link between democracy and development conditions in a successive manner, noting the profound relationship between respect for human rights, democracy and integral human and economic development⁴⁵.

47. Between 2018 and 2022, the IACHR notes that, in general terms, there has been a process of contesting the legitimacy of State institutions, characterized by an increase in the perception of public corruption and high levels of impunity. Added to this scenario is an environment of severe economic scarcity and serious political and social crisis. For the period analyzed, the IACHR notes that, as a result of the crisis in political and democratic governance, six persons have held the office of Prime Minister. This cycle began when, in 2018, as a result of violent protests against the hike in gasoline costs in July of that year, Jack Guy Lafontant, the first Prime Minister appointed during the administration of President Jovenel Moïse, resigned on September 5, 2018, forcing a reshuffling of government⁴⁶.
48. The IACHR observes two interconnected cycles that characterize the recent dynamics of democratic institutions in the country. The first cycle – between 2018 and mid-2021 – was marked by increasing social protests due to economic, social, and political discontent, and by efforts to strengthen electoral institutions in the an environment of social protest. This period came to a head on January 13, 2020, with the expiration of the terms of 119 deputies and two thirds of the senators, a situation that left the Legislative Branch without a

⁴³ As in, IACHR, [Haiti: Failed Justice or The Rule of Law? Challenges Ahead for Haiti and the International Community](#), OEA/Ser/L/V/II.123 doc.6 rev 1 , October 26, 2005; CIDH, [Observations of the Inter-American Commission on Human Rights Upon Conclusion of its April 2007 Visit to Haiti](#), OEA/Ser.L/V/II.131 doc. 36 March 2, 2008.

⁴⁴ IACHR, [Haiti: ¿Justicia Frustrada o Estado de Derecho? Desafíos para Haití y la Comunidad Internacional](#), OEA/Ser/L/V/II.123 doc.6 rev 1 , October 26, 2005.

⁴⁵ IACHR, [IACHR accompanies the political and institutional situation in Haiti, January 22, 2020](#). And: IACHR, [The IACHR accompanies with concern the political and institutional situation in Haiti and calls for dialogue with respect for human rights and the rule of law, February 23, 2021](#).

⁴⁶ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General](#), S/2021/828, September 27, 2021.

parliamentary quorum it required to operate, and which also had a serious impact on several constitutional mandates. In this context, the Executive Power assumed legislative functions through the issuance of Executive Decrees, which deepened the polarization in the country. The second cycle began on July 7, 2021, with the assassination of President Jovenel Moïse. This event led to the worsening of the political, institutional and economic crisis in the country. In the following months, the conditions for democratic governance included efforts to form an ad hoc government, articulations between civil society actors, and proposals for the reinstatement of vacant posts in the three branches of government⁴⁷.

49. Regarding the applicable constitutional and institutional framework, according to its National Constitution, Haiti is a republic that adopts a democratic and pluralistic regime. It is structured into three independent branches of government, with a bicameral Legislative Branch, composed of legislators elected by periodic direct universal vote. According to the Constitution, deputies are elected to four-year terms. Senators are elected for six-year terms; and every two years, one third of the Senate is replaced. In addition, the President serves a five-year term of office and may serve a new term only after being out of office for a period of at least five years⁴⁸.
50. For its part, Article 192 of the Constitution provides for the creation of a Permanent Electoral Council, which, among other things, is responsible for organizing all phases of electoral proceedings throughout the country, preparing the draft Electoral Law, and managing the electoral registry⁴⁹. However, pending the formation of such a Council, the National Council of Government is empowered to form a nine-member Provisional Electoral Council (PEC), which is responsible for drafting and enforcing the Electoral Law that will govern the elections. The Constitution stipulates the relevant sector that is to be represented by each member of the Provisional Electoral Council⁵⁰. The IACHR notes that members of the Council were appointed in 2020 by presidential decree and was dissolved in September 2021. Despite the Government's efforts, the Council does not currently have an active membership⁵¹.
51. In this context, the IACHR notes that the growing perception of impunity for matters of corruption, and dissatisfaction with the economic and political crises, have generated mass protest movements and other social protest actions that, in the context of a highly polarized political environment, have led to violent actions by private groups and excessive use of

⁴⁷ El Universo, [Haiti: Prime Minister Jack Guy Lafontant resigns after unrest](#), July 14, 2018.

⁴⁸ Haiti, Constitution of Haiti, ch. 2, articles 92, 95, 95 (3) and 134 (1).

⁴⁹ Haiti, Constitution of Haiti, 1987.

⁵⁰ Constitution of Haiti, ch. 12, article 289.

⁵¹ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General](#), S/2022/117, February 15., 2022.

force by security agents⁵². Beyond the citizen security situation, the IACHR notes with concern that the polarized environment affects the stability of the State's functions. Thus, for example, during its 167th period of sessions, the Commission was informed about the situation of impunity and inoperability of the Judiciary in Haiti. In this regard, civil society denounced the delays in judicial proceedings, the lack of institutional capacity of the Haitian justice system – primarily in corruption-related cases – and interference with the independence of the Judiciary⁵³.

B. Political tensions and crisis of legitimacy of the powers in Haiti (2018-2021)

1. General Considerations

52. The period observed is framed in a process of ongoing degeneration of State institutions, citizen insecurity, and political instability, heightened by context of political polarization and social tension. The IACHR has observed annually the progressive erosion of the country's democratic institutions and governance. In this regard, in 2018, it noted the beginning of the breakdown of trust by various sectors of the population in the political class, with of allegations of corruption and hindrances to investigation⁵⁴. In 2019, this context was compounded by increasingly precarious economic conditions, which ruptured relations between the branches of government, preventing passage of the Elections Law⁵⁵.
53. As a result of the foregoing, at the beginning of 2020, the mandates of most members of the bicameral Legislative Branch expired. In response, the President began to implement public measures and policies – many of which required legislative approval – by issuing presidential decrees. This practice by the Government exacerbated the political and institutional crisis, and brought strong criticism from various social and political sectors, which demanded that elections be held and a presidential plan be proposed for a new constitution. Likewise, 2021 was characterized by conflicts over the rule for establishing the termination of the presidential term in February 2021⁵⁶ and the escalation of tensions that culminated with the assassination of the President on July 7, 2021⁵⁷.

⁵² IACHR, The IACHR is concerned about the political and institutional situation in Haiti, and calls for dialogue with respect for human rights and the rule of law. Press Release of February 23, 2021.

⁵³ IACHR, Public Hearing, "Haiti: Impunity and the Judiciary," 167th session, February 28, 2018.

⁵⁴ IACHR, Annual Report 2018, Chap IV-A, para. 268.

⁵⁵ IACHR, Annual Report 2019, Chap IV-A, para. 369.

⁵⁶ IACHR, Annual Report 2020, Chap IV-A, para. 468.

⁵⁷ IACHR, Annual Report 2021, Chap IV-A, para. 627.

2. Democratic institutional challenges and their ramifications

54. As will be developed in the chapter on Citizen Security, this cycle of political instability that began in 2018 occurred hand in hand with the intensification of a series of public demonstrations in Haiti, to express opposition to price hikes and fuel shortages. In this context, demonstrations were also organized to demand the resignation of the President, in view of his failure to respond adequately to corruption in the country⁵⁸. This, in view of the public knowledge about an alleged misappropriation of more than US \$3,800 million dollars in public funds earmarked for the PetroCaribe program, and the failure to investigate and sanction several officials allegedly linked to that criminal act. In 2018, Transparency International's Corruption Perceptions Index ranked Haiti as the country with the second-highest level of corruption in the region⁵⁹.
55. The tense situation worsened in 2019, revealing a deep institutional crisis accompanied by political instability in the country. As a more direct ramification for democratic institutions, the IACHR observed that the Government faced successive obstacles to gain Parliament's approval of a Prime Minister. Furthermore, the IACHR noted that the failure to approve the Elections Law that would have renewed the Parliament in 2019 resulted in failure to issue the call for elections that should have been held in November of that year⁶⁰.
56. As a direct consequence of not renewing the Elections Law, on January 13, 2020 was the expiration of the terms in office of 119 deputies and two thirds of the senators, who make up the 50th Legislature that had begun its functions on January 14, 2016. This situation further resulted in failure to approve the national budget and to execute both the Prime Minister's confirmation process and the formation of a Government Cabinet⁶¹. Thus, the President began to approve measures – including those that would have required legislative approval – through presidential decrees. The strategy by the government of using presidential decrees aggravated the political and social tensions that already existed. In this context, the IACHR reiterated the need to resume political dialogue as a key element for preserving democratic institutions and preventing the risk of a paralyzed public administration⁶².

⁵⁸ The New Yorker, [Haitians Want to Know What the Government Has Done with Missing Oil Money](#), October 19, 2018; Caribbean News Now, [Widespread Haitian protests call for PetroCaribe transparency and accountability](#), October 19, 2018.

⁵⁹ InSight Crime, [Corruption Survey Shows Latin America Still Struggling to Tackle Graft](#), February 22, 2018.

⁶⁰ IACHR, Annual Report 2019, Chapter IV.A, Human Rights Developments in the Region - Haiti, p. 369.

⁶¹ IACHR, Press Release No. 011/20, [IACHR supports Haiti in current political and institutional scenario](#), January 22, 2020. IACHR, Press Release No. 011/20, [IACHR supports Haiti in current political and institutional scenario](#), January 22, 2020.

⁶² IACHR, [IACHR supports Haiti in current political and institutional scenario](#), January 22, 2020. And: IACHR, [IACHR Concerned About the Political and Institutional Situation in Haiti, Calls for Dialogue and Respect for Human Rights and the Rule of Law](#), February 23, 2021.

57. During 2020, democratic governance was characterized by ongoing protests and by presidential decree, without legislative approval, to implement government measures. It was also marked by unsuccessful efforts to form the Provisional Electoral Council (CEP) as the body in charge of the procedures for holding local and legislative elections. In addition to the CEP's traditional task of preparing electoral processes, President Moïse placed the CEP in charge of administering a constitutional referendum. In July 2020, all nine members of the CEP resigned from their posts, which added to the political tension and led to resistance to the appointment of new Council members. In response to this situation, the president unilaterally appointed new members to the CEP, one of the main missions of which would be to administer the constitutional referendum⁶³.
58. In June 2020, opposition political forces renewed the call for and the protests demanding that February 2021 be recognized as the termination of the President's term in office. In August of the same year, a coalition of civil society organizations aligned with these opposition forces issued a statement calling for a transitional government to take over the electoral process⁶⁴. The statement also criticized the constitutional referendum initiative, holding that adoption of a new Constitution would create the risk of impunity⁶⁵. During this period, and in a scenario the legal legitimacy of its actions was being strongly questioned, the government enacted by decree several regulations that had the character of law. Among the measures adopted, the following stand out: i) the issuance of a new Penal Code on June 24, revoking the previous Code of 1835; ii) the reorganization of the public administration, including the creation of new bodies; iii) the criminalization of actions in the framework of protests, and iv) the new biometric national identity card, which could be used as an electoral identity document⁶⁶. In the same line, by means of a decree published on July 9, the Executive Branch – without holding elections – appointed representatives, whose terms of office had previously expired, to the municipal commissions of the country's 140 municipalities⁶⁷.
59. During February 2021, institutional tension increased when part of the opposition political forces and civil society groups argued that the presidential term should end on February 7, 2021. According to BINUH, these demands had been made in speeches by civil society organizations and opposition political forces since the latter half of 2020 and were based on the interpretation that the presidential term should be counted from the date provided for the electoral process that had been annulled in 2015, and not from the date the

⁶³ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General, S/2021/133](#), February 11, 2021.

⁶⁴ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General, S/2020/944](#), September 25, 2020.

⁶⁵ Le Nouvelliste, [The project of the new constitution is to guarantee the impunity of the rulers, according to CRAN and CE-JILAP](#), May 4, 2021.

⁶⁶ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General, S/2021/133](#), February 11, 2021.

⁶⁷ Miami Herald, [Is democracy in Haiti eroding? The president's new intelligence agency has many uneasy](#), Dec. 14, 2020.

elections were in fact held the following year. Additional criticism was directed at presidential decrees that had paralyzed State and government functions and at actions considered abusive by those actors⁶⁸.

60. Opposing this, the President asserted that his term of office would extend until February 2022, calculating the time from when the elections were in fact held, and from the start of his activities as President in 2017. Likewise, he characterized the efforts to remove him from power as an attempted coup d'état⁶⁹. In response, the Superior Council of the Judiciary Branch of Haiti issued a resolution taking the position that the then-President's term should end in 2021⁷⁰.
61. In the days leading up to and following February 7, 2021, according to public information and information received through its various monitoring mechanisms, the IACHR observed increased political and social tensions over questions about the length of the presidential term. This situation reportedly ultimately led to the arrest of at least 23 people allegedly involved in a failed coup attempt. On February 6, a Supreme Court judge allegedly appointed himself interim president, and by a presidential act on February 8, granted retirement to three judges of the highest court⁷¹. The three judges were replaced by new judges appointed by decree. Subsequently, the Haitian National Police took control of the Supreme Court and the School of Magistrates, paralyzing the Court's operations⁷².
62. In this context, in its press release of February 23, 2021, the IACHR stressed the importance of respecting Haiti's constitutional order and democratic institutions⁷³. On that occasion, the Commission highlighted the intrinsic relationship that exists amongst the respect for human rights, democracy, and human and economic development, and urged all actors involved to use the means and instruments for participation and claims authorized by the Constitution and legislation, always respecting the country's democratic institutions⁷⁴.

⁶⁸ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General, S/2020/944](#), September 25, 2020.

⁶⁹ Francia 24, [Haiti: the Judiciary determines the end of Moïse's mandate, who denounces an attempted coup d'état](#), February 8, 2021.

⁷⁰ Conseil Supérieur du Pouvoir Judiciaire, [Resolution du Conseil Supérieur du Pouvoir Judiciaire \(CSPJ\) sur la question de l'écheance du mandat constitutionnel du Président de la République, Son Excellence Monsieur Jovenal MOÏSE](#), February 26, 2021, available at: <https://www.haitiwatch.org/home/cspj6feb2021en>

⁷¹ IACHR, [Press Release No. 038/21, IACHR concerned about the political and institutional situation in Haiti, Calls for dialogue and respect for human rights and the rule of law](#), February 23, 2021.

⁷² Harvard Law School Human Rights Clinic, [joint statement to the UN Security Council on the Constitutional and Human Rights Crisis in Haiti](#), February 22, 2021.

⁷³ IACHR, [Press Release No. 038/21, IACHR concerned about the political and institutional situation in Haiti, Calls for dialogue and respect for human rights and the rule of law](#), February 23, 2021.

⁷⁴ IACHR, [Press Release No. 038/21, IACHR concerned about the political and institutional situation in Haiti, Calls for dialogue and respect for human rights and the rule of law](#), February 23, 2021.

63. Judicial independence and the separation of powers are enshrined in Article 60 of the Haitian Constitution⁷⁵. In this regard, the IACHR has noted that the Judiciary plays an indispensable role in monitoring the constitutionality of actions by the other branches of government, especially by the Executive Branch and in the administration of justice⁷⁶. Therefore, an independent judiciary is essential to ensure compliance with the rule of law and the principles of democracy⁷⁷. In other contexts, the IACHR has already observed that the lack of such independence hinders access to justice, as victims are less likely to turn to the courts for redress and, as such, has the effect of perpetuating impunity in cases of human rights violations⁷⁸. As pertains to the situation in Haiti, the Commission has previously noted deficiencies in the stability of the judicial careers of judges in Haiti and, in this regard, it has recommended to the State that the terms and criteria for appointment of judicial authorities be reviewed to ensure their independence⁷⁹.
64. In this scenario, the decrees by which the government retired and appointed judicial authorities without following the procedure established in the Constitution seriously impacted the independence of the Judiciary, and essentially left the management of judicial authorities to the Executive Branch. To guarantee their independence and impartiality, judges should enjoy tenure as long as their conduct is above reproach⁸⁰. This is supported by Principle 12 of the United Nations Basic Principles on the Independence of the Judiciary, which states that judges "whether appointed or elected, shall be guaranteed tenure of office until the mandatory retirement age or the expiration of their term of office, where it exists"⁸¹.
65. The IACHR urges the Haitian State to cease any further intervention in the functioning of the Judiciary, including new retirements or appointments that are contrary to the constitutional order and the rule of law. Should it be confirmed that judicial authorities or any other person were involved in processes deemed to be anti-democratic, pertinent due-

⁷⁵ Haiti, [Constitution of Haiti](#), ch. 1, Art. 60.

⁷⁶ IACHR, [Guarantees for the Independence of Justice Operators. Toward Strengthening Access to Justice and the Rule of Law in the Americas](#), OAS / SER.L / V / II, Doc. 44, December 5, 2013, para. 183.

⁷⁷ [Inter-American Democratic Charter](#), Article 3.

⁷⁸ IACHR, [Guarantees for the Independence of Justice Operators. Toward Strengthening Access to Justice and the Rule of Law in the Americas](#), OAS / SER.L / V / II, Doc. 44, December 5, 2013, para. 30.

⁷⁹ IACHR, [Haiti: Failed Justice or Rule of Law? Future Challenges for Haiti and the International Community](#), OAS / Ser / L / L / V / II / 123 doc 6, para. 155.

⁸⁰ IACHR, [Guarantees for the Independence of Justice Operators. Toward Strengthening Access to Justice and the Rule of Law in the Americas](#), OAS / SER.L / V / II, Doc. 44, December 5, 2013, para. 212.

⁸¹ [Basic Principles on the Independence of the Judiciary](#). Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Milan, Italy, 26 August to 6 September 1985, Principle 12.

process guarantees must be offered at all stages of the investigation and punishment of those found responsible⁸².

66. In accordance with the principles enshrined in Article 3 of the Inter-American Democratic Charter, the IACHR recalls that "the essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms; access to and the exercise of power in accordance with the rule of law, the holding of periodic, free and fair elections [...] the separation of powers and the independence of the branches of government"⁸³. In this sense, democratic institutions are composed of various regulatory, institutional, and socio-political factors guided by the separation, independence, and balance of powers, as well as by the effective exercise of political rights, which allow the people to determine their own political, economic, social, and cultural system, and their full participation in all aspects of their lives. This is achieved through free and fair elections, respect for and promotion of pluralism in society, and other processes and spaces that allow for governance of public affairs⁸⁴.
67. In this regard, through its various mechanisms, the Commission continues to reiterate its call for the Haitian authorities to engage in genuine dialogue with all necessary stakeholders, with the following objectives: i) to restore the full functioning of the institutions of the rule of law, and of the representative bodies of the country through free and fair elections; ii) to end the stagnation of the functions of the State, and iii) to restore fully the independence of powers⁸⁵.

C. Assassination of the president and institutional challenges for the interim government (from July 2021 to date)

68. Democratic governance in Haiti was deeply affected by the assassination, in the early morning of July 7, 2021, of President Jovenel Moïse, who died as result of an attack on his private residence. In this regard, the IACHR condemned the assassination and the attempted murder of the First Lady; it also urged the State to guarantee democratic institutions, citizen security, and the human rights of the entire population, in full compliance with the principles and rules of the constitutional and democratic framework⁸⁶.

⁸² In this regard, see IACHR, [Guarantees for the Independence of Justice Operators. Toward Strengthening Access to Justice and the Rule of Law in the Americas](#), OAS / SER.L / V / II, Doc. 44, December 5, 2013, para. 186.

⁸³ [Inter-American Democratic Charter](#), Article 3.

⁸⁴ In this regard, see: IACHR, Report Concentration of Power and Weakening of the Rule of Law in Nicaragua, para. 118. See also: Inter-American Democratic Charter of September 11, 2001 and Inter-American Court of Human Rights. Advisory Opinion OC-28/21. The question of indefinite presidential reelection in the context of the Inter-American human rights system, June 7, 2021, para. 144.

⁸⁵ For more on this, see IACHR, [IACHR Supports Haiti in Current Political and Institutional Scenario](#), Press Release, January 20, 2020.

⁸⁶ IACHR, [IACHR condemns the assassination of Haitian President Jovenel Moïse, and urges the State to guarantee democratic rule and human rights](#), Press Release of July 9, 2021.

69. According to information compiled by BINUH for the Report of the Secretary General to the United Nations Security Council, the investigation into the assassination of the president has been conducted amid leaks and concerns expressed by the Ombudsman's Office about the integrity and apparent lack of due process. In this context, BINUH notes that the dean of the Court of First Instance of Port-au-Prince appointed an investigating judge on August 23 to continue the investigation initiated by the Central Directorate of the Judicial Police⁸⁷. Despite unanimous calls from across the political spectrum for the case to be investigated and prosecuted with due diligence, the judicial system – since its inception – has faced low trust by the public, allegations of politicization, and doubts about the integrity of the process⁸⁸.
70. The IACHR notes that the assassination of President Jovenel Moïse strongly impacted democratic rule in the country. The first and direct consequence is linked to reorganization of the functions of democratic governance in the country. The second and indirect consequence is related to the impact the assassination has had on the functioning of State institutions in a context of already low expectations of the institutions' capacity to protect and function.
71. Regarding the reorganization of democratic governance, the IACHR notes that the initial uncertainty over President Jovenel Moïse's succession lasted until July 20, when the interim government of Prime Minister Ariel Henry was confirmed. From the outset of this mandate, the announced intention was to seek a political agreement, using an inclusive and consensual approach, to create conditions for national elections to be held by the end of 2022. This, within the framework of a governance agreement involving more than 150 political and civil society groups and organizations that would lead to the formation of a new Provisional Electoral Council and establish a roadmap for the design and approval of a constitutional text for referendum⁸⁹.
72. Other political and social actors responded by creating plans for an alternative design that would involve selecting provisional positions of president and prime minister. [This plan] came forth through the social platform known as the Commission for the Search for a Haitian Solution⁹⁰. As highlighted above, given the impossibility of adhering to a planned calendar of elections, and despite coordination efforts, the Prime Minister dissolved the CEP on September 27, 2021⁹¹. In this context, the IACHR reaffirms its call for the pursuit by

⁸⁷ UN Security Council, [United Nations Integrated Office in Haiti-Report of the Secretary General](#), S/2021/828, September 27, 2021.

⁸⁸ UN Security Council, [United Nations Integrated Office in Haiti-Report of the Secretary General](#), S/2021/828, September 27, 2021.

⁸⁹ UN Security Council, [United Nations Integrated Office in Haiti-Report of the Secretary General](#), S/2021/828, September 27, 2021.

⁹⁰ UN Security Council, [United Nations Integrated Office in Haiti-Report of the Secretary General](#), S/2021/828, September 27, 2021.

⁹¹ UN Security Council, [United Nations Integrated Office in Haiti-Report of the Secretary General](#), S/2021/828, September 27, 2021.

all institutional and constitutional channels of a democratic governance arrangement that is inclusive, sustainable, and based on the protection of human rights⁹².

73. On the other hand, the IACHR notes that the influence of external elements on institutional and political dynamics has a disproportionate effect on the conditions Haiti needs to implement a strategy to stabilize and strengthen its democratic institutions. Factors such as the earthquake and tropical storm Grace which, on August 14, 2021, simultaneously affected several of the country's departments, and increasing levels of citizen insecurity have hindered several State entities in their efforts to function. For example, evaluations by the United Nations of the impact of the earthquake report serious damage to some community-level election offices and to dozens of public buildings that the CEP had intended to use as polling centers. Despite this, the IACHR highlights as positive the progress made in registering Haitian citizens for the new identity card, which will serve as an identification document for elections. According to UN data, by August 26, 2021, more than 2.6 million persons of voting age would have registered, out of an estimated voting population of 6.8 million persons; of whom, 52.7% are women⁹³.
74. As will be analyzed in the Chapter on Citizen Security, both the citizen security situation and the functioning of democratic institutions were seriously affected by the events that took place in the second semester of 2021. Furthermore, the processes of political negotiation and stabilization have been hampered by the resurgence of demonstrations and strikes protesting fuel shortages and the serious economic challenges. Thus, various social sectors recused themselves from appointing representatives to bodies that are essential to democratic governance, such as the CEP itself. On November 27, 2021 – based on negotiations with different political platforms, social sectors, and civil society – the Prime Minister formed a new government the priorities of which would be security, constitutional reform based on a process of "popular consultation" and the holding of national and local elections⁹⁴.
75. In this scenario, until elections are held to renew nationally elected positions in the Executive and Legislative Branches, in accordance with the Haitian Constitution, the functions of the Supreme Court – the Judiciary's highest court – cannot be properly reassembled. Currently, the need for political understanding and agreement is imperative to guarantee democratic rule in the country. An example in this regard is that, in January 2022, a debate arose over the term lengths for the 10 members of the Haitian Senate who were still in office following the January 2020 expiration of most legislative terms⁹⁵.

