

Haiti 2023 Human Rights Report

Executive Summary

During the year, gang violence in Haiti expanded into previously unaffected regions, including the Artibonite and Center Departments. Kidnappings for ransom by armed gangs increased and affected all parts of society. There were no democratically elected government officials in office.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by government agents; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; serious abuses in a conflict, including widespread civilian deaths or harm, enforced disappearances or abductions, torture, and physical abuses; inability of citizens to change their government peacefully through free and fair elections; serious government corruption; extensive gender-based violence, including sexual and other forms of violence; substantial barriers to sexual and reproductive health services access; trafficking in persons, including forced labor; crimes involving violence and threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and existence of some of the worst forms of child labor.

The government did not take credible steps to identify and punish officials who may have committed abuses.

Gang violence continued at high rates in the Port-au-Prince metropolitan area. Some gangs allegedly received support from political and economic elites. Armed gangs were also responsible for conflicts resulting in killings, brutal attacks on citizens, targeted instances of sexual violence, mutilation of human remains, widespread displacement, and the destruction of homes and property.

Section 1. Respect for the Integrity of the Person

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

There were several reports that the government or its agents committed arbitrary and unlawful killings, including extrajudicial killings. Between April and June, the Human Rights Office of the UN Integrated Office in Haiti (BINUH) documented at least 18 killings of northeast neighborhood residents in Tabarre, Port-au-Prince, by individuals in police uniforms. BINUH referred these cases to Haitian National Police (HNP) authorities, who stated police would investigate accordingly.

Local media documented seven cases of alleged extrajudicial killings of gang members in the Nippes Department, led by the state commissioner (state

prosecutor) Jean Ernst Muscadin. Muscadin did not deny his involvement in the killings and frequently used social media to announce Nippes was a “graveyard for bandits.”

The *bwa kale* (peeled wood) vigilante movement began in April; residents targeted and killed alleged gang members across the country. Human rights and UN representatives reported some victims were seized from police custody or otherwise encouraged by HNP members to do so.

Authorities made progress investigating the 2021 assassination of President Moïse. As of September, the investigative judge assigned to the case had questioned nearly 60 individuals, issued 30 arrest warrants, and charged 39 detainees. Investigating Judge Walter W. Voltaire also asked the Port-au-Prince prosecutor to summon the prime minister and other government officials to testify before the court; their testimonies were pending authorization by the Council of Ministers. Many members of civil society organizations and the government continued to believe the judiciary did not have the capacity to handle such a complex, sensitive, and politicized crime.

The government and judiciary made minimal progress on a growing list of emblematic killings. While authorities stated they continued to investigate large-scale attacks in the Port-au-Prince neighborhoods of Grande Ravine (2017), Bel Air (2018), La Saline (2019), and Cité Soleil (2020), each of which left dozens dead, the government had yet to bring any perpetrators to justice. For example, the investigative judge assigned to the La Saline case,

Jean Wilner Morin, interviewed only two suspects in July.

b. Disappearance

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

Although the constitution prohibited such practices, credible reports from nongovernmental organizations (NGOs) suggested HNP officers occasionally beat or abused detainees and suspects. BINUH and the Office of Citizens' Protection (OPC), an independent government ombudsman, documented cases of abuse in prisons.

Impunity remained a significant problem in the HNP. Civil society representatives alleged widespread impunity among police officers, driven largely by poor training and a lack of professionalism, as well as rogue elements within the HNP who allegedly maintained gang connections.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to severe overcrowding, food shortages, and inadequate medical care.

Abusive Physical Conditions: Overcrowding at prisons and detention

centers was severe. According to BINUH estimates, the nationwide cell occupancy rate was 331 percent above the designed capacity.

The Directorate of Prison Administration reported most prisoners received only one meal daily, of low nutritional quality. Detainees reported that without financial support or family members bringing them food, they had nothing to eat. Human rights representatives alleged food shortages were a result of widespread corruption.

Medical care for prisoners was provided almost exclusively by the NGO Health Through Walls, which had limited capacity to treat serious and life-threatening conditions. There was inadequate medical care to stop the spread of infections such as tuberculosis or scabies. The Directorate of Prison Administration reported that as of September 11, 200 prisoners had died of food shortage illnesses and other causes since January.

Prisoners in many prisons and detention centers, including the National Penitentiary in Port-au-Prince, did not have regular access to sanitary facilities and were required to relieve themselves in plastic bags they had to purchase. Prisoners at the National Penitentiary and at Les Cayes had extremely limited opportunities to leave their cells. Civil society and human rights representatives alleged gang members and wealthy individuals received special treatment while in detention and were sometimes released without proper cause.

Administration: OPC representatives regularly visited prisons and detention facilities, which allowed them to investigate credible allegations of inhuman conditions in prisons and make recommendations to government authorities.

Independent Monitoring: The Directorate of Prison Administration permitted the United Nations, local human rights NGOs, the International Committee of the Red Cross, and other organizations to monitor prison conditions.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally failed to observe these requirements.

Arrest Procedures and Treatment of Detainees

The constitution stated authorities could arrest a person only if that person was in the act of committing a crime or if the arrest was based on a warrant issued by a competent official such as a justice of the peace or magistrate. Authorities were required to bring the detainee before a judge within 48 hours of arrest. The OPC stated authorities generally did not respect the 48-hour rule.

