

# HAITI 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Haiti is a constitutional republic with a multiparty political system. Voters elected Jovenel Moïse as president for a five-year term in national elections held in November 2016. The most recent national legislative elections were on January 29. International election observers considered the elections free and fair.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included isolated allegations of arbitrary and unlawful killings by government officials; allegations of beatings of detainees; harsh and life-threatening prison conditions; a judiciary subject to corruption and outside influence; physical attacks on journalists; widespread corruption; and trafficking in persons.

Although the government took steps to prosecute or punish government and law enforcement officials accused of committing abuses, credible reports persisted of officials engaging in corrupt practices, and civil society groups alleged there was widespread impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were isolated allegations of police and other government officials' involvement in arbitrary or unlawful killings. Some of these resulted in arrests, but there were no reports of criminal convictions.

The Office of the Inspector General (OIG) of the Haitian National Police (HNP) investigated 10 police officers for homicide while on duty through August. The OIG found that six of the officers were not justified in their use of force and recommended them for immediate dismissal and criminal investigation.

Human rights groups continued to criticize the Departmental Brigade of Operations and Interventions (BOID), a special unit of the HNP tasked with fighting crime in difficult environments.

As reported by the National Network of Human Rights Organizations in Haiti, in September members of BOID publicly shaved the head of a suspected criminal in Lilavois, a neighborhood in the town for Croix-des-Bouquets just outside the capital. The suspected criminal allegedly arranged for the assassination of BOID officer Watson Jean as revenge. In response BOID officers raided the Lilavois neighborhood, where they arrested 12 persons. The corpse of one of the arrested men was found near the site of his arrest. The dead bodies of two other arrested men were photographed and circulated widely on social media, although their corpses had not been found as of October. Additionally, BOID officers allegedly burned three homes, two shops, a vehicle, and a motorcycle.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices; however, there were several unconfirmed reports from international and domestic nongovernmental organizations (NGOs) that HNP members allegedly beat or otherwise abused detainees and suspects. Prisoners at times were subjected to degrading treatment, in large part due to overcrowded facilities. Several reports noted corrections officers used physical punishment and psychological abuse to mistreat prisoners.

In June police arrested two suspects in a high-profile gang rape in the Terre Rouge neighborhood of Petionville. A video circulated widely on social media of the two men--already apparently badly beaten--being forced to hit and kiss each other while in police custody. As of October the three police officers identified in the video had been placed in isolation--a type of government house arrest.

Allegations persisted that the UN Stabilization Mission in Haiti (MINUSTAH) peacekeepers were involved in incidents of sexual exploitation and abuse. The United Nations reported that as of October, it had received six allegations during the year: two of the alleged incidents occurred during the year, one in 2016, one earlier than 2016, and in two cases, the years of the incidents were unknown.

One of the six allegations was a MINUSTAH Formed Police Unit (FPU) officer from Bangladesh who sexually assaulted a minor. The officer's payment was suspended, and a referral for criminal accountability was pending the outcome of

an investigation. There were two allegations of transactional sex, one involving another Bangladeshi FPU member, and one involving a MINUSTAH military contingent member from Guatemala. As of October the investigation of the first case was underway, while the second was determined to be unsubstantiated due to insufficient evidence. There were three allegations of exploitative sexual relationships by UN police officers: two with paternity claims (Benin and Mali, both cases substantiated and resulting in repatriation; the officer from Benin received jail time after repatriation), and one without resolution (Canada, investigation still pending). It is likely that abuse was underreported due to fear of stigmatization.

These reports represented an overall increase from the four allegations made in 2016, but figures continued to be significantly lower than a peak of 17 allegations in 2013. MINUSTAH officials attributed the relatively low number of allegations in part to their efforts to combat the problem, and they highlighted a zero-tolerance policy that included training, raising awareness, and enforcement.

### **Prison and Detention Center Conditions**

Prisons and detention centers throughout the country remained overcrowded, poorly maintained, and unsanitary.

Physical Conditions: Prison and detention center overcrowding was severe, especially in the National Penitentiary and the prison in Cap Haitien, where each prisoner had 4.2 square feet of space. In many prisons detainees slept in shifts due to lack of space. Some prisons had no beds for detainees, and some cells had no access to sunlight. In other prisons, the cells often were open to the elements or lacked adequate ventilation. Many prison facilities lacked basic services such as plumbing, sanitation, waste disposal, medical services, potable water, electricity, adequate ventilation, lighting, and isolation units for contagious patients. Some prison officials used chlorine to sanitize drinking water, but in general prisoners in older prisons did not have access to treated drinking water. Most prisons had insufficient sewage facilities for their populations.

Prison conditions generally varied by gender; female inmates in coed prisons received proportionately more space in their cells than their male counterparts. Female prisoners also experienced a better quality of life than did their male counterparts due to their smaller numbers.

The Department of Corrections (DAP) held approximately 500 prisoners in makeshift and unofficial detention centers, such as police stations in Petit-Goave, Miragoane, Gonaives, and some parts of Port-au-Prince. Local authorities held suspects in makeshift facilities, sometimes for extended periods, without registering them with the DAP.

Corrections authorities in Port-au-Prince maintained separate penitentiaries for adult men, women, and minors. In Port-au-Prince all male prisoners under 18 years of age were held at the juvenile facility at Delmas 33, but due to the lack of sufficient documentation, authorities could not always verify the ages of detainees. At times authorities detained minors believed to be older, and whose ages they could not confirm, with adult inmates. Authorities moved the vast majority of these minors to juvenile detention centers within two months of verifying their ages. Due to lack of space, resources, and oversight outside the capital, authorities sometimes did not separate juveniles from adult prisoners or convicted prisoners from pretrial detainees, as the law requires.

