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# Responses to Information Requests

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19 June 2018

## HTI106116.FE

Haiti: The security situation, including crime and kidnappings; measures taken by the government and other stakeholders to fight crime (2014-June 2018)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### 1. Overview

Sources indicate that the security situation in Haiti is [translation] “bad” (Belgium 4 Apr. 2018), “worrisome” (RNDDH 9 Mar. 2018, vii) and “precarious” (Switzerland 17 Jan. 2017). Travel advisories from the governments of Canada, Switzerland and Belgium state that the security situation in the country is “unpredictable” (Canada 5 June 2018; Switzerland 17 Jan. 2017; Belgium 4 Apr. 2018).

However, in an October 2017 report of the UN Stabilization Mission in Haiti (MINUSTAH), the UN Secretary-General states that [UN English version] “substantial headway was made, and today the Haitian people enjoy a considerable degree of security and greater stability” (UN 5 Oct. 2017, para. 44).

## 2. Criminal Activity

Several governments report that Haiti has a “high” crime rate (Canada 5 June 2018; Belgium 4 Apr. 2018; Switzerland 17 Jan. 2017). In a report on fact-finding mission which took place in Haiti from 26 March to 7 April 2017, the French Office for the Protection of Refugees and Stateless Persons (Office français de protection des réfugiés et apatrides, OFPRA) writes that [translation] “like other countries in Latin America and the Caribbean, Haiti is the site of a great deal of organized crime that traffics in all kinds of areas: drugs, humans, merchandise, etc.” and that “mafia-style organizations exist throughout the country” (France, 15 Sept. 2017, 21). Sources report that Haiti is a drug transit point between countries in South America and the United States (US) (US 28 Mar. 2018; France 15 Sept. 2017, 21).

### 2.1 Crimes Reported

According to the *Haiti 2018 Crime & Safety Report* from the US Department of State’s Overseas Security Advisory Council (OSAC), “homicides continue to be a major concern” in Haiti (US 28 Mar. 2018). According to Swiss travel advisories, homicides are on the rise in the working-class neighbourhoods and slums of Port-au-Prince (Switzerland 17 Jan. 2017). However, in March 2018, the UN SecretaryGeneral reported that:

[UN English version]

Violent crime statistics continued to improve in line with the general decrease in homicides observed over the last three years. According to data received from the national police [Police nationale d’Haïti, PNH], 217 homicides were reported between 16 October 2017 and 7 February 2018, compared with 396 over the same period in 2016/17. (UN 20 Mar. 2018, para. 10)

According to the US Department of State, “crime statistics in Haiti are hard to verify, and they should be considered as uncorroborated when assessing the threat from criminal activity” (US 28 Mar. 2018).

Several sources report cases of kidnapping in Haiti (Canada 5 June 2018; France 21 Apr. 2018; US 28 Mar. 2018). According to the Government of Canada, [Canada English version] “[m]embers of the general Haitian population, regardless of rank or social class, are at risk of being kidnapped” (Canada 5 June 2018). The OSAC report notes that “the breakdown in reported kidnapping victims from the last few years is spread fairly evenly among men, women, and children” (US 28 Mar. 2018). The same source adds that “all who are perceived to have wealth or family with assets (in Haiti or abroad) are vulnerable” to kidnapping (US 28 Mar. 2018). In correspondence with the Research Directorate, an assistant professor of social work from the University of North Carolina who has conducted research on armed groups, security forces and human rights in Haiti, and who also taught at a social work institute in Haiti for four years, stated that almost all kidnapping targets are wealthy people who have ties to the diaspora and who often have foreign citizenship or have lived abroad (Assistant Professor, 1 June 2018).

