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FREEDOM IN THE WORLD

Haiti

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OVERVIEW:

Controversy over constitutional amendments and the appointment of members to the Permanent Electoral Council contributed to the further postponement beyond 2012 of elections originally scheduled for 2011. The establishment of a Superior Judicial Council in July marked a positive step toward judicial independence, though President Michel Martelly was criticized for naming justices to the Court of Cassation in violation of legal requirements. Threats against and illegal arrests of civil society leaders increased during the year. Meanwhile, rising food prices and frustration with corruption and a lack of economic progress spurred large demonstrations across the country late in 2012.

Since gaining independence from France in 1804 following a slave revolt, the Republic of Haiti has endured a history of poverty, violence, instability, and dictatorship. A 1986 military coup ended 29 years of authoritarian rule by the Duvalier family, and permitted the implementation of a French-style constitution under international pressure in 1987.

Jean-Bertrand Aristide, a popular former priest, was elected president in 1990. After only eight months in office, he was deposed and exiled by a military triumvirate. While paramilitary thugs terrorized the populace, the ruling junta engaged in blatant narcotics trafficking. The United Nations ultimately authorized a multinational force to restore the civilian government, and in September 1994, facing an imminent invasion, the military rulers stepped down. U.S. troops took control of the country, and Aristide was reinstated. He dismantled the military before the June 1995 parliamentary elections, but his support began to fracture when international observers questioned the legitimacy of the balloting. Aristide retained the backing of the more radical Fanmi Lavalas (FL) party, which won an overwhelming parliamentary majority.

FL nominee René Préval, who had been Aristide's prime minister in 1991, won the 1995 presidential election; the constitution had barred Aristide from seeking a second consecutive term. U.S. forces withdrew from the country in April 1996, while the UN force extended its stay at Préval's urging.

Aristide was re-elected to the presidency in 2000, and his supporters gained a majority of seats in both the upper and lower houses in that year's parliamentary elections. Aristide's second term was undermined by cuts in foreign aid, increasing levels of poverty, and conflict with business elites and opposition groups. Faced with an armed revolt by political gangs and former army officers in February 2004, Aristide was flown out of the country in a plane chartered by the United States; he eventually accepted exile in South Africa. A UN peacekeeping force, the United Nations Stabilization Mission in Haiti (MINUSTAH), was deployed in 2004, and has remained there since. In 2006, Préval returned to power in relatively well-conducted elections, though his newly organized Front for Hope (Lespwa) party failed to win a majority in either house of parliament.

2013 SCORES

STATUS

Partly Free

FREEDOM RATING

4.5

CIVIL LIBERTIES

5

POLITICAL RIGHTS

4

On January 12, 2010, a powerful earthquake struck near Port-au-Prince, killing more than 200,000 people and causing 1.5 million to lose their homes. Massive displacement has continued to be a problem; by the end of 2012, 350,000 people were still living in displacement camps, and many who had moved out of the formal camps remained in precarious conditions without access to adequate housing. Law enforcement and judicial infrastructures were severely damaged, compromising security and leading to lost case work and trial delays for an already overburdened court system. In October 2010, the country suffered an outbreak of cholera introduced to Haiti by UN peacekeepers stationed on a poorly maintained base. The epidemic continued through 2012 and had killed over 7,900 people by year's end. Popular discontent toward MINUSTAH rose in 2012, spurred by a lack of accountability for the organization's role in the outbreak and by regular reports of sexual abuse by soldiers.

Presidential and parliamentary elections held in November 2010 were marred by widespread reports of fraud, voter intimidation, violations of electoral laws, illegal exclusion of political parties and candidates, and problems with the composition of the Provisional Electoral Council. Supporters of popular musician Michel Martelly—who finished third in the first round of voting, according to initial results—took to the streets, claiming that fraud had prevented him from advancing to the runoff. Under pressure from the international community, Jude Célestin, Préval's chosen successor, was ultimately forced to relinquish his place in the runoff. Martelly went on to defeat first-round leader Mirlande Manigat of the opposition Rally of Progressive National Democrats (RDNP), 68 percent to 32 percent, in the March 2011 second round. Meanwhile, after parliamentary runoff elections, the *Inité* coalition—founded by Préval in 2010 to replace *Lespwa*—held 46 seats in the lower house and 6 of the 11 Senate seats at stake. Smaller parties divided the remainder.

Martelly was sworn in as president in May 2011, but the parliament rejected his first two choices for prime minister. Lawmakers finally approved Gary Conille, but he resigned in February 2012 after only four months in office amidst growing tensions with the president over his pursuit of an audit of reconstruction contracts issued by the previous administration. Foreign Minister Laurent Lamothe was nominated to take his place and was sworn in in May 2012.

Hurricane Sandy struck Haiti in October, causing heavy rains that killed over 50 people and led to a surge in cholera cases. An estimated 200,000 people were rendered homeless by flooding, and widespread destruction of crops contributed to rising food prices.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Haiti is not an electoral democracy, though the country has established a relatively robust electoral framework. Constitutional amendments ratified in 2011 reformed the appointment process for the Permanent Electoral Council (CEP) tasked with organizing elections by centralizing appointment powers in the three branches of government. President Michel Martelly initially annulled the amendments after lawmakers discovered that the amendments as published contained material differences from the version that was ratified. An investigative commission concluded that adoption of the faulty version would violate the rule of law, but Martelly eventually agreed under pressure from the international community to enact the published amendments in June 2012. The controversy, along with irregularities in appointments to the newly formed CEP, contributed to the postponement of midterm parliamentary and municipal elections originally planned for November 2011. In December 2012, the executive and legislative branches agreed to establish a temporary Transitional College to plan the overdue elections.