International observers indicated prisoners and detainees continued to suffer from a lack of basic hygiene, malnutrition, poor quality health care, and water-borne illness. An estimated 10 percent of the nationwide prison population suffered from malnutrition and severe anemia, while sanitation-related diseases, including scabies, diarrhea, and oral infections, were commonplace. Because of the poor security, severe understaffing, and conditions of some detention centers, prison officials did not allow prisoners out of their cells for exercise. In the National Penitentiary, prisoners spent close to an hour outside of confinement, but in all other facilities prisoners only had 15-20 minutes to bathe before returning to their cells.

Prisoners' access to adequate nutrition remained a problem. The HNP has contractual and fiscal responsibility for the delivery of food to prisons. According to an August 2016 UN report, changes in the contracted food suppliers and delays in fund disbursement reduced the number of meals fed to prisoners. Additionally, human rights groups accused prison officials of corruption by selling food intended for prisoners on the open market. Some prisons had kitchen facilities and employed persons to prepare and distribute food. Prison authorities generally provided prisoners with one or two meals a day, consisting of broth with flour dumplings and potatoes, rice and beans, or porridge. None of the regular meals served to prisoners provided sufficient calories, according to medical standards. Authorities allowed prisoners regular deliveries of food from relatives and friends.

Human rights groups reported that families sometimes paid prison staff to deliver supplemental meals and clothing to prisoners.

In the first eight months of the year, 97 inmates died due to illness or malnutrition. Most died from starvation, anemia brought on by malnutrition, tuberculosis, or other communicable diseases. A government commission was created in February to investigate deaths due to prison conditions, but as of November the commission's findings were not published.

Most detention facilities had only basic clinics for treatment of illnesses and diseases contracted while in custody. Few prisons had the resources to treat serious medical situations. Some very ill prisoners were treated at hospitals outside of prisons, but many hospitals were reluctant to take prisoners, as there was no formal arrangement between the Ministry of Justice and the Ministry of Health regarding payment for treatment. According to statistics from Health Through Walls, an NGO providing health services in the prisons at intake, the prevalence rate of HIV among the prison population was more than eight times higher than the prevalence rate nationally. The intake prevalence rate for tuberculosis was more than 38 times higher than the national rate--more than three times the discrepancy in previous years.

Administration: The country's independent human rights monitoring body, the Office of the Citizen Protector (OPC), maintained a presence at several prison facilities and advocated for the rights and better conditions of prisoners, especially juveniles in preventive detention, and investigated credible allegations of inhuman conditions. The OPC regularly visited prisons and detention facilities throughout the country and worked closely with NGOs and civil society groups.

Independent Monitoring: The DAP permitted MINUSTAH, local human rights NGOs, and other organizations to monitor prison conditions. These institutions and organizations investigated allegations of abuse and mistreatment of prisoners, resulting several times in the improvement of their situations.

Improvements: DAP officials created a strategic development plan in April and started a long-needed organizational restructuring process to better respond to inmate needs. The DAP also hosted a business forum in April where several local businesses committed to training prisoners while incarcerated and hiring them upon release.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but it does not provide for the right of any person to challenge the lawfulness of his/her arrest or detention in court. The constitution stipulates that authorities may arrest a person only if apprehended during the commission of a crime or based on a warrant issued by a competent official, such as a justice of the peace or magistrate. Authorities must bring the detainee before a judge within 48 hours of arrest. By routinely holding prisoners in pretrial detention, authorities often failed to comply with these provisions.

The law requires that authorities refer to the HNP's OIG all cases involving allegations of police criminal misconduct. Senior police officials acknowledged receipt of several complaints alleging abuses committed by officers during the year but noted that financial, staffing, and training limitations prevented the institution from readily addressing all reports of such misconduct.

### **Role of the Police and Security Apparatus**

Internal security is maintained by the HNP, an autonomous civilian institution under the authority of a single director general and includes police, corrections, fire, emergency response, airport security, port security, and coast guard functions. The Ministry of Justice and Public Security, through its minister and the secretary of state for public security, provides oversight to the HNP.

The HNP took steps toward imposing systematic discipline on officers found to have committed abuses or fraud, but civil society representatives continued to allege widespread impunity. The HNP held monthly press conferences that served as awareness campaigns to inform the public of their roles and responsibilities and to report on cases of misconduct. The OIG maintained a 24-hour hotline to receive public reports of police corruption or misconduct. The OIG sends these complaints to the Haitian National Police Director General for approval, and then to the Ministry of Justice, which decides whether to accept or not accept their recommendation. While government officials stated that the Ministry of Justice nearly always accepted their recommendations, human rights groups complained that there was no way to verify the complaints because there is no official case tracking after they leave the OIG.

As of August the OIG for the HNP had recommended 11 officers for dismissal, compared with 27 such recommendations by the OIG at the same time in 2016. The most common reasons for the recommendation of dismissal were homicide and assault. While it was unclear what caused the downward trend in allegations,

anecdotal evidence from human rights groups suggested that new cadets were better disciplined and better trained, resulting in a positive change in HNP culture. A lack of well-trained internal investigators in the HNP slowed case investigations and impeded final resolutions.

The HNP Sexual and Gender-Based Violence (SGBV) unit remained under resourced and understaffed. The unit had two satellite offices at Fort National and Delmas 33. The HNP assigned officers who received SGBV training to serve as regional SGBV representatives in all 10 departments. These officers had minimal links to the SGBV unit in Port-au-Prince.

MINUSTAH's military component withdrew completely on October 15. Its successor, the UN Mission for Justice Support in Haiti (MINUJUSTH), consisted of seven FPUs, comprising 295 individual police officers and 980 other personnel. MINUJUSTH has a mandate to focus on developing the HNP, strengthening the rule of law, and promoting human rights. MINUSTAH had operated since 2004 with a mandate to assist and advise the government on security-related matters.

Foreign governments and other entities continued to provide a wide variety of training and other types of assistance to improve police professionalism, including increasing respect for human rights. The HNP continued to expand its outreach to and relations with local populations in Port-au-Prince by supporting the community policing unit. The unit aimed to implement policing strategies oriented toward crime reduction and to foster positive police-populace communication over aggressive interdiction.