Some sources note that kidnapping victims are generally released on payment of a ransom (Assistant Professor, 1 June 2018; Canada 5 June 2018; US 28 Mar. 2018). Sources report that kidnappings are sometimes violent (US 28 Mar. 2018; Switzerland 17 Jan. 2017), and that victims are sometimes killed (Canada 5 June 2018; US 28 Mar. 2018). The Assistant Professor stated that kidnappings happen more frequently in cities, or close to the airport or ports (Assistant Professor 1 June 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The travel advisory from Switzerland notes, however, a [translation] “decline in the kidnapping phenomenon” (Switzerland 17 Jan. 2017). According to the OSAC report, the PNH reported 36 kidnappings in 2016 and 63 in 2017 (US 28 Mar. 2018). In his October 2017 report on MINUSTAH, the UN Secretary-General mentions an increase from 8 to 12 cases between the second and third quarters of 2017 (UN 5 Oct. 2017, para. 9). In his March 2018 report on the United Nations Mission for

Justice Support (MINUJUSTH), the Secretary General states that [UN English version] “kidnapping statistics remained unchanged, with 13 incidents reported over the last four months (UN 20 Mar. 2018, para. 11).

Some sources report the occurrence of armed assaults in Haiti (France 21 Apr. 2018; Belgium 4 Apr. 2018; RNDDH 29 June 2017, 4). According to OSAC’s report, “a typical mugging in Port-au-Prince involves a group of young males who surrounds and overwhelms a victim in a public area” (US 28 Mar. 2018). In March 2018, Haiti’s National Human Rights Defense Network (Réseau national de défense des droits humains, RNDDH) [1] reported that it had learned of at least 11 armed assaults against people or businesses in the country in the last year (RNDDH 9 Mar. 2018, 12). Sources report that attacks often occur close to banks (US 28 Mar. 2018; RNDDH 29 June 2017, 3) or ATMs (Belgium 4 Apr. 2018). According to sources, assailants on motorcycles frequently chase their victims (US 28 Mar. 2018; RNDDH 29 June 2017, 3).

Sources report that groups sometimes erect road blocks (Belgium 4 Apr. 2018; Canada 5 June 2018), in order to commit robberies (Canada 5 June 2018).

According to the OSAC report, in 2017, burglaries decreased, while home invasions increased (US 28 Mar. 2018). The same source notes the following:

There was a continuation of home invasions in the more affluent areas of upper Port-au-Prince in 2015, 2016, and 2017. The bulk occurred in middleclass neighborhoods (Delmas 75, Delmas 83, Laboul and Pelerin) outside the traditional expatriate residential areas. (US 28 Mar. 2018)

Sources report a phenomenon of land disputes in Haiti (RNDDH 9 Mar. 2018, 15; France 15 Sept. 2017, 25-29).

The RNDDH states that

[translation]

Land insecurity has been elevated in the country for the last several years. It is now a concern because it is affecting all land owners, regardless of what geographic department of Haiti they are in.

Individuals who have deeds that are several decades old are claiming land that belonged to their ancestors. Judges are making rulings or issuing orders on enormous parcels of land which had thus never been sold. (RNDDH 9 Mar. 2018, 15)

OFPPRA adds that [translation] “under these conditions, land ownership disputes are frequently being resolved with weapons, rather than being brought before a judge. An owner of a disputed property may turn to people who have weapons” (France 15 Sept. 2017, 27).

Sources describe violence against women in Haiti as “widespread” (Bertelsmann Stiftung 2018, 13), [AI English version] “prevalent” (AI 22 Feb. 2018) or a “serious problem” (US 28 Mar. 2018). Some sources specify that it includes sexual violence (Bertelsmann Stiftung 2018, 13; AI 22 Feb. 2018). OFPPRA specifies that, in addition to tolerance for and normalization of domestic violence, [translation]

sexual violence perpetrated by individuals outside the victim’s circle is also very widespread. Used as a weapon to control and subjugate the population during the Duvalier era, rapes are now committed by armed gangs to ensure total control of certain territories. Such practices are especially visible in poor metropolitan areas. (France 15 Sept. 2017, 53)

Sources report that a decree criminalizes rape, providing a penalty of 10 years in prison (France 15 Sept 2017, 55) or of forced labour (US 20 Apr. 2018, 18). However, the US Department of State’s *Country Reports on Human Rights Practices for 2017* notes that victims of rape face major obstacles in seeking justice or protection (US 20 Apr. 2018, 18).

