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Haiti

Country:

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Year:

2018

Freedom Status:

Partly Free

Political Rights:

5

Civil Liberties:

5

Aggregate Score:

41

Freedom Rating:

5.0

Overview:

Weak institutions, foreign influence, and corruption continue to hinder the capacities of the Haitian government. As a result of its weak governance, Haiti still struggles to recover from recent natural disasters that damaged infrastructure, displaced thousands, and caused acute food insecurity.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 17 / 40 (+2)

A. ELECTORAL PROCESS: 5 / 12 (+2)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 2 / 4 (+1)

Haiti is a semipresidential republic and the president is directly elected for a five-year term by a majority vote. The prime minister is appointed by the president and approved by the parliament. The presidential election held in 2015, which was won by Jovenel Moïse of the Haitian Tet Kale Party (PHTK), was nullified due to extensive fraud. A new election was scheduled for 2016. The European Union (EU) objected to the nullification of the 2015

results and withdrew its election observation mission, and the United States withdrew its electoral funding. The repeat presidential election was held in November 2016, and Jovenel Moïse again won, with 55.6 percent of the vote. (Moïse was handpicked by the previous president Michel Martelly, whose administration was plagued by political violence and corruption allegations.)

Although the election was seen as an improvement over the previous year's election, there were allegations of fraud, logistical issues, inconsistent electoral lists, and inaccessible polling stations, which contributed to 21 percent voter turnout. President Moïse was inaugurated in February 2017 after an electoral tribunal verified the election result, stating that there were irregularities, but no evidence of widespread fraud. The elections results were considered credible by election observers, although civil society groups asserted that the low voter turnout undermined the mandate of the new president.

Score change: The score improved from 1 to 2 due to the improved conduct of the 2016 elections that were held after the annulment of the 2015 polls. The 2016 elections were generally considered credible by the international community, despite significant flaws and low turnout.

A2. Were the current national legislative representatives elected through free and fair elections? 1 / 4

The directly elected, bicameral Haitian Parliament is composed of a Senate, with 30 members who serve six-year terms, and a Chamber of Deputies, with 118 members who serve four-year terms. The 2015 legislative elections were wrought with disorder, fraud, and violence. There was very low voter turnout and no party won a parliamentary majority. Despite concerns about the election's credibility, 92 parliamentarians took office in January 2016. Elections for the Senate and the runoff elections for the remaining 24 seats on the Chamber of Deputies were held concurrently with the 2016 presidential election. Although improvements were made over the 2015 elections, polling was marred by low voter turnout and instances of fraud.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 2 / 4 (+1)

The Provisional Electoral Council (CEP) was established in the late 1980s as a temporary body, but continues to be responsible for managing the electoral process. Although the constitution has provisions to prevent executive dominance of the CEP, the executive branch asserts significant control over it in practice. Legislative elections were not held from 2011 until 2015 because a number of electoral councils appointed by former president Martelly did not meet constitutional requirements or receive parliamentary approval—critics claimed that CEP members would have been beholden to Martelly. A new electoral decree was adopted in 2015, and new council members were appointed in a manner closer to the constitutional provisions, which has improved the CEP's functioning and increased its independence from the executive. In September 2017, the legislature and the judiciary began the process of establishing the Permanent Electoral Council.

Score change: The score improved from 1 to 2 due to the improved quality and functioning of the electoral council.

B. POLITICAL PLURALISM AND PARTICIPATION: 7 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 2 / 4

Political parties generally do not face legal or administrative barriers to registering or running in elections.

The number of members required to form a political party was decreased from 500 to 20 in 2014, leading to a proliferation of new groups. However, protests and rallies organized by opposition parties are sometimes repressed by the government. In September and October 2017, several protests against President Moïse's budget, organized by the leftist Fanmi Lavalas party, were violently broken up by the police. Although some protesters acted violently, the police fired tear gas into crowds and blocked a march into the city center in Port-au-Prince.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

It is difficult for the opposition to increase its support or gain power through elections, which are controlled by the ruling class of elites and political supporters. The 2015 elections were violent, and a Haitian observer mission concluded that the ruling PHTK had been the most aggressive in committing election-related violence, which served to depress turnout for opposition parties.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

Haitians' political choices are free from domination by domestic military powers and religious hierarchies. However, many politicians rely on drug-related money and other illegal sources of funding to finance their campaigns, which has a considerable influence over political outcomes in Haiti.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 2 / 4 (-1)

Haitian women are underrepresented in political life, and in 2017 only four out of 149 parliamentary seats were held by women. The constitution mandates that 30 percent of public officials should be women, but that mandate was only adhered to in local elections, and the government lacks penalties for noncompliance. Election-related violence against women was a problem in 2017, and, along with social and cultural constraints, discourages women from participating more robustly in politics. Due to discrimination, LGBT people have little political representation.