### **Arrest Procedures and Treatment of Detainees**

The law permits police officers to make arrests with a court or prosecutor-authorized warrant, or when officers apprehend a suspect in the process of committing a crime.

While authorities generally acknowledged the right to counsel, most detainees could not afford a private attorney. Some departmental bar associations and legal assistance groups provided free counsel. Some NGO attorneys also provided free legal services. The criminal procedure code does not allow for a functional bail system.

Arbitrary Arrest: Independent reporting confirmed instances in which, contrary to law, police without warrants or with improperly prepared warrants apprehended

persons not actively committing crimes. Authorities frequently detained individuals on unspecified charges. Persons arrested reported credible instances of extortion, false charges, illegal detention, physical violence by HNP personnel, and judiciary officials' refusal to comply with basic due process requirements. The judicial system rarely observed the constitutional mandate to bring detainees before a judge within 48 hours. In some cases detainees spent years in detention without appearing before a judge.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. Prison population statistics did not include the large number of persons held in police stations around the country for longer than the 48-hour maximum initial detention period. Of the approximately 11,400 total prison inmates, authorities held an estimated 8,300 (or 73 percent) in pretrial detention. Government strikes by court clerks and bailiffs likely contributed to a slight increase in the pretrial detention rate from 71 percent in 2016. Pretrial detention was significantly more prevalent in Port-au-Prince--as of August authorities had yet to try an estimated 90 percent of Port-au-Prince's inmates.

Many pretrial detainees had never consulted with an attorney, appeared before a judge, or been given a docket timeline. Time spent in pretrial detention varied significantly by geographic jurisdiction.

The Ministry of Justice launched "Plan Themis" in June with the objective of conducting 10 weeks of intensive hearings between June and August to process 280 criminal cases. A prolonged strike by court clerks and bailiffs, however, interfered with the effort and resulted in 55 criminal hearings.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: There is no explicit habeas corpus law, although the constitution stipulates that it is illegal for an individual to be detained for more than 48 hours without being seen by a judge. The OPC's national and 12 regional offices worked on behalf of citizens to verify that law enforcement and judicial authorities respected the right to due process. When authorities detained persons beyond the maximum allotted 48 hours and the OPC learned of the case, they intervened on the detainee's behalf to expedite the process. The OPC did not have the resources to intervene in all cases of arbitrary detention.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but senior officials in the executive and legislative branches exerted significant influence on the judicial branch and law enforcement. MINUSTAH and international and local NGOs repeatedly criticized the government for attempting to influence judicial officials. The new government replaced the chief prosecutors in all 18 judicial jurisdictions, as well as the head of the government's two anticorruption bodies: the Anticorruption Unit, and the Central Financial Intelligence Unit. Judges commented this created a new venue for executive influence on judicial decisions because executive appointees can prevent cases from being investigated or brought before a judge altogether. As executive-appointed prosecutors could prevent cases from being seen by judges, the judges themselves actually faced less direct executive pressure in making decisions.

Internal political divisions as well as organizational, funding, and logistical problems often hampered the efficient functioning of the Supreme Council of the Judiciary (CSPJ). The CSPJ is charged with independently overseeing judicial appointments, the discipline of judges, ethics issues, and management of the judiciary's financial resources.

Pervasive and longstanding problems, primarily stemming from a lack of judicial oversight and professionalism, contributed to a large backlog of criminal cases. Judiciary personnel were paid haphazardly, with arrears often running into months, and worked in facilities that often lacked basic supplies. The failure to appoint or reappoint judges at the expiration of their terms further slowed the functioning of the judiciary. Judges, court clerks, and bailiffs went on strike intermittently to protest poor wages and working conditions, further stifling judicial capacity.

The code of criminal procedure does not clearly assign criminal investigation responsibility, which it divides among police, justices of the peace, prosecutors, and investigating magistrates. As a result authorities often failed to question witnesses, complete investigations, compile complete case files, or conduct autopsies. While the law provides investigative judges two months to request additional information from investigators, they often did not follow this requirement and frequently dropped cases or did not return them within the two-month limit. This resulted in extended pretrial detention for many detainees.

By law each of the country's 18 jurisdictions should convene a jury trial session twice per year for trials involving major violent crimes. Many jurisdictions, however, convened only one jury per year because they lacked the resources to pay for them. During a case heard at a jury trial session, the court can decide to

postpone the hearing to the next session for any reason--often because witnesses were not available. In these cases defendants are returned to prison until the next jury trial session.

Corruption and a lack of judicial oversight also severely hampered the judiciary. Human rights organizations reported that several judicial officials, including judges and court clerks, arbitrarily charged fees to initiate criminal prosecutions and that judges and prosecutors failed to respond to those who could not afford to pay. There were credible allegations of unqualified and unprofessional judges who received appointments as political favors. There were also persistent accusations that court deans, who are responsible for assigning cases to judges for investigation and review, at times assigned politically sensitive cases to judges with close ties to figures in the executive and legislative branches. Many judicial officials also held full-time occupations outside the courts, although the constitution bars judges from holding any other type of employment except teaching.

While the CSPJ was not effective in providing judicial accountability and transparency, it held 12 disciplinary hearings for judges, of which six were sanctioned. Local judicial sector observers said the CSPJ struggled to function because it focuses on solving political crises in the executive and legislative branches instead of focusing on its mandated tasks. Additionally, poor management, such as repeated reviews of old procedures by new members that slowed the institution's work, its hesitation to sanction fellow judges, and a poor relationship with the Ministry of Justice contributed to inefficiency.

### **Trial Procedures**

The constitution provides for the right to a fair and public trial, but the judiciary did not enforce this right. The judiciary follows a civil law system based on the Napoleonic Code that has remained largely unchanged since 1835. The constitution denies police and judicial authorities the right to interrogate suspects unless legal counsel or a representative of the suspect's choice is present or the suspect waives this right. Authorities, however, widely ignored certain constitutionally provided trial and due process rights.