While authorities generally acknowledged the right to counsel, most

detainees could not afford a private attorney. The Office of Legal Assistance was required to provide free legal assistance to anyone the office coordinator determined was unable to afford such assistance. OPC staff and human rights representatives reported, however, that shortages of funding, a limited number of lawyers, and the small number of court hearings hampered the effectiveness of the office.

There was a bail procedure, but it was rarely used.

The law required prosecutors to routinely visit detention centers and police stations to provide for proper treatment of detainees and respect for arrest procedures; OPC staff stated these visits rarely occurred.

Arbitrary Arrest: Independent observers confirmed instances of police arresting individuals without warrants even when those individuals were not apprehended while committing a crime, or with improperly prepared warrants. Authorities frequently detained individuals on unspecified charges. Human rights organizations reported police sometimes arrested large groups of persons attending protests or near crime scenes without attempting to ascertain who was committing a crime.

Civil society and human rights organizations alleged some repatriated citizens were detained after their repatriation despite having committed no crime in the country. These organizations alleged the individuals were held illegally by government officials who sought to secure bribes in exchange for

their release.

Pretrial Detention: Illegal and prolonged pretrial detention was a problem due to the arbitrary application of court rules, arbitrary judicial discretion, corruption, and poor recordkeeping. Many pretrial detainees never consulted with an attorney, appeared before a judge, or received a docket timeline. In some cases, detainees spent years in detention without appearing before a judge. Local human rights groups reported prisoners were often held even after completing their sentences, due to difficulty obtaining release orders from the prosecutor's office. Some prisoners were held longer in pretrial detention than the mandatory sentences for their accused crimes.

e. Denial of Fair Public Trial

The law provided for an independent judiciary; however, the government did not respect judicial independence and impartiality. Judicial independence continued to erode, according to all major national magistrate and judges' associations and human rights activists. On February 28, Prime Minister Henry and the High Transition Council appointed eight judges to complete the Supreme Court and allow it a quorum to resume operations.

Senior officials in the executive branch exerted significant influence on the judicial branch and law enforcement, according to local and international

human rights organizations. The organizations alleged politicians routinely influenced judicial decisions and used the justice system to target political opponents.

Detainees reported credible cases of extortion, false charges, illegal detention, physical violence by police, and judicial officials' refusals to comply with basic due process requirements. The executive branch had the power to name and dismiss public prosecutors and court clerks at will. Judges faced less direct pressure from the executive branch because they served for fixed-term mandates, but civil society organizations and judges reported a fear of ruling against powerful interests due to concern for job security and personal safety.

The law required each of the country's 18 jurisdictions to convene jury and nonjury trial sessions twice per year, usually in July and December, for charges involving major, violent crimes. In September a Port-au-Prince judge reported nonjury cases resumed in the city for the first time in five years.

Corruption and a lack of judicial oversight severely hindered the right to a fair public trial. Human rights organizations reported several judicial officials, including judges and court clerks, arbitrarily charged fees to begin criminal prosecutions. Observers claimed judges and prosecutors ignored defendants who did not pay the fees.

There were credible allegations of unqualified and nonprofessional judges who received judicial appointments as political favors. There were also persistent accusations that court deans, responsible for assigning cases to judges for investigation and review, at times assigned politically sensitive cases to judges with close ties to the executive and legislative branches. Many judicial officials reportedly held full-time jobs outside the courts, although the constitution barred this practice except when teaching. In June the Superior Judicial Council declined to certify 30 magistrates because the magistrates had misrepresented their credentials, engaged in corruption, or committed other breaches of conduct. Of these noncertified magistrates, however, only one was removed from his position.

Judges were required to order a trial or dismiss the case within six months. Judges and other judicial actors frequently did not meet this deadline due to insecurity, corruption, or other noncompliance problems, resulting in unlawful and prolonged pretrial detention for many detainees.

Persistent strikes by clerks, lawyers, judges, and prosecutors hindered timely court proceedings. Nationwide strikes by court clerks and magistrates from March through June prevented most courts from conducting hearings during that period.

The lack of an elected president since the 2021 assassination of Jovenel Moïse and the absence of an elected parliament were major obstacles to maintaining a functioning judiciary. Individual lawyers, judges, and clerks in

the Port-au-Prince area reported believing they were unsafe traveling to work, which led to delayed trials and exacerbated pretrial detention. Human rights groups stated corruption and demands for bribes delayed the trial process.

Despite the July 2022 relocation of the Port-au-Prince Court of First Instance to the headquarters of the OPC for security reasons, the court lacked proper security mechanisms, and armed men robbed the new facilities on May 24. Although the former prosecutor for the court reported no sensitive documents were taken, the robbers stole weapons, money, and other documents from the court.

Trial Procedures

The constitution provided for the right to a fair and public trial, but the judiciary did not uniformly enforce this right. Authorities widely ignored constitutional trial and due process rights.