⁹² IACHR, [IACHR accompanies the political and institutional situation in Haiti, January 22, 2020](#). And: IACHR, [The IACHR concerned about the political and institutional situation in Haiti, calls for dialogue with respect for human rights and the rule of law](#), February 23, 2021.

⁹³ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General](#), S/2021/828, September 27, 2021.

⁹⁴ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General](#), S/2022/117, February 15, 2022.

⁹⁵ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General](#), S/2022/117, February 15, 2022.

Regarding this, the United Nations indicates that, given that this was a reproduction of discussions that occurred in February 2021 about extending the presidential term in office – and the risk that a new crisis of institutional governance might ensue – the issue was resolved by adopting a standard that start the counting of the six-year term in office on the date when senators had actually taken office in 2017, and would end in January 2023⁹⁶.

76. At the closing date of this Report, in June 2022, the IACHR notes that the situation of governance of democratic institutions in Haiti continues to present serious challenges that prevent the proper and effective functioning of the branches of government. Thus, the government is based on political agreements that to a certain extent allow an institutional equilibrium between the Executive Branch managed *ad hoc* and term continuity for a minority fraction of the Senate. In this sense, the confluence of economic challenges and citizen security issues together reinforce the institutional and logistical obstacles that hinder implementation of institutions and the taking of the actions needed to enable the functions of the country's representative democratic institutions to be fully reestablished. These factors also constitute serious challenges to the appointment of strategic positions in the branches of government, including the presidency of the country's Supreme Court⁹⁷.

⁹⁶ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General](#), S/2022/117, February 15, 2022.

⁹⁷ In particular, the presidency of the Supreme Court has been vacant since June 23, following the death of Justice Me René Sylvestre.



Chapter 3

Citizen Security

CITIZEN SECURITY

77. Over recent decades the IACHR has monitored the citizen security situation in Haiti. Since February 2019, through its SACROI, the IACHR has paid special attention to how human rights are being affected in the country in a context of the increasing levels of violence that have been observed over this period. In this chapter, the IACHR analyzes historical factors and trends that have led to the citizen security crisis; it also notes impacts of the prevailing situation of citizen insecurity in the country on the population, with emphasis on the 2018–2022 period, framed by the occurrence of massacres, intensifying protests with acts of violence, rising rates of kidnappings and homicides, and the weakening of the State's capacities to guarantee the security of sectors in the country's capital and in other cities, in the context of deepening disputes over territorial control and attacks by armed groups. Lastly, the IACHR analyzes how the citizen security situation in Haiti is marked by obstacles that hamper investigations of facts, prosecution, and punishment of those responsible.

A. General considerations

78. The Inter-American Commission has repeatedly stated that the deteriorating situation of citizen security in the Republic of Haiti represents a historic and complex challenge for the protection and enjoyment of the human rights of all persons in the country. Persistent social, economic, and political problems, as well as the weakness of state institutions to adequately contain criminal activity, are factors that contribute to the high levels of insecurity and violence in Haiti.

79. Similarly, among the structural challenges Haiti faces in guaranteeing citizen security are: i) challenges to the strengthening and consolidating of security institutions; ii) lack of systematized data collection processes; iii) the presence of and conflicts between organized armed groups; iv) indiscriminate access to firearms; and v) impunity for criminal acts, especially in cases where members of the security forces themselves are alleged to be involved⁹⁸.

80. More recently, particularly since 2018, the IACHR has observed that these factors have directly contributed to the worsening levels of citizen security, reflected in the steady increase of clashes between rival groups fighting for territorial control of populated areas.

81. Regarding homicides, in recent years, there the homicide rate has increased by approximately 49.4%. Thus, according to data from the Haitian National Police compiled by the United Nations Integrated Office in Haiti (BINUH), a total of 1,615 murders were

⁹⁸ [1] IACHR, *Haiti: Frustrated Justice or Rule of Law? Challenges for Haiti and the international community*, OEA/Ser/L/V/II.123 Doc. 6 rev. 1 26 October 2005, p. 223.

recorded in 2021⁹⁹, 17% more murders than the 1,380 cases recorded in 2020¹⁰⁰. This, in turn, reflects a 27% increase when compared with 2019, which recorded 1,081 cases¹⁰¹. Likewise, according to the United Nations Mission for Justice Support in Haiti (MINUJUSH), based on data from the HNP, 757 homicides were recorded in 2018. The 2018–2021 period saw a 113% increase in the number of homicides¹⁰². Regarding kidnappings during the 2018–2021 period, the number of kidnappings grew from 49 to 655, an increase of 1236%¹⁰³.

82. As an indirect result of increasing violence by armed groups, thousands of people have been displaced to other territories, including for extended periods. This situation has also had a doubled effect on persons who were previously displaced for various reasons who find themselves once again vulnerable to the actions of armed gangs and groups¹⁰⁴.
83. For its part, the IACHR takes note of the obstacles that hamper processing of official data and statistics, especially disaggregated data. This situation impedes actions to monitor the situation of citizen security in the country that [could otherwise support] the design and implementation public policies and effective institutional responses¹⁰⁵.
84. The IACHR also emphasizes that uncontrolled access to firearms is a determining factor in the seriousness of violence in the country. This is the case in situations of violence caused both by armed groups and by private agents – the latter mostly in the context of social protests. Regarding the uncontrolled and unregulated access to firearms, according to the United Nations Secretary General's Small Arms and Light Weapons Report 2019, the illicit trafficking of small arms and light weapons and the widespread availability and

⁹⁹ UN Security Council, United Nations Integrated Office in Haiti-Report of the Secretary General S/2022/117, February 15, 2022. The data have been compiled from the reports of the United Nations Justice Support Mission in Haiti (MINUJUSH) of the United Nations Integrated Office in Haiti (BINUH), using data from the HNP.

¹⁰⁰ UN Security Council, United Nations Integrated Office in Haiti-Report of the Secretary General S/2022/117, February 15, 2022. The data have been compiled from the reports of the United Nations Justice Support Mission in Haiti (MINUJUSH) of the United Nations Integrated Office in Haiti (BINUH), using data from the HNP.

¹⁰¹ UN Security Council, United Nations Integrated Office in Haiti-Report of the Secretary General S/2022/117, February 15, 2022. The data have been compiled from the reports of the United Nations Justice Support Mission in Haiti (MINUJUSH) of the United Nations Integrated Office in Haiti (BINUH), using data from the HNP.

¹⁰² UN Security Council, United Nations Mission for Justice Support in Haiti - Report of the Secretary General S/2019/198, March 1, 2019. Data has been compiled from United Nations Mission for Justice Support in Haiti (MINUJUSH)United Nations Integrated Office in Haiti (BINUH) reports, using HNP data.

¹⁰³ UN Security Council, United Nations Mission for Justice Support in Haiti - Report of the Secretary General S/2019/198, February 15, 2019. Data has been compiled from United Nations Mission for Justice Support in Haiti (MINUJUSH)United Nations Integrated Office in Haiti (BINUH) reports, using HNP data.

¹⁰⁴ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General, S/2020/944](#), September 25, 2020, para. 55.

¹⁰⁵ IACHR, Press Release No. 046/19, [Concerned about Worsening Violence and Scarcity in Haiti, CIDH Unveils Plans for a Rapid and Integrated Response Coordination Unit to Monitor the Situation](#), February 27, 2019.

uncontrolled flow of weapons are a continual aggravating element to the ongoing conflicts and violence in Haiti¹⁰⁶. This situation, in turn, is exacerbated by illegal cross-border arms trafficking¹⁰⁷.

85. In this regard, as noted, the absence of a system of records with integrated statistics makes it difficult to obtain up-to-date figures on the number of illegal weapons currently in civilian possession. This difficulty notwithstanding, in 2015, the Haitian National Police estimated that approximately 250,000 illegal weapons – including both handguns and large caliber weapons – were circulating in Haiti¹⁰⁸. Four years later, public information indicates that in 2019 this figure doubled, when the National Disarmament Commission estimated that there about 500,000 illegal firearms in circulation in the country¹⁰⁹.
86. Moreover, because of the coordinated actions of armed groups, the IACHR has observed the systematic occurrence of incidents of acute violence in popular neighborhoods of the capital Port-au-Prince and other territories of the country. Acute violence incidents are characterized by massacres resulting from large-scale attacks that include multiple murders, gender and sexual violence, and expropriation of homes and burning of private property¹¹⁰.
87. Regarding the massacres, the IACHR highlights the seriousness of this situation and the historical obstacles to eliminating the cycles of violence that are prevalent in many areas of the country. In this regard, in its Observations on its visit to Haiti in April 2007, the IACHR noted the occurrence of massacres in areas of the capital, Port-au-Prince, such as Bel-Air, Cité Soleil, Delmas, Fort National, Grand Ravine and Martissant¹¹¹.
88. Since 2018, as will be developed below, the IACHR has been giving special follow-up to the massacres, such as the one that occurred in La Saline in November 2018¹¹² and other large-scale attacks. The Commission notes that such massacres are again

¹⁰⁶ UN Security Council, [Small arms and light weapons – Report of the Secretary-General](#), UN Doc. S/2019/1011, December 30, 2019, para. 9.

¹⁰⁷ UN Security Council, [Small arms and light weapons – Report of the Secretary-General](#), UN Doc. S/2019/1011, December 30, 2019, para. 14.

¹⁰⁸ Haiti Libre, [Haiti - Security : More than 250,000 illegal weapons in circulation in the country](#), January 21, 2015.

¹⁰⁹ See, Haiti Libre, [About 500,000 illegal firearms in the country](#), November 12, 2019, y Haiti Libre, [Reactivation of the Disarmament Commission](#), March 12, 2019.

¹¹⁰ IACHR, Resolution MC No. 65/2019, Precautionary Measures No. 793-19, December 31, 2019.

¹¹¹ IACHR, [Observations of the Inter-American Commission on Human Rights on its visit to Haiti in April 2007](#), OEA/Ser.L/V/II.131 doc. 36, March 2, 2008, par. 4.

¹¹² As will be developed below, in adopting Precautionary Measure 65/2019, the IACHR recorded that on November 13, 2018, in La Saline, a neighborhood of Port-au-Prince, criminal gangs perpetrated a series of aggressions that resulted in "an incalculable number of victims [...]: more than seventy dead, at least eleven women or girls raped, dozens of lootings and fires or destruction, adding to the above numerous neighbors had to be displaced." IACHR, Resolution MC No. 65/2019, Precautionary Measures No. 793-19, December 31, 2019.

occurring in the same areas and territories that continue to be targeted by armed groups. In this regard, the IACHR reiterates that the obstacles and difficulties affecting investigation of these events with due diligence – and of criminal acts in the country, in general – result in impunity, and, consequently, hamper prevention of recurrences¹¹³. Likewise, there are challenges to identification of the dead and to protection and reparation of surviving victims and their families.

B. Factors in the situation of citizen insecurity

1. Presence of organized armed groups and control of territories

89. The presence of armed groups and their dispute for territorial control in the capital and other provinces are structural factors of insecurity in Haiti. In this regard, the IACHR has observed that historically the activity of armed groups is directly related to the high number of kidnappings, massacres, and violent conflicts among groups and even with the police. Along these lines, in its Observations from its 2007 visit, the IACHR expressed concern about the sharp deterioration of public security due to the violence perpetrated in many parts of the country by "armed gangs and the lack of effective control in certain sectors of Port-au-Prince and in the provinces"¹¹⁴.
90. In addition to the direct effects of actions by these groups and the resulting atmosphere of uncertainty for the country's social, economic, and political life, there are also indirect effects, such as internal displacement of the population. According to the United Nations Secretary General's report to the Security Council in February 2022, the presence and territorial control of armed criminal groups in Haiti is currently the main threat to the country's security, especially following the assassination of President Jovenel Moïse in July 2021. As such, the presence and power of these groups is growing stronger and expanding; by occupying strategic areas in and around the capital Port-au-Prince, they hold the power to obstruct the country's major product supply routes and fuel terminals¹¹⁵.
91. In addition, the IACHR notes with concern that in the context of contested elections and significant social tension, this territorial control could also affect the State's ability to conduct peaceful elections that guarantee the security and integrity of the Haitian population. In this regard, the IACHR notes that these groups control the main underprivileged neighborhoods of the Ouest Department. These areas account for

¹¹³ On the impunity that prevails with respect to the La Saline massacre, the Commission pronounced itself in: IACHR, Press Release, No. 305/19, [One year after the La Saline massacre, the IACHR reiterates its concern at the political and institutional crisis facing Haiti](#), November 22, 2019.

¹¹⁴ IACHR, [Observations of the Inter-American Commission on Human Rights on its visit to Haiti in April 2007](#), OEA/Ser.L/V/II.131 doc. 36, March 2, 2008, par. 12.

¹¹⁵ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, February 15, 2022.

approximately 40% of the nation's eligible voters whose right to peacefully exercise their vote could potentially be threatened¹¹⁶. Therefore, the IACHR notes with concern the risks that the actions of armed groups could, in addition to causing economic and social damage, be used as a technique for territorial control that would have political-institutional and electoral implications. This is in line with what the United Nations Secretary General warned in his report to the United Nations Security Council in 2022 about the risk that such groups could align themselves with forces for political purposes¹¹⁷.

92. In this context, as will be analyzed below, the IACHR notes the growth of violence that stems from conflicts between armed groups and conflicts between rival groups, a factor closely linked to the rising number of homicides and kidnappings. This is despite the State's efforts in 2021, through the National Commission for Disarmament, Demobilization, and Reintegration of Haiti, to negotiate de-escalation of tensions and to install an inter-ministerial task force created to respond to violence in the communities¹¹⁸.
93. Regarding violence against women, according to the UN Secretary General's report to the Security Council, armed groups have also used sexual violence, rape, and sexual slavery as weapons to terrorize and exert control over the local population¹¹⁹. According to information compiled by the UN, in 2021, dozens of rapes, attacks and abductions against girls and women were occurring every month in the context of everyday activity, such as on the way home from school or while riding public transport. Also, sexual abuse of young men is often rite of initiation into some gangs. Furthermore, the difficulty in obtaining data and producing records suggests many cases go unreported, keeping this type of violence from being seen¹²⁰.

2. Challenges for the consolidation of citizen security institutions in Haiti

94. The IACHR has historically underscored the fundamental role played by the Haitian National Police (HNP) in enabling the proper functioning of the Haitian government's democratic system, with the understanding that the police is a fundamental institution for upholding the rule of law and guaranteeing the security of the population¹²¹.

¹¹⁶ RNDDH, [Massacres in Bel-Air and Cité Soleil under the Indifferent Gaze of State Authorities](#), May 20, 2021, para. 84.

¹¹⁷ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, February 15, 2022.

¹¹⁸ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, February 15, 2022.

¹¹⁹ IACHR, [Report on the Situation of Human Rights in Haiti](#), OEA/Ser.L/V/II.74 doc. 9 rev. 1, 7 September 1988; IACHR, [Report on the Situation of Human Rights in Haiti](#), OEA/Ser.L/V/II.77 doc. 18 rev.1 May 8, 1990.

¹²⁰ In this regard, see UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, February 15, 2022.

¹²¹ IACHR, [Report on Citizen Security and Human Rights](#), OEA/Ser.L/V/II. Doc. 57, December 31, 2009, para. 77.

95. The Haiti National Police (HNP), which was established in 1995 as a civilian and autonomous institution, is the primary agency in Haiti's security system. It is headed by a Director General and falls under the oversight of the Ministry of Justice and Public Security¹²². Moreover, its operations are mostly concentrated in Port-au-Prince. According to UN information, as of January 2022, the HNP comprised about 15,500 persons; of which 1,711 are women. With its ratio of 1.3 police officers per 1,000 inhabitants, the HNP falls below the international standard officers-to-inhabitants ratio of 2.2 per 1,000¹²³.
96. The IACHR notes that, although the National Police has been in the process of professionalizing and developing its functions for more than a decade, the HNP faces serious institutional challenges, which contribute to the steady worsening of the security situation in Haiti. Among the challenges the HNP faces in carrying out its work effectively, the IACHR highlights the following: lack of personnel and budget, inadequate equipment and training, precarious working conditions, and criminal organizations who infiltrate the HNP's actions.
97. Regarding the HNP's institutional and budgetary capacity, BINUH reported in 2020 a situation of increasing operational pressures and rising costs that was not met with any budget increase during the 2017–2020 period¹²⁴. It was not until late 2020 and early 2021 – in the context of escalating violence in Haiti – that the HNP budget received an increase so it could bolster its response measures for recovering territories controlled by armed groups¹²⁵.
98. Furthermore, the Commission takes note of the recent reduction in the size of the police force that for years had been deemed insufficient, owing to high attrition rates, with the loss of approximately 400 officers per year due to deaths, dismissals, and resignations. Recruitment, which had stalled for almost two years due to financial difficulties and the pandemic, resumed only in 2021, with the hiring of approximately 640 candidates¹²⁶.
99. In this context, in 2019–2020, the IACHR warned of growing signs of nonconformity by security agents. Thus, during 2019, in the face of worsening security conditions and corresponding job insecurity, agents took to the streets to demonstrate, demanding the right to unionize¹²⁷. The demonstrations turned violent; the vehicles and offices of at least

¹²² US Congress, [Congressional Research Service, Haiti's Political and Economic Conditions](#), March 5, 2020, p. 7.

¹²³ UN Security Council, [United Nations Integrated Office in Haiti-Report of the Secretary General S/2022/117](#), February 15, 2022.

¹²⁴ UN Security Council, [United Nations Integrated Office in Haiti-Report of the Secretary General, S/2020/123](#), February 13, 2020, para. 27.

¹²⁵ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General S/2021/133](#), February 11, 2021.

¹²⁶ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General, S/2021/559](#), June 11, 2021, para. 33.

¹²⁷ [Haitian Times, Haiti Police call for Right to Unionize](#), 18 de noviembre, 2019; [VOA News, Haiti Police Protest, Threaten Rebellion if Demands Are Not Met](#), November 18, 2029.

one public figure who spoke out against the proposed unionization of police officers was set on fire¹²⁸.

100. At the beginning of 2020¹²⁹, a group known as "Fantom 509" emerged. Made up of former and current police officers, the group was labeled a terrorist organization by the then Prime Minister¹³⁰. In March 2020, in response to increased levels of violence during protests by the police officers, it was announced that officers would be allowed to unionize, paving the way for creation of the Haitian National Police Union¹³¹.
101. Regarding the involvement of criminal organizations in police actions, the IACHR has pronounced on the emergence and proliferation of informal organizations within the HNP, such as the "Fantom 509"¹³². These groups took advantage of the ongoing disturbances caused by the country's economic, political, and health crises to carry out violent actions in Port-au-Prince. Available information indicates that masked men in police uniforms attacked government vehicles and set fire to government buildings¹³³.
102. In this context of violence, police officers have also been killed. Indeed, the IACHR notes with concern that, according to BINUH figures, 42 police officers were killed in 2019, a 147% increase compared with the 17 officers killed in 2018. The number of officers killed 2019 is the highest number of fatalities since implementation of the HNP¹³⁴. In 2021, retaliation against police officers by armed groups increased¹³⁵.
103. The IACHR notes that the factors analyzed clearly weaken the institutional capacity of entities in charge of security. The lack of funds and human and material resources directly impacts the capacity of the police agency to effectively carry out its protection and investigation functions. Likewise, the infiltration and formation of inside groups prevent institutional cohesion and exacerbate the alarming distrust with which the population views its work.

¹²⁸ Associated Press, [Police Burn Cars, Lawyer's Office in Haiti Protest](#), February 20, 2020.

¹²⁹ Associated Press, [Haiti Police Exchange Fire with Troops near National Palace](#), February 23, 2020.

¹³⁰ Vant Bèf Info, [Haiti-Protest: Prime Minister Joseph Joute treats the police of "Fantom 509" as "terrorists"](#), November 21, 2020.

¹³¹ Miami Herald, [After another day of violent protests, Haiti to allow police to unionize](#), March 11, 2020.

¹³² IACHR, Annual Report 2021, Chapter IV.A "Haiti".

¹³³ Haiti Libre, [Violent demonstration of "police officers" of the group "Phantom 509"](#), April 28, 2020; Le Nouvelliste, [The Fantom 509 are back, a day of terror in Port-au-Prince](#), September 14, 2020; France 24, [Haiti capital Port au Prince brought to standstill by protesting police](#), September 15, 2020.

¹³⁴ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General](#), S/2020/123, February 13, 2020, para. 11.

¹³⁵ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General](#), S/2021/559, June 11, 2021, para. 21.

104. Based on the foregoing, the Inter-American Commission considers that building a professional security corps that is trained and equipped with sufficient resources and focused on protection and guarantee of human rights is key to the sustainability of citizen security policies. In this sense, the IACHR reiterates the importance that the police institution provide its officers a fair salary and safe working conditions, with adequate education and training and the necessary equipment for the performance of their duties, and instruction that is founded on the highest principles and standards¹³⁶. In line with the Inter-American Court, the IACHR emphasizes that any effort to strengthen security institutions is insufficient if States do not train their members in "the principles and standards for the protection of human rights and the limits to which the use of weapons by law enforcement officials must be subject in all circumstances"¹³⁷.
105. Furthermore, the IACHR reminds the State of its duty to fully protect persons under its jurisdiction and territory, through practices that combat impunity and guarantee channels of accountability, especially for acts or situations of violence that have occurred with the participation or complicity of police agents. In this regard, the IACHR calls the attention of the Haitian State to the special duty to prevent, investigate, and punish police misconduct with due diligence¹³⁸, as well as to guarantee adequate reparations to victims of human rights violations¹³⁹.

C. Increasing violence (2018-2022)

1. Context

106. Based on its monitoring tools, the IACHR has been observing that since the end of 2018 and especially during the years thereafter, the situation of citizen insecurity in the country has worsened, with a notable increase in the number of homicides, kidnappings, and threats, and with the occurrence of massacres. This crisis is primarily the result of the increase in violence due to the growing strength of and territorial control by armed groups in Haiti, especially in Port-au-Prince.

¹³⁶ CIDH, [Report on Citizen Security and Human Rights](#), OEA/Ser.L/V/II. Doc. 57, December 31, 2009, para. 92.

¹³⁷ IACHR, [Police Violence against Afro-descendants in the United States](#), OEA/Ser.L/V/II. Doc. 156 26 November 2018; IACHR, [Annual Report 2015, Chapter IV Use of Force](#), para. 21 (citing IACHR Court. Case of Montero Aranguren et al. (Retén de Catia v. Venezuela). Preliminary Objections, Merits, Reparations and Costs. Judgment of July 5, 2006. Series C No. 150, para. 77. IACHR, [Police Violence against Afro-descendants in the United States](#), OEA/Ser.L/V/II. Doc. 156 26 November 2018; IACHR, [Annual Report 2015, Chapter IV Use of Force](#), para. 21 (citing IACHR Court. Case of Montero Aranguren et al. (Retén de Catia v. Venezuela). Preliminary Objections, Merits, Reparations and Costs. Judgment of July 5, 2006. Series C No. 150, para. 77.

¹³⁸ CIDH, [Report on Citizen Security and Human Rights](#), OEA/Ser.L/V/II. Doc. 57, December 31, 2009, para. 92.

¹³⁹ IACHR, [Police Violence against Afro-descendants in the United States](#), OEA/Ser.L/V/II. Doc. 156 26 November 2018, para. 250.