The constitution provides defendants a presumption of innocence, as well as the right to attend trial, confront hostile witnesses, and call witnesses and evidence on their own behalf. Judges often denied these rights. The perception of widespread impunity also discouraged some witnesses from testifying at trials. Defendants have the right of appeal. Defendants have the right to communicate with an

attorney of their choice; however, legal aid programs were limited, and those who could not pay for attorneys were not always provided one free of charge. While French and Haitian Creole are both official languages of Haiti, the majority of legal proceedings and all laws are in French, despite the most commonly spoken language being Haitian Creole. Free interpretation was not provided for defendants.

The functioning of justice of peace courts (*tribunaux de paix*), the lowest courts in the judicial system, was inadequate. Judges presided in chamber based on their personal availability and often maintained separate, full-time jobs. Law enforcement personnel rarely maintained order during court proceedings, and frequently there was no court reporter. Bribes were often the principal factor in a judge's decision to hear a case.

In many communities, especially in rural areas, elected communal administrators (CASECs) took the place of state judges and asserted powers of arrest, detention, and issuance of legal judgments. Some CASECs turned their offices into courtrooms.

### **Political Prisoners and Detainees**

There were no credible reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Victims of alleged human rights abuses may bring their cases before a judge. Courts can award damages for human rights abuse claims brought in civil forums, but seeking such remedies was difficult and rarely successful.

Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the Inter-American Commission of Human Rights, which in turn may submit the case to the Inter-American Court of Human Rights.

### **Property Restitution**

There were several highly publicized reports that the government failed to provide proportionate and timely restitution or compensation for governmental confiscation of private property.

In June a human rights group reported that a police SWAT team attempted to remove a domestic NGO, Fondation L'athlétique d'Haiti, from a property in the Port-au-Prince neighborhood of Cite Soleil forcibly. The property was the subject of a land dispute between the NGO and a wealthy local family. Despite the NGO having won several court cases concerning the land, police agents allegedly arrived with a land surveyor, forced NGO workers off the premises, and threatened individuals who tried to film their activity. After a large public rally formed to support the NGO with international press coverage, the alleged police activity stopped. HNP authorities stated there had been no authorized police operations at the time of the incident.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected these rights. The independent media were active and expressed a wide variety of views without restriction.

Press and Media Freedom: There were isolated incidents of actions against journalists by national and local government officials. As a result some independent media believed they were unable to criticize the government freely. Certain topics such as narcotics trafficking and organized crime remained largely unreported because of perceived danger.

Violence and Harassment: Some journalists were subjected to threats, harassment, and physical assault, allegedly due to their reporting. In some instances government authorities participated in these acts.

In August, Gabriel Fortune, the mayor of Les Cayes, repeatedly made statements on the radio that journalist Jean Nazaire Jeanty should be killed or “disappeared” by the government because of his reporting. Jeanty had criticized the appearance and smell of a nearby beach preparing to host a music festival. Jeanty filed a complaint against Fortune, but his case was dismissed when Jeanty did not come to

a preliminary court hearing. Jeanty said he had not been informed that the hearing was taking place.

Censorship or Content Restrictions: There were no reported cases of government-sponsored censorship, but human rights advocates claimed that certain government officials used public security ordinances to limit radio commentary criticizing the executive branch.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authorization. Socioeconomic and infrastructure hurdles contributed to the dominance of radio and, to a lesser extent, television, over the internet.

According to the International Telecommunication Union, approximately 12 percent of citizens had access to the internet in 2016.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for freedoms of peaceful assembly and association, and the government generally respected this right.

#### **Freedom of Peaceful Assembly**

The constitution provides for freedom of assembly, and the government generally respected this right. There were several instances when police used force to impose order during demonstrations. Citizens must apply for a permit to hold legal demonstrations. Although impromptu political demonstrations in some instances provoked aggressive law enforcement responses, police generally responded to these protests in a professional and effective manner.

In June at the State University of Haiti, several students held a public demonstration in solidarity with a fellow student who was run over by a faculty member's vehicle. When police officers forcefully responded, one student was

struck in the temple by a rubber bullet and three were arrested and imprisoned for three days before being released.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with international and humanitarian organizations, as well as other countries, in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

### **Internally Displaced Persons (IDPs)**

Despite notable progress since the 2010 earthquake that forced more than 1.5 million persons into temporary shelters, the presence of IDP camps persisted. While more than 90 percent of IDPs were in Port-au-Prince, a significant number also remained displaced by Hurricane Matthew's 2016 destruction of the country's South Department. A total of 41,000 individuals (more than 10,000 households) were estimated still to reside in IDP camps across the country. This figure included both the victims of Hurricane Matthew and the 2011 earthquake plus a small population of deported migrant workers living in camps along the border with the Dominican Republic.

The rate of camp closures and relocation slowed substantially, a trend that continued over the course of the past year. As of August an estimated 38,000 persons (9,350 households) remained at post-earthquake displacement sites, where only 37 percent of IDPs had access to water. Statistics from the International Organization for Migration (IOM) showed that the overall post-2010 earthquake IDP population had decreased 97 percent from its estimated peak in 2010.

The MINUSTAH forces drawdown and UN police force (UNPOL) departure left the administration of security in the remaining IDP camps the responsibility of the HNP. MINUSTAH had provided security inside some IDP camps in recent years when MINUSTAH's UNPOL Mobile Team conducted joint regular patrols with

the HNP. Camp residents and NGO workers reported that most HNP patrols monitored only the perimeter of camps and typically did not patrol after dark. Even in camps with a law enforcement presence, residents and international observers reported minimal protection from violence, including SGBV and urban crime. The HNP faced the threat of strike due to unpaid wages, and understaffing sometimes prevented the effective policing of camps. International workers in the camps noted that police and MINUSTAH did not always enjoy positive relationships with IDPs.

As of August, approximately 2,650 persons (900 households) remained displaced by Hurricane Matthew nearly one year after the storm, down from an estimated immediate displacement of 175,500 persons.

