

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

Despite continued progress toward a stabilized government, Haiti suffers from high crime rates and chronic human rights problems, including inhumane prison conditions, police violence, threats against human rights defenders, and impunity for past abuses. Lasting effects of food riots and four devastating hurricanes in 2008, compounded by corruption, drug trafficking, and the global economic crisis undermine the state's ability to safeguard fundamental rights.

Haiti is plagued by very high levels of violent crime, though reported kidnapping cases decreased from 157 in the first half of 2008 to 48 in the first half of 2009. There were seven reported child abductions between March and September 2009. Sexual violence is a serious problem, targeting women and girls almost exclusively. An estimated 50 percent of rapes are committed against girl children; the United Nations reported 84 rapes of girls and boys between March and September 2009.

Police ineffectiveness and abuse contribute to overall insecurity. Although some police units have gained capacity and received training on human rights and arrest procedures, the police continue to experience severe shortages of personnel, equipment, and training. Since January 2007, UN police and the Haitian National Police (HNP) have opened investigation files to verify the professionalism and integrity of 6,557 of the 9,715 HNP officers.

HNP officers reportedly use excessive and indiscriminate force, commit torture, make arbitrary arrests, and are involved in criminal activity, including kidnappings. For example, in January 2009 three people reported that police officers in Cap-Haitien beat them with baseball bats and batons, with UN officials attesting to fresh wounds on the victims and blood on their clothes. The following month, several people reported police brutality during Carnival festivities in Jrmie, and a man in Cap-Haitien reported a police beating to UN officials, who verified he had suffered head injuries.

In the absence of effective law enforcement, public lynching is a chronic problem. The United Nations reported 60 lynching cases in the first eight months of 2009, as compared to 47 reported for the entire year in 2008.

Judicial accountability for past abuses is rarely achieved. For example, in February 2004 in La Scierie, Saint Marc, armed anti-government gangs assaulted a police station, and government-linked forces responded with excessive force. Several killings, including of civilians, resulted from clashes between the groups, but no one has been held responsible for the deaths. In March 2009 justice was further delayed for the April 2000 murder of journalist Jean Dominique, as the sixth investigative judge appointed to the case, Fritzner Fils-Aim, was removed on suspicion of corruption. Only one suspect was ever arrested; he has been in custody since August 2007.

Haiti's justice system is plagued by politicization, corruption, lack of resources, and lack of transparency. In 2008 Haiti was ranked 177 out of 180 on Transparency International's Corruption Perceptions Index, which serves as a recognized standard for international corruption comparisons.

Haiti's prison system suffers from severe overcrowding. As of December 2008, Haiti's 8,204 prisoners were held in facilities with a capacity of 2,448. More than 76 percent of all inmates in Haiti are pretrial detainees. The cities of Gonaves and Petit Gove lack penitentiaries and instead use the police station as a detention center-the 274 people detained at the Gonaves police station exceeded the capacity of 75 by more than 350 percent. Conditions in detention facilities are dire, with prisoners held in dirty, crammed cells often lacking sanitary facilities. Detainees in some facilities take turns sleeping and standing due to lack of space and beds, and many rely on their families to deliver food in order to eat. Reports of untreated tuberculosis, malaria, scabies, and malnutrition are common in Haitian detention facilities.

According to the Institute for Justice and Democracy in Haiti, a local NGO, as of May 2009, 40 percent of prisoners in three prisons reported in a prison census that government agents subjected them to torture or other abuses, such as beating with pistols, nightsticks, and bottles.

Only about half of primary-school-age children in Haiti attend school and less than 2 percent of children finish secondary school, according to the United Nations Children's Fund. Although enrollment in public schools is supposed to be free, the costs of uniforms, books, and other school supplies are often too high for many parents to meet.

The UN special rapporteur on contemporary forms of slavery estimates there are from 150,000 to 500,000 child domestic workers in Haiti, 80 percent of whom are girls. Known in Haitian Creole as *restavaks*-from the French "rester avec" (to stay with)-they form part of a longstanding system by which parents from mostly low-income rural areas send their children to live with other families, typically in urban areas, in the hope that the receiving families will care for their children in exchange for the children performing light chores. These children are often unpaid for their work, denied an education, and physically and sexually abused.

Human rights defenders remain the targets of threats and attacks. In 2009, members of the human rights organization Action Citoyenne pour le Respect des Droits Humains (ACREDH) reported being pursued and detained by police after a family reported to ACREDH that a police officer had intimidated a 17-year-old girl into having sex with him in exchange for the release of her father in October 2008. In December 2008 the father was released, but was abducted and killed in March 2009. In April 2009 the Inter-American Court of Human Rights ordered the state to take measures to protect the life and integrity of the family and ACREDH members, yet they continued to receive threats during the court-ordered period of state protection.

Lovinsky Pierre-Antoine, a well-known human rights advocate and former coordinator of Fondasyon Trant Septanm-an organization that worked on behalf of victims of the 1991 and 2004 coup d'tats-was abducted in August 2007, while serving as an adviser to a delegation of human rights advocates from Canada and the United States who were traveling in Haiti. His whereabouts remain unknown at this writing. Wilson Mesilien, a Fondasyon Trant Septanm co-founder who was serving as interim coordinator following Pierre-Antoine's disappearance, reported receiving threats and has gone into hiding with his wife and four children.

Since 2004 the UN stabilization mission in Haiti (known by its French acronym MINUSTAH) has played a prominent role in efforts to shore up the country's democratic institutions and strengthen the rule of law and protection of human rights. The UN Security Council voted in October 2009 to extend MINUSTAH's mandate to October 15, 2010. The UN force, present in Haiti since 2004 and currently under Brazilian command, contains 7,057 troops and 2,066 police. Reports of MINUSTAH abuses have decreased since the 2007 reports of sexual misconduct against children.

On May 19, 2009, UN Secretary-General Ban Ki-Moon appointed former US President Bill Clinton as UN special envoy for Haiti. On August 11 Clinton appointed prominent doctor, professor, and founder of Partners in Health, Paul Farmer, as UN deputy special envoy.

The UN special rapporteur on contemporary forms of slavery, Gulnara Shahinian, visited Haiti in June and issued a report on abuses against *restavak* children.

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