Defendants had the right to the assistance of an attorney of their choice, but legal aid programs were limited, and those who could not pay for attorneys were not always provided one free of charge. The law did not specifically provide a defendant time to prepare an adequate defense. Defendants had the right to confront hostile witnesses and present their own witnesses and evidence, but judges often denied these rights. The perception of widespread impunity discouraged some witnesses from testifying at trials.

While French and Haitian Creole were both official languages, despite Haitian Creole being the most commonly spoken language, all laws were written and most legal proceedings conducted in French. Observers noted judges generally ensured defendants fully understood the proceedings.

The functioning of justice of the peace courts, the lowest courts in the judicial system, was inadequate. Justices presided based on their personal availability and often maintained separate, full-time jobs. Law enforcement authorities rarely maintained order during court proceedings, and frequently there was no court reporter. To avoid lengthy waits, defendants would often bribe judges to have their cases heard.

In many communities, especially in rural areas, elected communal administrators with no legal judicial authority took on the role of state judges and asserted powers of arrest, detention, and issuance of legal judgments. Some communal administrators turned their offices into courtrooms.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

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

i. Conflict-related Abuses

Armed gangs, some alleged to be supported by political and business actors, dramatically increased their territorial holdings throughout the metropolitan Port-au-Prince area and north into the Artibonite Department, including areas traditionally considered safe. Intergang conflicts, gang operations, and HNP attacks on gangs resulted in the death of hundreds of residents. Reports emerged of serious human rights abuses, including cannibalism and violent destruction of human remains, which were publicized for maximum psychological effect; the targeted use of collective and repeated sexual violence; the targeting of telecommunications and electric infrastructure; and the deliberate destruction of homes and businesses. In addition to gang violence, the nationwide vigilante bwa kale movement, composed of neighborhood residents, killed alleged gang members. BINUH reported gang violence killed 2,853 persons between January and August, including

members of the HNP, alleged gang members, and neighborhood residents. Approximately 86 percent of killings occurred in the West Department, which included Port-au-Prince.

The Grand Ravine gang, led by Renel “Ti Lapli” Destine, continued attempting to seize the Carrefour-Feuilles area south of Port-au-Prince and launched attacks of increasing intensity on HNP and residents beginning in April and intensifying significantly in August.

The Eyes Wide Open Foundation reported a marked increase in gang violence in the Artibonite Department, immediately north of Port-au-Prince. The two largest gangs active in that area – Gran Grif and Kokorat Sans Ras – expanded their territories to control much of the lower Artibonite between July and September.

In July the Kraze Baryè gang, led by Vitel’Homme Innocent, seized control of much of the Tabarre neighborhood of Port-au-Prince. Human rights representatives and security sources reported that beginning on July 23, the gang sent squads of armed men through the area in a show of force to displace residents.

Killings: Violence continued at high rates within gang-controlled areas. From April through June, BINUH estimated at least 176 neighborhood residents were killed by gangs’ snipers as they tried to enter and exit portions of Cité Soleil.

The Center for Analysis and Research in Human Rights estimated that between April 24 and June 24, vigilantes participating in the bwa kale movement killed 204 alleged gang members across all 10 departments. BINUH reported that on August 11-14, at least 28 residents were killed in the Grand Ravine gang's attacks on Carrefour-Feuilles.

On August 26, a local pastor led a large group of parishioners, armed with sticks, machetes, and other rudimentary weapons, on a march to gang-controlled Canaan. The Canaan gang, led by Jeff Larose, attacked the group when they arrived. BINUH estimated gang members killed 10 parishioners and kidnapped dozens more.

Abductions: Armed gangs in the Port-au-Prince metropolitan area and around the country continued the practice of kidnapping for ransom. As of June 30, BINUH reported 2,029 kidnappings for ransom, the majority of which occurred in the West Department, which included Port-au-Prince. These data, however, included only kidnappings reported to authorities; observers believed the actual number was likely higher. Human rights organizations reported gangs subjected those they kidnapped to mistreatment, including deprivation of food, physical and sexual violence, and other abuses. There were several reports of gangs inflicting and videotaping sexual violence against victims to pressure families to pay ransoms more quickly.

Physical Abuse, Punishment, and Torture: Investigations by several UN and

human rights organizations concluded gangs in the metropolitan Port-au-Prince area systematically employed sexual violence as a tool of degradation and community control in gang-controlled and gang violence-prone areas. Armed groups raped women, girls, men, and boys with impunity and often in public places as gangs conquered new territory, fought in intergang conflicts, and sought to maintain control over territories. Survivors reported instances of rape by multiple aggressors in short periods of time, being penetrated by objects, and being raped in front of family members. Gangs videotaped and circulated sexual assaults of kidnapped women and girls to pressure their families to pay ransoms. Human rights organizations also reported instances of gender-based violence as “retaliation” by one gang against populations controlled by rival gangs. Sexual violence remained widely underreported, especially among male survivors. BINUH reported at least 49 women and girls were raped by G-9 allied gang members in Cité Soleil as part of an April attack against the Brooklyn zone.

Armed groups filmed acts of decapitation, butchery, and cannibalism and circulated video on social media to terrorize police as well as members of rival gangs. Vigilante groups also shared footage of alleged gang members being burned alive.

Following the August 26 march of parishioners to the gang-controlled Canaan area, members of the Canaan gang circulated footage of themselves beating and torturing members of the church group.