The rate of official deportations of Haitian migrants by Dominican Republic authorities increased during the year, with approximately 40,000 forced to leave the country between August 2016 and August, according to the IOM. The deportation of thousands of Haitian migrants, many of whom frequently cross back and forth along the porous border in search of seasonal agricultural work, added to a small but derelict IDP camp at the southernmost border crossing of Anse a Pitres. Despite successful IOM efforts to relocate 579 migrant households from the camp, hundreds of impoverished locals relocated to the tent camp seeking similar assistance.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of refugee status or asylum through Haitian missions or consulates abroad. Additionally, individuals could petition for asylum through the local office of the UN High Commissioner for Refugees. There were few reports, however, of requests for such status.

### **Stateless Persons**

A lack of coordination between the various ministries that administer the dysfunctional civil registry system and weak consular capacity made obtaining documentation difficult for individuals living inside or outside the country. Despite improved passport delivery domestically, where the government successfully processed a large backlog of passport applications, obtaining identity documents remained particularly challenging for many Haitians living in the Dominican Republic seeking to participate in that government's migrant regularization plan. As of July an estimated 150,000 Haitians living in the

Dominican Republic lacked any documentation from the Haitian government. Although President Moïse promised delivery of passports to the estimated 36,000 Haitians, the administration struggled to meet the goal, sending just 20,000 passports to the embassy in Santo Domingo during the first half of the year. Without documentation, this population was increasingly vulnerable to deportation, as the Dominican Republic government increased the rate of unofficial and official deportations of Haitians. Due to these systemic deficiencies, many Haitians living abroad were effectively stateless or at risk of statelessness in their country of residence.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: During the year legislative, municipal, and presidential elections were completed. While there were isolated allegations of voter fraud, the results conformed to international observer estimated outcomes and were generally regarded as credible. Although voter turnout was low, citizens generally accepted the elections, and public demonstrations against the election results were muted compared with previous years.

Participation of Women and Minorities: While there are no laws limiting the participation of women and/or members of minorities in the political process, low numbers of women participated in the political process. The constitution calls for a minimum of 30 percent of public officials to be women, but both chambers of parliament failed to meet this quota (3 percent in the senate, 2.5 percent in the Chamber of Deputies). Local elections did adhere to the 30 percent minimum.

### **Section 4. Corruption and Lack of Transparency in Government**

The 2014 Law on Prevention and Repression of Corruption, the country's first anticorruption law, criminalizes a wide variety of corruption-related offenses by officials, including illicit enrichment, bribery, embezzlement, illegal procurement, insider trading, influence peddling, and nepotism. The law imposes sentences of three to 15 years of imprisonment and gives legal authority to the government's Anticorruption Unit and its Central Financial Intelligence Unit, among others, to combat corruption.

Despite these efforts, there were numerous reports of government corruption and a perception of impunity for abusers. Law enforcement authorities and the government's anticorruption agencies launched several corruption investigations, but there were no convictions during the year. The perception of corruption remained widespread in all branches and at all levels.

Corruption: The constitution mandates that the senate prosecute high-level officials and parliament members accused of official corruption instead of handling such cases within the judicial system.

In July, President Moïse was criticized for firing Sonel Jean-François as director general of the Central Financial Intelligence Unit. The unit had launched a money laundering case against Moïse during his 2016 electoral campaign, but the investigation never led to formal charges. The decision to fire Jean-François was criticized by human rights groups, who claimed Moïse was trying to muzzle the investigation against him.

Financial Disclosure: The law requires all senior officials of the government to file financial disclosure forms within 90 days of taking office and within 90 days of leaving office. There is no requirement for periodic reporting. Disclosure reports are confidential and not available to the public. The sanction for failure to file financial disclosure reports is a withholding of 30 percent of the official's salary, but the government did not apply this sanction in previous years. Government officials stated that the requirements were generally followed.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated in addressing the views of various human rights groups, although they disagreed at times on the scope of certain human rights problems and the most appropriate means of addressing human rights issues.

Government Human Rights Bodies: The constitution provides a seven-year mandate to the head of the OPC, which is the country's independent human rights body, a post held by Florence Elie until November, when she was replaced by Renan Hedouville. The OPC investigated allegations of human rights abuse and

worked collaboratively with international organizations. The OPC's regional representatives implemented its assistance programs throughout the country. Elie stated that despite its budget and international donor support, the institution did not possess the necessary funding or physical or human capacity to implement its strategic development and advocacy plan in each of the 10 departments. Human rights advocates and international partners noted that the OPC remained one of the country's most important national institutions responsible for independently monitoring potential human rights abuses, especially in detention centers.

In 2014 the government eliminated the position of minister delegate for human rights and the fight against extreme poverty. The minister delegate was tasked with coordinating the work of the Interministerial Human Rights Commission. Without a minister delegate to coordinate its work, the commission continued to function sporadically and only on a technical level.

The Chamber of Deputies has a Justice, Human Rights, and Defense Commission, while the senate has a Justice, Security, and Defense Commission that also covers human rights issues.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: While the law prohibits rape of men or women, it does not recognize spousal rape as a crime. The penalty for rape is a minimum of 10 years of forced labor. In the case of gang rape, the maximum penalty is lifelong forced labor. Actual sentences were often less rigorous. The criminal code excuses a husband who kills his wife or her partner found engaging in an act of adultery in his home, but a wife who kills her husband under similar circumstances is subject to prosecution.

The law does not classify domestic violence against adults as a distinct crime. Women's rights groups and human rights organizations reported domestic violence against women remained commonplace. Judges often released suspects arrested for domestic violence and rape.

Victims of rape and other forms of sexual violence faced major obstacles in seeking legal justice, as well as access to protective services, such as women's shelters.

Attorneys who represented rape survivors said that authorities were reasonably responsive to cases involving the rape of minors, as the law is clear and judicial measures exist to deal with such cases. Due to the lack of clear legal or administrative structures to deal with such cases, however, authorities frequently dropped or did not pursue cases when the offender was also a minor or the survivor was an adult.