## 2.2 Organized Crime

Sources state that violent crime is primarily perpetrated by gangs in Haiti (France 29 Aug. 2016, 7; US 28 Mar. 2018). An August 2016 OFPPRA report on the security situation in Haiti released in states the following:

[translation]

The armed urban gangs in Port-au-Prince, which are the main source of insecurity in the country[,] are involved in drug and weapons trafficking, racketeering and territorial wars. Murder, rape and kidnapping are among their methods. (France 29 Aug. 2016, 7)

OFPPRA mission report describes the gangs that flourish in Port-au-Prince's outlying areas as follows:

[translation]

These informal settlements, whose residents live in dire poverty, are under the influence of gangs that have ties with organized crime and the political world. The slums are highly political and weapons are in circulation. In fact, the political parties distribute weapons to the residents of these precarious living areas and manipulate them. Every zone gang leader is connected with a political party. The gangs, which are just small groups of criminals, reign over small areas. The spectre of delinquency is not unified. The urban crime organizations are small, representing only a few dozen men who are warring over a few square kilometres of territory. (France 15 Sept. 2017, 23-24)

The Bertelsmann Stiftung Transformation Index (BTI) 2018, which analyzes global, regional and country-by-country developments that relate to political and economic trends (BTI [2018]), notes the following:

High-ranking security officials are involved in cases of kidnapping and organized crime. ... According to several human rights organizations in Haiti, the 2017 Parliament is dominated primarily by individuals who have been associated with criminal activities such as money laundering and drug dealing. (Bertelsmann Stiftung 2018, 31)

## 2.3 Victims

In its August 2016 report, OFPPRA states that violence in Haiti is [translation] "indiscriminate," specifying that "every level of society is vulnerable to being affected by crime," and that, in Port-au-Prince in particular, the primary victims are "displaced persons living in camps, those living in the poorest parts of the capital, women and children" (France 29 Aug. 2016, 9). The same source indicates the following:

[translation]

However, the different segments of the population are not all affected in the same way: for the economic elites, the security situation primarily hurts their business, while the kidnapping risk hinders freedom of movement. Insecurity has a more direct impact on the poorest. Crime affects their daily living conditions: difficulty finding staples due to closures or shortages at local markets, closures of schools and churches. People living in slums also run a fairly substantial risk of being killed by a stray bullet. (France 29 Aug. 2016, 10)

Sources note that people who are perceived as having wealth are more likely to be crime victims (Assistant Professor, 1 June 2018; US 28 Mar. 2018). According to the Assistant Professor, political figures such as mayors are also at risk (1 June 2018).

Sources say that foreigners of Haitian origin may be targeted by criminals (US 28 Mar. 2018), notably around the international airport in Port-au-Prince (Canada 5 June 2018; Switzerland 17 Jan. 2017). The Assistant Professor explained that Haitians living abroad who come back to visit Haiti run greater risks than those who return to live in Haiti or who live in Haiti and receive money from families living abroad (1 June 2018). According to the same source, Haitians who are deported to Haiti are not at risk, among other things because they are not seen as having any resources (Assistant Professor 1 June 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## **2.4 Geography of Crime**

### **2.4.1 Port-au-Prince**

Sources agree on designating the capital, Port-au-Prince, as the main crime area in Haiti (Canada 5 June 2018; France 21 Apr. 2018; UN 20 Mar. 2018, para. 10). In June 2017, the RNDDH said that [translation] “the Port-au-Prince metropolitan area remains the country’s most dangerous location; not a single day goes by without at least one case of murder or physical assault being reported” (RNDDH 29 June 2017, 2).

Sources point to the working-class neighbourhoods and slums of Martissant, Cité Soleil, Carrefour and Bel Air and the area around the international airport as being the parts of Port-au-Prince most frequently affected by violence (Canada

5 June 2018; Belgium 4 Apr. 2018; US 28 Mar. 2018). Some sources also mention Pétionville and Grand Ravine (US 28 Mar. 2018; France 21 Apr. 2018). Other at-risk neighbourhoods mentioned by sources include Jalousie (France 15 Sept. 2017, 23-24); Fort National and Simon Pele (US 28 Mar. 2018); Cité militaire and Jean-Marie Vincent (Belgium 4 Apr. 2018); and Péguville (Canada 5 June 2018). However, OFPRA mission report states the following:

[translation]