Other Conflict-related Abuse: Gangs continually targeted schools, churches, and hospitals. On February 6, members of the Ti Makak gang invaded the Ecole Satigny, an elementary school south of Pétionville, and held its students hostage for several hours. Doctors Without Borders reported several attacks on their hospital facilities throughout Port-au-Prince, including a January 27 attack where gang members dragged a patient out of the hospital and executed him less than 15 yards from hospital grounds.

During the Grand Ravine gang's attacks against the Carrefour-Feuilles neighborhood beginning in April, gang members looted and burned homes en masse to displace residents and prevent any resistance. Grand Ravine members also disabled power infrastructure on August 14; as of September 12, the surrounding areas remained without power. Gang violence caused extensive displacement in the metropolitan area of Port-au-Prince.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. Civil society observers, however, noted this right was not always upheld or respected, due principally to gang violence.

Violence and Harassment: Journalists reported a deteriorating security climate and said some journalists resorted to self-censorship to avoid being publicly targeted by political or gang leaders. Notably, as part of an attack on the lower Artibonite town of Liancourt, members of the Gran Grif gang burned down the Radio Antartique broadcasting station on July 23. The station's director and founder Roderson Elias said he believed the gang deliberately targeted the station. These attacks led many journalists to be fearful of reprisal. Other journalists said they received threats related to their coverage of gang activities.

Nongovernmental Impact: Journalists covering gang violence reported they feared reprisals from gangs; several incidents heightened these fears. On April 15, radio journalist Dumesky Kersaint was shot and killed by armed individuals in the gang-controlled Carrefour neighborhood of Port-au-Prince. On April 26, Ricot Jean, a journalist at Radio-Télé Evolution Inter in Saint-Marc, was killed by armed individuals. On May 7, armed individuals killed radio presenter Paul D. Jean Marie in Onaville, an area near gang-controlled Canaan, north of Port-au-Prince.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

Organizers of planned gatherings were required to inform police in advance of planned gatherings, but police could not prevent them. There were reports of police using inappropriate force against protesters.

Freedom of Association

Organizations representing the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community reported difficulties registering their organizations with the government, although no law restricted their registration.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel,

emigration, and repatriation, and the government generally respected these rights. The government's capacity to ensure the freedom of internal movement and repatriations was weakened by gang violence in the capital.

e. Protection of Refugees

Access to Asylum: The law provided for granting refugee status or asylum through Haitian embassies or consulates abroad, and the government had established a system for providing protection to refugees. Third-country nationals could petition for asylum through the local office of the UN High Commissioner for Refugees.

f. Status and Treatment of Internally Displaced Persons (IDPs)

Intergang clashes and generalized gang violence caused widespread displacement throughout the metropolitan area of Port-au-Prince. According to the International Organization for Migration and the Directorate General for Civil Protection, there were more than 194,600 IDPs as of June 30. Nearly 20,000 persons were displaced on August 12-15 alone because of gang expansion in the Carrefour-Feuilles neighborhood south of Port-au-Prince. In gang-controlled neighborhoods and areas where gangs were active, gang members destroyed homes, property, and vehicles; killed and injured neighborhood residents; and limited economic opportunities. As a result, residents of these neighborhoods left their homes to shelter

with family and friends in surrounding areas or in informal reception centers.

The government had extremely limited capacity to address the needs of IDPs, especially strained due to the large-scale increases in displacement in July and August. External partners and donors, in partnership with the Haitian General Directorate for Civil Protection, provided most of the humanitarian assistance to survivors and IDPs.

For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org>.

g. Stateless Persons

Statelessness and the risk of statelessness was a major problem for individuals within and outside the country, especially for citizens along the border with the Dominican Republic. Although the Civil Registry and Office of National Identification issued 4.4 million new adult identification cards by February, thousands still lacked documentation, and when undocumented citizens migrated irregularly to the Dominican Republic, they became stateless. Many children born in the Dominican Republic to Haitian parents also became stateless.

Section 3. Freedom to Participate in the Political

Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. A long-running political impasse, complicated by the 2021 assassination of President Moïse, delayed legislative elections, originally scheduled for 2019 and 2020. Parliament was unable to function since neither the upper nor the lower house had any elected members. As of September, it remained unclear when elections would occur. Prime Minister Henry was negotiating with opposition parties to build a transitional government that could nominate a credible Provisional Electoral Council to oversee eventual elections.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: Legislative, municipal, and presidential elections were last held in 2016-17. While there were isolated allegations of voter fraud, the elections were generally regarded as credible by international and domestic observers.

Participation of Women and Members of Marginalized or Vulnerable

Groups: No laws limited the participation of women or members of marginalized or vulnerable groups in the political process, but social norms suggesting elected officials should be “tough” and masculine, in addition to the threat of electoral violence, discouraged women from voting and, to a

much greater extent, from running for office. Women politicians stated they faced significant resistance from colleagues and community members and were often told that as women they were not “strong” enough to “fight” in the violent nature of the country’s politics.

Section 4. Corruption in Government

The law provided criminal penalties for a wide variety of acts of corruption by officials. The government did not implement the law effectively. There were numerous reports of government corruption and a perception of impunity for abusers.