107. In this context, the Commission also observes a clear link between the weakening of citizen security and the crisis affecting the country's political and economic situation and its democratic institutions. This, in turn, results in specific risks and impacts on human rights of the entire population, with disproportionate impacts on populations living in the most precarious poor neighborhoods, which are controlled by armed groups.
108. The Commission further notes that the high levels of impunity in Haiti are an important factor weakening public confidence in security institutions and in the State. Growing citizen insecurity coupled with prevalent economic, political, and social tension, have together led to frequent protests with episodes of excessive use of force by security forces – a situation that produces growing instability.
109. Regarding violence by armed groups, over 2020–2021, BINUH reported a steady increase in clashes due to the struggle for territorial control of poor neighborhoods¹⁴⁰. Between February 1 and May 31, 2021, BINUH attributed 295 alleged human rights abuses to organized groups and unidentified armed men, including 78 persons killed, 25 injured, 149 kidnappings, and 3 rapes¹⁴¹. Similarly, in its 2020 Annual Report, the Commission warned that attacks by armed groups in local communities resulted in a sharp increase in civilian casualties and forced displacement in poor neighborhoods¹⁴².
110. Regarding violence faced by formerly displaced persons, BINUH reports that in March 2021, violent acts against residents of Tabaree Issa – a displaced-persons site in the Port-au-Prince metropolitan area that was established after the 2010 earthquake – resulted in at least four deaths of residents, destruction or damage to approximately 80% of the homes in the settlement, and the displacement of 2,496 persons¹⁴³. Also, other attacks during the first half of 2021 reportedly resulted in thousands of persons being displaced¹⁴⁴, as discussed in Chapter 6.
111. The IACHR also notes with concern that violence by armed groups has directly threatened the security of high-level authorities in the country, posing constant risks to the functioning and stability of State institutions. In once case, an alliance of armed groups operating mainly in the territory of Port-au-Prince – known as the "G9" – prevented Prime Minister Ariel Henry from holding an official ceremony on October 17, 2021, in the Pont-Rouge neighborhood of the Ouest Department. Similarly, on January 1, 2022, armed gangs in

¹⁴⁰ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General, S/2020/944](#), September 25, 2020, para. 55.

¹⁴¹ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General, S/2021/559](#), June 11, 2021, para. 37.

¹⁴² IACHR, Annual Report 2020, OEA/Ser.L/V/II. Doc. 28, 30 March 2021, p. 470.

¹⁴³ UN Security Council, [United Nations Integrated Office in Haiti—Report of the Secretary General, S/2021/559](#), June 11, 2021, para. 37.

¹⁴⁴ OCHA: [Haiti: Displacement in Port-au-Prince Situation Report No. 4 - As of 1 July 2021, 1 de Julio de 2021](#); OIM: [Haiti: Emergency Tracking - Displacement in the Metropolitan Area of Port-au-Prince \(Delmas 103\) - Factsheet No. 4](#), June 25, 2021.

Gonaïves, Artibonite Department, opened fire on the Prime Minister during an Independence Day commemoration¹⁴⁵.

2. Massacres and impunity

112. For decades, the IACHR has observed massacres¹⁴⁶. These have reportedly involved armed forces, armed paramilitary groups, and organized criminal groups. As noted above, the massacres are characterized by a pattern of extreme violence that, in addition to multiple killings, includes sexual and gender-based violence, and evictions with significant damage to residences and businesses. These attacks have long-term consequences, such as the forced displacement of part of the affected population.
113. The Commission has highlighted the occurrence of at least three emblematic massacres during the 2018–2022 period, in the areas La Saline (November 2018), Bel-Air (November 2019) and Cité Soleil (May-July 2020)¹⁴⁷, as well as numerous violent attacks. These massacres are emblematic of the crisis in citizen insecurity, and State actions taken in their aftermath clearly reflect the country’s pervasive impunity challenges.
114. Regarding the La Saline massacre, through its monitoring work and the precautionary measures mechanism¹⁴⁸, the IACHR has been following up on what happened during the massacre and afterward, as a consequence of it. Thus, through Resolution 65/2019 of December 31, 2019, the IACHR required that the State, among other actions, adopt the necessary measures to protect the rights to life and personal integrity of the members of the Committee of Victims of La Saline, who continued to be subjected to acts of violence for having filed complaints and for their efforts to follow up on the demands for justice for the events that occurred¹⁴⁹.
115. The criminal acts perpetrated in this massacre occurred from November 13 to 17, 2018, and resulted in about 70 people losing their lives, including girls and boys. Likewise, at

¹⁴⁵ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, February 15, 2022.

¹⁴⁶ IACHR, Annual Report 1999, Chap IV Haiti, OEA/Ser.LV/II.102, Doc. 6 rev. April 16, 1999, p. 46.

¹⁴⁷ BINUH, Report on allegations of human rights violations and abuses during attacks in the Bel-Air district in Port-au-Prince, from November 4 to 6, 2019, February 2020; RNDDH, Assassinations, Ambushes, Hostage-takings, Rapes, Fires, Raids: The authorities in power have installed terror in Cité Soleil, August 13, 2020; RNDDH, Massacres in Bel-Air and Cité Soleil under the Indifferent Gaze of State Authorities, May 20, 2021; Harvard Law School International Human Rights Clinic, Killing with Impunity: State-Sanctioned Massacres in Haiti, April 22, 2021; RNDDH, Dark night in Port-au-Prince and Delmas: RNDDH calls for popular mobilization, May 20, 2021.

¹⁴⁸ See IACHR, Resolution 65/2019, Precautionary Measure 793/19, Committee of Victims of La Saline regarding Haiti, Haiti, December 31, 2019, and IACHR Press Release No. 17/2020, IACHR grants precautionary measures in favor of Committee of Victims of La Saline in Haiti, January 29, 2020.

¹⁴⁹ IACHR, Resolution 65/2019, Precautionary Measure 793/19, Committee of Victims of La Saline regarding Haiti, Haiti, December 31, 2019. Also, see The Bureau des Avocats Internationaux (BAI) and the Institute for Justice and Democracy in Haiti (IJDH), Precautionary Measures Request for Anonymous Petitioners of La Saline, August 9, 2019, para. 38; IACHR, 178th Regular Session, Access to Justice and Judicial Independence in Haiti, Dec. 10, 2021.

least 11 women and girls were raped, and 150 houses were looted and burned. This situation also resulted in the forced displacement of approximately 300 people¹⁵⁰.

116. According to information compiled by the United Nations Justice Support Mission in Haiti (MINUJUSTH), the actions that led to the massacre in La Saline had logistical support and involvement of police authorities and leaders of armed groups¹⁵¹. Additionally, the Haitian Central Directorate of Judicial Police reported the complicity of two high-ranking government officials, who were allegedly removed from their posts one year after the attack¹⁵². According to civil society reports, these officials provided weapons, police uniforms, and government vehicles for the perpetrators to attack the area¹⁵³.
117. Similarly, the MINUJUSTH report reports that the HNP never intervened during the attack to protect the civilian population, claiming they had insufficient resources¹⁵⁴. This, despite the geographical proximity of two police stations (in La Saline and Portail Saint-Joseph), as well as the headquarters of the Intervention and Law Enforcement Agency (CIMO) and the Operation and Intervention Brigade (BOID) – all of which were located one kilometer from the affected area¹⁵⁵.
118. Regarding the measures adopted by the State to investigate the events in La Saline, according to information provided by the State to the IACHR, the Central Judicial Police Department (DCPJ) arrived on the scene to collect evidence shortly after authorities learned of what had happened. After an initial investigation, the prosecutor's office reportedly initiated proceedings before the Court of First Instance of Port-au-Prince. The State also noted that, in April 2019, individuals residing in the community of La Saline filed 74 formal complaints about the massacre. A total of 80 victims testified and five people were arrested. On April 23, 2019, charges were filed against 98 people, including two senior State officials¹⁵⁶.

¹⁵⁰ IACHR, 2019 Annual Report, Chapter IV.A, para.374; National Network for the Defense of Human Rights (RNDDH), *The events in La Saline: from power struggle between armed gangs to State-sanctioned massacre*, December 1, 2018, para. 41-46; The Bureau des Avocats Internationaux (BAI) and the Institute for Justice and Democracy in Haiti (IJDH), *Precautionary Measures Request for Anonymous Petitioners of La Saline*, August 9, 2019, para. 4.

¹⁵¹ UN Security Council, *United Nations Mission for Justice Support in Haiti – Report of the Secretary-General*, S/2019/198, March 1, 2019, para. 38.

¹⁵² Institute for Justice and Democracy in Haiti, *Human Rights Groups Petition CIDH to Protect Survivors of La Saline Massacre*, 14 de agosto, 2019; Human Rights Watch, *World Report 2020 – Haiti: Events of 2019*, January 8, 2020.

¹⁵³ National Network for the Defense of Human Rights (RNDDH), *The events in La Saline: from power struggle between armed gangs to State-sanctioned massacre*, December 1, 2018, para. 54-58.

¹⁵⁴ United Nations Mission for Justice Support in Haiti (MINUJUSTH), *La Saline: Justice for the Victims. The State has an Obligation to Protect All Citizens* (2019), June 2019, para. 23.

¹⁵⁵ United Nations Mission for Justice Support in Haiti (MINUJUSTH), *La Saline: Justice for the Victims. The State has an Obligation to Protect All Citizens* (2019), June 2019, paras. 23-26.

¹⁵⁶ IACHR, 173rd Period of Sessions, *Human Rights Situation in Haiti*, September 23, 2019.

119. In this regard, BINUH notes that the prosecutions have progressed slowly, without any of the alleged perpetrators being arrested¹⁵⁷. In fact, one of the main leaders of the organized groups – who was also a former HNP officer – is still evading several attempts to arrest him, and this, despite a prior outstanding warrant for his involvement in the 2017 Grand Ravine massacre, which occurred a year before the attack in La Saline¹⁵⁸. Also, according to information provided by the La Saline Victims Committee on March 25, 2022, the Haitian State purportedly has not formally concluded its investigations of the perpetrators of the crimes. Furthermore, it has not offered assistance or effective reparations to the survivors or to those who remain displaced due to the massacre.
120. The IACHR also takes note of the serious violations in the context of other massacres and attacks. In Bel-Air, a poor neighborhood in Port-au-Prince, according to information from BINUH and OHCHR, attacks took place during November 4 and 6, 2019. Specifically, members of armed groups, which included former National Police officers, set fire to 30 residences and 11 vehicles¹⁵⁹. Additionally, three people lost their lives and six were injured. Despite these numbers, other deaths linked to this massacre were reported, but could not be confirmed by UN agencies on the ground. The massacre reportedly took place in the context of clashes aimed at removing barricades in the streets of the Bel-Air area, known to be an active anti-government protest zone¹⁶⁰.
121. Regarding the wave of attacks in areas of Cité Soleil, between May 24 and July 31, 2020, according to information from civil society, at least 145 people lost their lives, and 98 houses were destroyed. The attacks purportedly were connected to an effort by armed groups to seize territory and change their areas of influence¹⁶¹. Available information indicates that these acts were conducted with possible complicity by law enforcement authorities¹⁶².
122. In this context, the Commission has expressed its deep concern over the State's failure to investigate and punish the facts related to the massacres **in accordance with inter-American standards for these matters**, as well as the State's lack of capacity to

¹⁵⁷ UN Security Council, United Nations Integrated Office in Haiti – Report of the Secretary-General, S/2021/133, February 11, 2021, para. 38.

¹⁵⁸ BINUH, Report on allegations of human rights violations and abuses during attacks in the Bel-Air district in Port-au-Prince, from November 4 to 6, 2019, February 2020, para. 7.

¹⁵⁹ BINUH; OHCHR, Report on allegations of human rights violations and abuses during attacks in the Bel-Air district in Port-au-Prince, from November 4 to 6, 2019, February 2020.

¹⁶⁰ BINUH; OHCHR, Report on allegations of human rights violations and abuses during attacks in the Bel-Air district in Port-au-Prince, from November 4 to 6, 2019, February 2020.

¹⁶¹ Harvard Law School International Human Rights Clinic, Killing with Impunity: State-Sanctioned Massacres in Haiti, April 22, 2021.

¹⁶² Harvard Law School International Human Rights Clinic, Killing with Impunity: State-Sanctioned Massacres in Haiti, April 22, 2021.

investigate the occurrence of this type of events with due diligence¹⁶³. This incentivizes new acts of mass violence and deepening the citizen security crisis.

123. In this regard, the IACHR emphasizes the obligation of the Haitian State to exhaust – diligently, comprehensively, and thoroughly – all lines of investigation into these massacres, including those that link to the possible participation of state agents and security forces, in a diligent and impartial manner¹⁶⁴.

3. Kidnappings and Extortion

124. The recent citizen security crisis has also been characterized by a significant increase in the number of kidnappings. According to the UN, kidnapping is a financing source for criminal groups operating in Haiti¹⁶⁵. According to data from the Haitian National Police, compiled by the United Nations Integrated Office in Haiti (BINUH), the rate of kidnappings increased by 1,236% between 2018 and 2021. In 2021, 655 kidnappings were reported¹⁶⁶, which is 180% more reported kidnappings than the 234 cases reported in 2020¹⁶⁷. The 2020 figure, in turn, is a 200% increase over 2019, a year when 79 kidnappings were reported¹⁶⁸. In 2018, there were 49 reported kidnappings¹⁶⁹.
125. The UN Secretary General has expressed that the steep increase in this type of crime has affected all spheres of society and has generated widespread distress¹⁷⁰. Specifically, certain kidnappings have caused commotion in Haitian society, as well as in other countries of which the victims have been nationals. For example, on April 11, 2021, a group of 10 people were kidnapped – among which were seven members of the Haitian and French clergy, prompting the Catholic Church to join the educational and private sectors in spearheading nationwide events and masses, as a form of protest¹⁷¹. All the kidnapped persons were finally released¹⁷². Additionally, according to public information, 17 American

¹⁶³ It has also previously pronounced in this regard. See IACHR, Press Release No. 305/19, *A Year After La Saline Massacre, the IACHR Remains Concerned about the Ongoing Political and Institutional Crisis in Haiti*, November 22, 2019.

¹⁶⁴ In this regard, the IACHR previously issued a pronouncement. IACHR, Press Release No. 305/19, *A Year After La Saline Massacre, the IACHR Remains Concerned about the Ongoing Political and Institutional Crisis in Haiti*, November 22, 2019.

¹⁶⁵ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, February 15, 2022.

¹⁶⁶ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, February 15, 2022.

¹⁶⁷ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, February 15, 2022.

¹⁶⁸ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, February 15, 2022.

¹⁶⁹ UN Security Council, United Nations Mission for Justice Support in Haiti – Report of the Secretary General S/2019/198, March 1, 2019.

¹⁷⁰ UN Security Council, *United Nations Integrated Office in Haiti—Report of the Secretary General*, S/2021/559, June 11, 2021, para. 5.

¹⁷¹ France 24, *Kidnapped Catholic clergy, including French citizens, held for \$1 million ransom in Haiti*, April 12, 2021; VOA News, *Catholic Officials Halt Activity in Haiti Over 9 Kidnapped*, April 21, 2021.

¹⁷² VOA News, *Catholic Clergy Kidnapped in Haiti Released*, Church Group Says, April 30, 2021.

and Canadian missionaries were also kidnapped on October 16, 2021. They were released in December 2021¹⁷³.

126. The Commission notes that the frequency and seriousness of these acts directly impact the functioning of institutions, organizations, and public and civic spaces in the country. In this regard, it reminds the State that the obligation of States to investigate conduct that affects the rights protected in the American Convention derives from the general obligation to guarantee, established in Article 1(1). This includes the obligation to protect the human rights of all persons under its jurisdiction, guaranteeing an order of citizen security that allows the full enjoyment of freedoms and rights¹⁷⁴.

4. Protests and use of force

127. Since 2018, social discontent has been reflected in intensified protests against various issues, such as increased levels of violence, the crisis in the country's democratic institutions, the precariousness of the economic situation, and larger obstacles to accessing basic necessities, such as fuel. The intensification of social protest is also part of a context of political opposition to the Government and the visibility of authorities' alleged involvement in acts of corruption and other criminal conduct¹⁷⁵. In this context, the Commission takes note of the repressive response by authorities using excessive use of force against those who participate in protests. Similarly, the IACHR observes the commission of acts of violence by armed private agents and members of criminal groups¹⁷⁶.
128. Since mid-2018, when the Haitian State announced, in the framework of an agreement with the International Monetary Fund, that it would withdraw subsidies on fuel prices – which in turn has driven up inflationary pressure on energy costs – protests, road blockades, and attacks against businesses broke out. According to information gathered by MINUJUSH, the demonstrations began on July 6, 2018, and escalated rapidly during July of that year, until the resignation of the then Prime Minister, Jack Guy Lafontant. This, despite the government announcement that it would suspend the measures to withdraw subsidies¹⁷⁷.
129. Following the government's declaration of a State of Economic Emergency, on February 5, 2019, large-scale demonstrations broke out to demand better living conditions and the

¹⁷³ VOA News, [Released Missionaries Detail Daring Escape From Haiti](#), December 20, 2021.

¹⁷⁴ In the same vein, for example, IACHR, Report on the Situation of Human Rights in El Salvador, OEA/Ser.L/V/II. Doc. 278 14 October 2021, para 71.

¹⁷⁵ See, UN Security Council, United Nations Mission for Justice Support in Haiti - Report of the Secretary General S/2018/241, March 20, 2018.

¹⁷⁶ UN Security Council, United Nations Mission for Justice Support in Haiti – Report of the Secretary General S/2018/241, March 20, 2018.

¹⁷⁷ UN Security Council, United Nations Mission for Justice Support in Haiti – Report of the Secretary General S/2018/795, August 30, 2018.

resignation of President Moïse. The protests affected the capital and other cities in the country, where blockades of public roads, vandalism, and other acts of violence occurred. According to MINUJUSH, 34 people lost their lives, including one child and three women; 102 were injured, including 23 Haitian National Police officers; and 82 people were arrested¹⁷⁸.

130. During the second half of 2019, the situation of citizen insecurity went through a period of intensification, which led to recurring protests marked by speeches and critical expressions against the rising corruption, loss of confidence in institutions, and lack of effective responses to conflicts and territorial disputes between armed groups. This period also included acts of violence during protests and strategies to paralyze services known as *Peyi Lòk*¹⁷⁹.
131. The IACHR notes with concern that situations of violence in the context of social protests were perpetrated both by security agents and by armed private individuals. The OHCHR reports that during the demonstrations that took place in September 2019, 42 people lost their lives and 86 were injured. Of these deaths, 19 were allegedly caused by security forces and the rest by unidentified armed persons¹⁸⁰. Regarding the excessive use of force by security agents, the IACHR stated that this recourse was taken in contravention of international standards; specifically in acts that included the indiscriminate use of less-lethal weapons, firing tear gas from moving police vehicles, shooting protesters with less-lethal ammunition at close range, and beatings¹⁸¹.
132. According to information from BINUH and OHCHR, during the period from July 6, 2018 to December 10, 2019, in the context of repression of protests by state agents, 60 deaths were attributable to the authorities, particularly in the cities of Port-au-Prince, Les Cayes, and Cap-Haitien¹⁸². In most of the cases documented by BINUH, the HNP used lethal weapons to disperse demonstrators, firing indiscriminately into the crowd, in contravention of applicable regulations. There were also reports of improper use of force and serious injuries to persons who participated in demonstrations or who were accidentally near where protests were taking place¹⁸³.

¹⁷⁸ UN Security Council, United Nations Mission for Justice Support in Haiti – Report of the Secretary General S/2019/198, March 1, 2019.

¹⁷⁹ See IACHR, [The IACHR accompanies with concern the political and institutional situation in Haiti, and calls for dialogue with respect for human rights and the rule of law](#), Press Release, February 23, 2021.

¹⁸⁰ OHCHR, [Press Release on the Situation in Haiti](#), November 1, 2019.

¹⁸¹ IACHR, [Press Release, No. 305/19, One year after the La Saline massacre, the IACHR reiterates its concern at the political and institutional crisis facing Haiti](#), November 22, 2019.

¹⁸² BINUH and OHCHR, [Unrest in Haiti: Their impact on Human Rights and the State's obligation to protect all citizens](#), January 2021, pg. 12.

¹⁸³ BINUH and OHCHR, [Unrest in Haiti: Their impact on Human Rights and the State's obligation to protect all citizens](#), January 2021, pg. 12.

133. Likewise, in the second half of 2019, the United Nations documented at least 1,341 demonstrations, roadblocks, and barricades. With increased activity in late September, protests were observed to have become more violent and less coordinated when compared with actions observed in 2018, and they were more focused on criticizing government corruption and fuel inflation¹⁸⁴.
134. In the context of violent action by organized groups before, during, and after protests, the IACHR warns of permanent conditions of insecurity and increased risks for the population. In this regard, according to BINUH and OHCHR, it was observed that during the protests in the period between July 6, 2018, and December 10, 2019, members of gangs or armed groups and other unidentified armed persons were among the demonstrators. There were also verified links to funding from individuals or groups associated with the opposition or with the government in power¹⁸⁵. As a result, in the demonstrations that were tracked over the period in question, at least 73 people, including four women and four children, were killed by unidentified armed persons, including members of gangs and armed groups¹⁸⁶.
135. In September 2020, protests promoted by dozens of students took place against the assassination of lawyer and professor Me Monferrier Dorval, then-president of the Port-au-Prince Bar Association¹⁸⁷. In the same period, hundreds of policemen of the Haitian National Police Union took to the streets in protest the growing pressure of the insecurity situation on their own activity, and to demand better salaries and working conditions¹⁸⁸. With respect to these events, in a pronouncement dated February 23, 2021, the IACHR warned about the intensification of tensions in the context of the protests, as well as allegations of excessive use of force by security agents, which included firing live ammunition and tear gas at the population¹⁸⁹.
136. For its part, the IACHR emphasizes that Article 31 of the Constitution of Haiti guarantees protection of the freedom to assemble and to associate unarmed for political, economic, social, cultural, or any other peaceful purpose¹⁹⁰. The IACHR and its Rapporteurship for Freedom of Expression have emphasized that the Haitian State has the duty to guarantee

¹⁸⁴ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2020/123, February 13, 2020.

¹⁸⁵ BINUH and OHCHR, [Unrest in Haiti: Their impact on Human Rights and the State's obligation to protect all citizens](#), January 2021, pg. 7.

¹⁸⁶ BINUH and OHCHR, [Unrest in Haiti: Their impact on Human Rights and the State's obligation to protect all citizens](#), January 2021, pg. 15.

¹⁸⁷ EFE, [Protest against insecurity in Haiti after the murder of a lawyer](#), September 1, 2020.

¹⁸⁸ Haiti 24, [The march of the police of the SPNH-17 against the insecurity dispersed with tear gas](#), September 7, 2020.

¹⁸⁹ IACHR, [The IACHR is concerned about the political and institutional situation in Haiti, and calls for dialogue with respect for human rights and the rule of law](#), February 23, 2021.

¹⁹⁰ Haiti, Constitution of Haiti, Chap 2, Article 31.

the exercise of the right to protest, which is a form of exercising the right to assembly and the right to freedom of expression¹⁹¹. In this regard, the State has an obligation to protect participants in demonstrations against physical violence by third parties and non-State actors¹⁹². The Commission recalls that the obligations to respect, protect, and facilitate the right to protest include the prevention of actions that may harm the physical integrity of persons¹⁹³. Likewise, the IACHR has reiterated that "when a demonstration or protest leads to situations of violence, it must be understood as the State not having been capable of guaranteeing the exercise of this right"¹⁹⁴.

137. On the other hand, the IACHR recalls that the use of force must adhere to strict principles of exceptionality, legality, absolute necessity, and proportionality¹⁹⁵. Under these principles, the IACHR and the Rapporteurship on Freedom of Expression have indicated that the use of firearms with lethal ammunition is not justified, except in exceptional circumstances¹⁹⁶. In this framework, regarding less-lethal weapons, the IACHR notes that their use must take into account not only the design or characteristics of the weapon, but also other factors such as the context in which they are used and the particular conditions of the recipient; otherwise, their consequences can be lethal or cause serious injuries, as has been seen in some cases in Haiti¹⁹⁷. The Commission also reiterates that, in accordance with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the development and deployment of less-lethal incapacitating weapons should be carefully evaluated to minimize the risk of endangering uninvolved persons¹⁹⁸.

¹⁹¹ IACHR, Press Release No. 038/21, CIDH Concerned About the Political and Institutional Situation in Haiti, Calls for Dialogue and Respect for Human Rights and the Rule of Law, February 23, 2021.

¹⁹² IACHR, RELE, Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19 September 2019. IACHR, Report on the Situation of Human Rights Defenders in the Americas, March 7, 2006, OEA/Ser.L/V/II/II.124 Doc. 5 rev. 1, para. 109.