The neighbourhoods that previously drew observers' attention, like Cité Soleil, are now much less dangerous than the Champ de Mars or Juvenat neighbourhoods, as well as those overlooking the south of Port-au-Prince, forming huge new slums on the slopes of the Chaîne de la Selle mountain range. ... Violence is very present there, and it is the perfect territory for gangs to work in, as the police officers cannot fully penetrate into these zones. (France 15 Sept. 2017, 23)

A chief of mission in Haiti for the UN High Commissioner for Refugees reported the following to OFPRA:

[translation]

Due to the violence that prevails in certain urban neighbourhoods in the capital, the general security situation leaves a lot to be desired. The UN has therefore defined three zones in the Port-au-Prince metropolitan area: red zone, yellow zone and green zone. Someone who lives in a red zone may not have access to public services or receive effective protection from the government, and UN personnel must not enter a red zone without a military escort. (France 15 Sept. 2017, 25)

Information on the boundaries of the three zones could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## **2.4.2 Rest of the Country**

According to the OSAC report, there seems to be "much less crime in the provinces" (US 28 Mar. 2018). The Assistant Professor similarly said that crime is lowest in rural areas far from the border region, like Artibonite and Abricot (1 June 2018).

Sources report that the city of Cap Haïtien has a high crime rate (France 21 Apr. 2018; Belgium 4 Apr. 2018). Some sources mention that roadblocks are often erected on Route Nationale 2 in the Petit-Goâve region (Canada 5 June 2018; Belgium 4 Apr. 2018). According to sources, the area around the border with the Dominican Republic is also risky (Canada 5 June 2018; France 21 Apr. 2018) because it is not secured (France 21 Apr. 2018). The same applies to Île de la Tortue and Île de la Gonâve (Belgium 4 Apr. 2018; France 21 Apr. 2018), which have little in the way of security services (France 21 Apr. 2018). Switzerland's Federal Department of Foreign Affairs (FDFA) advises its nationals against entering any of the country's slums (Switzerland 17 Jan. 2017). France states that [translation] "strong vigilance is required in the rest of the country" (France 21 Apr. 2018).

### **3. Measures Taken to Fight Crime**

#### **3.1 United Nations**

The BTI reports that, since 2004, MINUSTAH was working with the PNH to ensure security in the country (Bertelsmann Stiftung 2018, 7). Sources report that, in October 2017, the UN Security Council ended MINUSTAH's mandate, replacing it with the United Nations Mission for Justice Support in Haiti (MINUJUSTH) (UN, 5 Oct. 2017, 1; AI 22 Feb. 2018). According to the BTI, MINUJUSTH is "mandated with assisting the Haitian government in strengthening rule of law institutions; further supporting and developing the National Police; and engaging in human rights monitoring, reporting and analysis" (Bertelsmann Stiftung 2018, 7). According to sources, MINUJUSTH includes 295 police officers and 980 staff members (US 20 Apr. 2018, 7; RNDDH 9 Mar. 2018). The RNDDH reports that it also includes 351 officials (RNDDH 9 Mar. 2018, 37-38).

#### **3.2 The PNH**

Sources report that PNH is responsible for the country's internal security (US 20 Apr. 2018, 6; Bertelsmann Stiftung 2018, 7). Recent sources report a police force comprising approximately 15,000 officers (UN 20 Mar. 2018, para. 20; US 28 Mar. 2018). According to the UN, there are 1.36 police officers per thousand inhabitants (UN 20 Mar. 2018, para. 12). OFPRA reports that the [translation] "the international standard is 2.2" and that "the police force therefore does not have

sufficient capacity to carry out its missions” (France 15 Sept. 2017, 30). According to the US Department of State, two thirds of Haiti’s police force is deployed in the Port-au-Prince metropolitan area (US 28 Mar. 2018).

