

Haiti 2024 Human Rights Report

Executive Summary

The human rights situation in Haiti worsened significantly during the year due to the lack of state capacity to protect civilians from expanding gang violence and individuals' decreasing rights in areas such as freedom of expression.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest or detention; serious abuses in a conflict; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists; trafficking in persons, including forced labor; and significant presence of any of the worst forms of child labor.

The government did not take credible steps or action to identify and punish officials who committed human rights abuses.

Gang violence continued at high rates in the Port-au-Prince metropolitan area. Armed gangs were also responsible for conflicts resulting in killings, attacks on citizens, targeted instances of sexual violence, mutilation of human remains, widespread displacement, and the destruction of homes and property. Despite continuous antigang operations and some

intermittent successes, the government did not effectively investigate or prosecute gang violence. There were also increasing reports of vigilante violence, including beatings, dismemberments, and killings of individuals known or suspected of being gang members, sometimes undertaken by organized citizen defense groups. The government did not effectively investigate or prosecute vigilante violence.

Section 1. Life

a. Extrajudicial Killings

There were numerous reports the government or its agents committed arbitrary or unlawful killings during the year.

The nongovernmental organization (NGO) National Human Rights Defense Network attributed some deaths and injuries of protesters and journalists during antigovernment demonstrations in February to police brutality.

In the Nippes Department, public prosecutor Jean Ernest Muscadin reportedly ordered the execution of individuals accused of gang ties without due process, drawing criticism from some civil society organizations.

Muscadin openly acknowledged his actions, using social media to label Nippes a “graveyard for bandits.” Many local residents spoke in support of Muscadin’s tactics and mobilized throughout the year to oppose his dismissal.

There were credible reports of police involvement in vigilante killings throughout the year, including instances where the victims had originally been taken into police custody. Such actions – commonly known as *bwa kale* (peel wood in Haitian Creole) – included mob attacks in which targets were beaten or dismembered before being killed, sometimes by being burned alive. In November, the international NGO Doctors Without Borders (MSF) reported one of its ambulances carrying three young gunshot victims to a hospital in Port-au-Prince was stopped by police, who then evicted MSF staff and patients from the vehicle and permitted the patients to be dragged away by a mob for execution. Only one of the three patients survived. In the wake of a subsequent MSF decision to suspend its operations, the government issued a public denunciation of the attack, and the Haitian National Police (HNP) Inspectorate General opened an investigation into police complicity, which continued at year's end.

Authorities made little progress in investigating then President Jovenel Moïse's 2021 assassination and a series of other high-profile killings, including large-scale attacks in Grand-Ravine (2017), Bel Air (2018), and Cité Soleil (2020). A judge issued a closing order in July recommending criminal charges against more than 30 named individuals following the investigation of the 2018 La Saline massacre. Authorities closed the long-standing investigation into journalist Néhémie Joseph's 2019 killing; the investigating judge referred former Senator Rony Célestin and seven others to trial for "murder and criminal association."

The United Nations Integrated Office in Haiti (BINUH) reported gang violence between January and June resulted in 3,884 deaths and injuries, with 96 percent of killings occurring in the West Department, including Port-au-Prince. During the first quarter, Port-au-Prince deteriorated considerably as gang coalitions challenged Prime Minister Ariel Henry's government. More than 4,600 inmates escaped from major prisons, at least 22 police facilities were attacked, and 19 police officers were killed or injured.

Fatal gang violence continued through the year. The first quarter of the year was the most violent since early 2022, according to BINUH. An increase in violence between January and March accounted for most of the 3,884 casualties reported in the first half of the year, with at least 2,505 persons killed or injured due to gang-related violence against civilians and violence between gangs. This represented a 53 percent increase compared with the previous quarter.

According to the UN Office of the High Commissioner for Human Rights (OHCHR), gangs executed individuals in broad daylight for allegedly reporting or otherwise expressing opposition to gang activities. Some victims were mutilated with machetes and then burned. The gangs filmed the scenes and shared them widely on social media to instill fear and control the population.

In early December, gang leader Micanord "Mikanò" Altès reportedly ordered the massacre of elderly residents in the Wharf Jérémie

neighborhood of Cité Soleil based on a belief they had caused the illness and death of his young son through Vodou religious practices. Investigation of the incident by police and civil society groups was hampered by nearly complete gang control over the neighborhood, including reported intimidation and killing of potential witnesses. Tentative death toll estimates based on NGO and UN contacts with residents ranged from 50 to more than 200 victims. While the government issued a statement vowing to track down and bring to justice those responsible, the incident illustrated the extent to which authorities were unable to protect ordinary citizens from targeted acts of terror.

b. Coercion in Population Control

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

Section 2. Liberty

a. Freedom of the Press

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.

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

Between March and June, following the escape of gang leaders from the capital's two main prisons in March, the OHCHR documented a marked increase in gang threats and attacks against journalists, human rights defenders, and government officials, including magistrates and police officers. Family members of these groups were also threatened. Some of the threats were recorded on video by gang leaders and later broadcast on social media. These threats forced many journalists to practice self-censorship, abandon the profession, or flee the country. Journalists covering gang violence reported they feared reprisals from gangs.

On February 7, Radio Poltron journalist Alain Charles was shot and injured, possibly as part of a broader gang attack on the rural community of Gros Morne.

b. Worker Rights

Freedom of Association and 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. 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 law outlined four types of strikes: a silent strike (stopping work while remaining at a workstation); a warning strike (striking without abandoning the institution); a walkout (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. Penalties for violations of freedom of association, collective bargaining, and the right to strike were less than those for analogous violations such as civil rights violations and were rarely applied against violators. Judicial procedures were subject to lengthy delays and appeals.

