

of robbery and had been fired upon. Three police officers were charged with murder in October; one was awaiting trial at the end of the year while the other two remained at large.

Violence against women and girls

In July, the CEDAW Committee highlighted the high prevalence and under-reporting of violence against women. Among its recommendations were the full implementation of the Sexual Offences Act; mandatory training for judicial officials; strengthening the capacity of shelters and crisis centres; raising public awareness; improved collection of statistical data on domestic and sexual violence; and improved access to legal aid services.

In August, the High Court ruled that “paper committals” – hearings to decide whether there is enough evidence to send a case to trial – in cases of sexual offences were unconstitutional as the accused were given no opportunity to defend themselves at that stage. There were concerns that the ruling would have a negative impact on the already very low conviction rates for sexual offences.

Rights of lesbian, gay, bisexual, transgender and intersex people

A report issued in March by the University of the West Indies examined the social impact of laws affecting LGBTI people. The report found that the majority of those interviewed were reluctant to report crimes against them as they feared charges would be brought against them because of their sexual orientation.

Right to health – HIV/AIDS

In May the National AIDS Committee, an independent advocacy body, criticized the government’s failure to decriminalize same-sex relations; the slow progress in reducing stigma against people living with HIV/AIDS; the failure to explore links between sexual violence and the spread of HIV among women and girls; and the lack of focus on Indigenous people as a group at particular risk.

Death penalty

At least five people were sentenced to death. Thirty people remained on death row at the end of the year. In June, four death-row inmates had their sentences commuted to life imprisonment on the grounds that

the length of time they had spent under sentence of death – ranging from 16 to 24 years – constituted cruel and inhuman treatment.

HAITI

REPUBLIC OF HAITI

Head of state:

Michel Joseph Martelly

Head of government:

Laurent Lamothe

(replaced Garry Conille in May)

More than 320,000 people made homeless by the January 2010 earthquake remained displaced during 2012. Thousands of internally displaced people were forcibly evicted by local authorities and private landowners. Women reporting gender-based violence received little redress. No steps were taken to address impunity for past human rights abuses.

Background

Increasing political tensions between Parliament and the presidency led to the resignation in February of Prime Minister Garry Conille after four months in office. The President’s choice of Prime Minister, Laurent Lamothe, took office in May. In the last quarter of the year, there were demonstrations in several parts of the country against the government’s apparent failure to respond to socio-economic problems. Protesters demanded the resignation of President Martelly.

In August, President Martelly established the Permanent Electoral Council. Only six of the nine members were appointed as Parliament could not reach consensus on its three representatives. Three appointments by the High Council of the Judiciary were contested for failing to respect selection procedures and in October the High Council appointed three new representatives. The creation of a Permanent Electoral Council, a key institution in organizing local and general elections, had been pending since the adoption of the Constitution in 1987.

In October, the UN Security Council renewed the mandate of the UN Stabilization Mission in Haiti (MINUSTAH) for a ninth year and recommended the gradual reduction of its military and police

component. There was growing public discontent with MINUSTAH, particularly because a UN Nepalese battalion was alleged to be responsible for the outbreak of cholera in Haiti and because MINUSTAH soldiers were alleged to be involved in a number of cases of sexual violence.

Tropical storms Isaac and Sandy, which lashed Haiti respectively in late August and late October, exacerbated the cholera outbreak, intensified food insecurity and increased the number of homeless families. The storms affected more than 15,000 households living in makeshift camps for internally displaced people.

The post-quake humanitarian situation in Haiti remained a source of concern in several areas as regards protection, shelter, health care, water and sanitation. The cholera outbreak, which killed around 900 people during the year, compounded the situation, while lack of funding hindered the humanitarian response. Post-quake recovery efforts continued at a slow pace due in part to political instability, weak public institutions and delays in the disbursement of funds pledged by the international community. As of September, only US\$2.79 billion of the US\$5.53 billion pledged had been disbursed.

A law ratifying the ICESCR was adopted in May. However, by the end of the year, the President had not promulgated the law.

Internally displaced people

More than 320,000 people made homeless by the January 2010 earthquake were still living in makeshift camps at the end of 2012. The government, assisted by the International Organization for Migration and its partners, continued implementing return and relocation programmes for internally displaced people living in those camps most at risk due to natural hazards. Throughout 2012, around 134,000 families were helped to move out of the camps by rent subsidies or offers of temporary shelter.

Living conditions in the camps remained dire. Sanitation in some camps improved, but there were concerns about water quality and its connection to an increase of reported cases of cholera during the rainy and hurricane season (April to November).