According to OFPRA, in September 2017, [translation] “despite its dysfunction and attacks against police officers, the PNH is one of the country’s strongest institutions” (France 15 Sept. 2017, 33). Similarly, the US remarks that “the HNP [PNH] enjoys the highest level of trust among the general population when compared to other government agencies” (US 28 Mar. 2018). Sources report that the PNH has improved in recent years (Assistant Professor 1 June 2018; US 28 Mar. 2018; UN 5 Oct. 2017, para. 45). The Assistant Professor said that police officers are now better trained and equipped and that they undergo a record check to ensure they have no prior human rights violations before they are hired (1 June 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. In his October 2017 report, the UN Secretary-General states the following:

[UN English version]

[T]he force has demonstrated increased capacity in the planning and execution of complex operations, including the securing of elections and crowd control, while simultaneously performing routine tasks in combating crime and more effectively maintaining public order. (UN 5 Oct. 2017, para. 45)

In his March 2018 report, the Secretary-General notes that the improved police officer per citizen ratio, “combined with the implementation by the national police of awareness campaigns, could have contributed to the decline in crime” (UN 20 Mar. 2018, para. 12). The RNDDH reports that the PNH confirmed having proceeded with 588 arrests between March 2017 and March 2018 (RNDDH 9 Mar. 2018, 17).

According to the UN, MINUSTAH police worked in recent years with the PNH to improve its capacity to address cases of sexual violence through advocacy and technical and financial support and “that support included training on the investigation of sex crimes” (UN 5 Oct. 2017, para. 13).

Sources report that an Intervention Brigade Against Land Insecurity (Brigade d'intervention contre l'insécurité foncière, BRICIF) comprising police and legal authorities was created in 2017 in order to address land insecurity (Vant Bèf Info 13 July 2017; RNDDH 9 Mar. 2018, 17). According to the RNDDH, its effectiveness has not been proven (RNDDH 9 Mar. 2018, 17).

Sources report that Haiti's police force is too small given the crime rate (Canada 5 June 2018; US 28 Mar. 2018; France 15 Sept. 2017, 30). Sources also report that the PNH lacks resources and means (RNDDH 19 Mar. 2018, 18-19; France 29 Aug. 2016, 11). According to the BTI, "[d]oubts have been repeatedly raised as to whether the national police force is able to guarantee the security needed to protect citizens, enforce the law and promote political stability" (Bertelsmann Stiftung 2018, 7). OFPRA describes the situation as follows:

[translation]

The PNH is heavily represented in the capital. On the other hand, as the territory is not developed and the police have little in the way of transportation, the security services are not present in the countryside. ... Sometimes police are powerless because there are no officers in the remotest areas, where armed, hooded criminals operate, extorting from and looting merchants. (France 15 Sept. 2017, 31)

However, the Assistant Professor reported that, in rural areas, citizens are sometimes better served by police because the officers come from the regions in which they serve and are under social pressure to step in (1 June 2018).

OFPRA further reports the following:

[translation]

Police may often seem powerless to deal with armed criminals. They are sometimes afraid to take action because the criminals have weapons. The police may not have adequate equipment. For example, when police officers are stationed along a road, criminals may attack the vehicles driving between two groups of police officers, and the officers do not intervene. (France 15 Sept. 2017, 32)

Without providing further details, the Assistant Professor reported the following:

In a national survey of households in 2017 we found that less than ten percent of all citizens who made complaints to the police received an adequate response. In some cases the person made a *plent* (complaint) and the police simply recorded it and did nothing. In other cases the police officers may have spoken to the victim or known who the perpetrator was, but did not follow through with an arrest or even an investigation. The PNH has good and bad officers, just like any other police force, however as an institution they often lack the will and the means to respond to citizen complaints. (Assistant Professor, 1 June 2018)

The OSAC report, which considers that Haitians, particularly those who live outside of Port-au-Prince, lack basic police services, states the following:

As a result, some communities do not have reliable means to report crimes. ... The HNP has a limited response capability, which hinders the deterrent effect on criminals, who operate without fear of the uniformed or traffic police. Investigations are frequently limited by a lack of resources. (US 28 Mar. 2018)

Similarly, with respect to the Martissant, Carrefour, Bel Air and Cité Soleil neighbourhoods, Canada states that “police presence is not guaranteed in these areas and your personal safety might be at risk. The police are unable to respond in a timely manner to calls for assistance” (Canada 5 June 2018).