Corruption: Customs revenues increased significantly following the September 2022 departure of former Director General of the General Customs Administration, Romel Bell, after an investigation was opened by the Anticorruption Unit. Private-sector sources alleged, however, that part of this increase was due to a lack of oversight on customs fees, which allowed customs officials to increase fees arbitrarily.

Human rights activists continued to allege corruption fueled gang violence, since diverted government funds were believed to contribute to financing of gangs. The NGO Haitian National Human Rights Defense Network stated corruption in public agencies led to trafficking of arms and drugs.

For additional information about corruption in the country, please see the

Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups operated without government restriction to monitor and investigate human rights conditions or cases and publish their findings. Government officials generally cooperated with human rights groups, although they disagreed at times on the scope of certain problems and the most appropriate means of addressing them.

Retribution against Human Rights Defenders: Human rights groups believed they were unsafe or targeted by armed groups. Groups reporting on kidnapping, gang activities, or other human rights concerns were likely to receive threats from armed groups.

The United Nations or Other International Bodies: Despite UN efforts to open a local branch of the Office of the UN High Commissioner for Human Rights, as of September the government had not signed a host-country agreement.

Government Human Rights Bodies: The OPC's mandates were to investigate allegations of human rights abuse and to work with international organizations to implement programs to improve human rights. Human rights groups had generally favorable opinions of the OPC and its work and did not allege any infringement on its independence; however, they cited a lack of resources as a major hindrance to its operations.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibited rape of women and men, as well as spousal and domestic or intimate partner rape and other forms of domestic and sexual violence, including so-called corrective rape of LGBTQI+ persons. The law did not recognize spousal rape as a crime. The penalty for conviction of rape was a minimum of 10 years of forced labor. In the case of gang rape, the maximum penalty was forced labor for life. The law was not enforced.

Sexual violence was rarely prosecuted, and cases were often settled outside the legal system under pressure from community and religious leaders. In cases of pregnancy, there was generally a monetary settlement calling on the rapist to pay for prenatal care and birth costs, and occasionally calling on the rapist to acknowledge the child as his own. In cases of adultery, the law excused a husband who killed his wife, her partner, or both if found

engaging in adultery in the husband's home, but a wife who killed her husband under similar circumstances was subject to prosecution.

The law did not classify domestic violence against adults as a distinct crime. Women's rights groups, HNP leadership, and human rights organizations reported domestic violence against women was commonplace.

Survivors of gender-based violence faced major obstacles in seeking legal justice, as well as in accessing protective services such as women's shelters. The Ministry on the Status and Rights of Women reported insufficient funding to provide adequate support to survivors nationwide. Civil society organizations reported many survivors did not report cases of violence to government entities because of social pressure, fear of retaliation, especially in gang-related cases, a lack of confidence in the judicial system, and a lack of logistical and financial resources. Survivors preferred to seek support from NGOs.

According to some civil society organizations, many local nonprofit organizations that provided shelter, medical services, psychological services, and legal assistance to victims had to reduce services due to a lack of funding. There were reports that in rural areas, criminal cases, including cases of gender-based violence, were frequently settled outside the justice system. In such cases, local leaders often pressured family members to come to financial settlements with the accused to avoid social discord and embarrassment. According to judicial observers, prosecutors often

encouraged such settlements.

Other Forms of Gender-based Violence and Harassment: The feminist organization Neges Mawon reported invasive and violent “virginity checks” persisted. These were typically performed by family members on young women, sometimes using foreign objects. Neges Mawon also reported instances of young women being “prepared for intercourse” using foreign objects.

The law did not specifically prohibit sexual harassment, although the labor code stated men and women had the same rights and obligations.

Observers indicated sexual harassment occurred frequently. There were no formal governmental programs to combat it on a national scale.

Discrimination: Women did not enjoy the same social and economic status as men. The constitution required 30 percent of political candidates, elected officials, and civil servants be women. The government generally enforced the constitutional provision effectively.

The law prohibited economic discrimination on the basis of gender, including for access to employment. The law was not enforced. Women faced barriers to accessing economic inputs and securing collateral for credit, information on lending programs, and other resources. Women faced restricted job opportunities, lower pay, and reduced access to banking and other support services.

In the private sector, several industries, including public transportation and construction, which in the past were male oriented, employed women workers at the same pay scale as men. Despite these improvements, gender discrimination remained a major concern. There was no governmental assessment or report on discrimination in the workplace. Better Work Haiti (BWH) reported a case of sexual harassment, two cases related to gender discrimination, and one case related to race and origin discrimination in its January-June synthesis report. In another factory, BWH assessments revealed that 19 women workers were terminated from their employment during pregnancy, maternity leave, and breastfeeding periods.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Social and economic barriers, including limited access to clinics and stigma against contraception use, remained for those seeking or accessing contraception. Cultural and historical barriers against the use of the intrauterine device and contraception more generally persisted. Women living in poverty or in rural areas experienced significant obstacles accessing comprehensive reproductive health care due to insecurity, high transport costs, and a general lack of health-care availability in rural areas. Emergency contraceptives were available, although health providers noted they were not always distributed equitably between rural and urban areas or among individuals of varying income levels.

