

FREEDOM IN THE WORLD



Haiti

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OVERVIEW:

Michel Martelly won a presidential runoff election in March 2011 and took office in May, but the parliament did not approve his choice for prime minister until October. A major crisis erupted two weeks later, when the president ordered police to take a sitting member of parliament into custody without any formal charges. The incident raised doubts about the president's determination to uphold the rule of law as the country continued to reel from a January 2010 earthquake that killed more 200,000 people and left close to 1.5 million others homeless. A cholera epidemic that broke out in October 2010 continued in 2011, producing an overall death toll of nearly 7,000 people by year's end.

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 rule by the Duvalier family, and although the military permitted the implementation of a French-style constitution under international pressure in 1987, army officers continued to dominate political affairs for most of the next eight years.

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 Lavalas Family (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 and took office in February 1996. 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 returned to the presidency in the 2000 election, which was boycotted by all major opposition parties amid widespread civil unrest and voter intimidation. He ran on a populist platform of economic revitalization, though opponents claimed that he was bent on establishing a one-party state. 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,

2012 SCORES

STATUS

Partly Free

FREEDOM RATING

4.5

CIVIL LIBERTIES

5

POLITICAL RIGHTS

4

Aristide was flown out of the country in a plane chartered by the United States. He eventually accepted exile in South Africa. A constitutional transition elevated Boniface Alexandre, head of the Supreme Court, to the position of president, and a new prime minister was named in March. Meanwhile, the UN peacekeeping force gradually expanded beyond the capital.

In 2006, Préval returned to power in relatively well-conducted elections, taking 51 percent of the presidential vote. However, his newly organized Front for Hope (Lespwa) party failed to win a majority in either house of parliament. Security improved the following year, after a UN crackdown on gangs in the capital.

The parliament clashed with the government in 2008 and 2009, forcing out two prime ministers, though the replacement for the second was approved in an orderly succession in late 2009.

On January 12, 2010, a powerful earthquake struck near Port-au-Prince, killing more than 200,000 people and injuring as many as 300,000. At year's end, over a million people remained homeless; the figure had fallen to about half a million a year later. The UN headquarters in Port-au-Prince was destroyed in the quake, and the infrastructure of the police force and judiciary 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, which continued in 2011 and had killed nearly 7,000 people by year's end.

Presidential and parliamentary elections held in November 2010 were marred by widespread reports of fraud, voter intimidation, violations of electoral law, and problems with the composition of the Provisional Electoral Council (CEP). Supporters of popular musician Michel Martelly—who finished third in the presidential first round, according to the 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 six of the 11 Senate seats at stake. Smaller parties divided the remainder, with none taking more than eight seats in the lower house.

Martelly was sworn in as president in May, but the parliament rejected his first two choices for prime minister. Lawmakers finally granted approval to Gary Conille, a medical doctor and former UN official, in October. A standoff between the executive and legislative branches took shape two weeks later, when police arrested sitting parliament member Arnel Bélizaire, whom the media identified as an escaped prisoner convicted of murder in 2004. Lawmakers objected to the arrest, citing parliamentary immunity. The justice minister and a prosecutor were forced to resign, but the case remained unresolved at year's end.

Separately during 2011, Aristide and former dictator Jean-Claude Duvalier returned to the country as private citizens. Duvalier faced a variety of criminal charges concerning his time in office, which remained pending at year's end, but no charges were filed against Aristide in 2011.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Haiti is not an electoral democracy. The first round of the presidential and parliamentary elections held in November 2010 suffered from a number of critical flaws, including widespread complaints of unfairness and lack of transparency in the approval of candidates by the CEP and massive voter fraud. The results were rejected by the major international election monitoring organizations, and the line-up for the presidential runoff was altered under pressure from the Organization of American States (OAS) and the U.S. State Department. Midterm parliamentary and municipal elections that were

scheduled to take place in November 2011 were not held since the incumbent CEP is under assault by the current government. Several members of the council went into hiding during 2011, and in October the police went to search the house of the council's president.

The country's 1987 constitution provides for a president elected for a five-year term, a National Assembly 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. Lawmakers are sorely short of financial and administrative resources, and the parliament plays a 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 hobble Haiti's political and economic development. A number of lawmakers elected in 2006 and 2010 have reportedly been involved in drug trafficking and other criminal activities; many seek parliamentary seats primarily to obtain immunity from prosecution. Although the administration of Michel Martelly has raised the issue of corruption as a problem, very few members of his cabinet have complied with the anticorruption agency's demand to provide full disclosure of their financial records. Campaign financing remains unregulated and emerged as a serious problem in the 2010 campaign. Attempts by foreign donors to safeguard the inflows of post-earthquake aid and promote investments have remained a challenge. Haiti was ranked 175 out of 183 countries surveyed in Transparency International's 2011 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 to avoid retribution for critical reporting. After the inauguration of President Martelly in May 2011, various media outlets protested against the president's intimidation and threats against their reporters. The country hosts a number of newspapers from across the political spectrum, though their circulations are fairly small. More than 90 percent of Haitians have access to radio, and more than 290 FM stations operate without a license. There are more than 70 community radio stations, which are often linked to political groups or parties. Television stations are far less common, with about 20 in Port-au-Prince and another 15 in the provinces. 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 freedom of assembly and association. However, these rights are often not respected in practice. 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. 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, and minimum health and safety standards. Still, the minimum wage increases apply only to a small segment of the population, and enforcement remains weak.

The judicial system is corrupt, inefficient, and dysfunctional. It is burdened by a large backlog of cases, outdated legal codes, and poor facilities. Moreover, official business is conducted in French rather than Creole, rendering large portions of court proceedings only marginally comprehensible to those involved. Prison conditions are harsh, and the ponderous legal system guarantees lengthy pretrial detentions. Some two-thirds of the inmate population are awaiting trial, including many who have been behind bars for over a year. During a prison riot in Les Cayes in January 2010, police shot dead 12 prisoners who had been living in overcrowded and inhumane conditions; in

December 2011, eight officers and one inmate were sentenced to between three and 13 years in prison for the incident. Police are regularly accused of abusing suspects and detainees.

Widespread violence against women and children worsened considerably in the aftermath of the 2010 earthquake. Rapes were reportedly commonplace and pervasive in the displacement camps, where insufficient police protection and inadequate housing exacerbated the vulnerability of women and children. Trafficking of children out of the country also reportedly increased sharply after the earthquake. More than 7,300 were thought to have been smuggled to the Dominican Republic in 2010, often to work in the sex trade, compared with an estimated 950 in 2009. Up to half a million children in Haiti reportedly serve as *restavec* ("live with," in Creole), a form of unpaid domestic labor with a long history in the country.

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