

Haiti - Human Rights Scorecard ¹

Haiti, officially the Republic of Haiti (French: République d'Haïti; Haitian Creole: Repiblik Ayiti), is a sovereign state in the Western Hemisphere (North America). The country has an estimated 10.9 million people, making it the most populous country in the Caribbean Community (CARICOM) and the second-most populous country in the Caribbean as a whole. As the result of a racial caste system instituted in colonial Haiti, Haitian mulattoes became the nation's de facto social privileged. Unfortunately, Haiti has suffered from a long series of violent and corrupt leaders and governments.²

Official language: French, Haitian Creole

Ethnic groups: 95% Black, 5% Mulatto, White

Government: Unitary semi-presidential republic

- Acting President: Joseferme Privert

- Acting Prime Minister: Enex Jean-Charles

Death penalty: Abolitionist for all crimes

Population: 10.9 million

Life expectancy: 63.51 years

Under-5 mortality: 47.98 per 1000

Adult literacy: 60.7 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Largely disrespected ³

There are isolated reports of the involvement of police and other government officials in extrajudicial killings. The Department Brigade of Operations and Interventions is criticized by human rights groups for killing protestors.

Freedom from disappearance



Respected ⁴

There are no reports of politically motivated disappearances, and six Haiti National Police officers who were allegedly part of a high-profile kidnapping right are currently being tried.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected ⁵

Although the law prohibits such practices, there are reports of police officers beating and otherwise abusing prisoners and suspects. Corrections officers were reported to have used physical punishment and psychological abuse to mistreat detainees.

Freedom from arbitrary arrest or detention



Partially respected ⁶

The law prohibits arbitrary arrest or detention, and specifies that authorities must bring detainees before a judge within 48 hours of arrest. Authorities routinely fail to comply with these provisions by holding prisoners in pre-trial detention.

Freedom from denial of fair public trial



Largely disrespected ⁷

The law provides for an independent judiciary, but the justice system is prone to being influenced by the executive and legislative branches. Allegations of high-level executive intimidation of judicial officials and corruption are frequent.

Freedom from arbitrary interference with privacy, family, home or correspondence



Largely disrespected ⁸

The government has not been widely accused of violating the law, which prohibits such arbitrary interference, although the government lacks the requisite surveillance technology and expertise.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)⁹



Score: 24.66, Rank: 53 / 180 – Mostly free, diverse and independent¹⁰

Recent changes to Haiti's media laws create better freedom of speech and press, but journalists still suffer from lack of financial resources, institutional support, and access to information. Some continue to be subject to intimidation and physical violence.

Freedom from academic censorship



Respected¹¹

There are no reported government restrictions on academic freedom.

Freedom of peaceful assembly and association



Partially respected¹²

The government generally respects the rights of freedom of assembly and organization, although there are several instances of police using force to impose order during demonstrations. Impromptu political demonstrations sometimes provoke aggressive law enforcement responses

Freedom of religion



Partially respected¹³

The constitution provides for freedom of religion for all faiths and religions. However, the government is legally obligated to provide funds to the Catholic Church, and there are reports of social bias against Voodoo practitioners.

Protection of refugees and stateless persons



Partially respected¹⁴

The law provides for the granting of refugee status through Haitian consulates and missions abroad, but there were few requests for this status. Complex bureaucratic procedures and high fees in obtaining gov't documentation lead to many individuals in Haiti being effectively stateless.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



5 / 7 – Partly free¹⁷

The constitution guarantees freedom of expression and religion, but press freedom is hampered by an ineffective judiciary and a police force which fails to protect journalists. Freedom of assembly is often violated by police violence, and unions face many challenges in protecting workers rights.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



5 / 7 – Partly free¹⁹

Citizens exercise their right to vote in free and fair periodic elections, but the political process is hampered by corruption, political violence, and other electoral violations.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 17%, Rank: 158 / 168 – Extremely corrupt²¹

Haiti suffers from chronic corruption on all levels of government, and the weak judicial system is ineffective in persecuting charges of corruption. Civil servants engage in corrupt practices with impunity, and the police force suffers from rampant corruption.

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Partially respected²²

Domestic and international human rights groups generally operate without government restriction, and officials usually cooperate in addressing their findings. However, the government sometimes disagrees with the scope of certain problems and the manner with which to address them.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (World Economic Forum Gender Gap Index)²³



Not listed – Very unequal rights²⁴

Although important progress is being made for gender equity, Haitian women still face exclusion and harassment in their personal and private lives. Domestic violence is a common problem, as well as social and economic discrimination. The law does not provide for equal gender rights.

Rights of Children (KidsRights Index Overall Score)²⁵



Score: 56%, Rank: 128 / 165 – Slightly vulnerable²⁶

The constitution provides for free education, prohibits child abuse and sexual exploitation, and transmits citizenship through one's parents. However, many children cannot access education, child labour is rampant, and a dysfunctional bureaucracy prevents many from citizenship.