Sexual Harassment: The law does not specifically prohibit sexual harassment, although the labor code states that men and women have the same rights and obligations. Observers indicated that sexual harassment occurred frequently.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The law does not provide for the same legal status and rights for women as for men. Women did not enjoy the same social and economic status as men, despite the constitutional amendments recognizing the principle of “at least 30 percent women’s participation in national life and notably in public service.”

By law men and women have equal protections for economic participation. In practice, however, women faced barriers to accessing economic inputs and securing collateral for credit, information on lending programs and resources.

## **Children**

Birth Registration: Citizenship is derived through an individual’s parents; only one parent of either sex is necessary to transmit citizenship. Citizenship can also be acquired through a formal request to the Ministry of the Interior. The government did not register all births immediately. Birth registry is free until the age of two years.

Education: Constitutional provisions require the government to provide free and compulsory education for all children up to age 15; however, the government did not effectively enforce these provisions.

Child Abuse: The law prohibits domestic violence against minors. The government continued to lack sufficient resources and an adequate legal

framework to support or enforce existing mechanisms to promote children's rights and welfare fully, but it made some progress in institutionalizing protections for children.

A study launched by the Ministry of Social Affairs and Labor, published in 2015 in collaboration with national and international organizations, estimated there were 286,000 children working in indentured domestic servitude (referred to as "restaveks"). Host families often abused restaveks and subjected them to domestic servitude, a form of trafficking in persons.

For more information see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/) and the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

Early and Forced Marriage: The legal age of marriage is 18 years. No data was available regarding early and forced marriage, but childhood and forced marriage was not a widespread custom.

Sexual Exploitation of Children: The minimum age for consensual sex is 18 years. The law prohibits the corruption of youth under 21, including prostitution, with penalties ranging from six months to three years of imprisonment for offenders. The law prescribes prison sentences of seven to 15 years of imprisonment and a fine ranging from 200,000 HTG (Haitian Gourdes) to 1.5 million HTG (\$3,750 to \$28,140). The penalty for human trafficking with aggravating circumstances, which includes cases involving the exploitation of children, is up to life imprisonment.

Recruitment of children for sexual exploitation and pornography is illegal, but the United Nations reported that criminal gangs recruited children as young as 10 years of age.

Institutionalized Children: The IBESR has official responsibility for monitoring and accrediting the country's orphanages and residential care centers. IBESR reported that children in orphanages were frequently victims of sexual or physical abuse, were malnourished, did not receive an education, and were often trafficked to work as domestic labor, sex workers, or farm workers. IBESR has tried to close the worst of these orphanages, but can only do so as quickly as they can find other placement for the children in the abusive orphanages. The government has not apportioned appropriate resources to develop transitional centers or other

temporary housing and care facilities that would allow the rapid pace of deinstitutionalization needed.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](https://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

The Jewish community numbered fewer than 100 persons, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](https://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution stipulates that persons with disabilities should have the means to provide for their autonomy, education, and independence. The law prohibits discrimination in employment practices against persons with disabilities, requires the government to integrate such persons into the state's public services, and imposes a 2 percent quota for persons with disabilities in the workforces of private-sector companies. The government did not enforce these legal protection mechanisms. Government officials took steps to include protections for persons with disabilities to vote.

Individuals with disabilities faced significant social stigma because of their disability. Persons with mental or developmental disabilities were marginalized, neglected, and abused in society. The Office of the Secretary of State for the Integration of Handicapped Persons (BSEIPH), which falls under the Ministry of Social Affairs and Labor, is the lead government agency responsible for providing assistance to persons with disabilities and ensuring their civil, political, and social inclusion. Access to quality medical care posed a significant challenge for persons with disabilities. Hospitals and clinics in Port-au-Prince did not have sufficient space, human resources, or public funds to treat such individuals.

The BSEIPH had several departmental offices outside the capital and continued to refine a strategic development plan to guide the institution's efforts. It provided persons with disabilities with legal advice and job counseling services. The BSEIPH regularly convened meetings with disabilities rights groups in all of its regional offices.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

No laws criminalize sexual orientation or consensual same-sex conduct between adults, nor were there any reports of police officers actively perpetrating or condoning violence against members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community.

While no laws criminalize the changing of one's gender or sex, local attitudes remained hostile to outward LGBTI identification and expression, particularly in Port-au-Prince. Some societal leaders and organizations actively opposed the social integration of LGBTI persons and discussion of their rights.

No antidiscrimination laws protect LGBTI persons and minority groups. Some civil society advocates claimed that in the greater Port-au-Prince area, HNP authorities were inconsistent in their willingness to document or investigate LGBTI persons' claims of abuse.

LGBTI advocacy groups in the capital reported a greater sense of insecurity and less trust of government authorities than did groups in rural areas.

HNP academy instructors teach police officers to respect the rights of all civilians without exception. The curriculum specifically trained new officers on crimes commonly committed against the LGBTI community.

### **HIV and AIDS Social Stigma**

In the country's most recent demographic and health survey (2012), 61 percent of women and 55 percent of men reported discriminatory attitudes towards those with HIV.

### **Other Societal Violence or Discrimination**

According to MINUSTAH reports, vigilante reprisals, including by lynching or burning persons alive, remained a problem, especially in rural areas outside the capital. Limited or nonexistent presence of law enforcement and judicial authorities meant that, in practice, such reprisals had few or no legal repercussions.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Labor relations are established and regulated by a special provision of the 1961 labor code as revised in 1983. The code provides for the right of some workers, excluding public-sector employees, to form and join unions of their choice and strike (with restrictions). The code allows for collective bargaining and requires employers to conclude a collective contract with a union if that union represents two-thirds of the workers and requests a contract. Strikes are legal provided they are approved by at least one-third of a company's workers. The code prohibits firing workers based on union activities, and employers are subject to a monetary fine for each individual violation. The code does not, however, require employers to reinstate workers illegally fired for union activity, although illegally fired workers have the right to recoup any compensation to which they are entitled.