The constitution provides for a president elected for a five-year term, a bicameral parliament composed of the 30-member Senate and the 99-member Chamber of Deputies, and a prime minister appointed by the president. Senators are elected for six-year terms, with one-third coming up for election every two years, and deputies for four-year terms. There are no term limits, but a president cannot serve consecutive terms. The parliament plays a largely reactive role, opposing or accepting initiatives from the executive branch. Most factions in the country's

fragmented party system are based on personal leadership or support from a particular region.

Endemic corruption continues to limit Haiti's political and economic development. Although the Martelly administration has made reducing corruption a priority, Martelly himself was embroiled in corruption allegations; in early 2012, he was accused of accepting bribes from a Dominican construction company seeking to secure reconstruction contracts and alleged mismanagement of the National Education Fund. Very few members of his cabinet have complied with the anticorruption agency's demand to provide full disclosure of their financial records. Martelly has appointed a number of individuals to political office who have been credibly accused of human rights abuses, including Jean Morose Villiena, who was appointed mayor of Les Irois despite his facing arson, murder, and attempted murder charges. Haiti was ranked 165 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Freedom of the press has been constrained by the absence of a viable judicial system and widespread insecurity. Violence against journalists remains a problem, and media outlets tend to practice self-censorship. After Martelly's inauguration in 2011, various media outlets protested against the president's intimidation and threats against their reporters. The country hosts two major daily newspapers and a number of less frequent publications, though the vast majority are in French, making it difficult for Creole-speaking Haitians to understand them, and their circulations are fairly small. Radio is the main form of media in Haiti. There are some 375 radio stations across Haiti, though most lack national reach. Television stations are far less common, and the total television audience in Haiti remains below 10 percent due to lack of electricity and resources. Internet access is hampered by similar problems.

The government generally respects religious and academic freedoms. However, the absence of an effective police force has led to poor protection for those who are persecuted for their views.

The 1987 constitution guarantees freedoms of assembly and association, but these rights are often not respected in practice. Popular demonstrations against the government and its inadequate response to the country's severe economic problems grew larger and more frequent toward the end of 2012 and were sometimes met by violent police responses. In November, thousands of Haitians took to the streets to protest perceived corruption in the government.

While Haiti has rich civil society traditions at the local level, many of its formally organized civil society groups have been co-opted by political and economic elites. Crackdowns on civil society activists and human rights defenders, including harassment, threats, and illegal arrests, increased in 2012. For example, prominent human rights defender Mario Joseph reported being subjected to harassment, threats, and unwarranted searches, while Newton Saint Juste and André Michel—two attorneys pursuing corruption claims against Martelly and his family—also reported similar harassment and death threats. In September, Jean Renel Senatus, the chief prosecutor of Port-au-Prince, was fired; Senatus claimed his dismissal was the result of his refusal to execute illegal arrest warrants for 36 individuals classified as government opponents, including Joseph, Saint Juste and Michel. The events drew criticism from several international human rights groups, and spurred the Inter-American Commission on Human Rights to direct the government to safeguard the life and safety of Joseph and others.

Unions are too weak to engage in collective bargaining, and their organizing efforts are undermined by the country's high unemployment rate. New labor regulations introduced in 2009 included a stratified minimum wage system for the commercial and industrial sectors that took effect on October 1, 2012, and minimum health and safety standards. However, the minimum wage increases apply only to a small segment of the population, and enforcement remains weak.

The judicial system is underfunded, inefficient, and corrupt, and is burdened by a large backlog of cases, outdated legal codes, and poor facilities. Official business is conducted in French rather than Creole, rendering large portions of court proceedings only marginally comprehensible to those involved. The ponderous legal system guarantees lengthy pretrial detentions in inhumane prison

conditions. In a move widely hailed as a critical step towards improving rule of law, Martelly in July 2012 appointed members to the CSPJ, an administrative and disciplinary organ of the judiciary that had been nonoperational. Martelly also filled several vacancies on the nation's highest court, the Court of Cassation, but his appointee to chief justice exceeded the legal age of service, and two other judges were appointed without the constitutionally required Senate approval; in October, the Senate voted for the removal of the illegally appointed judges, but they remained in their positions at year's end.

Police are regularly accused of abusing suspects and detainees, and impunity continues to be a problem. The Office of Citizen Protection, which expanded to rural areas to more effectively respond to allegations of government abuse, remains underfunded. In February 2012, a judge dismissed charges against former dictator Jean-Claude Duvalier, who in 2011 had returned to the country after 25 years in exile, for human rights violations perpetrated under his reign. Appeals of the dismissal were pending at year's end.

Widespread violence against women and children worsened considerably in the aftermath of the 2010 earthquake. Rapes were reportedly pervasive in the displacement camps, where insufficient police protection and inadequate housing exacerbated the vulnerability of women and children. Efforts of the Ministry of Women, grassroots women's groups, and legal organizations have helped improve the response to sexual violence, including more effective prosecutions of perpetrators and the consideration of new laws that would better address sexual violence and discrimination. Trafficking of children out of the country, especially to the Dominican Republic, also reportedly increased sharply after the earthquake. At the end of 2012, the parliament was considering an overhaul of its adoption laws that included provisions to increase the protection of children and to make trafficking a criminal offense. Childrens' rights organizations reported an increase in the prevalence of *restavek*, or child domestic servants, during 2012.

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