The government had protocols governing the provision of service to survivors of gender-based violence. Emergency contraception was part of a mandatory package of services for the clinical management of rape cases, according to government protocols. The Ministry on the Status and Rights of Women, along with local women's groups and health-care centers, aimed to provide postexposure prophylaxis, but resource constraints and lack of access to gang-controlled and rural areas prevented their delivery to many survivors. Although the Ministry of Health was responsible for maintaining these protocols and practices, donors and NGO partners provided nearly all such care.

In many rural areas, *sage femmes*, or community birth attendants, were the most common provider of maternal care. Although some received formal training, most had trained as apprentices to other *sage femmes* in their communities and practiced based on traditional methods of maternal care. In metropolitan areas, some women elected to give birth at home with a *sage femme* rather than in a health facility. Observers noted the choice could have been rooted in a desire for client-centered care, particularly for respectful maternity care.

A major cause of maternal deaths was the lack of formally trained birth attendants in rural areas. Other reasons included geographic difficulties in accessing health facilities and financial barriers to primary health care. Of the country's 571 communal sections (local districts), 125 had no health

facilities. The proportion of births attended by skilled health personnel was 42 percent. The adolescent birth rate for those ages 15 to 19 was 100 per 1,000 girls due to a lack of contraceptive access, sexual violence, and other causes.

Stigma regarding menstruation persisted, and women's organizations reported significant barriers to menstrual hygiene for women and girls in rural areas, including lack of access to clean water and lack of income to purchase supplies. Although there were no legal barriers to women's access to education or employment when they became pregnant, observers reported many young women dropped out of school because of early pregnancies. Girls also reported not attending school when they were menstruating.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provided for equal protection of all citizens, without discrimination. The constitution also established the OPC to protect "all individuals against any form of abuse by the government." The government did not enforce the law effectively.

There were high levels of colorism (prejudice or discrimination against individuals with a dark skin tone) and ethnic discrimination against the Syrian-Lebanese community, which controlled many aspects of the economy.

Children

Birth Registration: Birth registration faced logistical and resource obstacles. The government did not register all births immediately. Obtaining birth certificates for children was a problem throughout the country. Children born in rural communities were less likely to be documented than children in urban areas. Birth certificates were required when citizens applied for the national biometrically enabled identification cards required for voting.

Child Abuse: The law prohibited domestic violence against children. The government lacked an adequate legal framework to support or enforce mechanisms to fully promote children's rights and welfare.

The practice of *restaveks*, or children born into poor families and offered to wealthier ones as domestic workers in exchange for the child receiving education, food, and shelter, remained a serious concern. Human rights representatives emphasized restavek children were highly vulnerable to psychological, physical, and sexual abuse, and trafficking in forced begging and commercial sex.

The Ministry of Social Affairs' Institute for Social Well-Being and Research observed that children living in gang-affected areas, primarily in Port-au-Prince, were highly vulnerable to exploitation by gang members. Children were often recruited as gang lookouts or forced into sexual relationships with gang members. The government was limited in its resources to go into

these areas to identify, extract, and provide protection services to children forced to work for gangs.

Child, Early, and Forced Marriage: The legal age of marriage was 18 for men and 15 for women. Early and forced marriages were not widespread customs; however, forced marriages between rape survivors and their rapists occurred occasionally. Legal marriage was uncommon, and many couples chose to live together in long-term relationships similar to common-law marriage. The government did not formally recognize common-law marriages, although children born to those couples could be recognized as the legal children of both parents.

Sexual Exploitation of Children: The law prohibited the sale or use of children for commercial sexual exploitation, including sex trafficking. The law did not address or prohibit grooming of children for such purposes. The minimum age for consensual sex was 18, and the law had special provisions for rape of a person 16 or younger. The maximum penalty for human trafficking with aggravating circumstances, which included cases involving the exploitation of children, was life imprisonment. Enforcement, however, was rare due to impunity and a lack of resources.

Antisemitism

The Jewish community numbered fewer than 100 persons, and there were no reports of antisemitic incidents.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults. There were “public decency” laws that criminalized sexual activities in public places; some activists and human rights organizations stated these laws were used disproportionately against LGBTQI+ persons.

Violence and Harassment: There were no reports of violence against LGBTQI+ individuals by police or other government agencies. Armed gangs targeted LGBTQI+ individuals based on their sexuality. LGBTQI+ organizations reported many LGBTQI+ individuals, including transgender individuals, sought to leave the country by both legal and irregular pathways to avoid targeted violence. There were no official actions taken to investigate, prosecute, or punish those complicit in violence and abuses by nonstate actors against LGBTQI+ persons. Violence against LGBTQI+ persons remained underreported, but there were at least 10 known cases in Port-au-Prince during the year.

Kay Trans Haiti, a shelter and social services organization for transgender youth, reported one transgender person was raped and beaten by members of the 400 Mawozo gang during a kidnapping on July 30.

Discrimination: The law did not prohibit discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and did not recognize LGBTQI+ individuals, couples, or their families. Human rights activists reported LGBTQI+ persons, especially transgender persons, faced discrimination by employers. Same-sex marriages were not recognized; the law required marriage to be between a man and a woman.