The code places several restrictions on these rights. It requires that any union obtain prior authorization from the government to be recognized. The code limits legal strikes to four types: striking while remaining at post, striking without abandoning the institution, walking out and abandoning the institution, and striking in solidarity with another strike. Public utility service workers and public-sector enterprise workers may not strike. The code defines public utility service employees as essential workers who "cannot suspend their activities without causing serious harm to public health and security." A 48-hour notice period is compulsory for all strikes, and strikes may not exceed one day. Some groups were able to strike despite these restrictions by being present at their workplace but refusing to work. Furthermore, the law allows for compulsory arbitration at the request of only one party to halt a strike. The code does not cover freelance workers or workers in the informal economy.

The government made efforts to enforce labor laws, although its efforts were not fully effective. Government officials, unions, and factory-level affiliates also continued to expand their dialogue. Labor courts, which function under the supervision of the Ministry of Social Affairs and Labor, are responsible for adjudicating private-sector workplace conflicts. There is one labor court in Port-

au-Prince. Outside of Port-au-Prince, plaintiffs have the legal option to use municipal courts for labor disputes. The code requires ministry mediation before filing cases with the labor court. In the case of a labor dispute, the ministry conducts an investigation to determine the nature and causes of the matter and facilitate a resolution. In the absence of a mutually agreed-upon resolution, the matter is referred to court.

During the year the labor ombudsperson for the apparel sector and the ministry provided mediation services to striking workers and employers in Port-au-Prince, Caracol, and Ouanaminthe. Due to the limited capacity and procedural delays in forwarding cases from the Ministry of Social Affairs and Labor to the courts, the mediation services of the apparel sector's labor ombudsperson and the conciliation services of the ministry were often the only official recourse for workers' grievances regarding better pay and working conditions. The labor ombudsperson intervened to improve relationships between employers, workers and trade union organizations either upon formal request by workers, unions, employers' representatives, or after observations from the International Labor Organization's (ILO) Better Work program. The Office of the Ombudsperson used different methods, including the Social Dialogue Table (a structured mediation program), telephone conversations, exchange meetings, factory visits and meetings, and advisory support.

The penalty under the code for interference with union activities is 1,000 to 3,000 HTG (\$19 to \$57). The fines were not sufficient to deter violations, and authorities did not impose or collect them. During the year the government required some factories to remedy labor violations, including violations related to freedom of association.

Antiunion discrimination persisted, although to a lesser extent than in previous years. Workers continued to report acts of suspension, termination, and other retaliation by employers on the grounds of legitimate trade union activities, membership, collective action, and other associational activity.

There were strikes and other work stoppages in the apparel sector during the year, including disruptions in several facilities in Port-au-Prince and the North and Northeast departments in May as workers launched demonstrations related to pending revisions of the minimum wage.

The ILO and International Finance Corporation's Better Work (ILO Better Work Haiti) program noted incidences of employer interference in union activity and cases of failure to respect collective bargaining within the apparel industry.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor; however, the government did not effectively enforce the law in all sectors of the economy. In the apparel industry, the Ministry of Social Affairs and Labor and the labor ombudsperson made efforts to address accusations of intimidation and employer abuse and worked with factory owners to provide that working hours complied with national labor law. The labor ombudsperson, however, did not record any instances of intimidation or employer abuse. Penalties for violations of forced labor laws range from 1,000 to 3,000 HTG (\$19 to \$57) but they were insufficient to deter violations.

There were reports that forced or compulsory labor occurred, specifically, instances of forced labor among child domestics, or *restaveks* (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment in industrial, agricultural, or commercial companies is 15 years. The minimum age for work outside of these three sectors is 14, although children 12 and older may work for up to three hours per day outside of school hours in family enterprises, under supervision from the Ministry of Social Affairs and Labor. The law allows children age 14 to be contracted apprentices; children 14 to 16 may not work as apprentices more than 25 hours a week. A September amendment to the labor code stated that it is illegal to employ children under the age of 16; however, it was unclear whether this provision would supersede the older statutes that create the sectoral exceptions mentioned above. The law prohibits young persons and children from performing any work that is likely to be hazardous; interferes with their education; or is harmful to their physical, mental, spiritual, moral, or social health and development, including the use of children in criminal activities. The law also prohibits minors from working under dangerous or hazardous conditions, such as mining, construction, or sanitation services, and it prohibits night work in industrial enterprises for minors under 18. The September amendment doubles penalties for employing underage

children at night. Prohibitions related to hazardous work, however, omit major economic sectors, including agriculture in the current assessment cycle. No apparel factories were reported noncompliant with respect to child labor.

There are no legal penalties for employing children in domestic labor. The law requires employers to pay domestic workers over age 15, thereby allowing employers of domestic workers to use “food and shelter” as a means of unregulated compensation for those under 15.

Persons between the ages of 15 and 18 seeking employment must obtain a work authorization from the Ministry of Social Affairs and Labor unless they are employed in domestic service. The labor code provides for penalties for failure to follow procedures, such as obtaining work authorization to employ minors between 15 and 18 legally, but it does not provide penalties for the employment of underage children. The limited penalties of between 3,000 and 5,000 HTG (\$57 to \$95) were not sufficient deterrents to protect children against labor exploitation.

The Ministry of Social Affairs and Labor, through the IBESR, is responsible for enforcing child labor laws. While enduring resource constraints hindered the IBESR’s ability to conduct effective child labor investigations, the IBESR and the BPM responded to reports of abuse in homes and orphanages where children worked. The government does not report statistics on investigations into child labor law violations or the penalties imposed. Although the government and international donors allocated supplemental funds for the IBESR to acquire a new administrative space and hire more staff, the IBESR continued to lack sufficient social protection programs and effective legislation to eliminate the worst forms of child labor.

An interministerial committee that included civil society actors, unions, and employers to address the issue of child labor continued to meet throughout the year sporadically to discuss the challenges associated with implementing laws on child labor.

The BPM is responsible for investigating crimes against children and referred exploited and abused children to the IBESR and partner NGOs for social services. Although the BPM has the authority to respond to allegations of abuse and apprehend persons reported as exploiters of child domestic workers, the BPM did not pursue restavek cases for investigation because there are no legal penalties it could impose on those who exploited children in this manner.