Score change: The score declined from 3 to 2 because social, cultural and economic barriers, as well as election-related violence, make it difficult for women to run for office. Additionally, intolerance towards LGBT people make it impossible for someone who openly identifies as LGBT to run for office.

C. FUNCTIONING OF GOVERNMENT: 5 / 12 (+1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4 (+1)

For the first time since 2012, Haiti had an elected president, a full parliament, and local government seats filled in 2017. However, given credible challenges to election results, especially the parliamentary results, questions of legitimacy loom for many of these elected officials. Due to state failure, the government struggles to carry out its own policies, and has been dependent on the United Nations Stabilization Mission in Haiti (MINUSTAH) to help carry out many basic government functions. But the successful seating of all elected officials increases the prospects for stability, improved governance, and continued democratic consolidation.

Score change: The score improved from 1 to 2 due to improvements in the functioning of government and the fact that 2017 marks the first time that all levels of government have seated representatives.

C2. Are safeguards against official corruption strong and effective? 1 / 4

Corruption is widespread in Haiti, as are allegations of impunity for government officials.

Haiti has two main anticorruption units, the Anticorruption Unit (ULCC) and the Central Financial Intelligence Unit (UCREF). In May 2017, parliament approved a law that reduced the independence and powers of UCREF to investigate money laundering cases. In July, Moïse replaced both the head of the ULCC and the UCREF with political allies and former members of the Martelly administration; both units had been investigating Moïse for potential money laundering. In August and November, two Senate commissions recommended criminal charges against former government officials for misappropriating and embezzling \$2 billion in loans from Venezuela intended for post-2010 earthquake reconstruction.

C3. Does the government operate with openness and transparency? 2 / 4

There is a general distrust of the government among Haitians, and many do not believe the current administration will be able to implement transparency and accountability measures needed to reduce corruption. There are no laws providing the public with access to information and it is reportedly very difficult to obtain government documents and data in practice. All government officials must file financial disclosure forms within 90 days of taking office and within 90 days of leaving office.

CIVIL LIBERTIES: 24 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 10 / 16

D1. Are there free and independent media? 2 / 4

The constitution guarantees freedom of expression, but press freedom is constrained by threats and violence against journalists, as well as government interference. The Senate approved a bill without public consultation in March 2017 that broadens the definition of defamation and increases jail time to three years. In October, journalists denounced the Port-au-Prince district attorney's demand that journalists turn over images and recordings of violence committed during demonstrations. In August 2017, the mayor of Les Cayes threatened the life of a journalist for negative reporting on a local music festival.

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

Freedom of religion is constitutionally guaranteed and religious groups generally practice freely, although practitioners of traditional Vodou face social stigma and the Muslim community experiences discrimination, particularly against women who wear hijabs.

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

Educational institutions and academics choose their curriculum freely, but university students who protest government actions are often met with police violence. The state-run University of Ethnology closed in June 2017 after allegations that the dean hit a student with his car during a protest—in response students set fire to several vehicles.

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

The government does not engage in widespread surveillance, nor is it known to block websites or illegally monitor private online communications. However, due to its lack of infrastructure, only 12 percent of the population has internet access. Haitians often feel uncomfortable discussing sensitive issues such as organized crime and drug cartels out of fear of reprisals.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12

E1. Is there freedom of assembly? 2 / 4

The constitution guarantees freedom of assembly, though this right is often violated in practice. Security forces often violently crack down on street protests. Antigovernment protestors who took to the streets regularly starting in September 2017 to denounce an unpopular budget were met with strong police resistance. Police-related injuries, fatalities and unlawful arrests were reported.

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

Human rights defenders and activists with nongovernmental organizations (NGOs) that address sensitive topics risk threats and violence, which are rarely investigated or prosecuted. In December 2017, human rights activist Sanièce Petit Phat reported receiving death threats for her work combating gender-based violence. In April, two human rights defenders feared retaliation after their colleague died suddenly, the day after they filed a lawsuit for human rights violations against the former mayor of their hometown. The mayor had threatened the group for years prior to the death.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The ability to unionize is protected under the law, though the union movement in Haiti is weak and lacks collective bargaining power. Workers frequently face harassment, suspension, termination, and other repercussions from employers for organizing.