There were few laws that infringed upon LGBTQI+ persons' rights, but many individuals and groups were openly hostile towards LGBTQI+ persons. Individual politicians frequently used inflammatory anti-LGBTQI+ language in radio broadcasts or in other media outlets. Religious leaders also publicly denounced LGBTQI+ persons as "not Haitian."

A 2017 study of public opinions on stigma and discrimination towards vulnerable groups showed 71 percent of the individuals surveyed responded "hate" was the most appropriate term to express their attitude toward LGBTQI+ persons, and 90 percent of the adult population rejected the idea of equal rights for sexual minorities.

Local attitudes, particularly in Port-au-Prince, remained hostile toward

LGBTQI+ persons who made their sexual orientation or gender identity public and visible. Some politicians, social leaders, and organizations actively opposed the social integration of LGBTQI+ persons or any discussion of their rights. LGBTQI+ advocacy groups in Port-au-Prince reported a greater sense of insecurity and less trust of government authorities than did groups in rural areas.

Availability of Legal Gender Recognition: Changing government identification documents required a modified birth certificate, which could be obtained with the assistance of a lawyer. The process to modify a birth certificate, however, was lengthy and expensive, and it required the applicant to appear in person. One LGBTQI+ activist reported civil servants often refused to issue modified birth certificates or passports to transgender persons, and there was little enforcement to verify they did so. Once applicants had a modified birth certificate, they could change other forms of identification. Transgender individuals reported they were able to change their gender and names on identification documents, but several individuals reported meeting resistance from employees at government agencies when they attempted to obtain forms of identification. There was no option of identifying as nonbinary, intersex, or gender nonconforming on government identification documents. Intersex individuals were assigned identification markers based on recommendations by medical experts, often through genetic testing.

Involuntary or Coercive Medical or Psychological Practices: BINUH

reported armed groups employed “corrective rape,” especially against LGBTQI+ women. Armed groups often carried out this violent practice in public spaces. Human rights activists reported religious groups commonly prayed for the “conversion” of LGBTQI+ persons. There were no reports that medically unnecessary and irreversible “normalization” surgeries were performed on children or on nonconsenting adult intersex persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no laws that prevented activists from speaking out in favor of LGBTQI+ rights or holding Pride events, but activists stated they often believed it was unsafe to do so. Activists condemned a “culture of intolerance” fueled by religious leaders and some politicians, who often used channels or other media sources to incite violence against LGBTQI+ individuals.

Persons with Disabilities

The constitution stipulated persons with disabilities should have adequate means to provide for their autonomy, education, and independence. The law required all public buildings and spaces to be accessible to persons with disabilities. The law banned discrimination against persons with disabilities and stipulated they had the right to basic services such as health, education, and justice. The law prohibited discrimination in employment practices

against persons with disabilities, required the government to integrate such persons into the state's public services, and imposed a quota of 2 percent for persons with disabilities in the private-sector workforce. The quota was not met, and the government did not enforce these legal protections, particularly regarding education, health services, public buildings, employment, and transportation.

Individuals with disabilities faced significant social stigma, exclusion, and discrimination due to their disabilities. For instance, families often left their family members with disabilities isolated at home. Local disability rights advocates stated persons with disabilities faced significant obstacles to voting and civic participation. Persons with disabilities had difficulty obtaining national identification cards required for voting because the National Identification Office was inaccessible to them.

Establishments including government offices, churches, and schools did not routinely make services accessible for persons with disabilities.

Opportunities to access services often depended on the economic status of the family. Persons with mental, developmental, or physical disabilities were marginalized and neglected. Deaf and blind citizens also faced marginalization and neglect and did not routinely receive necessary services.

Nationwide, some children with disabilities were mainstreamed into regular schools, depending on the severity of the disability and the economic status of the family. A small number of schools provided specialized education for

children whose disabilities did not allow them to be mainstreamed.

Disability activists reported students with disabilities had less access to secondary education.

Some disability rights activists noted social services available to persons with disabilities were inadequate and persons with disabilities had significant problems accessing quality medical care. Hospitals and clinics in Port-au-Prince were rarely accessible to persons with disabilities and often refused to treat them.

Institutionalized Children: The Ministry of Social Affairs' Institute for Social Well-Being and Research had official responsibility for monitoring and accrediting the country's residential children's homes and care centers. According to the international NGO Lumos, an estimated 26,000 children lived in residential children's homes and care centers. Children in these institutions were vulnerable to human trafficking.

Other Societal Violence or Discrimination

Stigma against persons with HIV or AIDS remained strong and widespread and, in some cases, discouraged persons with HIV from seeking medical treatment. In a 2020 report published by the UN Program on HIV and AIDS, 63 percent of adults surveyed in the country responded they would not purchase vegetables from a seller known to be HIV-positive, while 54 percent believed students with HIV should not attend school.

The prevalence rate of HIV among girls and women ages 15 to 29 was nearly triple that of their male peers; experts believed this was because of the high rate of sexual violence against young women.