¹⁹³ IACHR, RELE, Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19 September 2019. IACHR, Report on the Situation of Human Rights Defenders in the Americas, March 7, 2006, OEA/Ser.L/V/II/II.124 Doc. 5 rev. 1, para. 99.

¹⁹⁴ IACHR, RELE, Protest and Human Rights, OEA/Ser.L/V/II IACHR/RELE/INF.22/19 September 2019. IACHR, Report on the Situation of Human Rights Defenders in the Americas, March 7, 2006, OEA/Ser.L/V/II/II.124 Doc. 5 rev. 1, para. 99.

¹⁹⁵ IACHR, Annual Report 2015, chapter IV A, para. 7.

¹⁹⁶ Office of the Special Rapporteur for Freedom of Expression and IACHR, Protests and Human Rights, OEA/SER.L/V/II IACHR/RELE/INF.22/19, para. 117.

¹⁹⁷ CIDH, Annual Report 2015, Chapter IV.A, Use of Force, para. 18.

¹⁹⁸ United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, 27 August to 7 September 1990, Provisions 3, 11.

138. Lastly, in cases where the use of force by law enforcement officers causes death or injury, an investigation should be opened ex officio by independent and impartial authorities to identify the individuals involved and their degrees of responsibility, "in order to ensure accountability, prosecution, punishment and adequate reparation for the victims' families"¹⁹⁹.

¹⁹⁹ IACHR, Protests and Human Rights, OEA/SER.L/V/II CIDH/RELE/INF.22/19, September 2019, para. 359.



Chapter 4

Economic, Social, Cultural and Environmental Rights in Haiti

ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS IN HAITI

139. The promotion and effective guarantee of economic, social, cultural, and environmental rights (ESCR) in Haiti continues to be one of the main concerns of the IACHR and its Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (OSRESCER).
140. In this chapter, OSRESCER looks at the general situation of ESCR according to the mandate's strategy lines and from the perspective of the principles of indivisibility and interdependence of human rights. This is based on the context in which ESCR are applied in the country, which is characterized by the destabilization of democratic institutions, severe economic and social crisis, increasing violence related to the control of areas and territories of the country by armed gangs, and the effects of natural disasters. This chapter also looks at the situation of poverty and inequality in the country, given that Haiti is the poorest country in the region, also addressing the right to health and its social determinants, natural disasters, the climate emergency, and the human right to water.

A. Context of the ESCR in Haiti

141. According to World Bank data, 58.5% of [Haiti's] population lives below the poverty line²⁰⁰, revealing Haiti as the poorest country in the Americas and one of the poorest countries in the world. As mentioned above, for decades, the Caribbean country has been facing a multidimensional and complex crisis resulting from political violence, corruption and impunity, the destruction of democratic and judicial institutions, the systematic violation of human rights, and the proliferation of armed gangs.
142. In a regional context marked by social crisis, with unemployment rates and higher levels of poverty and extreme poverty than those observed before the COVID-19 pandemic²⁰¹, OSRESCER has monitored ESCR within the particular context of the Haitian State, which is characterized by systemic and structural problems, such as the existence of a very weak institutional and democratic framework that impedes public-policy planning and monitoring; the prevalence of a very deteriorated economic situation in recent years that prevents access to essential goods and services; and a special exposure to phenomena related to climate change²⁰². Added to this framework are the challenges aggravated by the outbreak of the pandemic and the political events and natural disasters that occurred in the country

²⁰⁰ Banco Mundial, [World Development Indicators database](#), 2021.

²⁰¹ Economic Commission for Latin America and the Caribbean (ECLAC), [Social Panorama of Latin America 2021](#), Santiago, March 2022, p. 14.

²⁰² In this regard, OCHA, [Aperçu des besoins humanitaires](#), March 2021.

throughout 2021, which affected populations in vulnerable situations in different ways and resulted in devastating consequences for the enjoyment of ESCR in the Haitian State²⁰³.

143. Against this backdrop, OSRESCER has been giving special follow-up on the notable and worrisome increase in the situation of poverty and extreme poverty and on the enjoyment of the right to health in Haiti, considering the impacts of the pandemic. Likewise, the Office of the Special Rapporteur has monitored the increase in human mobility – both internal and external – derived not only from all the aforementioned factors, but also because of the effects of natural disasters that strike the country with increasing frequency.

B. The situation of poverty and inequality in Haiti

144. OSRESCER has received information about the rising precariousness and about the obstacles to enjoyment of ESCR that result from the dramatic situation the Haitian State is experiencing. As indicated, from a multidimensional perspective the economic crisis, structural food crisis, and humanitarian crisis created by natural disasters and climate change have exacerbated the situation of poverty and extreme poverty in Haiti.
145. According to data from Haiti's Ministry of Economy and Finance, six out of every ten people live in poverty, or approximately 6.3 million of the country's nearly 11 million inhabitants²⁰⁴. According to the United Nations Development Program's (UNDP) Human Development Report for 2020, the Human Development Index ranks Haiti in 170th place out of 189 [countries]²⁰⁵. Likewise, the UNDP and the Oxford Poverty and Human Development Initiative report that the Multidimensional Poverty Index would place the State of Haiti as the country in Latin America and the Caribbean with the highest percentage of people living in multidimensional poverty – 41.3% of the total population²⁰⁶.
146. Regarding the economic crisis, according to information from the World Bank, Haiti's situation is characterized by high inflation rates (22.8% in 2020) and by a worrisome unemployment rate of 34.9%. Additionally, the COVID-19 pandemic caused both an overall decline in both the Haitian and the Caribbean economies, with a loss of approximately 1.5 million jobs²⁰⁷.

²⁰³ IACHR. Press Release 212/21 - [The IACHR and OSRESCER express solidarity with the Haitian people in the face of the 7.2 magnitude earthquake, urging the State and the international community to adopt an immediate and comprehensive humanitarian response. Washington DC, August 15, 2021. C" August 14, 2021.](#)

²⁰⁴ Ministère de l'Économie et Finances, [Plan de relance économique post COVID-19 pour la période 2020-2023](#), p. December 16, 2020.

²⁰⁵ UNDP, [Human Development Index Ranking](#), 2020. UNDP, [Human Development Report](#), 2020.

²⁰⁶ UNDP and Oxford Poverty and Human Development Initiative, [Global Multidimensional Poverty Index](#), 2020.

²⁰⁷ ILO, ["ILO: COVID-19 eliminates the equivalent of 1.5 million jobs in the Caribbean."](#) May 13, 2020.

147. Likewise, OSRESCER has received information on the structural food crisis affecting the country, which has worsened with deterioration of the economy and widespread poverty, and has been exacerbated by frequent natural disasters. According to a report published in September 2021 by the National Food Security Office of Haiti (CNSA), about 14% of the population is classified in the food emergency phase – next in order of seriousness after the famine phase – and another 30% of the population is in the crisis phase²⁰⁸. This means that 44% of the Haitian population is in a situation of elevated acute food insecurity²⁰⁹.
148. According to the United Nations Children's Fund (UNICEF), the State of Haiti is in the worst humanitarian crisis in recent years, with almost one-third, or 1.5 million, of its children – in need of urgent assistance due to the devastating consequences of natural disasters, increasing violence, and the COVID-19 pandemic, which has disrupted education and protection services²¹⁰.
149. In this regard, the IACHR and OSRESCER note with concern that a large number of children and adolescents in the southern part of Haiti (Grand Anse and Nippes) are still unable to attend the schools destroyed by the earthquake of August 2021²¹¹. The IACHR and OSRESCER are also concerned about the situation of boys and girls at risk of dropping out of school due to the high levels of violence caused by clashes among gangs, which has prevented them from attending school since the end of April 2022²¹².
150. In this context, the Commission and OSRESCER recall that, as stated in its *IACHR Report on Poverty and Human Rights*²¹³, poverty is a human rights problem that translates into obstacles to the enjoyment and exercise of human rights in conditions of real equality for individuals, groups, and collectivities living in poverty. In this framework, from the initial stages of public policy planning the State must ensure adequate budget distribution, assignment of responsibilities, and assessments of progress and outcomes, with timely correction of regressive actions or trends in this issue²¹⁴. Therefore, the IACHR and OSRESCER call on the State to take actions to reduce poverty and extreme poverty by developing redistributive social policies and, in particular, by adopting the necessary fiscal and wage-related laws, measures, and public policies that enable direct, cross-cutting treatment of poverty with a human-rights focus.

²⁰⁸ Coordination Nationale de la Sécurité Alimentaire, [Fiche Communication IPC de l'insécurité alimentaire](#), septembre 2021.

²⁰⁹ Coordination Nationale de la Sécurité Alimentaire, [Fiche Communication IPC de l'insécurité alimentaire](#), septembre 2021.

²¹⁰ UNICEF, ["Haiti: Violence and pandemic leave one in three children in need of humanitarian assistance"](#), July 9, 2021.

²¹¹ UNICEF, ["Six mois après le tremblement de terre, plus de 4 écoles sur 5 détruites ou endommagées doivent encore être reconstruites"](#) February 14, 2022.

²¹² UN News, ["Haïti: La violencia de las bandas impiden que medio millón de niños vayan a clase"](#), May 6, 2022.

²¹³ IACHR, [Report on Poverty and Human Rights in the Americas](#), September 07, 2017, para. 91.

²¹⁴ IACHR, [Report on Poverty and Human Rights in the Americas](#), September 07, 2017, para. 485.

C. Right to health care and its social determinants

151. In its Annual Report 2020, OSRESCER warned that the situation of the health sector in the State of Haiti has suffered for a decade from inattention to administration and meagre budget allocations²¹⁵. This context also includes the negative effects of the natural disasters that occurred in the country throughout the year 2021, which further curbed enjoyment of the right to health care. In this regard, the Office of the Special Rapporteur expresses its concern over the structural damage caused to the country's hospitals and health centers, aggravating the fragility of the health system and preventing provision of necessary care to the injured²¹⁶.
152. The COVID-19 pandemic has had a serious impact on enjoyment of the right to health care and has worsened the already-critical situation of health services. According to data from the Ministry of Public Health and Population, there were 30,712 confirmed positive cases through May 5, 2022, with 835 deaths²¹⁷. One of the highest spikes in daily infections was observed in June 2021²¹⁸. The Pan American Health Organization (PAHO) warned about the fragile health response the Haitian State was providing to COVID-19, calling for a drastic expansion of available care to those affected²¹⁹. Reportedly, the current number of confirmed positive cases and the number of deaths is declining despite the slow pace in the vaccination process²²⁰.
153. In this regard, OSRESCER has given special follow-up to the vaccination process in the country. According to information obtained, Haiti was the last country in the Americas to receive doses of the COVID-19 vaccine. The first 500,000 doses of the vaccine arrived on July 14, 2021, through the Covid-19 Vaccine Global Access Fund (COVAX)²²¹. The Ministry of Public Health and Population (MSPP) of Haiti organized the first vaccination session on July 16, 2021, at the University Hospital of Peace (HUP) in Port-au-Prince, prioritizing inoculation of health professionals and the elderly²²². In this regard, OSRESCER notes with concern the state of the vaccination process, given that Haiti is one of the countries in the world with the lowest vaccination rate. Indeed, at the beginning of May 2022, Haiti had

²¹⁵ REDESCA, [2020 Annual Report](#), para. 686.

²¹⁶ UN info, "[Séisme en Haïti : 650.000 personnes ont encore besoin d'une aide urgente \(OIM\)](#)", 2 September 2021.

²¹⁷ Ministère de la Santé Publique et de la Population, [Situation Épidémiologique de la COVID-19](#), May 05, 2022.

²¹⁸ Ministère de la Santé Publique et de la Population, [Bulletin 30 décembre 2021 de la surveillance nouveau Coronavirus](#), 30 December 2021, p. 5.

²¹⁹ PAHO, [Haiti: PAHO Director calls for intensified health response to rapidly deteriorating situation due to COVID-19](#), June 2, 2021.

²²⁰ OCHA, [Haïti: Aperçu Humanitaire](#), May 5, 2022.

²²¹ PAHO, "[Haiti receives 500,000 vaccines donated by the United States through COVAX](#)," July 14, 2021.

²²² PAHO, "[Haiti begins its COVID-19 vaccination campaign less than 48 hours after the arrival of the first vaccines](#)," July 17, 2021.

immunized merely 1.1% of its population²²³. The slowness of the country's vaccination process is said to stem from limited capacity to administer doses and the population's disinterest in the vaccine because of a lack of sufficient and adequate information. This situation has prompted the return of vaccines nearing expiration because of the lack of capacity to administer them before expiration²²⁴.

154. Furthermore, the context of poverty and violence the country has suffered has seriously affected the right to health care. In this regard, OSRESCER expresses its concern about looting and roadblocks with armed groups present, which prevent normal delivery of health services. The climate of violence hinders health professionals from performing their activities efficiently and prevents delivery of basic medical materials and supplies such as oxygen, which is essential to treat the principal ailments associated with the COVID-19 virus²²⁵. The fuel crisis has also presented serious obstacles to the provision of hospital care, including oxygen therapy for patients with severe infections²²⁶.
155. The situation of violence has affected health workers in different ways. In this regard, OSRESCER has monitored the total absence of protection these professionals experience in the face of increasing violence by the country's armed gangs. Reports have also been received about the murder²²⁷ and kidnapping of several doctors²²⁸. As a result, since early 2022 there has been a work stoppage in public hospitals, in protest of the insecure situation health sector workers must endure²²⁹.

D. Natural disasters, climate emergency, and the human right to water

156. According to IDB information, Haiti is highly vulnerable to the effects of climate change, with a variety of factors that exacerbate its vulnerability to those effects, such as its geographical location, deforestation and soil degradation, high poverty rates, low institutional capacity, and political instability²³⁰. These factors have resulted in increased

²²³ Ministère de la Santé Publique et de la Population, [Situation Epidémiologique de la COVID-19, May 5, 2022](#). OCHA, [Haïti: Aperçu Humanitaire](#), May 5, 2022.

²²⁴ Efe, ["Haiti returns 250,000 expiring vaccines to Covax,"](#) October 13, 2021.

²²⁵ Europa Press, ["Doctors of the World warns that fear of violence in Haiti is preventing the sick from going to hospitals,"](#) June 14, 2021.

²²⁶ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, February 15, 2022.

²²⁷ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, February 15, 2022. France 24, ["Haiti's hospitals go on strike after pediatrician's murder,"](#) March 04, 2021. Le Nouvelliste, ["Pétion-Ville : trois personnes tuées, dont un médecin,"](#) 04 April 2022. Médecins Sans Frontières, ["MSF denounces unbearable "ordinary violence" after killing of staff member"](#), 27 May 2021.

²²⁸ ABC News, ["Gangs abduct 2 doctors in Haiti, including a needed surgeon,"](#) August 20, 2021.

²²⁹ Le Nouvelliste, ["Grève maintenue dans les hôpitaux publics", clament les syndicats"](#), March 28, 2022.

²³⁰ Office of Evaluation and Oversight, OVE, IDB, [Climate Change and IDB, Building Resilience and Reducing Emissions](#). Regional Study, LAC Small Island Developments States, 2014.

recurrences of natural disasters, with Haiti ranked third highest among countries most affected by extreme weather phenomena over the 2000-2019 period²³¹. Additionally, climate change and the recurrence of these environmental disasters have a particular and differentiated impact on the human right to water²³².

157. In this regard, OSRESCER has monitored the impacts caused by the most recent natural disasters to strike the Haitian State in 2021: the 7.2-magnitude earthquake of August 14; and tropical depression Grace, which occurred on August 16-17.
158. According to information from the U.S. Geological Survey regarding the earthquake that occurred in August 2021, the epicenter was about 125 kilometers west of the capital of Port-au-Prince, directly affecting cities in the Sud Department²³³. Final estimates of the Haitian Civil Protection Agency (DGPC) and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) put the number of people killed by this earthquake at 2,246. Another 12,763 people were injured and 329 missing²³⁴. OCHA reports that 115,183 houses, 1,250 schools, and 97 health facilities were damaged or destroyed²³⁵. According to IDB estimates, economic damages are estimated at US\$1.6 billion²³⁶.
159. Tropical depression Grace occurred just two days after the earthquake and affected the places that had been most devastated by the earthquake, i.e., the Région Sud, Nippes, and Grand'Anse. This event temporarily affected rescue operations, in a complex security context that per se limited access to humanitarian aid, which could not be resumed or reinforced until the end of the tropical depression passed²³⁷.
160. OSRESCER has monitored the consequences natural disasters have on the enjoyment of ESCR. Of particular concern were the effects on the right to health care, given the pandemic scenario during which the natural disasters occurred and the limited capacity of the health care system, in a context of an exponential spike in health care needs. The high number of injured people – more than 12,000 – and the context of the pandemic, meant that hospitals were overwhelmed²³⁸, without sufficient medical personnel, and with shortages of medications and facilities needed to care for the injured, since many of the

²³¹ Germanwatch, [Global Climate Risk Index, 2021](#)

²³² IACHR, [Resolution No. 3/2021. Climate emergency: scope of inter-American human rights obligations](#), December 31, 2021. United Nations Human Rights Council, [Resolution 41/21. Human rights and climate change](#). A/HRC/RES/41/21, 23 July 2019.

²³³ US Geological Service, [M7.2, Nippes, Haiti Earthquake](#), August 14, 2021.

²³⁴ OCHA, [Haiti: Earthquake Situation Report No. 8](#), November 29, 2021.

²³⁵ OCHA, [Haiti: Earthquake Situation Report No. 8](#), November 29, 2021.

²³⁶ IDB, [Estimating the Potential Economic Impact of Haiti's 2021 Earthquake](#), technical note n0 IDB-TN-2297, September 2021.

²³⁷ OCHA, [Haiti: Tremblement de Terre, Flash Update No. 3](#), August 18, 2021.

²³⁸ Emergency live, ["Haiti, Pueblo Sin Agua Y Sin Atención Médica Por El Terremoto: Llamamientos De La Cruz Roja"](#), 2 de octubre de 2021.

hospitals had been damaged or destroyed by the earthquake²³⁹. Likewise, many services, especially in the maternal health and primary care sectors, remain difficult to access for a large part of the population, especially in the most affected rural areas²⁴⁰.

161. In this regard, in its Resolution No. 3/2021, the IACHR and OSRESCER have given special emphasis to the threats the climate emergency poses to all Caribbean nations and have highlighted the devastating consequences these threats could have for people living in poverty²⁴¹, as they face food insecurity, forced migration, destruction of infrastructure, and the spread of diseases. Faced with this reality, the IACHR and OSRESCER call on the State to guarantee the enjoyment and exercise of the human rights of all persons who suffer environmental impacts in Haiti, through the adoption of laws, measures, or public policies that strengthen the resilience of the Haitian population to the effects of climate change and natural disasters.
162. On the other hand, the effects on the rest of the ESCR have been monitored, among them, severe interruptions in electricity service, the serious shelter crisis, and paralyzed delivery of basic services. In this regard, according to data from UNICEF, the earthquake destroyed around 130,000 homes, hospitals, and schools²⁴², which to this day is preventing many children from attending school²⁴³.
163. Another serious consequence of the earthquake damage was that it impinged on the human right to water²⁴⁴. There is a water shortage in homes and in the country's infrastructure such as aqueducts and water distribution systems²⁴⁵. Regarding the human right to water, according to UNICEF data, 26% of Haitians do not have access to a source of treated water. Additionally, only 25% of households have an adequate facility for washing hands with soap and water, and this same percentage of households continues to practice open-air defecation due to a lack of sewage systems²⁴⁶.
164. Additionally, UNICEF reports that more than 210,000 people in the most affected areas of Haiti have limited access to safe water sources or are exposed to elevated risk of

²³⁹ France 24, "[Haiti's hospitals fail to care for earthquake victims, aggravated by storm Grace](#)," August 18, 2021.

²⁴⁰ OCHA, [Stratégie de réponse humanitaire au séisme du 14 août 2021](#), February 2022.

²⁴¹ IACHR, Resolution No. 3/2021. [Climate emergency: scope of inter-American human rights obligations](#), December 31, 2021.

²⁴² UNICEF, "[More than half a million children affected by Haiti earthquake](#)," August 17, 2021.

²⁴³ UNICEF, "[Six mois après le tremblement de terre, plus de 4 écoles sur 5 détruites ou endommagées doivent encore être reconstruites](#)" February 14, 2022.

²⁴⁴ OCHA, [Haïti: Tremblement de Terre. Rapport de Situation No.3](#), August 31, 2021.

²⁴⁵ OCHA, [Stratégie de réponse humanitaire au séisme du 14 août 2021](#), February 2022, pp. 75-77.

²⁴⁶ UNICEF, "[Eau, assainissement et hygiène EAH](#)," 2021.

contracting diseases linked to contaminated water and poor hygiene. Furthermore, some rural communities still do not have access to functioning health facilities due to infrastructure damage. The limited capacity for health care introduces heightened health risks, such as the risks of wound infection and tetanus²⁴⁷, and could lead to the re-emergence of waterborne diseases²⁴⁸.

165. In this regard, the IACHR and OSRESCER recall that for the Inter-American System, States must guarantee access to safe and sufficient water as an indispensable condition for the satisfaction and exercise of several human rights, such as the right to life, personal integrity, and health care²⁴⁹. Therefore, the IACHR and its OSRESCER call on the State to adjust its internal regulations and institutional framework prioritize recognition and protection of the human right to water. Likewise, they urge Haiti to adopt measures to design, implement, and effectively enforce access to water for human consumption in sufficient quantity, to the extent possible. They also stand at [the country's] disposal to provide technical cooperation to assist in searching for ways to implement the standards and recommendations of its Resolution 3/2021 on climate emergency and human rights in the Americas²⁵⁰.

²⁴⁷ UNICEF, [“Un mes después del terremoto de Haití: 260.000 niños, niñas y adolescentes siguen requiriendo ayuda humanitaria”](#), September 14, 2021.

²⁴⁸ UNICEF, [“Terremoto en Haití: más de medio millón de niños y niñas en riesgo de contraer enfermedades transmitidas por el agua”](#), September 2, 2021.

²⁴⁹ IACHR, Annual Report 2015 Ch. IV.A: Access to Water in the Americas; an approach to the Human Right to Water in the Inter-American System, 2015, para. 67.

²⁵⁰ IACHR - OSRESCER, Resolution 3/2021, [Climate Emergency: Scope of Inter-American Human Rights Obligations](#), December 31, 2021.



Chapter 5

Freedom of Expression

FREEDOM OF EXPRESSION

166. Violence against journalists continues to be one of the main challenges facing Haiti in the matter of freedom of expression, which have intensified in the context of the social and political crisis the country is going through. In this chapter, the Office of the Special Rapporteur for Freedom of Expression (SRFOE) of the IACHR examines the persistence of attacks and threats against press workers, who warn of a generalized climate of fear and insecurity due to constant attacks against them and limited guarantees to exercise their work freely and safely. It also addresses obstacles journalists face in accessing information of public interest and official government sources. Furthermore, this chapter examines how reporters and their work to give coverage have been affected in the context of the protests that have been taking place since the beginning of 2021, questioning the length of the presidential term in office. Additionally, SRFOE views with concern the lack of progress in judicial investigations into crimes against freedom of expression, which have a chilling effect on the work of journalists and social communicators.

A. Murders of journalists and impunity

167. The Office of the Special Rapporteur for Freedom of Expression has observed a persistent trend of attacks and threats against press workers in Haiti, which is part of the recent large-scale social and political crisis that has been receiving special attention by the IACHR.

168. Between 2019 and 2022, this Office documented the murders of at least six journalists and communicators for reasons that could be linked to their news reporting work. On June 10, 2019, the Special Rapporteurship noted the murder of journalist Pétion Rospide, anchor for Radio Sans Fin, the victim of an armed attack by unknown subjects while driving back to his home in an official vehicle of the radio station in Port-au-Prince²⁵¹. The 45-year-old reporter had just finished his radio program that focused on corruption allegations against the government of Haiti's then-President Jovenel Moïse²⁵². The former president condemned the murder, which he described as an act of hatred²⁵³.