### 3.3 Judicial System

Freedom House reports that Haiti’s judicial system is “under resourced and inefficient, and is burdened by a large backlog of cases. ... Bribery [is] common at all levels of the judicial system” (Freedom House 12 July 2017). Similarly, the US Department of State reports that “pervasive and longstanding problems, primarily stemming from a lack of judicial oversight and professionalism, contributed to a large backlog of criminal cases” (US 20 Apr. 2018, 9). According to the Assistant Professor, the judicial system is unreliable; corruption is widespread and it lacks modern organizational methods as well as computer systems (1 June 2018). According to OFPRA, [translation] “justice is also less effective due to the absence of a criminal record system, which allows criminals to reoffend by using a multitude of different identities” (France 15 Sept. 2017, 37). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The RNDDH reported the following with respect to the judicial system:

[translation]

In the 2016-2017 judicial year, five hundred and seventy-four (574) criminal court dates were set ..., but three hundred and one (301) hearings actually took place. Of these, two hundred and seventy-three (273) cases were postponed, for a variety of ridiculous reasons.

Seven hundred and sixty-five (765) people should have received adjudication. However, only three hundred and ninety-seven (397) went to trial. Of these, two hundred and fifty-three (253) were sentenced, while one hundred and forty-four (144) were released. Three hundred and sixty-eight (368) people were sent back to prison without trial. (RNDDH 9 Mar. 2018, 28)

### **3.3.1 Complaints Against Police**

Sources report that abuses committed by the security forces often go unpunished (US 20 Apr. 2018, 6; RNDDH 9 Mar. 2018, vii). The RNDDH states that [translation] “reports were forwarded to judicial authorities, which did not follow up on them” (RNDDH 9 Mar. 2018, vii). However, sources note the existence of the PNH Office of the Inspector General (Inspection générale de la PNH, IGPNH) (RNDDH 29 June 2017, 11; US Mar. 2018, 180) which investigates reports of police misconduct (US Mar. 2018, 180). According to the US Department of State’s 2017 *Country Reports*, the IGPNH “maintained a 24-hour hotline to receive public reports of police corruption or misconduct” (US 20 Apr. 2018, 6). According to the RNDDH, from March 2017 to March 2018, the IGPNH received 804 complaints against police, and studied 327 cases, for which it recommended 45 dismissals, 94 layoffs and 29 transfers (RNDDH 9 Mar. 2018, 20).

Sources report that there is an Office of Citizen Protection (Office de protection du citoyen) (UN 5 Oct. 2017, para. 46; France 15 Sept. 2017, 32, 36). OFPRA defines it as a [translation] “government institution that defends people who have been subject to abuse by the authorities, particularly people who have been mistreated by police officers” (France 15 Sept. 2017, 32).

### **3.3.2 Popular Justice**

Sources report that the public's lack of confidence in the justice system sometimes causes them to take justice into their own hands (France 15 Sept. 2017, 47; RNDDH 29 June 2017, 4; Switzerland 17 Jan. 2017). According to the RNDDH, [translation]

[i]n the evening, across the country, gunfire from automatic weapons can be heard, often because residents are trying to repel night attacks, since it is up to citizens to defend themselves, their family members and their property (RNDDH 29 June 2017, 4).

Sources report that the public may resort to lynching to achieve justice (France 15 Sept. 2017, 47; Switzerland 17 Jan. 2017). OFPRA reports that [translation] “when lynching occurs, the authorities rarely intervene with respect to this type of private justice” (France 15 Sept. 2017, 47). In March 2018, the UN reported that the “prevalence of lynching decreased, with 17 incidents recorded in the reporting period [5 October 2017 to 20 March 2018 (UN 20 Mar. 2017, para. 1)], down from 31 in the same period in 2016/17” (UN 20 Mar. 2018, para. 11).

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

### **Note**

[1] The RNDDH is a human rights watch organization that visits key institutions such as prisons, PNH police stations and judicial system premises and then publishes reports (RNDDH n.d.).

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## **Additional Sources Consulted**

**Oral sources:** Member of a private security and governance research firm; Assistant Professor whose research area is Haitian gangs.

**Internet sites, including:** ecoinet.net; Haiti – Primature; Human Rights Watch; International Crisis Group; United Nations – Refworld, United Nations Office on Drugs and Crime.

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