



*Press Release*

## **Haiti's Third Universal Periodic Review Concludes Amidst Concerns Over the Human Rights Situation in Haiti**

February 1, 2022 (Port-au-Prince, Haiti; Marshfield, MA) — The United Nations Human Rights Council (HRC) held Haiti's third [Universal Periodic Review](#) (UPR) yesterday in Geneva, streamed live and [recorded](#) for the public. More than [24 human rights organizations](#) and [four UN offices](#) submitted reports on the human rights situation in Haiti in advance of yesterday's meeting. They paint a concerning picture: for example, indicating that accountability mechanisms and women's empowerment have deteriorated since Haiti's last review in 2016. By contrast, the Haitian government's [own report](#) glossed over many of the submitted concerns and failed to meaningfully account for the lack of progress in meeting the recommendations it accepted during its last UPR review.

Yesterday's meeting brought together the 47 members of the HRC with representatives of the government of Haiti, led by its Minister of Justice and Public Security Berto Dorcé, to discuss Haiti's human rights compliance and identify recommendations for improving the protections for and enjoyment of Haitians' human rights. Haiti's presentation to the HRC echoed its incomplete report. Each member of the Council spoke briefly. Most acknowledged the challenges of Haiti's situation, including the aftermath of the August earthquake and July assassination of its former president Jovenel Moïse. However, all echoed civil society concerns with Haiti's human rights performance and offered recommendations for improvement.

"The government of Haiti has a great deal of work to do in order to fully vindicate the human rights of the Haitian people," observed Mario Joseph, managing attorney of Haiti-based human rights law firm *Bureau des Avocats Internationaux* (BAI). "In some cases that involves confronting its own conduct, such as complicity in human rights massacres, police misconduct, corruption, and interference with the judiciary." Alexandra Filippova, a Senior Staff Attorney with the Institute for Justice & Democracy in Haiti (IJDH), further noted that "PHTK, the political party that has ruled Haiti for the last 11 years, has persistently dismantled Haiti's justice sector and many democratic institutions for its own interests."

Among the human rights challenges Haiti faces, BAI and IJDH regard as particularly concerning the government's sabotage of Haiti's justice sector and corresponding pervasive impunity for grave human rights violations, which helped generate Haiti's current insecurity. BAI and IJDH, together with partners *Chans Alternativ* and *Réseau National de Défense des Droits Humains* (RNDDH), submitted a [report](#) that catalogues government actions that reduced Haiti's capacity to deliver justice to its people consistently with its human rights obligations. A large number of HRC's members focused on related issues yesterday, many of them echoing recommendations included in [our report](#). Specific challenges identified in our report include:



- The deliberate obstruction and neglect of investigations of civilian massacres - several of which likely amount to [crimes against humanity](#) - as well as failure to pursue corrupt officials and perpetrators of human rights abuses. Investigations into the assassinations of several human rights defenders have been marred by pervasive issues of evidentiary theft and judicial insecurity and remain stalled. In its report and yesterday's oral intervention, the Haitian government noted only that investigations into these cases were ongoing, without explaining the delays and intentional impediments that are contributing to a broader culture of impunity that [our report found](#) is linked directly to Haiti's catastrophic insecurity.
- Continued political interference with the judiciary, including what the Office for the High Commissioner for Human Rights has described as repeated "attacks against judicial independence." Specific incidents have included the PHTK-controlled government unconstitutionally removing and replacing judges and other threats, violence, and harassment against judicial actors. BAI's Mario Joseph [noted in a pre-session for the UPR](#) that "the last two administrations are primarily responsible for [the judiciary's] deterioration in its ability to deliver justice to the Haitian people."
- Extremely high rates of pre-trial detention. The latest statistics acknowledged by the government show a staggering 73.2 percent pre-trial detention rate for 2018/2019. More recent 2021 data reflected in [our report](#) as well as [that of the UN Country Team in Haiti](#) shows a present rate of over 82 percent. Legal aid is limited and fundamentally unable to meet the overwhelming need.
- Deplorable prison conditions far below minimum international standards, including severe overcrowding (occupancy rate of 339 percent as of May 2021) and an increased mortality rate due to malnutrition and denial of medical care. Haiti's Office for the Protection of the Citizen also acknowledged "alarming" conditions of detention that "do not respect the UN minimum rules for the treatment of detainees...leading in some prisoners to blindness, paralysis and psychiatric or psychic disorders." Concern with pre-trial detention and prison conditions permeated yesterday's discussion as well.

BAI's Mario Joseph [called out](#) "the persistent lack of political will" on the part of the Haitian government to address these problems during a UPR pre-session. Submitting [civil society organizations](#), along with [UN entities](#), likewise echoed these concerns, further drawing attention to high levels of corruption and impunity among police officers; the urgent need for improved security and reporting mechanisms in prisons; and [chronic under-resourcing](#) in the justice sector, which is allocated only 9 percent of state funds.

Many of HRC's members likewise focused on women's equality and the lack of accountability and resources for addressing gender-based violence against women and girls during yesterday's session, reflecting a second [report](#) BAI and IJDH submitted together with *Komisyon Fanm Viktim pou Viktim / Commission of Women Victims for Victims (KOFAVIV)*. The submission demonstrates that the status of women and girls in Haiti falls far short of its human rights obligations, including as reflected in a lack of equal representation, pervasive gender-based



violence (GBV), and other forms of discrimination and harassment against Haitian women and girls. Specific observations include:

- High levels of GBV, sexual violence, harassment, and other harms directed at women and girls in Haiti. The government is woefully behind on reporting, with the latest national study conducted in 2016/2017 (concluding that over one in three women in Haiti experience GBV in their lifetimes). The actual numbers are likely much higher due to stigmatization and underreporting. Meanwhile, GBV incidents increased by 377 percent in 2020 according to one [analysis](#) by the UN Office for the Coordination of Humanitarian Affairs.
- Victims of gender-based harms lack legal recourse and perpetrators operate with near-total impunity. Police and judicial mechanisms intended to support survivors are limited and are not effectively implemented.
- Haitian women are systematically excluded from political participation, with one of the lowest rates of political representation in the world. Efforts to improve political participation have been inadequate, with only four women in Haiti's last functioning parliament. Even the figures the government reported in its UPR submission - [a range of 19.23 to 28.5 percent of public administrators who are women between March 2017 and October 2021](#) - fall short of the Constitution's 30 percent quota for women's participation in public service.
- In addition to failing to comply with its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, the government has also failed to meet its reporting obligations - something Haiti's National Report neglects to address.

Similar observations were made by other [civil society organizations](#) and the [UN Country Team](#).

Other notable topics of discussion during yesterday's session included ratification of the Convention Against Torture, children's rights (especially education), LGBTQ+ rights, natural disaster risk reduction, and Sustainable Development Goals. HRC members also called on the international community to increase support to Haiti, particularly with respect to combatting the effects of climate change.

### **Media Contacts:**

Mario Joseph, Managing Attorney  
Bureau des Avocats Internationaux  
T: +509 3701 9879 | E: [mario@ijdh.org](mailto:mario@ijdh.org)  
(Kreyol, French, English)

Alexandra (Sasha) Filippova, Senior Staff Attorney  
Institute for Justice & Democracy in Haiti  
T: +1 925 997 0171 | E: [Sasha@ijdh.org](mailto:Sasha@ijdh.org)  
(English)

IJDH Twitter account, with live commentary on the review [here](#).