169. On October 10, 2019, reporter Néhémie Joseph was found dead of gunshot wounds in his personal vehicle in the village of Mirebalais, northeast of Port-au-Prince on the border with

²⁵¹ IACHR. Special Rapporteurship. June 14, 2019. Press Release R151/19. [Special Rapporteurship condemns the murder of journalist Pétion Rospide and expresses concern about the continuation of violence against journalists in the context of coverage of public demonstrations in Haiti](#); CPJ. June 13, 2019. [Radio Sans Fin host Pétion Rospide killed in Port-au-Prince, Haiti](#); Knight Center. June 11, 2019. [Radio journalist is killed in Haiti amid protests against the country's president](#).

²⁵² Associated Press. June 11, 2019. [Journalists in Haiti demand protection after reporter killed](#).

²⁵³ Haiti Libre. June 12, 2019. [Haiti - Security: The journalist Rospide Pétion murdered](#); Jamaica Observer. June 14, 2019. [ACM condemns murder of Haitian journalist, attack on media](#).

the Dominican Republic²⁵⁴. Joseph was a broadcaster for the weekly program *Tambour Vérite* ("Drum of Truth") on *Radio Panic* and was also a departmental correspondent for *Radio Méga*. As reported to this Office, the journalist frequently reported on the local situation and addressed issues related to the protests that broke out in Haiti in 2019 and the calls for the resignation of then-President Moïse. According to the report this Office received, Néhémie Joseph was known for his publications that were critical of the government and the management of the political crisis by local authorities²⁵⁵. Previously, Néhémie Joseph had notified his family and close associates that he was receiving threats²⁵⁶. Also, weeks before his death, he had posted on his social networks that two politicians from the president's party had accused him of inciting protests and had allegedly threatened to kill him for his reporting²⁵⁷. According to what the Office has learned, in November 2020, investigative judge Samson Jean, who was investigating the murder of the *Radio Méga* and *Radio Panic* FM journalist, withdrew from the case, citing personal security reasons²⁵⁸.

170. According to available information, only one person has been arrested since the murder of Néhémie Joseph: Clairjeune Juste Chandou, arrested on January 17, 2020 in the Dominican Republic and identified as one of the alleged perpetrators of the crime. According to public reports, Chandou confessed to police that he had been the perpetrator of the crime and had received money from a high-ranking political figure in the Centre Department with orders to kill the reporter²⁵⁹.
171. Journalists in Haiti have warned of the atmosphere of fear and insecurity in which they work, surrounded by continuous attacks and lack of protection²⁶⁰. The Rapporteurship has learned

²⁵⁴ CPJ. October 11, 2019. [Radio Panic FM journalist found dead in Haiti following threats](#); Reuters. October 11, 2019. [Journalist's killing fuels ire of Haiti protesters](#); Knight Center. 11 October 2019. [Radio journalist killed in Haiti amid violent protests against country's president](#).

²⁵⁵ Associated Press. October 11, 2019. [Thousands of protesters in Haiti loot stores, battle police](#); RSF. October 14, 2019. [Asesinan a otro periodista en Haití](#); Amnistía Internacional. October 31, 2019. [Haití: Amnistía Internacional verifica indicios de uso excesivo de la fuerza contra manifestantes](#).

²⁵⁶ Le Nouvelliste. October 10, 2019. [Un journaliste tué par balle à Mirebalais](#).

²⁵⁷ Le Nouvelliste. October 16, 2019. [L'épouse du journaliste Néhémie Joseph reçoit des menaces et craint pour sa vie](#); Associated Press. October 11, 2019. [Thousands of protesters in Haiti loot stores, battle police](#); CPJ. October 11, 2019. [Radio Panic FM journalist found dead in Haiti following threats](#).

²⁵⁸ Zoom Haití News. November 23, 2020. [Le juge d'instruction Samson Jean se déporte du dossier de l'assassinat du journaliste Néhémie Joseph](#); Le Nouvelliste. November 23, de 2020. [Le juge Samson Jean s'est déporté du dossier de l'assassinat de Néhémie Joseph](#).

²⁵⁹ Haiti Tweets. January 17, 2020. [L'assassin présumé du journaliste Néhémie Joseph, arrêté](#); Gazette Haiti. January 17, 2020. [Arrestation du présumé assassin du journaliste Néhémie Joseph en République Dominicaine](#); Haiti Standard. 17 de enero de 2020. [République dominicaine: le présumé assassin du journaliste Néhémie Joseph arrêté et remis aux autorités haïtiennes](#); Radio Visión 2000. January 18, 2020. [Haïti-RD: arrestation de 2 suspects dans l'assassinat du Journaliste Néhémie Joseph](#).

²⁶⁰ AyiboPost. November 14, 2020. [Pourquoi le journalisme d'investigation est-il si rare en Haïti?](#)

of several public complaints from journalists regarding the lack of judicial progress in investigations into attacks and murders of journalists. In this regard, journalists have pointed out that Haiti will continue to be unsuitable terrain for investigative journalism as long as "the judicial system remains weak and incapable of protecting journalists and witnesses"²⁶¹.

172. In 2021, the Office of the Special Rapporteur for Freedom of Expression documented the murder of journalist Diego Charles, 33, who worked as a reporter for Radio Vision 2000, as well as Gazette Haiti News and *La Repiblik*; and Antoinette Duclaire, also 33, a radio broadcaster, political activist and spokesperson for the opposition political movement Matris Liberasyon. Both were reportedly attacked on the night of June 29, 2021 by unidentified armed individuals driving a motorcycle who shot at them as Antoinette Duclair was leaving Charles at the entrance of his house in the Christ-Roi area of Port-au-Prince²⁶². According to public information, both had previously received threats²⁶³. Also, after the murders, some relatives and close people were intimidated for having spoken with authorities in the context of the respective investigations²⁶⁴. Journalist Diego Charles had been investigating various topics for the *La Repiblik* magazine, including the 2020 murder of the president of the Port-au-Prince Bar Association, Monferrier Dorval, for which almost no judicial progress has been reported²⁶⁵.
173. The Rapporteurship also received information about the murder of journalists John Wesley and Wilguens Louissaint, on January 6, 2021, in Laboule 12, Port-au-Prince. In this regard, this Office has called on the State to independently, diligently, and effectively investigate these crimes, considering the exercise of journalistic work as its main line of investigation in relation to their motives²⁶⁶. According to public information, John Wesley Amady of the Canadian radio station Radio Ecoute FM, and Wilguens Louissaint, a local digital media reporter, were killed by gunshots while reporting on the escalation of tension and violent clashes between criminal gangs in the area of Laboule 12²⁶⁷. According to available information, a third journalist, Wilmann Vil, managed to escape the attack alive. The Haitian National Police went to the scene after the fact and recovered the bodies of the two

²⁶¹ AyiboPost. November 14, 2020. [Pourquoi le journalisme d'investigation est-il si rare en Haïti?](#)

²⁶² Al Jazeera. June 30, 2021. [Haitian journalist, activist killed in Port-au-Prince shootings](#); France 24. 30 de junio de 2021. [Journalist, activist among at least five killed in Haiti](#);

²⁶³ Amnesty International. August 6, 2021. [Haiti: Authorities must protect relatives of murdered journalist and activist from death threats](#).

²⁶⁴ Amnesty International. August 6, 2021. [Haiti: Authorities must protect relatives of murdered journalist and activist from death threats](#).

²⁶⁵ CPJ. July 1, 2021. [Haitian journalist Diego Charles shot and killed in Port-au-Prince](#).

²⁶⁶ IACHR. Office of the Special Rapporteur for Freedom of Expression. January 10, 2022. Press Release R9/2022. [The Special Rapporteur condemns the murder of journalists John Wesley Amady and Wilguens Louissaint in Haiti and urges the State to diligently investigate those responsible](#).

²⁶⁷ Reuters. January 6, 2022. [Two Haitian journalists killed by gang outside Port-au-Prince](#); Al Jazeera. January 7, 2022. 'Criminal and barbaric': Two Haitian journalists killed by gang; BBC. January 7, 2021. [Two Haitian journalists killed in gang attack](#); CPJ. January 7, 2022. [Two Haitian journalists killed while reporting on gang violence in Port-au-Prince](#).

journalists. This Office was informed that the HNP is also in contact with the surviving journalist to ensure his protection and to investigate the crime²⁶⁸.

174. In this context, SRFOE has considered that, prima facie, the crimes against the lives of journalists Jhon Wesley Amady and Wilguens Louissaint are related to their news reporting work and that, therefore, the investigations are called to take this into consideration in the course of the investigation. In particular, regarding journalist Wilmann Vil, who reportedly managed to survive the attack, this Office has asked the State to clarify his condition and provide immediate protection²⁶⁹.
175. The Rapporteurship also notes that no judicial progress has yet been made in the case of journalist Vladjimir Legagneur, who was reported as missing since March 14, 2018, when he left his home to report on living conditions in the Grand Ravine neighborhood, in the district of Martissant²⁷⁰. According to reports, the journalist was working on an independent project that sought to document the clashes between police and gangs in that area. To date, the journalist's family is still awaiting the results of the DNA test the police are said to have conducted on the remains of a body found in a vacant lot in Palema en Grand Ravine, in March 2018²⁷¹.
176. This Office recalls that murders of journalists are the most extreme form of censorship, and that impunity contributes to self-censorship of the press²⁷². States have a positive obligation to identify and punish perpetrators of these crimes. As the IACHR and its Rapporteurship have repeatedly pointed out, it is essential that the State fully, effectively, and impartially investigate murders of journalists, identify motives, and judicially determine the relationship they could have with journalistic activity and freedom of expression²⁷³. Authorities should not rule out the practice of journalism as a motive for murder and/or

²⁶⁸ HNP Twitter account (@pnh_officiel). [January 8, 2022](#); Jamaica Observer. [January 10, 2022](#). [Bullet riddled bodies of murdered journalists retrieved in Haiti](#); France 24. [Haiti newsman tells of escape from deadly attack by 'all-powerful' gang](#).

²⁶⁹ IACHR. Office of the Special Rapporteur for Freedom of Expression. [January 10, 2022](#). Press Release R9/2022. [The Special Rapporteur condemns the murder of journalists John Wesley Amady and Wilguens Louissaint in Haiti and urges the State to diligently investigate those responsible](#).

²⁷⁰ CPJ. [Vladjimir Legagneur](#).

²⁷¹ France 24. [July 1, 2021](#). [Haitian journalist, activist killed in suspected revenge attacks in Haiti](#); Yahoo! News. [June 30, 2021](#). [15 killed in suspected revenge attacks in Haiti: police](#).

²⁷² IACHR. Office of the Special Rapporteur for Freedom of Expression. [Special Study on the Situation of the Investigations on the Murder of Journalists for reasons that could be related to the Journalistic Activity \(period 1995-2005\)](#). OEA/Ser.LV/II.131. Doc. 35. [March 8, 2008](#).

²⁷³ IACHR. Office of the Special Rapporteur for Freedom of Expression. [Violence against journalists and media workers. Inter-American standards and national practices on prevention, protection and prosecution](#). OEA/Ser.LV/II. CIDH/RELE/INF. 12/13. 31 [December 2013](#). Para. 160.

aggression prior to conducting an investigation to its conclusion²⁷⁴. Omission of logical lines of investigation or the lack of diligence in gathering evidence about them have serious repercussions in the indictment or trial stages of the prosecutions. Most importantly, the failure to fully exhaust logical lines of investigation can result in failure to identify the intellectual authors of the crime²⁷⁵.

177. The Rapporteurship has indicated on previous occasions that there is nothing that enables repeated violence against the press more than the absence of a forceful institutional reaction, as it communicates tolerance of violence and encourages new crimes to occur²⁷⁶. Regarding lethal violence against the press in Haiti, this Office reiterates how important it is that State authorities recognize publicly, with clarity and firmness, the legitimacy and value of journalistic work and strongly condemn the recent aggressions against members of the press.

B. Attacks, threats, and intimidation of journalists and the media

178. In a context of the violence and political and institutional tensions that have received special attention from the IACHR, the Office of the Special Rapporteur for Freedom of Expression has continued to receive information about persistent attacks and threats against press workers in Haiti. According to information received by the Rapporteurship, between 2019 and 2021, there were several attacks against journalists, reportedly from both governmental spheres and armed groups, some of which occurred in the context of social demonstrations. According to several reporters, there is a generalized atmosphere of self-censorship of journalistic work²⁷⁷. Some members of the press have indicated that they prefer to limit their public exposure as much as possible, and not to wear any kind of press identification²⁷⁸.
179. In recent years, the Rapporteurship has reported several attacks on and harassment of journalists who were exercising their profession in Haiti. On February 13, 2019, Reuters correspondent in Haiti, Robenson Sanon, was shot and wounded in his right forearm while

²⁷⁴ IACHR. Office of the Special Rapporteur for Freedom of Expression. Violence against journalists and media workers. Inter-American standards and national practices on prevention, protection and prosecution. OEA/Ser.L/V/II. CIDH/RELE/INF. 12/13. 31 December 2013. Para. 13.

²⁷⁵ IACHR. Office of the Special Rapporteur for Freedom of Expression. Violence against journalists and media workers. Inter-American standards and national practices on prevention, protection and prosecution. OEA/Ser.L/V/II. CIDH/RELE/INF. 12/13. 31 December 2013. Para. 203.

²⁷⁶ IACHR. Office of the Special Rapporteur for Freedom of Expression. November 11, 2020. Press Release R271/2020. [Office of the Special Rapporteur Expresses Extreme Concern about Violence against Journalists in Mexico and Calls on the State to Strengthen Protection Mechanisms and Measures to Combat Impunity](#); IACHR. Annual Report 2020. Report of the Office of the Special Rapporteur for Freedom of Expression. OEA/Ser.L/V/II Doc. 28 March 30, 2021. Para. 976.

²⁷⁷ Ayibo Post. March 16, 2021. [Insecurity Coupled with Impunity Forces Haitian Journalists to Hide Sensitive Information](#).

²⁷⁸ Ayibo Post. March 16, 2021. [Insecurity Coupled with Impunity Forces Haitian Journalists to Hide Sensitive Information](#).

covering a clash between police and demonstrators who demanded the resignation of President Jovenel Moïse in Port-au-Prince²⁷⁹. According to publicly available information, he was initially taken to the Haiti State University Hospital (HUEH) and later transferred to Bernard Mevs Hospital, where he received medical care²⁸⁰.

180. On June 9, 2019, two journalists from Radio Sans Fin reported being shot at by police during a demonstration to demand the resignation of the President and a proper investigation into the alleged corruption scheme of the Petrocaribe program²⁸¹. Also, on June 10, reporters from *Radio Télé Ginen* were reportedly struck by rocks and their cars were vandalized²⁸². On June 18, 2019, armed individuals fired shots at the building housing *Radio Télé Zenith*, in the community of Croix-des-Bouquets²⁸³. On June 24, 2019, a *Radio Télé Métropole* vehicle was attacked in the Post-Marchant area of Port-au-Prince by unidentified individuals who threw rocks at the car²⁸⁴. The vehicle was allegedly struck by rocks when the station's team was on its way to cover an opposition demonstration. A few days earlier, another of the station's vehicles was reportedly the target of a similar attack in Turgeau, near Natcom²⁸⁵. According to information received by this Office, a few sectors of demonstrators accused *Radio Télé Métropole* and *Radio Télé Ginen* of having an affinity for the interests of President Jovenel Moïse's government²⁸⁶.
181. During the escalation of protests recorded in June 2019, some of the reporters targeted were Michel Dominique and Esdra Jeudy of *Radio Sans Fin* (RSF); Richardson Jourdan of TNH08; Lesly Dorcin, photojournalist for *Le Nouvelliste*; and Kendi Zidor, editorial writer for *Le National* and editor-in-chief of *radio Solidarité*²⁸⁷. Also, on August 6, 2019, Luckson Saint-Vil, the journalist of the Loop Haiti agency, was attacked by unknown persons with

²⁷⁹ Loop Haiti. February 13, 2019. [Haiti - Manifestation: le journaliste Robenson Sanon touché par balle](#); Knight Center. 18 February 2019. [Haitian journalist is shot during anti-government protests](#).

²⁸⁰ Le Nouvelliste. 13 February 2019. [Le journaliste Robenson Sanon blessé par balle lors de manifestations anti-gouvernementales](#); CPJ. 14 February 2019. [Journalist shot in anti-government demonstrations in Haiti](#).

²⁸¹ Loop Haiti. June 10, 2019. [Haiti - Insécurité : Un journaliste de la RSF tué par balles](#).

²⁸² Loop Haiti. 10 June 2019. [Des véhicules de Radio Télé Ginen incendiés par des protestataires](#); Associated Press. 11 June 2019. [Journalists in Haiti demand protection after reporter killed](#).

²⁸³ Loop Haiti. 18 June 2019. [Les locaux de radio Télé Zénith attaqués par des individus armés](#); Haiti Standard. 18 June 2019. [Les locaux de la Radio télé Zénith attaqués par des individus armés](#).

²⁸⁴ Loop Haiti. June 24, 2019. [Un autre véhicule de Radio Télé Métropole attaqué par des manifestants](#); Vant Bèf Info. 24 June 2019. [Haiti/Média: Nouvelle attaque contre un autobus de Radio Télé Métropole](#).

²⁸⁵ Haitian Times. June 20, 2019. [Radio Télé vehicle targeted in Turgeau Wednesday](#); Vant Bèf Info. 24 June 2019. [Haïti/Média: Nouvelle attaque contre un autobus de Radio Télé Métropole](#).

²⁸⁶ Loop Haiti. June 24, 2019. [Un autre véhicule de Radio Télé Métropole attaqué par des manifestants](#).

²⁸⁷ IACHR. Office of the Special Rapporteur for Freedom of Expression. [Annual Report 2019](#). Para. 774; IAPA. October 16, 2019. [IAPA condemns murder of second journalist in Haiti this year](#).

firearms as he was on his way home in southern Haiti²⁸⁸. According to available information, a few days before the attack he had reported to police that he had received death threats linked to a report he had published on the relationship between violent gangs and authorities in the community of *Cité Soleil* in Port-au-Prince. A few days earlier, on July 16, 2019, another Haitian journalist, Kendi Zidor, a journalist and political analyst for the TV channel *Télé Pacifique* and the newspaper *Le National*, survived a similar armed attack while driving to his home in Port-au-Prince²⁸⁹. A few months earlier, the reporter had published an editorial in *Le National* criticizing the way Haitian authorities were handling investigations into the so-named La Saline massacre, in which dozens of people were allegedly tortured and killed in November 2018²⁹⁰. Since then, he has reportedly received death threats by text message²⁹¹.

182. According to public information, on September 23, 2019, Dieu-Nalio Chery, AP photojournalist, was shot in the face by Senator Jean Marie Ralph Fethière, who allegedly had discharged a firearm indiscriminately, claiming that it had been an act of self-defense when he felt threatened by groups of violent demonstrators at the gates of the Senate²⁹². Dieu-Nalio Chery was wearing a helmet and a bulletproof jacket with the word "press" written on it, and was covering a parliamentary session to confirm Prime Minister nominee Fritz William Michel²⁹³. Likewise, on September 30, Edmond Joseph Agenor, journalist for *Radio Sans Fin*, was shot in the wrist while covering clashes between demonstrators and police in Port-au-Prince²⁹⁴. According to press reports, Joseph was wearing a visible press badge, a vest, and a protective helmet. On November 11, Rebecca Rockwell, the correspondent who was filling in for the recovering Dieu-Nalio Chery, was injured by a bottle, also in the context of social demonstrations²⁹⁵.

²⁸⁸ CPJ. August 13, 2019. [Journalist Luckson Saint-Vil survives shooting attack in southern Haiti](#). Loop Haiti. August 6, 2019. [Notre reporter Luckson Saint-vil victime d'une attaque armée à Léogâne](#); *Le Nouvelliste*. 7 August 2019. [Le journaliste Luckson Saint-Vil cible d'une attaque armée à Léogâne](#).<https://lenouvelliste.com/article/205500/le-journaliste-luckson-saint-vil-cible-dune-attaque-armee-a-leogane>

²⁸⁹ Loop Haiti. 19 July 2019. [Victime d'une attaque armée, le journaliste Kendi Zidor porte plainte](#); CPJ. 22 July 2019. [Haitian journalist Kendi Zidor survives shooting attempt in Port-au-Prince](#); Knight Center. July 24, 2019. [Journalist who received threats survives armed attack in Haiti's capital](#).

²⁹⁰ *Le National*. May 23, 2019. [La justice menottée](#).

²⁹¹ CPJ. July 22, 2019. [Haitian journalist Kendi Zidor survives shooting attempt in Port-au-Prince](#).

²⁹² *The Guardian*. September 23, 2019. [Haiti: photojournalist shot in face as senator opens fire outside parliament](#); BBC. September 24, de 2019. [Haiti senator opens fire outside parliament, wounding two](#).

²⁹³ CPJ. September 24, 2019. [Haitian senator opens fire, injuring AP photographer Chery Dieu-Nalio](#).

²⁹⁴ Reuters. September 30, 2019. [Haitian journalist shot in wrist in latest round of protests](#); CPJ. October 1, 2019. [Journalist Edmond Agenor Joseph shot by police in Haiti while covering protests](#); CPJ. November 14, 2019. [CPJ and RSF Call on Haitian Authorities to Investigate Attacks](#).

²⁹⁵ *Diario Libre*. November 11, 2019. [Centenares de opositores intentan llegar a casa del presidente de Haití](#).

183. On August 7, 2019, following the escalation of attacks against journalists, the State Secretariat for Communications condemned the increase in verbal and physical attacks, as well as acts of intimidation against the press, and recalled that freedom of the press is a value that must be defended in all circumstances²⁹⁶.
184. The Office of the Special Rapporteur continued to observe a growing trend of attacks against the press in 2020. As was reported in its Annual Report, on February 23, 2020, a group of masked individuals with firearms, claiming to be members of the Haitian National Police, attacked the premises of the privately-owned *Radio Télévision Caraïbes*, located in Port-au-Prince²⁹⁷. The group allegedly set fire to several vehicles, threw stones at the building, and smashed windows and broadcasting equipment. According to available information, the attack took place in the midst of a demonstration organized by the Haitian National Police to demand better salaries. The radio and TV station was covering the events live when the armed group barged into the facilities and ordered them to turn off the radio drone being used to film the protest. The journalists refused, unleashing the assault on the outlet²⁹⁸.
185. The National Association of Haitian Media [*l'Association Nationale des Médias Haitiens*] and the Association of Independent Media of Haiti [*l'Association des Médias Indépendants d'Haïti*] condemned the violent attack perpetrated against the media outlet's facilities and recalled that "all media must be able to do their work in total freedom, in accordance with their editorial line and the rules of the profession"²⁹⁹. They also reiterated to authorities that "it is their duty and responsibility to guarantee the safety and protection of journalists and the communications media"³⁰⁰. According to information provided by the Committee to Protect Journalists (CPJ), Normil Rameau, director of the National Police, stated that an investigation would be carried out into the assault on the media outlet³⁰¹.

²⁹⁶ MCC Communication Haïti / Facebook. August 7, 2019; At the moment. August 8, 2019. [Haiti government deplores increase in attacks against press](#); Vant Bèf Info. August 8, 2019. [Haïti / Sécurité Le gouvernement déplore les "attaques systématiques" contre la presse](#).

²⁹⁷ IACHR. Annual Report 2020. [Report of the Office of the Special Rapporteur for Freedom of Expression](#). OEA/Ser.LV/II Doc. 28 March 30, 2021. Para. 821; Le Nouvelliste Report. 27 February 2020. [Protestations unanimes après l'attaque contre la Radio Télévision Caraïbes](#); Haiti 24. 23 February 2020. [Sos Attaque contre Radio Television Caraïbes](#).

²⁹⁸ Haiti Standard. February 23, 2020. [Les locaux de la Radio télévision Caraïbes attaqués](#); Vant Bèf Info. February 23, 2020. [Haïti/ Attaque: Menace d'incendie contre la Radio/ Télévision Caraïbes](#); CPJ. February 26, 2020. [Haitian outlet Radio Télévision Caraïbes targeted with arson attack during police protest](#)

²⁹⁹ Telesur. February 24, 2020. [Haitian press association rejects aggression against broadcaster](#); Le Louverture. February 24, 2020. [L'association des medias haitiens \(ANMH\), l'AMIH et L'AJH condamnent sans reserve l'attaque contre la Radio Television Caraïbe](#); Le Nouvelliste. 27 February 2020. [Unanimous protests after the attack against Radio Télévision Caraïbes](#).