Rights of persons with disabilities



Largely disrespected²⁷

The constitution stipulates the need for persons with disabilities to have autonomy, education, and independence. The disabled community, which grew significantly following the 2010 earthquake, still remains disadvantaged due to chronic poverty, shortage of services, and lack of education.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Respected²⁸

There are no reports of Islamophobia, anti-Semitism or other racially-targeted group, probably given the insignificant presence of any such groups in Haiti.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Largely disrespected^{29 30}

The law neither criminalizes same-sex relations nor prohibits discrimination based on sexual orientation. There is prevalent societal hostility towards the LGBTI community, and the authorities seldom prosecute cases of abuse or discrimination against the community.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partially respected³¹

The labour code gives workers the legal right to form and join unions of their choice, strike, and bargain collectively, and protect workers from termination based on union participation. The code also places restrictions on these rights and its penalties are not enough to deter violations

Freedom from forced or compulsory labour



Largely disrespected³²

All forms of forced labour are legally prohibited, but the government does not effectively enforce these laws. Penalties are not enough to deter violations, and forced labour remains a problem, particularly among child domestic servants.

Freedom from forced labour for children, and a minimum age of employment



Largely disrespected³³

The minimum age of employment in industrial, agricultural, or commercial companies is 15, and 14 in all other industries. There are no legal penalties for children employed in domestic labour, and around 225,000 children work as “restaveks”, or domestic servants.

Right to acceptable conditions of work



Largely disrespected³⁴

The daily minimum wage is \$2.35 for domestic workers and \$4.90 for more skilled professions, with a maximum work week of 48 hours. Legislation on wage and hour requirements, overtime pay, and occupational health and safety are not effectively enforced.

Right to employment



7.1% - Reasonable unemployment³⁵

The unemployment rate is relatively low and projected to go down slightly over the course of the next few years,

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: “Death sentences and executions in 2015.” Amnesty International. March 24, 2016. Accessed July 28, 2016.

<https://www.amnesty.org/en/documents/act50/001/2016/en/>.

³ “Country Reports on Human Rights Practices for 2015 Haiti.” U.S Department of State. January 1, 2015. Accessed July 28, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253021>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 179 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) The Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

¹⁰ “World Press Freedom Index.” Reporters Without Borders: For Freedom of Information. January 1, 2016. Accessed July 28, 2016. <http://rsf.org/index2016/en-index2016.php>.

¹¹ “Country Reports on Human Rights Practices for 2015 Haiti.” U.S Department of State. January 1, 2016. Accessed July 28, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253021>.

¹² “Haiti.” World Report 2016: Haiti. January 1, 2016. Accessed July 28, 2016. <https://www.hrw.org/world-report/2016/country-chapters/Haiti>.

¹³ “Haiti.” International Religious Freedom Report for 2014. January 1, 2015. Accessed July 28, 2016.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238552>.

¹⁴ “Haiti.” World Report 2016: Haiti. January 1, 2016. Accessed July 28, 2016. <http://www.hrw.org/world-report/2016/country-chapters/Haiti>.

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House’s Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed July 28, 2016

<https://www.freedomhouse.org/report/freedom-world-2016/methodology#.VldwWzHF98F>

¹⁷ “Haiti.” Freedom in the World 2016: Haiti. January 1, 2016. Accessed July 28, 2016. <https://freedomhouse.org/report/freedom-world/2016/haiti>.

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed July 28, 2016 <https://freedomhouse.org/report/freedom-world-2016/methodology>.

¹⁹ “Haiti.” Freedom in the World 2016: Haiti. January 1, 2016. Accessed July 28, 2016. <https://freedomhouse.org/report/freedom-world/2016/haiti>.

²⁰ Transparency International (TI) publishes a “Corruption Perceptions Index” annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows:

80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²¹ "Haiti." Corruption by Country. January 1, 2016. Accessed July 28, 2016. <https://www.transparency.org/country/#HTI>.

²² "Country Reports on Human Rights Practices for 2015 Haiti." U.S Department of State. January 1, 2015. Accessed July 28, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253021>.

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁴ "Country Reports on Human Rights Practices for 2015 Haiti." U.S Department of State. January 1, 2015. Accessed July 28, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253021>.

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Score." The KidsRights Index. January 1, 2016. Accessed July 28, 2016. <http://www.kidsrightsindex.org/Index/Overallscore.aspx>

²⁷ "Country Reports on Human Rights Practices for 2015 Haiti." U.S Department of State. January 1, 2015. Accessed July 28, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253021>.

²⁸ Ibid. U.S Department of State.

²⁹ "ILGA State Sponsored Homophobia." International Lesbian Gay and Intersex Association. January 1, 2016. Accessed July 28, 2016. http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf. See also Ibid. U.S Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2015 Haiti." U.S Department of State. January 1, 2015. Accessed July 28, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253021>.

³² Ibid. U.S Department of State.

³³ Ibid. U.S Department of State.

³⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁵ "Global Employment Trends." International Labour Organization. January 1, 2015. Accessed July 28, 2016. http://www.ilo.org/global/about-the-ilo/multimedia/maps-and-charts/WCMS_233936/lang--en/index.htm.