Government and private employers did not respect freedom of association and collective bargaining. Labor monitors cited unsubstantiated suspensions, terminations, and other retaliation by employers against labor union members for organizing strikes or inciting violence. The Codevi Free Zone (CODEVI) free trade area's collective bargaining agreement between employers and workers mandated that all CODEVI factories register their employees for maternity and health insurance with the Employment Injury, Sickness and Maternity Insurance Office. Many employers did not complete this registration, which prevented workers from receiving government-mandated health benefits and made employers noncompliant with the collective bargaining agreement.

Forced or Compulsory Labor

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

Acceptable Work Conditions

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 were above the national poverty line. The National Salary Council, which included representatives from government, labor unions, and the private sector, was re-established by the government in February but did not transmit any recommendations regarding revision to the minimum wage as its mandate required. During the year, the government continued to provide supplementary stipends to workers for food and transportation costs, similar to those established in 2023.

The labor code defined standard working hours as eight hours per day and 48 hours per week. In industrial businesses, regular daily hours could be extended to nine hours. In its *27th Haiti Biannual Compliance Synthesis Report*, covering July 2023 to June and focusing on the garment industry, the NGO Better Work Haiti (BWH) found that between 52 and 92 percent of factories it monitored failed to correctly calculate and pay various types of worker compensation, including overtime wages, social security contributions, and paid 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 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. 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. Legally, workers could remove themselves from unsafe situation without jeopardizing their employment. Due to security conditions, however, labor inspectors were not always able to visit work sites to verify or enforce compliance. In its *27th Biannual Compliance Synthesis Report*, BWH reported that while more than 60 percent of apparel factories it monitored failed to comply with standards for labeling and inventorying chemical products, the degree of noncompliance with other standards, such as storage of hazardous substances and appropriate training for workers, significantly decreased.

Wage, Hour, and OSH Enforcement

The government only partially enforced wage, hour, and OSH laws, due in

part to prevailing insecurity, which hampered on-site inspections. The Ministry of Social Affairs and Labor was responsible for enforcement. Inspections of facilities in the metropolitan Port-au-Prince area were often conducted virtually; virtual inspections were hampered by limited internet access and an inability to accurately assess certain physical conditions. The number of inspectors was sufficient; however, inspectors sometimes lacked resources such as vehicles and fuel. While the ministry conducted some inspections across all sectors, the majority of inspections were those facilitated by BWH that focused exclusively on the garment industry.

Penalties for hour, wage, and OSH violations were less than those for similar crimes, such as fraud, and were rarely applied against violators. The labor code provided inspectors with authority to make unannounced inspections but not to initiate sanctions. Labor inspectors received little support from law enforcement authorities.

According to the World Bank, informal workers accounted for 87 percent of the labor force. The informal sector increased in recent years after most major apparel manufacturers, the largest private sector employer, closed facilities or left the country due to gang violence. The government did not enforce labor laws in the informal sector.

c. Disappearance and Abduction

Disappearance

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

As of June 30, BINUH reported 866 kidnappings, with at least 66 percent occurring in the Artibonite Department, primarily involving victims traveling on public transport or abducted from their homes and held for ransom.

While kidnappings decreased in the central part of the Port-au-Prince metropolitan area, they remained prevalent in outlying communes such as Carrefour and Gressier. On December 13, the Grand Ravine gang hijacked a boat between Port-au-Prince and Cap-Haïtien, kidnapping 52 passengers and crew members.

Prolonged Detention without Charges

The law prohibited arbitrary arrest and detention and provided for the right of any persons to challenge the lawfulness of their arrest or detention in court. The government generally did not observe these requirements.

Illegal and prolonged pretrial detention was a problem due to the arbitrary application of court rules, arbitrary judicial discretion, corruption, and poor recordkeeping. 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.

d. Violations in Religious Freedom

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

e. Trafficking in Persons

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

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution prohibited such practices, credible reports from NGOs suggested members of the HNP occasionally beat or abused detainees and suspects.

Impunity remained a significant problem within the HNP. Civil society representatives alleged widespread misconduct among police officers,

driven largely by poor training and a lack of professionalism. BINUH reported that between January 1 and March 31, the HNP Inspectorate General opened 31 cases involving 39 police officers accused of human rights violations, none of which were closed or referred for sanction.

The National Human Rights Defense Network reported a case of torture leading to the death of Joseme Joseph in August, allegedly orchestrated by the Les Cayes public prosecutor, James Jean Louis, with police present at the incident. The Ministry of Justice placed Louis on unpaid leave, and civil society groups called for Louis to be prosecuted.

The OHCHR reported gangs continued to use sexual violence to punish, spread fear in, and subjugate the population. According to Human Rights Watch, at least 4,000 women and girls reported being subjected to sexual violence between January and October. Many cases involved collective rape by gang members and sometimes repeated sexual assaults over a period of days or weeks. Many attacks took place in broad daylight, indicative of an increasing sense of impunity for acts of sexual violence. For many victims, the physical effects of these attacks were exacerbated by lack of timely access to adequate health care, resulting in sexually transmitted disease and unwanted pregnancies.

b. Protection of Children

Child Labor

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/>.

Child Marriage

The legal age of marriage was 18 for men and 15 for girls. Early and forced marriages were not widespread customs; however, forced marriages between rape survivors and their rapists occurred occasionally.

c. Protection to Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Provision of First Asylum

The law provided for granting refugee status or asylum through Haitian embassies or consulates abroad, and the government had a system for providing protection to refugees. Third-country nationals could petition for asylum through the local UNHCR office.

d. Acts of Antisemitism and Antisemitic Incitement

The Jewish community numbered fewer than 100 persons. There were no reports of antisemitic incidents.