Court clerks around the country walked off the job from July through October 2017 in protest of poor wages and working conditions, shutting down the court system. Transportation workers also went on strike in September to protest the new budget's effects on transportation taxes.

F. RULE OF LAW: 4 / 16

F1. Is there an independent judiciary? 1 / 4

Despite constitutional guarantees of independence, the judiciary is susceptible to pressure from the executive and legislative branches. Corruption is common, and weak oversight means that most corrupt judges are not held accountable. When President Moïse's government took power, all 18 chief prosecutors in the judicial jurisdictions were replaced, which opened new avenues for executive interference in the judiciary since prosecutors can determine which cases end up before a judge.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Due process rights are provided for in the constitution, but those rights are regularly violated. Due to a lack of resources and poor pay for judges and other public officials, bribery is common throughout the judicial system. Haitian law guarantees a hearing within 48 hours after arrest, yet the majority of the prison population is in prolonged pretrial detention due to a large backlog of cases and resource constraints.

Arbitrary arrest is common, as well as extortion attempts by police. The right to a fair trial is guaranteed by the constitution, but in practice judges often deny defendants the opportunity to call witnesses and present evidence.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4

A culture of violence and impunity in law enforcement, in addition to widespread crime and violence, leave people in Haiti with little protection from the illegitimate use of force. The national police reported almost 900 homicides in 2017, but crime statistics are difficult to authenticate and crimes are underreported by the government.

MINUSTAH, which brought thousands of foreign military and police to Haiti beginning in 2004, ended its mandate in October 2017. The UN installed a smaller mission focused on justice and police, the UN Mission for Justice Support in Haiti (MINUJUSTH).

In November, a six-hour antigang police raid supported by MINUJUSTH ended in the killing of at least nine civilians and two police officers on a school campus in Port-au-Prince. None of the police officers involved were disciplined or arrested. Police are regularly accused of abusing suspects and detainees. Prisons are overcrowded and lack adequate health and sanitation.

In November 2017, the President Moïse reintroduced the national army, which was disbanded in 1995 following a series of human rights abuses. The defense minister says the army will eventually expand to 5,000 soldiers. The violent legacy of the previous army has led to fears about potential future abuses if safeguards and checks on the military are inadequate.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Discrimination against women, the LGBT community, and persons with disabilities is pervasive. Women often lack access to credit and other financial services, and experience employment discrimination.

Sexual harassment and discrimination on the basis of sexual orientation occur regularly, and neither are criminalized. In June 2017, a bill limiting LGBT individuals' access to employment and education was passed by the Senate. It still awaited passage by the Chamber of Deputies at year's end.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 6 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 2 / 4

The government generally does not restrict travel, place of employment or advancement in school. As of October 2017, approximately 38,000 internally displaced persons (IDPs) resided in IDP camps, which were initially built in response to the 2010 earthquake. The country's slow recovery from natural disasters hinders the ability of many people to return to their homes.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

Difficulty registering property, enforcing contracts, and getting credit makes it difficult to start and operate a business in Haiti. Poor record keeping and corruption result in inconsistent property rights enforcement.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence is not a criminal offense and according to the Copenhagen Consensus Center, approximately 273,000 women suffer from intimate partner abuse every year. A draft penal code that offered protection against sexual violence was submitted to parliament and tabled in April 2017.

In August, a bill banning gay marriage and public support for LGBT rights was passed by the Senate. Child abuse, particularly sexual abuse, is a widespread problem.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

Poverty is a persistent problem in Haiti—nearly 60 percent of Haitians live on two dollars a day or less, primary school enrollment is approximately 85 percent, and literacy rates are low, all of which deter socioeconomic mobility.

Child labor persisted in 2017, with the majority working as domestic help; approximately 286,000 children work in domestic servitude.

Human trafficking remained a serious issue, but the 2017 *U.S. Trafficking in Persons Report* for Haiti asserts that the government made some improvements in their anti-trafficking efforts, including the first three convictions under the 2014 anti-trafficking law. However, combatting human trafficking was not made a priority at the upper levels of government, and weak and inefficient institutions impeded the prosecution and prevention of trafficking crimes and the protection of victims.

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