Results from the donor-supported Community-Led Monitoring initiative indicated stigma and discrimination remained high at both the community and facility levels. Persons with HIV faced discrimination from health-care providers. As a result, some persons dropped out of care or sought medical treatment outside their community. The monitoring group highlighted a need for capacity building and stigma reduction at national, departmental, and facility levels.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of some workers, excluding public-sector employees, to form and join unions of their choice and to strike, with restrictions. The law allowed for collective bargaining, stating employers had to conclude a collective contract with a union if that union represented at least two-thirds of the workers and requested a contract. Strikes were legal if, among other requirements, they were approved by at least one-third of a company's workers. The law prohibited firing workers for union

activities, but it was unclear whether employers could be penalized for each violation. The law set very low fines for dismissing trade union members despite the legal prohibition and did not explicitly provide for reinstatement as a remedy.

The law stated a strike was legal when carried out by a group of workers representing at least one-third of the staff and no fewer than five persons. The purpose was to exclusively promote or defend the common economic, professional, social, or moral interests of workers, and when it occurred within the formalities of labor code. The law outlined four types of strikes: a closed strike, or stopping work while remaining at workstation; a warning strike, or striking without abandoning the institution; a walk out, or walking out and abandoning the institution; and striking in solidarity with another strike. To be legal, a silent strike could not exceed 24 hours, a warning or walkout strike could not exceed one hour, and a solidarity strike was legal only if the initial strike was legal.

Public-utility service workers and public-sector enterprise workers could not strike because the law defined public-utility service employees as unable to suspend their activities without causing serious and immediate harm to individual health and public safety. A 48-hour notice period was compulsory for all strikes, and one party in a strike could request compulsory arbitration to halt the strike.

The labor court, located in Port-au-Prince, was under the supervision of the

Ministry of Social Affairs and adjudicated private-sector workplace conflicts. Outside of Port-au-Prince, plaintiffs could use municipal courts for labor disputes. The law required ministry mediation before cases could be filed with the labor court.

The government did not effectively enforce the law, and penalties were not commensurate with those for other laws involving denials of civil rights. Judicial procedures were subject to lengthy delays and appeals, and many courts were not functioning due to social conflicts. Penalties were rarely applied against violators.

Government and private employers did not respect freedom of association and collective bargaining. Labor monitors cited suspensions, terminations, and other retaliation by employers against labor union members for their involvement in strikes or alleged incitement of violence without being able to substantiate claims of the workers' involvement. The collective bargaining agreement between the government, employers, and workers mandated that all factories register their employees with the Employment Injury, Sickness and Maternity Insurance Office for maternity and health insurance. Many employers did not complete this registration, which prevented workers from receiving government-mandated health benefits and making employers noncompliant with the collective bargaining agreement.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provided for a national minimum wage. Minimum wages were usually set by the government based on official macroeconomic indicators on at least an annual basis and generally remained above the national poverty line. The National Salary Council, a government, labor union, and private-sector body, was responsible for recommending a minimum wage every September based on the rate of inflation. Despite increased inflation and stagnant wages, the council failed to convene due to difficulties finding representatives to fill the council. Following numerous strikes demanding the minimum wage be adjusted for inflation, discussions between the Ministry of Social Affairs, the Office of the

Labor Ombudsperson, and labor union leaders led to the May implementation of a government transportation and food stipend program to support workers.

On June 13, the government issued a decree suspending the 3x8 law, which organized and regulated work over a 24-hour period divided into three eight-hour shifts, prohibiting employees from working past eight hours. The law also provided for one hour of paid lunch, which employers found difficult to calculate due to day rates for production and health benefit payments. The publication of the new decree suspended all provisions of the 3x8 law.

The 26th BWH *Biannual Synthesis Report*, covering June 2022 to June 2023, found 71 percent of textile factories paid annual leave incorrectly and 77 percent of factories did not correctly pay maternity leave.

Occupational Safety and Health: The law established minimum occupational safety and health (OSH) regulations, including rules for onsite nurses at factories, medical services, and annual medical checks. It provided for appropriate standards in the main industries. The law allowed workers to notify the employer of any defect or situation that could endanger worker health or safety, and to call the Ministry of Social Affairs and Labor or police if the employer failed to correct the situation. The government did not respond to workers complaints. Observers stated OSH standards needed reform, including new policies and programs to mitigate persistent and

emerging OSH risks, reinforce health promotion at work, and develop compliance programs enforced by the government. Standards were rarely enforced. In its 26th *Biannual Synthesis Report*, BWH noted 84 percent of factories failed to properly label chemical products.

Wage, Hour, and OSH Enforcement: The Ministry of Social Affairs and Labor was responsible for enforcing wage and hour requirements and OSH regulations, but it did not effectively enforce the law. Penalties were not commensurate with those for similar crimes, such as fraud, and were rarely applied. There were no prosecutions of individuals accused of violating the regulations for minimum wage, hours of work, or safety. The number of inspectors was sufficient; however, they failed to enforce compliance.

Labor inspectors received little support from law enforcement authorities. Inspectors did not have the authority to make unannounced inspections or initiate sanctions. Despite operational difficulties due to lack of resources such as vehicles or fuel, the ministry was able to conduct inspections across all sectors; the majority of inspections were in the garment sector due to facilitation support from BWH.

According to the World Bank, informal workers accounted for 87 percent of the labor force. The government did not enforce the law in this sector.