³⁰⁰ Telesur. February 24, 2020. [Haitian press association rejects aggression against broadcaster](#); Le Louverture. February 24, 2020. [L'association des medias haitiens \(ANMH\), l'AMIH et L'AJH condamnent sans reserve l'attaque contre la Radio Television Caraïbe](#); Le Nouvelliste. 27 February 2020. [Unanimous protests after the attack against Radio Télévision Caraïbes](#).

³⁰¹ CPJ. February 26, 2020. [Haitian outlet Radio Télévision Caraïbes targeted with arson attack during police protest](#).

186. Among other events documented by the Office, on March 24, 2020, unidentified men allegedly beat up a group of eight reporters at the National Identification Office [l'Office National d'Identification], the government department responsible for administering citizens' identity documents, while they were engaged in their [journalistic] work³⁰². From what Office was able to learn, the journalists had been investigating allegations that the government agency was violating COVID-19 health prevention guidelines by keeping citizens seeking identity cards in crowded and cramped quarters. The attack reportedly began when the journalists began taking photos of the crowds gathered at the public offices and was stopped by an officer from the Haitian National Police's Western Departmental Directorate [Police Nationale d'Haïti / Direction Départementale de l'Ouest (PNH / DDO)], who escorted the reporters out of the building. According to information presented by the journalists to the Prosecutor's Office, which was made public, some of the attackers were wearing T-shirts that identified them as staff members of the National Identification Office, and others were wearing T-shirts of employees of the Ministry of the Interior and of "Public Security" [Ministère de l'Intérieur et de la "Sécurité Publique"]. Journalist Robest Dimanche of Radio Télé Zénith reported that the attackers had hit him in the head and face, leaving him with serious injuries to his mouth and eyes. Following a medical examination, he was given a period of incapacity due to his injuries³⁰³.
187. On April 28, 2020, journalist Georges Emmanuel Allen, of Haiti 24 and Radio Télévision Caraïbes, was allegedly physically assaulted by Haitian National Police [Police Nationale d'Haïti] officers following an altercation near the University Hospital of La Paz while a curfew was in effect³⁰⁴. Despite the journalist carrying his press credentials and the pass required to circulate, issued by the Ministry of Communication, the officers reportedly intercepted him on his way home at night and fined him for violating the curfew, which led to a violent altercation. The Haitian Independent Media Association and the National Association of Haitian Media condemned the incident and demanded that the government and the Inspector General of the National Police open an investigation into the incident and identify and punish the officers responsible³⁰⁵.
188. Additionally, on July 28, 2020, in the Drouillard neighborhood of the Cité Soleil district of Port-au-Prince, Setoute Yvens, a journalist and cameraman for MegaStar Radio Television, was returning home on his motorcycle after work when two armed men reportedly intercepted him and forced him to stop, aggressively accusing him of having published

³⁰² Vant Bèf Info. April 3, 2020. Haïti/Presse: Un journaliste battu par des agents de l'Office National d'Identification; CPJ. April 9, 2020. [Journalists assaulted while covering COVID-19 measures in Haiti](#)

³⁰³ Vant Bèf Info. April 3, 2020. Haïti/Presse: Un journaliste battu par des agents de l'Office National d'Identification; CPJ. April 9, 2020. [Journalists assaulted while covering COVID-19 measures in Haiti](#)

³⁰⁴ Haiti 24. April 20, 2020. Le journaliste Georges Allen tabassé par la Police, des journalistes condamnent; Haiti Standard. April 29, 2020. Couvre-feu: le journaliste Georges Emmanuel Allen agressé par des policiers à Delmas 33.

³⁰⁵ Van Bèf Info. April 30, 2020. Haïti / Affaire Georges Allen : Des Associations de médias exigent des sanctions contre les policiers fautifs.

information about them in his reports on criminal acts in the area. The journalist reportedly managed to escape thanks to a vehicle circulating in the area. After leaving the area, the reporter heard gunshots nearby which, as the local justice of the peace later verified, had hit the motorcycle. The journalist described the incident as an "assassination attempt"³⁰⁶.

189. On that same day, the alleged leader of a criminal gang operating in the locality of Savien, in the community of Petite Rivière, Artibonite department, threatened to kill journalist Pradel Alexandre, correspondent of Radio Nationale d'Haiti in Saint-Marc and general coordinator of the Federation of Journalists of Artibonite, during a program on *Radio Delta Stéréo*³⁰⁷. The alleged leader of the criminal gang said he was upset by Alexandre's reports linking him to kidnappings in the region. Following these threats, the Union of Journalists of Lower Artibonite condemned the threats against the journalist, which "hinder freedom of expression", while recalling that it is one of the fundamental rights, otherwise public opinion cannot be properly informed³⁰⁸.
190. In a public statement issued on July 30, 2020, the Office of the Secretary of State for Communication condemned the attack on Setoute Yvens and the death threat against Pradel Alexander, while affirming that "the Government will do everything in its power to combat insecurity". On that occasion, he also urged journalists to file the pertinent complaints in the courts "so that the perpetrators may be identified and punished"³⁰⁹.
191. On September 13, 2020, Patrick Moussignac, president and general manager of *Radio Télévision Caraïbes* reported that the outlet was being targeted by threats of all kinds, some of them warning of alleged "imminent attacks" against the television station's building³¹⁰.
192. On December 28, 2020, in the metropolitan region of Port-au-Prince, Vario Sérant, a journalist of the Alternative Media Group, [Groupe média alternatif] was attacked by

³⁰⁶ Goals 9. July 29, 2020. [Sport-insécurité : Attaque armée contre Yvens Sétoute, journaliste de la Radio Télé Méga Star, à Cité Soleil](#); Vant Bèf Info. July 30, 2020. [Haïti-Insécurité: Setoute Yvens, journaliste de la Radio Télé Mégastar, a frôlé la mort](#); CPJ. August 4, 2020. [Journalist Setoute Yvens survives shooting attempt, another reporter receives death threats in Haiti](#).

³⁰⁷ Haiti Standard. Ju;y 28, 2020. [Artibonite : le journaliste Pradel Alexandre menacé de mort par le chef de gang de "Savien"](#); InfoPro News. Ju;y 29, 2020. [Odma Louissaint promet la mort à Pradel Alexandre, l'UJBA réagit](#); CPJ. August 4, 2020. [Journalist Setoute Yvens survives shooting attempt, another reporter receives death threats in Haiti](#).

³⁰⁸ Haiti Standard. July 29, 2020. [Menaces de mort proférées contre le journaliste Pradel Alexandre, l'Union des journalistes du basartibonite dénonce et condamne](#).

³⁰⁹ République D'Haiti, Ministère de la Communication. Ju;y 30, 2020. [Le Bureau du Secrétaire d'Etat à la Communication condamne avec véhémence l'attaque dont a été victime le journaliste Sétoute Yvens et les menaces à l'encontre du journaliste Pradel Alexandre](#).

³¹⁰ Radio Télévision Caraïbes / Facebook. [September 13, 2020](#). Trip Fourmi. September 13, 2020. [Patrick Moussignac dénonce les agressions physiques et verbales faites à l'encontre de la RTVC](#); Journal La Diaspora. September 14, 2020. [Liberté de la presse: la Radio Télévision Caraïbe \(RTVC\) menacée et visée par une «attaque imminente»](#).

unidentified gunmen while he was traveling by car with another person³¹¹. According to public information, the journalist was shot and had to be rushed to a hospital, while his companion died on the spot after being hit by several bullets. A few days after the attack, Vario Sérant was transferred to Costa Rica for treatment. Godson Pierre, Director of the Media Alternatif Group, indicated that the attack on his collaborator and founding member has had a significant impact on the institution³¹².

193. The Rapporteurship also noted with concern the reports received on the kidnapping of reporter Alexander Gálvez, correspondent of Telemicro Media Group in Haiti, by a criminal gang on the border of Haiti and the Dominican Republic. Gálvez was reportedly deprived of his freedom for nine days before being released on December 5³¹³.
194. The protests held since the beginning of 2021 to question the length of the presidential term also showed signs of high levels of social violence, which had a pronounced impact on journalists working in the field. On January 28, journalists and opposition activists peacefully demonstrated in Haiti's capital to denounce alleged police abuse and to demand justice for colleagues murdered in recent years³¹⁴. Some of the slogans raised were "No more violence against journalists" and "When freedom of the press is threatened, it is democracy that is in danger". Members of the press reported they were targets of aggression, by public forces during coverage of protests and other news events, and intimidating acts and death threats³¹⁵.
195. According to information documented by the Office of the Special Rapporteur, during the demonstrations of January 20, 2021, journalist Réginald Rémy of Radio Caraïbes, identified as press, was reportedly shot three times by a police patrol. During the same

³¹¹ Le Nouvelliste. December 29, 2020. Le journaliste Vario Sérant blessé par balle lors d'une attaque à Port-au-Prince; Alter Presse. December 29, 2020. Haïti-Insécurité : Le journaliste Vario Sérant, victime d'une attaque armée, le 28 décembre 2020, à Port-au-Prince; Haiti News. December 29, 2020. Des bandits armés ont attaqué le journaliste Vario Sérant; Platform News. December 30, 2020. Le journaliste Vario Sérant attaqué par des bandits armés;

³¹² Haiti Press Network. January 4, 2021. Haïti-Sécurité : le journaliste Vario Sérant victime d'une attaque armée, opéré avec succès au Costa Rica.

³¹³ Listin Diario. December 6, 2021. Pandilla haitiana libera al periodista Alexander Gálvez tras 9 días secuestrado; Vant Bèf Info. December 6, 2021. Haïti/ Kidnapping : Libération contre rançon du journaliste Alexander Galvez; Le Nouvelliste. November 29, 2021. Multiplication des rapt dans des rues livrées aux kidnappeurs; Le Nouvelliste. November 30, 2021. Haiti: Une organisation de journalistes exige la libération d'Alexander Galvez; Gazette Haïti. December 6, 2021. Kidnappé depuis 9 jours, le journaliste Alexander Galvez libéré ce dimanche.

³¹⁴ Associated Press. January 28, 2021. [Haiti journalists denounce police brutality, demand justice](#); VOA News. January 8, 2021. [Haitian Journalists Protest Police Brutality](#).

³¹⁵ Associated Press. January 28, 2021. [Haiti journalists denounce police brutality, demand justice](#); VOA News. January 28, 2021. [Haitian Journalists Protest Police Brutality](#).

event, Destiné Alvalès of the digital media Altv, and Reynald Petit-Frère of Signal Fm, were also reportedly attacked while carrying out their work³¹⁶.

196. On February 8, 2021, two journalists were reportedly attacked and injured with rubber bullets while covering clashes between demonstrators and security forces in the Champ-des-Mars area of Port-au-Prince. Alvalès Destiné, owner and reporter for Actualités Locales TV, was shot in the hand, while Jeanril Méus, a reporter for the Tele Pam channel, was shot in the abdomen. Both were rushed to Bernard Mevs Hospital³¹⁷.
197. The Rapporteurship received with concern information about an alleged attack on the TV Pacific press team covering a protest on February 10, 2021. According to reports received, police officers reportedly attempted to violently disperse the demonstration and allegedly placed a tear gas canister in the back of a TV Pacific vehicle, which was clearly marked as a press vehicle³¹⁸. The Haitian Journalists' Association called on the Haitian National Police authorities to conduct an investigation to identify the perpetrators of these abuses so that they can be held accountable for their actions. At a press conference held on Tuesday, February 23, the spokesman for the Haitian National Police indicated that an investigation was underway; however, the Rapporteurship has not been informed of any progress in this regard³¹⁹.
198. In this context, on February 14, 2021, BINUH expressed concern about the increase in attacks against journalists covering demonstrations, some of them committed by agents of the security forces³²⁰, asserting that "covering live events is at the heart of journalistic work, essential to guarantee freedom of the press and the right to information", while warning that these acts "have the effect of limiting the right to freedom of expression"³²¹.

³¹⁶ Le Nouvelliste. January 25, 2021. L'ANMH inquiète de «la situation de délitement de la démocratie » en Haïti; Alter Presse. January 25, 2021. Médias : L'Association nationale des médias haïtiens dénonce les actes de répressions contre plusieurs journalistes en Haïti.

³¹⁷ Haiti Standard. February 8, 2021. Protestation: 2 journalistes blessés par balles à Port-au-Prince; Rezo Nòdwes. February 8, 2021. Panique au Champ de Mars : Deux journalistes blessés par balles par les soldats de Jovenel Moïse; CPJ. February 9, 2021. Journalists Alvarez Destiné and Méus Jeanril shot as police and armed forces disperse protest in Haiti.

³¹⁸ France 24. February 10, 2021. [Haitian police fire tear gas on protesters in renewed clashes over disputed elections](#); Al Jazeera. February 11, 2021. [In Pictures: Haitian police tear gas protesters, journalists](#); VOA News. February 11, 2021. [Haiti Ambassador Condemns Police Attack on Journalists Covering Protest](#).

³¹⁹ Al Jazeera. February 11, 2021. [In Pictures: Haitian police tear gas protesters, journalists](#); RFI. February 10, 2021. [Haitian police fire tear gas on protesters](#).

³²⁰ United Nations Integrated Office in Haiti (BINUH). February 14, 2021. [Les Nations Unies Préoccupées par l'utilisation disproportionnée de la force contre les journalistes couvrant les manifestations en Haïti](#). Press release by the United Nations System in Haiti.

³²¹ United Nations Integrated Office in Haiti (BINUH). February 14, 2021. [Les Nations Unies Préoccupées par l'utilisation disproportionnée de la force contre les journalistes couvrant les manifestations en Haïti](#). Press release by the United Nations System in Haiti.

199. This Office has also been informed that Dieu-Nalio Chéry, a photojournalist for the Associated Press in Haiti, had to leave the country due to alleged risks to his life and integrity and that of his family members³²². According to public information, the reporter had received threatening messages after taking photographs of an armed attack committed by a criminal group on the route to the Port-au-Prince international airport on March 17, 2021, which had repercussions in the international press³²³. On February 10, 2021, during a student protest in Port-au-Prince against the government, Dieu-Nalio Chéry was reportedly one of the journalists injured by tear gas canisters allegedly launched deliberately by police officers, along with journalist Johnny Fils-Aimé³²⁴.
200. In January 2022, unidentified persons allegedly fired several shots and threw Molotov cocktails at the offices of *Radio Télé Zenith*, located in the Croix-des-Bouquets area of Port-au-Prince. According to available information, the bullets reportedly hit the entrance of the building and damaged windows, and the explosions damaged some equipment and furniture in the premises. This Office also learned that, at the time of the attack, at least two staff members were inside the offices broadcasting a report, but no one was injured³²⁵.
201. Also, at the beginning of 2022, one journalist reportedly died and two were injured by firearms used by the police in response to a protest³²⁶. According to available information, police officers reportedly opened fire from a national police vehicle on people demonstrating for an increase in the minimum wage in Port-au-Prince on the morning of February 23, 2022. In this context, at least four journalists were reportedly injured, three by gunshot wounds and one by thrown rock: Maxihen Lazzare, of *Roi des Infos*; Sony Laureore, of *Laureore News TV*; Yves Moise, of *Radio RCH 2000*; and Alvarez Destiné of *Lakay TV*. Maxihen Lazzare died shortly after being taken to the hospital, a victim of serious bullet

³²² Alter Presse. June 21, 2021. Criminalité : Le photojournaliste Dieu-Nalio Chéry contraint de laisser Haïti, suite aux menaces persistantes de groupes armés; Le Nouvelliste. June 22, 2021. L'un des meilleurs photojournalistes haïtiens prend l'exil pour échapper à la fureur des gangs; Ayibo Post. June 23, 2021. Vidéo | Dieu-Nalio photographie des bandits transportant des cadavres de victimes. Ce sont ses dernières photos en Haïti.

³²³ Alter Presse. June 21, 2021. Criminalité : Le photojournaliste Dieu-Nalio Chéry contraint de laisser Haïti, suite aux menaces persistantes de groupes armés; Le Nouvelliste. June 22, 2021. L'un des meilleurs photojournalistes haïtiens prend l'exil pour échapper à la fureur des gangs; Ayibo Post. June 23, 2021. Vidéo | Dieu-Nalio photographie des bandits transportant des cadavres de victimes. Ce sont ses dernières photos en Haïti.

³²⁴ Le Nouvelliste. February 10, 2021. [Des journalistes pris pour cibles par des policiers](#); Trip Foumi. February 10, 2021. [Des Journalistes attaqués par des Policiers à Lalue : Dieu-Nalio Chéry et Johnny Fils-Aimé blessés](#).

³²⁵ CPJ. February 3, 2022. [Attackers shoot at, firebomb offices of Haitian outlet Radio Télé Zenith](#); Van Bèf Info. January 31, 2022. [Haïti : Un policier tué lors d'une attaque armée contre un sous-commissariat de police](#); Cuenta de Twitter de Rony Colin (@ronycolinhaiti). . January 31, 2022.

³²⁶ IACHR. Office of the Special Rapporteur for Freedom of Expression. March 2, 2022. [Press Release R44/22. SRFOE condemns the use of firearms during a protest in Haiti that resulted in the death of a journalist and several people injured](#).

wounds³²⁷. It is also reported that at least one other person participating in the protests was wounded by gunshots³²⁸.

202. The Haitian National Police described the events as a "regrettable incident" and reported that it had learned that two police officers were linked to the shooting, indicating through a public statement that the Central Directorate of the Judiciary Police and the General Inspectorate have already opened investigations to clarify the facts³²⁹. Likewise, Prime Minister Ariel Henry rebuked what he called "brutal acts", condemning the violence against the demonstration, and recalling that it is the role of the Government to guarantee freedom of demonstration³³⁰.
203. The Office of the Special Rapporteur reiterates that freedom of expression protects the right to record and disseminate information about any incident³³¹. Members of the press who cover protests play an essential role in gathering and disseminating information about what happens in demonstrations, including the actions of the security forces. In this regard, the State is reminded that it must provide journalists with the highest degree of protection so that they can carry out their work freely and keep society informed on matters of great public interest³³².
204. The alleged hostile climate for exercising freedom of the press in Haiti is also allegedly motivated by statements officials have made that discourage the work of independent journalists. In this regard, as this Office has learned, in February 2021, former President Jovenel Moïse declared, during a meeting of the UN Security Council, that "gangs often disguise themselves as demonstrators and journalists to attack police officers on duty"³³³. These statements were rejected by various press organizations, such as the Association of

³²⁷ Reuters. February 23, 2022. [Haiti police open fire on demonstrators, one journalist killed](#); International Press Institute. March 2, 2022. [Haitian journalist killed while reporting on protest](#); Caribbean Today. February 25, 2022. [Haitian Police Probig Death of Photojournalist Maxihen Lazzare](#).

³²⁸ Vant Bèf Info. February 23, 2022. [Flash/Haïti: Un journaliste tué et 2 autres blessés au cours de la manifestation des ouvriers](#); Reuters. February 23, 2022. [Haiti police open fire on demonstrators, one journalist killed](#); Haitian Times. February 24, 2022. [Haitian journalist shot dead, 4 others injured during a workers strike](#); CPJ. February 24, 2022. [Haitian police kill 1 journalist, injure 2 at protest](#).

³²⁹ Haiti National Police Twitter account (@pnh_officiel). [February 24, 2022](#); Jamaica Observer. February 25, 2022. [Haitian police probe death of journalist during street protest](#)

³³⁰ Haiti National Police Twitter account (@pnh_officiel). [February 24, 2022](#); Jamaica Observer. February 25, 2022. [Haitian police probe death of journalist during street protest](#)

³³¹ IACHR. Office of the Special Rapporteur for Freedom of Expression. [Protest and Human Rights](#). OEA/Ser.LV/II IACHR/RELE/INF.22/19. September 2019. Para. 355.

³³² United Nations (UN) Special Rapporteur for the Protection and Promotion of the Right to Freedom of Opinion and Expression Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights of the OAS. September 13, 2013. [Joint Declaration on violence against journalists and communicators in the context of social demonstrations](#).

³³³ Vant Bèf Info. February 23, 2021. [Haïti : Des associations de Journalistes indignées contre la déclaration de Jovenel Moïse à l'égard des Journalistes](#).

Haitian Journalists (AJH)³³⁴, the National Association of Haitian Media (ANMH)³³⁵, and the Association of Independent Haitian Media (AMIH)³³⁶, which considered that these statements could increase the risk of practicing journalism and could expose reporters to all sorts of violence.

205. The Rapporteurship emphasizes that it is the duty of the State to provide the necessary guarantees so that journalists can conduct their work freely, independently, and safely. The right to freedom of expression protects the right to record and disseminate information about any incident and the authorities must ensure the necessary conditions for journalists to cover events of great public interest, such as those related to social protests, given the essential role of the press in democratic societies, especially in contexts of high political and social sensitivity³³⁷.

C. Access to public information

206. Effective access to public information by citizens continues to be a challenge in Haiti. Human rights organizations and those linked to journalism have called attention to the opacity of institutions and public figures, the difficulties they face in accessing information related to COVID-19 and other information of public interest, and sensitive issues in the context of the political and social conflict in Haiti³³⁸. According to some reports by journalists, they sometimes publish reports that lack some information that could increase the risk to their lives or physical integrity for having criticized certain powerful people, armed groups, or members of the government³³⁹.
207. In a context in which reportedly information is almost entirely in the hands of the government, reporters point out that they depend solely on press conferences to obtain reliable information. Journalist Robenson Sanon, who usually covers topics that include natural disasters, social unrest, and assassinations, points out that in Haiti information is not guaranteed, but that "you have to fight to access it", because it is "really difficult to get

³³⁴ Le Nouvelliste. February 23, 2021. [Le président Moïse met en danger la vie des journalistes, dénonce la corporation](#); La Presse. February 23, 2021. [Le président Moïse accusé de mettre en danger les journalistes](#).

³³⁵ Le Nouvelliste. February 23, 2021. [Le président Moïse met en danger la vie des journalistes, dénonce la corporation](#); La Presse. February 23, 2021. [Le président Moïse accusé de mettre en danger les journalistes](#).

³³⁶ Le Nouvelliste. February 23, 2021. [Le président Moïse met en danger la vie des journalistes, dénonce la corporation](#); La Presse. February 23, 2021. [Le président Moïse accusé de mettre en danger les journalistes](#).

³³⁷ United Nations (UN) Special Rapporteur for the Protection and Promotion of the Right to Freedom of Opinion and Expression Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights of the OAS. September 13, 2013. [Joint Declaration on violence against journalists and communicators in the context of social demonstrations](#).

³³⁸ Connectas. December 12, 2019. [Haití, ¿cómo salir de la crisis de corrupción y pobreza extrema?](#); CPJ. April 8, 2020. [Haitian journalist Robenson Sanon says covering COVID-19 feels like being 'soldiers in the battlefield'](#); AyiboPost. November 14, 2020. [Pourquoi le journalisme d'investigation est-il si rare en Haïti?](#).

³³⁹ Ayibo Post. March 16, 2021. [Insecurity Coupled with Impunity Forces Haitian Journalists to Hide Sensitive Information](#).

information from the government"³⁴⁰. According to what the journalist told the Committee to Protect Journalists, government institutions usually ask them to make an appointment each time they approach them in search of information³⁴¹.

208. Nevertheless, the Rapporteurship welcomes the creation of the Permanent Information Center for Government Action (CIPAG) [*Centre d'Informations Permanentes sur l'Action Gouvernementale (CIPAG)*] in the context of COVID-19, which under the coordination of the Minister of Culture and Communication would seek to promote greater transparency and accountability by public authorities. On June 10, 2020, in the framework of introducing CIPAG, Communication Minister Pradel Henriquez stated that transparency "helps strengthen public confidence in the State and its institutions, improves the efficiency of public administration, facilitates information management, and promotes citizen participation", pillars that are at the core of the Government's action, the official added. The minister also warned that, in the context of an unprecedented health emergency, management of the health crisis requires effective public communication³⁴². This new unit would join the Permanent Information Center on Coronavirus (CIPC) [*Centre d'Information Permanente sur le Coronavirus (CIPC)*], which was launched in March 2020 by the Prime Minister of Haiti.
209. As emphasized by the IACHR and its Special Rapporteur, transparency and accountability of public authorities strengthen democratic systems³⁴³. According to Principle 4 of the IACHR Declaration of Principles on Freedom of Expression, "access to information held by the State is a fundamental right of individuals. States are obliged to guarantee the exercise of this right. This principle admits only exceptional limitations that must be previously established by law in case of real and imminent danger that threatens national security in democratic societies".
210. The Rapporteurship recognizes that Haiti is going through a scenario of high political, social, and human rights sensitivity, and therefore calls on the international community to support the efforts of the Haitian State in observing and strengthening democratic institutions and the rule of law. In the view of this Office, it is essential that any process or institutional mechanism that is promoted should place respect for and promotion of the right to freedom of expression and guarantees for journalistic work at the center of the debate.