Children under age 15 commonly worked in the informal sector to supplement family income. Activities and sectors in which children worked included domestic work, subsistence agriculture, and street trades, such as selling goods, washing cars, serving as porters in public markets and bus stations, and begging. Children also worked with parents on small family farms, although the high unemployment rate among adults kept significant numbers of children from employment on commercial farms.

The worst forms of child labor, including forced child labor, continued to be problematic and endemic--particularly in domestic service. A 2015 survey from the Ministry of Social Affairs and Labor, in partnership with national and international organizations, estimated that 286,000 children worked as *restaveks* in the country. Exploitation of *restaveks* typically included families forcing them to work excessive hours on physically demanding tasks without commensurate pay or adequate food, refusing to provide an education, and subjecting them to physical or sexual abuse. Girls were often placed in domestic servitude in private urban homes by parents who were unable to provide for them, while boys more frequently were exploited for labor on farms. *Restaveks* who did not run away from families usually remained with them until the age of 14. Many families forced *restaveks* to leave before age 15 to avoid paying them wages as required by law. Others ignored the law, often with impunity.

Working on the streets exposed children to a variety of hazards, including severe weather, vehicle accidents, and crime. Abandoned and runaway *restaveks* constituted a significant proportion of the population of children living on the street, many of whom criminal gangs exploited in prostitution or street crime, while others became street vendors or beggars.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The constitution provides for freedom of work for all citizens and prohibits discrimination based on sex, origin, religion, opinion, or marital status. For public-sector employment, the constitution sets a minimum quota of 30 percent for women. The labor code does not define employment discrimination, although it sets out specific provisions with respect to the rights and obligations of foreigners and women such as the conditions to obtain a work permit, foreign worker quotas, and provisions related to maternity leave. The law does not prohibit discrimination

based on disability, language, sexual orientation and/or gender identity, social status, or HIV-positive status.

The government took some steps to enforce the laws through administrative methods, through the Ministry of Women's Conditions and the Secretary of State for the Integration of the Disabled. In the private sector, several work areas, which had been predominantly male oriented, began engaging female workers at the same pay scale, including the public transportation and construction industries. Despite these improvements discrimination related to gender remained a major concern, although there was no governmental assessment or report of work abuses. During ILO Better Work Haiti's most recent round of assessments of 25 factories between April 2016 and March 2017, two factories were cited for noncompliance under gender discrimination. Both citations were for a lack of effective action from management to address sexual harassment issues and the weak enforcement of existing procedures for handling sexual harassment cases.

#### **e. Acceptable Conditions of Work**

During the year the daily minimum wage was adjusted for all sectors, ranging from 200 HTG (\$3.23) per day for domestic workers to 400 HTG (\$6.45) per day in certain professions, including finance, telecommunications, and private educational institutions. In the apparel export sector, there was another increase in July, which set the minimum daily wage at 350 HTG (\$5.65).

The law sets the standard workday for industrial, commercial, and agricultural establishments at eight hours and the workweek at 48 hours, with 24 hours of rest and paid annual holidays. It also requires payment of overtime, prohibits excessive compulsory overtime, and sets the maximum number of overtime hours allowed at 80 per trimester. The law grants exemptions to health-care, lodging, food and beverage, and entertainment establishments; managerial positions; and family establishments that employ only family members. The Ministry of Social Affairs and Labor may grant exemptions for other employers not specifically exempted by law. The law is silent with respect to prohibiting overtime for public-sector employees. The law establishes minimum health and safety regulations and requires certain provisions in regards to workers' health and safety, including quotas for onsite nurses per factory, permanent medical services, and annual medical checks. The law allows workers to notify the employer of any defect or situation that may endanger their health or safety and to call on the ministry or police if the employer fails to make the necessary ameliorations. Occupational

safety and health standards are appropriate for the main industries, but these standards were not always enforced.

Although the law charges the ministry with enforcement of a range of labor-related issues, legislation on wage and hour requirements, standard workweek, premium pay for overtime, and occupational safety and health was not effectively enforced. Penalties were not sufficient to deter violations, and authorities often did not impose them. The penalty for not applying the occupational safety and health provisions of the labor code is 200 to 2,000 HTG (\$3.75 to \$37.50) or up to three months in prison. The penalty for violating the minimum wage or hours of work provisions of the labor code ranges from 1,000 to 3,000 HTG (\$19 to \$57). There were no prosecutions for the individuals accused of violating minimum wage hours of work.

The ministry's capacity to enforce the labor provisions in national and international law was limited by human resource and other constraints. Labor inspections in the capital and elsewhere faced challenges that included a lack of funding, questionable professionalism, and lack of support from law enforcement.

There were some reports of noncompliance with overtime provisions in apparel factories.

Most citizens worked in the informal sector and subsistence agriculture, for which minimum wage legislation does not apply and where daily wages of 20 to 30 HTG (\$0.38 to \$0.56) were common. There continued to be reports of noncompliance regarding compensation, paid leave, social security and other benefits, contracts, health services and first aid, and worker protection in the industrial and assembly sectors.

Noncompliance with safety and health standards remained a major concern. ILO Better Work Haiti continued to report that nearly all factories failed to provide the legally required number of medical facilities and staff. Other noncompliance issues included unsafe storage of chemical and hazardous materials, lack of adequate training regarding handling of chemical and hazardous materials, and lack of protective equipment or safety warning signs.

ILO Better Work Haiti also reported cases where several workers exposed to work-related hazards failed to receive free health checks. By law the annual medical exams are the responsibility of the Office of Labor Insurance, Maternity, and Accident (OFATMA). While some factories began conducting medical checks-up

independently, OFATMA continued efforts to increase its capacities and continued performing medical checks at a number of factories. ILO Better Work continued to work with factories and OFATMA to improve compliance with this requirement.

No group collected formal data, but unions alleged job-related injuries occurred frequently in the construction and public works sectors.