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## FREEDOM OF THE PRESS

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# Haiti

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In 2012, press freedom in Haiti experienced a modest improvement despite countrywide social, political, and economic instability—longstanding conditions that have only intensified in the aftermath of the catastrophic January 2010 earthquake. Since taking office in May 2011, President Michel Martelly has been praised for his willingness to hold press conferences and his use of social media to communicate to the public. At the same time, Martelly has been criticized for his open hostility and occasional derogatory comments toward journalists, as well as for his frequent refusal to speak with representatives of media outlets critical of the government, though press organizations noted slight improvements in 2012.

Haiti's constitution guarantees freedom of the press and freedom of expression, and forbids censorship except in the case of war. In recent years, the government has increasingly upheld these provisions. Nonetheless, journalists in Haiti continue to face widespread and entrenched poverty, lack of institutional support, difficulty accessing information, and a tradition of excessively biased media. Defamation remains a criminal offense in Haiti, though only a few cases in recent years have

advanced beyond the initial charge. In January 2012, *Defend Haiti*, a U.S.-based online news website, received a cease and desist letter from a lawyer representing the Haitian government. The website was accused of orchestrating a smear campaign against the government in relation to money allegedly missing from an education fund. Although the paper was not subject to any additional threats or sanctions, it limited its subsequent coverage of the issue. In February, Haiti's first lady, Sophia Martelly, sued the newspaper *Haiti Liberté* for defamation after it reported on a clash between university students and President Martelly's security team; no further action was reported following the newspaper's response to the initial summons. In September, *Haiti-Observateur*, a Haitian-American weekly newspaper, was sued in a U.S. court by Haitian prime minister Laurent Lamothe for defamation over its claim that he had orchestrated and profited from the sale of a telecommunications company to the Haitian government; the case was pending at year's end. The state-owned Télévision Nationale d'Haïti (TNH) has been enmeshed in legal controversy since April 2011, when five journalists were fired for unprofessional conduct involving coverage of Martelly, then a presidential candidate. In April 2012, the TNH director sued two of the fired reporters for criminal defamation in a case that remained active in the Court of Appeals at year's end.

Article 40 of the constitution stipulates that the government must publicize all laws, international agreements, decrees, treaties, and contracts; in practice, however, the government makes it difficult for local journalists to access public information. The state-run National Telecommunications Council (CONATEL) issues licenses to radio stations and does not regulate content. In December 2011, media associations and journalists in Haiti signed their first journalistic code of ethics, which includes clauses pertaining to respect for individual dignity and privacy, prohibition of discrimination in journalistic work, and encouragement of an unbiased and balanced treatment of information. In February 2012, journalists protested a meeting held by the first lady to explore the possibility of creating a law to regulate the press, alleging that the government was attempting to control the media, according to the Institute for Justice & Democracy in Haiti (IJDH). Since the meeting, no further action has been taken on the issue.

Despite improvements from the recent past, journalists in Haiti occasionally face harassment, intimidation, and violence. In March 2012, Wendy Phele, a journalist for Radio Télé Zénith, was shot by a local mayor's bodyguard while attending one of his public speeches. The mayor, who refused to allow the arrest of his

bodyguard, was removed from office by the interior minister in June, a move applauded by the media community. In September, three journalists from the newspaper *Le Nouvelliste* were arrested and temporarily detained after resisting police efforts to seize their video and photographic equipment following a traffic accident.

Radio is by far the dominant news medium, with more than 90 percent of the population enjoying radio access. Over 290 FM stations operate without a license, and there are more than 70 community stations scattered across the country. Many of these stations are affiliated with political organizations or parties. In addition to the state-owned TNH, there are several private television stations, though audiences remain small due to lack of electricity and resources. Newspaper distribution also remains limited due to high rates of illiteracy. Haiti has several weekly and two daily newspapers—*Le Nouvelliste* and *Le Matin*—all of which are privately owned and published in French, which is spoken by only about 20 percent of the population. There are no government restrictions on the internet, which was accessed by nearly 11 percent of Haitians in 2012.

The concentration of wealth among a small number of Haitians and the effects of the 2010 earthquake have negatively affected media outlets' ability to obtain advertising revenue and sustain themselves financially. Journalists also struggle with low salaries, and some media outlets and journalists accept bribes due to economic hardship. However, new communications minister Ady Jean Gardy pledged his support for media workers after he took office in May 2012, and has said he plans to offer journalists health and life insurance.

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