³⁴⁰ CPJ. April 8, 2020. Haitian journalist Robenson Sanon says covering COVID-19 feels like being 'soldiers in the battlefield'.

³⁴¹ CPJ. April 8, 2020. Haitian journalist Robenson Sanon says covering COVID-19 feels like being 'soldiers in the battlefield'.

³⁴² Ministère de la Culture et de la Communication Haïti / Facebook. [June 10, 2020](#); Haiti Press Network. 10 de junio de 2020. HaïtiPolitique: De CIPC à CIPAG, le Gouvernement cherche la bonne voie pour une communication plus efficace; Le Nouvelliste. June 12, 2020. [Lancement du Centre d'informations permanentes de l'action gouvernementale : discours du ministre Pradel Henriquez](#).

³⁴³ IACHR. Annual Report 2021. Report of the Office of the Special Rapporteur for Freedom of Expression. OEA/Ser.L/V/II Doc. 64 rev. 1. 26 May 2022. Para. 17; IACHR. Office of the Special Rapporteur for Freedom of Expression. The oversight bodies of the right of access to public information. OEA/Ser.L/V/II. CIDH/RELE/INF. 14/16.



Chapter 6

Human Mobility

HUMAN MOBILITY

211. Through its various monitoring mechanisms, the IACHR has given special follow-up to the factors of internal displacement and to the phenomena of international human mobility of Haitian persons and their families in the region. In this chapter, the IACHR examines the background and contextual elements that cause both mobility phenomena and their respective violations. Likewise, the IACHR highlights the findings compiled by its SACROI regarding the situation of internal displacement and international human mobility, with an emphasis on what has been observed during the period 2018-2022.
212. Regarding internal displacement, the IACHR addresses the phenomena of mobility caused by violence between armed groups, and of the impacts caused by natural disasters or socio-environmental fragilities. The IACHR also examines the precarious conditions for receiving and protecting displaced persons in shelters and situations of insecurity during the process of displacement and return. It also addresses the obstacles that hinder access to humanitarian assistance for displaced populations.
213. Regarding the international human mobility of Haitian persons in third countries, the IACHR looks at the negative impacts on this population directly caused by the internal crisis the country is experiencing; in particular, as these pertain to spontaneous return or refoulement. [The IACHR] also examines the integration and protection conditions in both transit and host countries. Consequently, in view of the standards of inter-American solidarity and cooperation adopted in its *Resolution No. 02/2021 Protection of Haitian Persons in Human Mobility: Inter-American Solidarity*, the IACHR calls on the States of the region to adopt measures that offer comprehensive and coordinated responses in this matter³⁴⁴.

A. General considerations on internal and international human mobility of haitian nationals

214. The situation of Haitian persons in human mobility in their own country and in third States is a major concern of the IACHR that, in view of the principles of international solidarity and cooperation contained in Resolution 02/2021, calls on Haiti and other States of the region to adopt joint measures to promote a comprehensive, immediate, effective, and lasting response that guarantees the rights of this population³⁴⁵.
215. Concerning the historical roots and causes of these issues, the IACHR notes that these they arise due to challenges such as: i) high levels of violence; ii) the social, economic, and political crisis prevailing in Haiti; iii) Haiti's vulnerability to environmental disasters; and iv) the

³⁴⁴ See IACHR, Resolution N. 02/2021 "Protection of Haitian Persons in Human Mobility: Inter-American Solidarity", October 24, 2021.

³⁴⁵ See IACHR, Resolution N. 02/2021 "Protection of Haitian Persons in Human Mobility: Inter-American Solidarity", October 24, 2021.

situation of poverty in which the majority of the population lives, one consequence of which are obstacles that hinder access to essential goods and services. More recently, the IACHR calls attention to the fact that the protection of the rights of displaced persons and persons in human mobility is increasingly affected the confluence of several situations, such as: the serious economic, political, institutional, and social crisis that the country has been experiencing since 2018, and the derivative consequences of the COVID-19 pandemic, in addition to the impacts of natural disasters like the 7.2 magnitude earthquake of August 14, 2021, and the tropical storm Grace, both of which occurred on the same day³⁴⁶.

216. This scenario results in high numbers of people in human mobility. Regarding internal displacement, BINUH reports at least 46,500 internally displaced persons as of January 2022, due to the earthquake and other natural phenomena and violence³⁴⁷. Regarding international mobility, the most recent figures of the United Nations Department of Economic and Social Affairs (UN-DESA) recorded for the year 2019, more than 1.7 million Haitians are living abroad³⁴⁸. In this regard, the IACHR notes that these figures are even higher given the challenges the State faces in gathering statistics and the invisibility of communities of undocumented migrants.
217. Furthermore, the IACHR notes that the issues of internal displacement and international human mobility of Haitian persons and their families expose women and other persons belonging to vulnerable groups, such as adolescents and children, to disproportionate risk of negative impacts. This population has higher risk exposure to violence and abuse, such as trafficking and sexual and labor exploitation. In this context, as established by the IACHR in its Resolution No. 02/2021 Protection of Haitian Persons in Human Mobility: Inter-American Solidarity, the States must incorporate gender perspective and take differentiated approaches based on a comprehensive cross-cutting focus that considers factors that give rise to discrimination and that, as a consequence, feed the effects of mobility, such as gender, age, whether a person is a migrant or was forced to relocate, economic precariousness, or geographic location³⁴⁹.
218. Lastly, in line with OCHA's observations, the IACHR highlights the importance of local crisis response networks with experience on the ground in Haiti; it especially emphasizes the work of local non-governmental organizations, civil society networks, community leaders, and Haiti's own Civil Protection Agency. These actors – plus external responders –

³⁴⁶ IACHR, The IACHR and OSRESCER express solidarity with the Haitian people in the face of the 7.2 magnitude earthquake, urging the State and the international community to adopt an immediate and comprehensive humanitarian response, August 15, 2021.

³⁴⁷ UN Security Council, United Nations Integrated Office in Haiti—Report of the Secretary General S/2022/117, 15 de febrero de 2022.

³⁴⁸ United Nations Department of Economic and Social Affairs, Population Division (2020). International Migration 2020 Highlights (ST/ESA/SER.A/452)

³⁴⁹ En este sentido, ver CIDH, [Resolución N. 02/2021 “Protección de las Personas Haitianas en Movilidad Humana: Solidaridad Interamericana.”](#) October 24, 2021.

mitigate and provide a minimum safety net during the early stages of displacement, to which external responders are added³⁵⁰.

B. Internal displacement

1. Main factors of internal displacement

219. The situation of internally displaced persons in Haiti is complex, with multiple causes and vulnerability factors that have lasting historical context, as do the effects of natural disasters. The IACHR also notes with concern that displacement situations are prolonged over time and, consequently, generate long-term settlements of displaced persons, and expose this population to recurrent and aggravated effects, with the risk of new displacements.
220. With regard to the impact of socio-environmental disasters on internal displacement, the IACHR highlights the effects caused by the earthquakes that took place in Port-au-Prince on January 12, 2010 and August 14, 2021³⁵¹, as a reference for the increase in the number of internally displaced persons. Following the 2010 earthquake, which severely damaged more than 400,000 houses, about 1.5 million people were left homeless³⁵². This led to massive internal displacement in Haiti for which many emergency camps were built to provide temporary shelter to the displaced population.
221. Regarding the earthquake that struck Haiti on August 14, 2021³⁵³, OCHA and the Haitian Civil Protection Agency report that more than 38,000 people were displaced and sought shelter in 89 camps, most arriving from the Sud Department of the country – the area most affected by the earthquake³⁵⁴. OCHA also reported that access to the most affected territories had to be negotiated with armed groups operating in the area. It further reported that many previously existing shelters in the affected areas had been destroyed or damaged, forcing displaced people to take refuge in temporary locations that lacked basic sanitation and protection services³⁵⁵. With thousands of people displaced and sleeping in the streets without reliable access to water and sanitation, OCHA warned of the risk of contracting infectious diseases, including cholera, acute respiratory infections, diarrheal diseases, malaria and COVID-19³⁵⁶.

³⁵⁰ OCHA, [Haiti: Earthquake. Situation Report No. 3](#), August 31, 2021.

³⁵¹ IACHR, [IACHR expresses concern about the situation in camps for displaced persons in Haiti](#), n. 115/2010.

³⁵² Miami Herald, [Ten Years After Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises](#), January 8, 2020.

³⁵³ UN News, [Massive earthquake strikes Haiti: UN working with aid partners to support response](#), August 14, 2021.

³⁵⁴ OCHA, [Haiti: Earthquake Situation Report No. 7](#), October 7, 2021.

³⁵⁵ OCHA, [Haiti: Earthquake Situation Report No. 7](#), October 7, 2021.

³⁵⁶ OCHA, [Flash Appeal Haiti](#), August 25, 2021, pg. 12.

222. As has been mentioned, since 2018, the IACHR has given special follow-up to the worsening internal displacement situation, owing primarily to the increase in violence by armed groups. In this regard, violence by gangs and organized armed groups is currently the main factor affecting the internal displacement situation of Haitian citizens. In this regard, the IACHR has observed that this criminal activity has forced thousands of people to flee their communities en masse, to seek refuge and protection in other areas of the capital or the country³⁵⁷. During the first half of 2021, OCHA estimates that conflicts and territorial disputes between armed groups caused the displacement of about 20,000 people in poor areas of the capital³⁵⁸, also affecting areas historically occupied by people who had previously been displaced, such as the region of Tabarre Issa³⁵⁹. UNICEF estimates that more than 8,500 people, of those forced to flee their homes, are women and children³⁶⁰. Among the main areas affected are the poor neighborhoods of Port-au-Prince, in the areas of Martissant, Fontamara, Carrefour and Delmas.

2. Challenges and violations in the context of internal displacement of Haitian nationals

223. Given the main characteristics of this phenomenon – linked mainly to the high levels of violence that characterize the country – displacement processes take place in contexts of extreme vulnerability. In this regard, the IACHR warns that the disproportionate impact on the rights of the population who need shelter is reflected in all stages of displacement, during their stay in emergency shelters and over time, as the impacts of displacement are prolonged.

224. Regarding emergency shelters, the IACHR notes that these are characterized by poor infrastructure and deficient sanitary and security conditions. Available information indicates that most of these shelters, including schools and sports centers, are not equipped to accommodate the massive flow of displaced persons on record. Additionally, they lack the means necessary to ensure basic sanitation needs, which became especially critical during the COVID pandemic-19³⁶¹. These sites are also characterized by shortages of drinking water, food, and other basic personal hygiene items³⁶². In this regard, the IACHR recalls that in cases where displacement is unavoidable, States are obliged to minimize adverse effects

³⁵⁷ OCHA, HAITI: Political instability and insecurity Situation Report No. 5, July 14, 2021.

³⁵⁸ OCHA, HAITI: Political instability and insecurity Situation Report No. 5, July 14, 2021.

³⁵⁹ OCHA, [Haiti: Displacement and insecurity in Tabarre Issa \(Port-au-Prince\), Situation Report No. 2, April 2, 2021.](#)

³⁶⁰ UNICEF, [Haiti: about 8,500 women and children displaced by 'urban guerrilla' in two weeks](#), June 15, 2021.

³⁶¹ OCHA, Haiti: Earthquake, Situation Report No. 3, August 31, 2021.

³⁶² OCHA, Haiti: Earthquake, Situation Report No. 3, August 31, 2021.

by adopting the necessary measures to guarantee security, dignity, food, health, and hygiene; in addition, they must ensure that family members are not separated³⁶³.

225. Likewise, individuals in these spaces face situations that increase their vulnerability and put their lives and physical integrity at risk. Regarding this, OCHA reports occurrences of gender-based violence among the population of displaced women and children, as well as abuse and sexual exploitation from host families and in emergency shelters³⁶⁴. In this context, while recognizing that violence and the actions of armed groups make conditions for returning home even more complex, the IACHR is concerned about the lack of lasting and effective solutions.

226. In view of the special situation of risk in which displaced persons find themselves, the IACHR is deeply concerned about the difficulty in providing humanitarian aid. In this regard, for example, OCHA reported on obstacles that hinder access to assistance and care services for the populations and territories affected by the earthquake of August 2021, including actions by armed groups³⁶⁵. The IACHR recalls that the Haitian State must adopt measures to guarantee and facilitate timely, adequate, and necessary humanitarian assistance to internally displaced persons, including food, water, sanitation, housing, medical assistance, education, and other necessary social services, such as psychosocial support³⁶⁶. According to the Inter-American Court, the failure of the State to provide or facilitate this type of humanitarian assistance may result in a violation of the right to personal integrity, if the physical and psychological conditions that the victims are forced to endure are not compatible with the minimum standards required³⁶⁷.

227. In this context, the IACHR recalls that forced displacement violates the right to personal integrity both because of the circumstances that led to the forced displacement, including threats and attacks, and because of the conditions in which displaced persons live; for example, the lack of access to basic services³⁶⁸. The IACHR also reiterates that the main obligations with respect to internally displaced persons are: i) to prevent displacement; ii) to

³⁶³ IACHR, [Internal Displacement in the Northern Triangle of Central America Public Policy Guidelines](#), OEA/Ser.LV/II. Doc. 101, July 27, 2018, para. 104.

³⁶⁴ OCHA, [HAITI: Political instability and insecurity Situation Report No. 2](#), June 14, 2021; RNDDH, [Massacres in Bel-Air and Cité Soleil under the Indifferent Gaze of State Authorities](#), May 20, 2021, para. 93.

³⁶⁵ OCHA, [HAITI: Political instability and insecurity Situation Report No. 2](#), June 14, 2021; RNDDH, [Massacres in Bel-Air and Cité Soleil under the Indifferent Gaze of State Authorities](#), May 20, 2021, para. 93.

³⁶⁶ I/A Court H.R., [Case of Yarce et al. v. Colombia](#), Preliminary Objection, Merits, Reparations and Costs, Judgment of November 22, 2016, para. 226.

³⁶⁷ I/A Court H.R., [Case of Yarce et al. v. Colombia](#), Preliminary Objection, Merits, Reparations and Costs, Judgment of November 22, 2016, para. 226.

³⁶⁸ IACHR, [Internal Displacement in the Northern Triangle of Central America Public Policy Guidelines](#), OEA/Ser.LV/II. Doc. 101, July 27, 2018, para. 95; I/A Court H.R., [Case of the Pueblo Bello Massacres v. Colombia](#), Judgment of January 31, 2006, par. 162.

provide protection and assistance to displaced persons during displacement; iii) to provide and facilitate humanitarian assistance; and iv) to facilitate the safe return, resettlement, and reintegration of internally displaced persons³⁶⁹.

228. Regarding its duty to prevent displacement, the Haitian State is obliged in the first place to implement measures of a legal, political, administrative, and cultural nature to avoid the occurrence of displacement³⁷⁰. Given that one of the main causes of internal displacement is violence by armed groups resulting in direct attacks against the civilian population, the Haitian State, as part of its duty to prevent violations of the human rights of persons under its jurisdiction, has the obligation to investigate, prosecute and punish the persons responsible for acts that provoke these issues³⁷¹.

3. Situations of prolonged displacement and the absence of the prospect of safe return

229. Regarding the duration of displacement situations, the camps and sites for displaced persons and the absence of guarantees of a return continue to be a long-term solution. In this regard, the Commission notes the disproportionate impact and effects that situations of prolonged forced displacement have on the population, increasing the risk of revictimization. These situations have been verified, for example, with the current operation of sites and camps for persons displaced by the 2010 earthquake. Thus, for example, according to IOM's estimate, in 2019 – nine years after the 2010 earthquake – there are still 34,508 people in 23 IDP sites throughout the country who continue to live in miserable conditions with limited access to necessary resources, including sanitation, medical care and water³⁷².

230. The risk of the population facing further displacement is clearly reflected in what happened in 2021, at the Tabarre Issa site, located in Galette Greffin in the Ouest Department, the land for which was ceded by the State for installation of emergency shelters. These shelters were refuge to about 512 families that had been affected by the 2010 earthquake, and who came from the Bourdon Valley (Port-au-Prince) and its surrounding neighborhoods. According to OCHA, due to attacks by armed groups against people, residences, and local

³⁶⁹ IACHR, *Internal Displacement in the Northern Triangle of Central America Public Policy Guidelines*, OEA/Ser.L/V/II. Doc. 101, July 27, 2018, para. 97. In this regard, see also: UN, Commission on Human Rights, Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to resolution 1997/39 of the Commission on Human Rights. Human Rights, Mass Exoduses and Displaced Persons. E/CN.4/1998/53/Add.2, February 11, 1998.

³⁷⁰ IACHR, *Internal Displacement in the Northern Triangle of Central America Public Policy Guidelines*, OEA/Ser.L/V/II. Doc. 101, July 27, 2018, para. 104.

³⁷¹ See IACHR, *Human Rights of Migrants, Refugees, Stateless Persons, Victims of Human Trafficking and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System*, OEA/Ser.L/V/II. Doc. 46/15, Dec. 31, 2015, para. 165.

³⁷²

businesses, forced displacement was reactivated, causing the re-victimization of these previously displaced persons³⁷³.

231. In this context, the IACHR reminds the Haitian State that displaced persons have the right to return freely and safely to their homes of origin, and that States are obliged to ensure that the return of these displaced persons is voluntary³⁷⁴. Furthermore, the Haitian State must make reparations to the victims of internal displacement as part of providing lasting solutions³⁷⁵.
232. On the other hand, in view of the prolongation over time of the displacement situation and in view of the occurrence of serious acts of violence, the Haitian State is obliged to adopt the necessary measures to protect the rights to life and physical integrity of the displaced population from potential acts of violence by third parties or by the State itself, as well as from any risk of violation of their rights³⁷⁶.
233. Lastly, in line with OCHA's observations, the IACHR highlights the importance of local crisis response networks with experience on the ground in Haiti; it especially emphasizes the work of local non-governmental organizations, civil society networks, community leaders, and the Haitian Civil Protection Agency itself. These actors – plus external responders – mitigate and provide a minimum safety net during the early stages of displacement, to which external responders are added³⁷⁷.

C. International mobility of Haitian persons and their families

1. Causes of human mobility of Haitian nationals and their families

234. The IACHR notes that the human mobility situation of Haitian persons and their families answers historically to different factors, such as the impact of natural disasters, the country's economic and political situation, violence by organized armed groups, and high levels of poverty. In addition to these factors, mobility issues are affected by situations related to the proximity to the neighboring Dominican Republic, their socioeconomic ties, the search for better opportunities, and access to the exercise of other rights such as the

³⁷³ OCHA, [Haiti: Displacement and insecurity in Tabarre Issa \(Port-au-Prince\), Situation Report No. 2, April 2, 2021](#).

³⁷⁴ 119 IACHR, Report No. 64/11, Case 12.573, Merits Report, Marino López et al. (Operation Genesis), Colombia, March 31, 2011, para. 351.

³⁷⁵ IACHR, Internal Displacement in the Northern Triangle of Central America Public Policy Guidelines, OEA/Ser.LV/II. Doc. 101, July 27, 2018, paras. 133-138.

³⁷⁶ IACHR, Internal Displacement in the Northern Triangle of Central America Public Policy Guidelines, OEA/Ser.LV/II. Doc. 101, July 27, 2018, para. 104.

³⁷⁷ OCHA, Haiti: Earthquake, Situation Report No. 3, August 31, 2021.

rights to work and health care, in a context of structural racial discrimination against Haitians in the Dominican Republic³⁷⁸.

235. Furthermore, as will be analyzed below, as of 2018, with the increase in citizen insecurity, and in response to the crisis the country has been facing, the IACHR warns of the the increasing scope of human mobility, both from Haiti and from countries with a significant Haitian diaspora. These issues have been further exacerbated by the consequences of the pandemic and the natural disasters of August 2021. This situation has also affected the conditions in which Haitians and their families have been returned to their country of nationality and have presented challenges to the protection of this population internationally³⁷⁹.
236. Regarding the impact natural disasters have on human mobility, the IACHR notes that, for example, the 2010 earthquake was a context for the formation of Haitian communities abroad that brought changes to migratory dynamics and the main diasporas³⁸⁰. Thus, communities of Haitians and their families have been created and expanded in different countries, such as Chile and Brazil³⁸¹. In this regard, through the offer of visas and residence permits, Haitian migrants were welcomed by both countries, in a period characterized by demand for labor and implementation of public reception and integration policies³⁸². The formation of Haitian communities in this context explains the origin of the successive movements of Haitian migrants and their families observed in the period 2021-2022, which saw an intensification of Haitian migrants from third countries crossing borders in South America and arriving at the southern border of the United States.
237. Regarding international mobility between Haiti and the Dominican Republic, for decades the IACHR has monitored the human rights impacts of Haitian persons stemming from migratory movements within the Island of Hispaniola. This has been done through its various monitoring mechanisms. In particular, the Commission highlights the on-site visit to the Dominican Republic in 2013³⁸³ and its country report in 2015³⁸⁴. Additionally, the IACHR has followed up on the recommendations made through its Annual Report³⁸⁵. In this context, the IACHR has observed with concern the impact that this situation has had on the human rights of Haitians, persons of Haitian descent or those perceived as such in the Dominican

³⁷⁸ IACHR, [Report on the "Situation of Human Rights in the Dominican Republic,"](#) OEA/Ser.L/V/II. Doc. 45/15, December 31, 2015.

³⁷⁹ IACHR, [Annual Report 2021](#), Ch. IV-A, p. 635.

³⁸⁰ IDB; OECD. [Migration Flows in Latin America And the Caribbean – Statistics on Permits for Migrants](#), 2021.

³⁸¹ IOM, [Haitian Migration to Brazil: Characteristics, opportunities and challenges](#). Migration Notebook, No. 6, 2014.

³⁸² The New Yorker, [Haitian Migrants Turn Toward Brazil](#), 20 de agosto de 2014.

³⁸³ IACHR, Press Release No. 97/13 - [IACHR wraps up visit to the Dominican Republic](#), Santo Domingo, December 6, 2013.

³⁸⁴ IACHR, Report on the ["Situation of Human Rights in the Dominican Republic,"](#) OEA/Ser.L/V/II. Doc. 45/15, December 31, 2015.

³⁸⁵ IACHR, [Annual Report. Chapter IV.B "Dominican Republic,"](#) 2016. IACHR, [Annual Report. Chapter V "Dominican Republic,"](#) 2017. IACHR, [Annual Report. Chapter V "Dominican Republic,"](#) 2018. IACHR, [Annual Report. Chapter V "Dominican Republic,"](#) 2019.

Republic; specifically, the arbitrary deprivation of nationality and the risk of statelessness for many of these persons. In addition, the Commission warned that the Constitutional Court's ruling TC/0168/13 of September 23, 2013 showed once again the serious challenges the Dominican State faces in terms of racial discrimination and regarding various rights, such as the right to nationality, legal personality, name, and identity³⁸⁶.