Housing rights – forced evictions

Forced evictions of internally displaced people continued in Port-au-Prince and other quake-affected

areas. Thousands of people were made homeless again when their makeshift shelters were destroyed during forced evictions. These were carried out without due process, adequate notice or consultation. Those who lost their homes were not offered alternative housing. Coercion, harassment and violence accompanied the forced evictions.

Evictions contributed to the overall decrease in the number of people living in makeshift camps and to the closure of numerous camps. Between January and June, more than 30 camps were closed following forced evictions, affecting more than 2,140 people. More than 75,000 people were under constant threat of forced eviction.

■ In May, municipal officials accompanied by armed members of the municipal Street Control Brigade and national police forcibly evicted 131 families from Camp Mozayik in Port-au-Prince. Former camp residents said that officials demolished their houses and destroyed their belongings. None received alternative accommodation or adequate notice.

■ In July, the authorities tried to forcibly evict 142 families belonging to a community set up in the 1980s in Parc La Visite, a nature reserve in the South-East department. According to eyewitnesses, 30 police officers and 20 armed civilians arrived to carry out the eviction. Members of the community threw stones at the police when they started to destroy homes. Officers then opened fire, killing four men. The authorities denied any involvement and no investigation had been carried out into the shootings by the end of the year.

The government presented the first ever draft National Housing Policy in April. Among the concerns were the lack of a human rights perspective and the failure to address the issue of forced evictions.

Violence against women and girls

Women and girls continued to face gender-based violence. According to reports from women's rights organizations, women living in camps for internally displaced people remained at particular risk of gender-based violence and sexual exploitation. Driven by poverty, women and girls continued to be involved in transactional sex to ensure their livelihoods. Haiti's police and justice system made some progress in responding to gender-based violence, but offered women few opportunities for justice and reparation.

Impunity

Those responsible for serious human rights violations, including enforced disappearance, torture, rape and extrajudicial executions, over the past four decades continued to evade justice.

In January, an investigating judge dismissed complaints of crimes against humanity filed by 22 victims against former President Jean-Claude Duvalier. He concluded that Jean-Claude Duvalier should be tried only for corruption and misappropriation of public funds. In his report, and contrary to Haiti's obligations under international law, the judge stated that Haiti's courts were not competent to investigate and prosecute crimes against humanity. An appeal by victims and their relatives was pending at the end of the year.

Justice system

In July, the High Council of the Judiciary was finally established. However, its functioning was hampered by internal divisions which resulted in the temporary withdrawal of two members, including the representative for the human rights sector. The Council is a key institution for the reform and independence of the justice system. One of the main roles of the Council is to confirm the appointment of new judges. However, according to local human rights organizations, judges continued to be appointed without the agreement of the Council.

On 28 September, the Chief Prosecutor of Port-au-Prince, Jean Renel Sénatus, was dismissed. Interviewed on a local radio station, he said he was removed from office because he refused to implement a ministerial order to arrest 36 political opponents, including human rights lawyer Mario Joseph and anti-corruption lawyers Newton St-Juste and André Michel. In October, Lucman Delille became the eighth Chief Prosecutor of Port-au-Prince to be appointed since President Martelly took office.

The authorities failed to take effective steps to address the problem of prolonged pre-trial detention.

Amnesty International visits/reports

📄 Amnesty International delegates visited Haiti in May and July 2012.

HONDURAS

REPUBLIC OF HONDURAS

Head of state and government:

Porfirio Lobo Sosa

Human rights defenders continued to be threatened, attacked and killed. Prison conditions remained a concern following the deaths of 360 prisoners in a fire at Comayagua Prison. There were fears that legislation might be introduced criminalizing access to contraception. The independence of the judiciary came under the spotlight after the sacking of members of the Supreme Court.

Background

Levels of violent crime remained high and continued to dominate the political agenda. Attempts were made by the government to purge the police in response to allegations of abuses and corruption, such as police involvement and complicity in killings, such as those of two university students in 2011.

Human rights defenders

Human rights defenders continued to be subjected to intimidation, physical attack and were even killed because of their work.

Campesino community leaders and human rights defenders involved in representing *campesino* communities in the context of the continuing land disputes in Bajo Aguán were subjected to threats and attacks.

■ In September, human rights lawyer Antonio Trejo Cabrera died after being shot five times by gunmen in the capital, Tegucigalpa. Antonio Trejo had been representing three peasant co-operatives and had helped farmers to regain legal rights to land. He had been scheduled to travel to the USA to take part in hearings at the Inter-American Commission on Human Rights about the ongoing land dispute. He reported receiving death threats during the year. By the end of 2012 no one had been held to account for his killing.

The government failed to undertake effective measures to prevent and punish human rights violations against defenders. In February, the UN Special Rapporteur on the situation of human rights defenders expressed concern at the absence of a programme of specialized protection for human rights