238. Likewise, in 2019, the IACHR installed the Working Group on the Implementation of Human Rights Public Policies in the Dominican Republic to follow up on recommendations and commitments related to the acquisition of nationality, migration, policies to combat all forms of discrimination, and policies on women's rights and gender equality³⁸⁷. In its 2019 Annual Report, the Commission valued the progress the State had made on the four axes indicated and considered that the Dominican Republic had fully complied with the commitments it had made as a result of implementation of the Working Group. The establishment of the working group was a tool to complement the process of following up on the recommendations on the human rights situation in the Dominican Republic. Additionally, it was an important step in the implementation of the IACHR's 2017-2021 Strategic Plan, in terms of strengthening the mechanisms to follow up on recommendations as a commitment to reinforce the effectiveness of the Inter-American Human Rights System³⁸⁸.
239. In the recent context of human mobility between Haiti and the Dominican Republic, the IACHR takes note of joint actions to address challenges faced by both countries. In 2021, the presidents of Haiti and the Dominican Republic signed an agreement that includes commitments to facilitate the "elimination of irregular migratory flows" and strengthen border security and surveillance³⁸⁹, without making concrete protection measures transparent. In this context, the IACHR notes the Dominican State's announcement about construction of a border fence along the Dominican-Haitian border to stop migration, drug trafficking, and the circulation of stolen vehicles³⁹⁰. For their part, Dominican human rights organizations have publicly expressed their opposition to it, considering that it would result in xenophobia and racism towards Haitian migrants³⁹¹.

³⁸⁶ IACHR, Report on the "[Situation of Human Rights in the Dominican Republic](#)," OEA/Ser.L/V/II. Doc. 45/15, December 31, 2015.

³⁸⁷ In particular, the Working Group identified measures to guarantee the security and integrity of migrants, as well as to prevent expulsions and deportations, as priorities. For more information, see IACHR, [IACHR installs Working Group on the Implementation of Human Rights Public Policies in the Dominican Republic](#), Press Release No. 75/2018, April 3, 2018.

³⁸⁸ IACHR, Annual Report. Chapter V "Dominican Republic", 2019.

³⁸⁹ Haiti Libre, Haiti - [FLASH: 9 joint commitments between Haiti and the Dominican Republic](#), January 13, 2021.

³⁹⁰ Haiti Libre, Haiti - [FLASH: 9 joint commitments between Haiti and the Dominican Republic](#), January 13, 2021.

³⁹¹ Presidency Dominican Republic, [Joint Declaration of the meeting between the President of the Dominican Republic, Luis Abinader and the President of the Republic of Haiti, Jovenel Moïse](#), January 13, 2021.

2. Reactivation of human mobility movements as of 2018, and their main effects on human rights

240. Since 2018, there has been a recent process of reactivation of mobility itineraries. As referred to by the IACHR in its Resolution No. 02/2021 on the "Protection of Haitian Persons in Human Mobility: Inter-American Solidarity", the accumulation of consequences of natural phenomena, institutional and citizen-security challenges, and the effects of the pandemic have exacerbated the risk situation of human mobility for Haitian persons and their families³⁹². At the end of 2020, the most recent UNHCR figures reported 81,268 Haitian asylum seekers, in addition to 25,659 Haitian refugees and their family members³⁹³.
241. Among the impacts caused by pandemic response measures on persons in the context of international human mobility – with disproportionate effects on groups of migrant persons of Haitian nationality and their families³⁹⁴ – the following stand out: (i) border closure and externalization actions; (ii) suspension of protection procedures; (iii) challenges to border security and the use of dangerous routes; (iv) acceleration of expulsion and return processes, such as mass deportation, with justification in the exceptional nature of the health crisis; (v) unsafe repatriation conditions; and (vi) absence and weakness of inclusion and protection policies in transit and destination countries. The context of the worsening crisis in Haiti since 2018 also reinforces the risks and impacts of imposing access barriers and border closure actions in transit countries³⁹⁵.
242. In this context, since the political crisis deepened with the assassination of the President of Haiti in July, and the impacts of natural disasters in August, there has been an increase in migratory movements with a prevalence of Haitian persons in the region, specifically on the southern border of the United States, which has led to increased rights violations against this population. For example, on September 17, 2021, a migrant camp was formed near the border city of Del Rio, Texas, holding more than 14,000 people, the vast majority of whom are of Haitian origin. Of this population, UNICEF reports that more than 40% are children, in overcrowded and inadequate shelter conditions, and facing basic humanitarian support needs³⁹⁶.

³⁹² IACHR, Resolution N. 02/2021 "[Protection of Haitian Persons in Human Mobility: Inter-American Solidarity](#)", October 24, 2021.

³⁹³ UNHCR, [Refugee Data Finder](#), January 2022.

³⁹⁴ On these disproportionate effects, see UNHCR, [News Comment by UN High Commissioner for Refugees Filippo Grandi on conditions and expulsions at US border](#), September 21, 2021.

³⁹⁵ UNHCR, [News Comment by UN High Commissioner for Refugees Filippo Grandi on conditions and expulsions at US border](#), September 21, 2021.

³⁹⁶ ONU. UNICEF: Haiti children vulnerable to 'violence, poverty and displacement', 23 de septiembre de 2021.

243. In the exercise of its monitoring mandate, the IACHR, through a joint press release with the United Nations Special Rapporteur, condemned the disproportionate use of force against Haitian persons at border points in Texas³⁹⁷. In particular, it observed the deployment of force by border agents on horseback against people who were in that camp on September 19. Videos published in different media showed blows with horse reins and other aggressions, against with the people – including women, children, and adolescents – had no possibility of defending themselves³⁹⁸.
244. Likewise, regarding Haitian migrants, the IACHR was concerned by the implementation of massive refoulement measures on flights to Haiti on September 25, a situation that resulted in thousands of Haitian migrants being removed or deported, or in some cases, transported to other areas along the Texas border, such as El Paso, Laredo, and the Rio Grande Valley. In this regard, civil society organizations report the absence of criteria and detailed statistical information on these procedures³⁹⁹.
245. In summary, in the context of this large-scale migratory movement, the IACHR has observed a confluence of risk factors, such as the closing of borders in the context of pandemic response measures, the deployment of security agents who acted without attention to the proper and proportionate use of force, and the implementation of measures that led to the deportation of thousands of people to Haiti, many who had no link to their country, and without attention to the challenges the country faces for adequately receiving returnees.
246. Regarding increased repatriation of persons to Haiti, the IACHR notes with concern the rising implementation of pandemic-related restrictive measures and the weakness of the Haitian State's institutional infrastructure for receiving repatriated persons. During 2021, looking at six-month periods, the IOM registered an increase of about 464% in the number of people returned to Haiti during the second half of the year, compared with the first half of 2021. Between January and July, 2,956 people returned to Haiti by air or sea, compared with 16,673 who returned during the last six months of the same year⁴⁰⁰. Of the total number of Haitians who have been returned by air and sea by the end of 2021, about 80% were returned from the United States, 9% from the Bahamas, and the remainder from countries such as Cuba, Mexico, and Costa Rica⁴⁰¹.

³⁹⁷ IACHR, [IACHR and UN's Special Rapporteur Condemn Excessive Use of Force and Deportations of Migrants from Haiti at the United States' Southern Border](#), October 4, 2021.

³⁹⁸ IACHR, [IACHR and UN's Special Rapporteur Condemn Excessive Use of Force and Deportations of Migrants from Haiti at the United States' Southern Border](#), October 4, 2021.

³⁹⁹ IACHR, [IACHR and UN's Special Rapporteur Condemn Excessive Use of Force and Deportations of Migrants from Haiti at the United States' Southern Border](#), October 4, 2021.

⁴⁰⁰ OIM, [Migrants Returns and Reception Assistance in Haiti](#). January 2022.

⁴⁰¹ OIM, [Migrants Returns and Reception Assistance in Haiti](#). January 2022.

247. The increase in repatriations from the United States coincides with the application of the so-called Title 42 clause that allows the immigration authorities of that country to process expedited removals based on the protection of public health. Under this regulation, the United States has repeatedly expelled migrants seeking to enter its borders from outside the points of entry, especially affecting migrants arriving without visas⁴⁰². In this regard, the IACHR notes that on April 1, 2022, the Centers for Disease Control and Prevention (CDC) communicated that, as of May 23, 2022, the Title 42 public health order would be rescinded⁴⁰³. The Department of Homeland Security (DHS), for its part, communicated that, as of that date, it will resume its pre-Title 42 procedures and protocols for the processing of persons arriving at the country's land border⁴⁰⁴.
248. Regarding the use of dangerous routes and unsafe border crossings, Haitian migrants are moving through border crossing areas that are in isolated regions and have no protective infrastructure. In this regard, the IACHR highlights the border area of the Darien Gap, which consists of a dense jungle on the border of Colombia and Panama and is characterized by a combination of border-crossing vulnerability factors, such as difficult geographic and weather conditions, isolation from urban centers, and the presence of criminal networks⁴⁰⁵. Likewise, the IACHR has observed an increase in the movement of families and children at this crossing. Based on information from the IOM, more than 91,000 Haitian persons are said to have passed through the Darien area, with a growing percentage of children, from 2% in 2017 to close to 20% in 2021⁴⁰⁶.
249. In this regard, the IACHR recalls that States have a legal obligation to prevent human rights violations from becoming inevitable; and consequently, transit countries must prevent violations and protect the human rights of persons in mobility⁴⁰⁷. In particular, in line with Resolution No. 04/2019 *Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Trafficking in Persons*, the IACHR urges States to adopt effective measures to guarantee and prevent the violation of the human rights of Haitian migrants during their migration process. These measures should include providing adequate information about the terrain and the intended journey, in their native language, and at various border crossings in transit areas and migrant stations. This will help in the

⁴⁰² As previously noted in: IACHR, [The IACHR Expresses Concern about the Expulsion of People in a human mobility context from the United States and Mexico and calls on States to Ensure the Effective Protection of Their Rights](#), Press Release of September 17, 2021.

⁴⁰³ United States Department of Homeland Security, [Statement by Secretary Mayorkas on CDC's Title 42 Order Termination](#), 10 de abril, 2022.

⁴⁰⁴ IACHR, [IACHR and UN's Special Rapporteur Condemn Excessive Use of Force and Deportations of Migrants from Haiti at the United States' Southern Border](#), October 4, 2021.

⁴⁰⁵ El País, [La selva del Darién, ruta de muerte para las personas migrantes haitianas](#), August 8, 2021.

⁴⁰⁶ OIM, [More than 91,000 migrants have crossed Darien Gap on way to North America this year](#), October 8, 2021.

⁴⁰⁷ IACHR, [Human Rights of Migrants and Other Persons in the Context of Human Mobility in Mexico](#), OAS / Ser.L / V / II. Doc. 48/13 December 30, 2013, para. 356.

prevention of acts of exploitation committed by criminal elements who take advantage of the vulnerable situation of these populations. States should also provide information documents about: i) migration procedures, ii) rights and responsibilities of migrants, iii) alternatives to irregular migration, and iv) mechanisms for reporting abuses and requesting assistance along the migration route⁴⁰⁸.

3. Protection and inclusion of Haitian migrants in transit

250. Regarding protection and inclusion of in-transit migrants, the IACHR observes a generalized weakness or absence of inclusion measures in countries through which Haitian migrants transit. In this regard, for example, the IOM reports that no Central American country has policies to grant work permits to in-transit migrants, so migrants seeking employment in the region generally do so informally, with risks of labor exploitation and other violations⁴⁰⁹.

251. Despite the above, the IACHR highlights good practices in this area in Mexico, Brazil, and the United States. On the northern border of Mexico – specifically in Tijuana – groups of Haitian migrants have achieved a certain level of social inclusion. According to IOM information, civil society organizations have created shelters for receiving migrants. They also offer Spanish classes, assistance in the search for housing and in the migration process, and support for inclusion in daily life in the city. Similarly, migrant children are enrolled in local schools, and adults are employed in the informal sector or in factories⁴¹⁰.

252. Likewise, the State of Brazil established in December 2020⁴¹¹ and renewed in April 2022⁴¹² its mechanism for offering visas and residence permits to enable migrants to obtain visas in countries of origin and transit. This was because of the many Haitian migrants who were falling prey to smuggling and trafficking networks that promised to help them reach Brazil. These humanitarian visas allow Haitians to work and enjoy equal rights without discrimination, and offer a legal, transparent, and less costly alternative to irregular entry⁴¹³. On April 26, 2022, Brazil established that Haitian nationals or stateless residents originating in the territory of Haiti who are in Brazilian territory may apply for a two-year residency authorization for the purpose of humanitarian reception. Additionally, within 90 days prior to the expiration of the term, the beneficiary of the program may request

⁴⁰⁸ IACHR, [Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Trafficking in Persons](#), Res No. 04/2019.

⁴⁰⁹ IOM, *Extra-regional Migration in the Americas: Profiles, Experiences and Needs*, April 16, 2020, p. 46.

⁴¹⁰ IOM, *Extra-regional Migration in the Americas: Profiles, Experiences and Needs*, April 16, 2020, p. 54.

⁴¹¹ Brazil, [Portaria Interministerial No. 13](#), of December 16, 2020.

⁴¹² Brazil, [Portaria Interministerial No. 29](#), of April 25, 2022.

⁴¹³ OIM, *Humanitarian Visa Assistance-BVAC*, 2021.

authorization of residence for an undetermined amount of time, as long as the applicant complies with personal identification requirements and identifies the means used to enter Brazilian territory⁴¹⁴.

253. Regarding best practices in protection, in May 2021, the United States granted an 18-month extension of its Temporary Protected Status to Haitian migrants in response to various concerns, such as citizen insecurity, social unrest, poverty, and increased human rights violations⁴¹⁵. This status temporarily protects migrants from deportation from the United States and allows them to work. Beneficiaries are also eligible for permission to travel abroad and return to the United States. However, Temporary Protected Status does not create a path to lawful permanent residence or citizenship⁴¹⁶.
254. In view of the complexity and seriousness of the structural and recent challenges in the country, the historical asymmetries that they reproduce and their disproportionate effects on this population, as well as the impacts on the diaspora and Haitian persons in migratory movements, the IACHR recalls the need for coordinated action among States to ensure comprehensive protection of the rights of all Haitian persons in human mobility. In this regard, and in view of its Resolutions No. 04/2019 on *Inter-American Principles* and No. 04/2021 on *Protection of Haitian Persons in Human Mobility: Inter-American Solidarity*⁴¹⁷, it urges the States of the region to adopt urgent and sustainable preventive and structural-response measures, in dialogue and in cooperation with Haiti, so as to implement imperatives of solidarity, shared responsibility, and non-discrimination⁴¹⁸.

⁴¹⁴ Brazil, [Portaria Interministerial No. 29](#), of April 25, 2022.

⁴¹⁵ AP News, [USA Extends temporary protected status for Haitians again](#), May 22, 2021. - Let's go directly to the official source.

⁴¹⁶ U.S. Immigration Council, [Temporary Protected Status: Summary](#), August 9, 2021.

⁴¹⁷ IACHR, [Inter-American Principles on the Human Rights of All Migrants, Refugees, Stateless Persons and Victims of Trafficking in Persons](#), Res No. 04/2019.

⁴¹⁸ IACHR, [Protection of Haitian Persons in Human Mobility: Inter-American Solidarity](#), Res No. 02/2021.



Chapter 7

Conclusions and Recommendations

CONCLUSIONS AND RECOMMENDATIONS

255. The Commission concludes this report by recognizing the historical and structural challenges that have marked Haiti's institutional and social path. The IACHR also takes note of the important steps that Haiti has taken in recent decades toward strengthening representative democracy, which have been noted by the IACHR in its previous reports.
256. In a context characterized by increased citizen insecurity due to the action of armed groups, worsening protests, an institutional vacuum deepened by the expiration of legislative terms, and the assassination of President Jovenel Moïse, the IACHR reiterates the importance of deepening and institutionalizing political dialogue, which enables and results in understanding among the different forces and social sectors, both in the country and in the diaspora. This, with the common objective of reestablishing and preserving the country's institutions and democratic governance and the conditions for managing the State's capacities in a manner that enables it to confront threats to citizen security by armed groups, and to adopt the measures needed to ensure full protection of fundamental rights in Haiti.
257. The Commission also recalls the deep relationship between the respect for and the strengthening of human rights, democracy, and comprehensive human and economic development. In this regard, it points out that, although building a pathway for comprehensive human development is the result of actions by multiple actors, the State has the primary obligation to ensure the integral protection of the human rights of all persons under its jurisdiction. In this scenario, the IACHR notes the need for civil society involvement in the design and implementation of public policies as mechanisms to reinforce their legitimacy and effectiveness and to fully restore public confidence in State institutions.
258. In light of the principles, recommendations and standards provided in its Resolution No. 02/21 on the *Protection of Haitian Persons in Human Mobility: Inter-American Solidarity*, the Commission also makes a broader appeal to the international community; in particular, to the States of the region, and to agencies of the regional and universal system. Thus, the IACHR calls on these actors – with respect for Haiti's sovereignty and self-determination – to seek the most effective and participatory mechanisms for adopting measures that can cement the principles of solidarity and cooperation at all stages of identification, preparation, and implementation of development and assistance actions with and in the country. This, with a view toward building, supporting, and strengthening institutional capacities, civil society networks, and the public policies necessary to raise protection standards in the Haitian State.

259. Lastly, the Commission places itself at the disposal of the Haitian State in accordance with its mandate to provide any technical assistance required.
260. Based on its observations and in light of the norms governing the Inter-American Human Rights System, in particular Article 41(b) of the American Convention on Human Rights, the IACHR issues the following recommendations to the State of Haiti:

Democratic Institutions

1. Adopt the necessary measures to stabilize the functioning of the institutions of the different branches of the State, through the following: i) free and fair elections with a clear electoral calendar and clear rules; ii) genuine and inclusive dialogue with all necessary stakeholders; and iii) establishment of normative measures and agreements that delimit the spaces of action for each branch of the State, all with specific cooperation to restructure bodies, programs, and policies.
2. Reestablish the functioning of the Provisional Electoral Council and the permanent electoral body, by allocating a budget and adopting regulations that make their functioning viable.
3. Guarantee the necessary security and technological safeguards implementation of periodic election proceedings in compliance with the constitutional and legal calendar at all levels and branches of government, with the support actions of international cooperation and with respect for the country's internal regulatory framework.
4. Investigate with due diligence the assassination of President Moïse to clarify its causes, identify those responsible – both material and intellectual authors – and impose the corresponding legal sanctions on the perpetrators and authorities who by action or omission may be responsible.
5. Strengthen institutions for the protection of human rights, and guarantee through programs and public policies the spaces for action and services of civil society organizations, groups, and individuals who defend human rights.

Citizen Security

6. Establish a public security policy based on a comprehensive response to the territorial and community-development challenges that characterize the serious insecurity crisis. This policy should contain directives for prevention and containment of violence, assistance to victims, and strengthening social ties and public confidence of victims and communities impacted by violence.

7. Strengthen the Haitian National Police by allocating an adequate budget, professional development, and training in human rights with a gender perspective, including with support from international cooperation mechanisms for implementation of international best practices. Also recommended: strengthening the presence of women in functions of command and management of security activities.
8. Establish an independent mechanism with responsible social participation to oversee police actions.
9. Establish a framework for international cooperation with other police, security, and human rights forces to promote the exchange of best practices, information, procedures, and joint operations. In this sense, it is recommended that cooperation be strengthened in the following areas: i) investigation and prevention of crimes with a focus on heavily armed criminality and actions by organized groups in the country, ii) extradition procedures, freezing of international assets, and other specialized cooperation mechanisms, and iii) actions for registration, control, and destruction of illegal weapons, and other disarmament actions.

Economic, social, cultural, and environmental rights

10. Strengthen the institutional capacities of the bodies responsible for developing social policies. In this sense, it is recommended that the State design and implement public policies focused on human rights and, particularly, fiscal policies that respond to the following objectives: i) redistribution of wealth to reduce inequality gaps; ii) correction of market deficiencies, and iii) making the necessary investments to implement the conditions required for the full enjoyment and exercise of ESCR.
11. Strengthen public health services to guarantee full and safe access to the health system, and protection of the labor rights of workers in this sector. It is also recommended that a transparent strategy on the confrontation of the COVID-19 virus be established, making public all relevant information related to the pandemic and the vaccination process, in line with the recommendations of IACHR Resolutions 1/2020, 4/2020 and 1/2021.
12. Adopt laws, measures, or public policies to strengthen the Haitian population's resilience to the effects of climate change and natural disasters. Likewise, it is recommended the internal regulatory and institutional framework be adapted so it prioritizes recognition and protection of the human right to water, adopting the necessary and appropriate measures to guarantee access to water fit for human consumption, in sufficient quantity.
13. Sign and ratify the Additional Protocol to the Inter-American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (Protocol of San Salvador), and the

Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).

Freedom of Expression

14. Recognize and promote the fundamental role of the press in democratic societies. This includes emphatically and publicly condemning violence against journalists and making a commitment to investigate attacks on reporters in the course of their work.
15. Train security forces to respect the work of the press in contexts of social protest, to ensure that journalists are not detained, threatened, assaulted, or in any way have their rights violated for exercising their profession.
16. To advance in the investigation and punishment of those responsible for crimes against journalists. In this regard, investigations should consider the journalistic profession as a possible motive for the homicide.
17. To have mechanisms in place to assist journalists whose rights to life or personal integrity may be at high risk due to the exercise of their informative work.
18. Promote, respect and guarantee the principles of transparency and accountability; and train public officials in the importance of access to public information as a fundamental right of all people and an essential tool of citizenship in democratic societies.

Human mobility

19. In relation to internal displacement, adopt legislative measures and public policies to prevent and mitigate the factors of forced internal displacement, including in cooperation with specialized international agencies. In this regard, it is recommended that the State and international cooperation agencies: i) ensure that displacement occurs in safe conditions; ii) guarantee access to humanitarian assistance; iii) provide adequate shelters and other infrastructure; and iv) ensure prompt return.
20. Regarding long-term displaced persons, prioritize, in conjunction with specialized international agencies, durable solutions that allow them to leave their temporary displacement situation. To this end, it is essential that their right to housing be guaranteed, and that in determining options, ensure the participation of the affected persons and communities, with prior access to information to allow timely planning.
21. Regarding persons in international mobility, shape foreign policy so it promotes – in cooperation with the international community and with host and diaspora States – the bond with Haitian communities abroad, facilitation of remittances, expansion of programs and

strategies for professional, academic, and scientific mobility, and the fight against situations of risk and vulnerability, with the support of the consular network⁴¹⁹.

22. With respect to returnees, the Haitian State must ensure the enjoyment of the same rights and freedoms that international and domestic law recognizes for other inhabitants of the country, with the objective of providing means that permit voluntary, safe, and dignified return to their homes or places of habitual residence and the reestablishment of family ties⁴²⁰.

Cooperation and solidarity on the part of the International Community

23. To work within a framework of inclusive and participatory cooperation, with respect for the sovereignty and right to self-determination of the Haitian people, that considers the strengthening of human rights institutions in the country, and active listening of Haiti in renewing and reformulating of the mandates of international agencies in the field, especially the United Nations Integrated Office in Haiti.
24. Consider mechanisms to ensure that participation of organizations, companies and other non-state actors in initiatives that benefit the Haitian population is conducted within existing regulatory frameworks, without discrimination, and with transparency and accountability. These initiatives include: socio-labor inclusion; circulation of labor; implementation of development projects; access to social benefits and services, health care, and education; humanitarian assistance; and access to vaccines in the context of the COVID-19 pandemic⁴²¹.
25. In activities to collect, allocate, and distribute resources – including those from international humanitarian aid – States must guarantee these are not applied in discriminatory manner and that they aim to strengthen projects and initiatives that have lasting and sustainable impact on human rights. This obligation also includes resources and actions from international organizations, private entities, and other interested non-State actors⁴²².

⁴¹⁹ In line with what was adopted by the IACHR in its [Resolution 02/2021 Protection of Haitian Persons in Human Mobility: Inter-American Solidarity](#).

⁴²⁰ In line with what was adopted by the IACHR in its [Resolution 02/2021 Protection of Haitian Persons in Human Mobility: Inter-American Solidarity](#).

⁴²¹ In line with what was adopted by the IACHR in its [Resolution 02/2021 Protection of Haitian Persons in Human Mobility: Inter-American Solidarity](#).

⁴²² In line with what was adopted by the IACHR in its [Resolution 02/2021 Protection of Haitian Persons in Human Mobility: Inter-American Solidarity](#).

26. Within the framework of the obligations of solidarity and cooperation, establish a framework for cooperation in the issue of human mobility and protection of Haitians in mobility, including mechanisms for the refugee recognition, complementary protection, mechanisms for humanitarian reasons, or mechanisms for access to migratory regularization in the major destination countries⁴²³.

⁴²³ In line with what was adopted by the IACHR in its [Resolution O2/2021 Protection of Haitian Persons in Human Mobility: Inter-American Solidarity](#).