



State of Human Rights in 2020

Rising crime - legal dismantling - Constant human rights violations

SUMMARY

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I. Summary of the State of Human Rights in 2020

1. Initiated by the Centre d'analyse et de recherche en droits de l'homme (CARDH) in order to better understand the evolution of human rights and the rule of law process in Haiti, the report on Human Rights in 2020 can be summarized in seven points.
2. **Economic and social rights.** Already living in great vulnerability, the Haitian population has been considerably affected by COVID-19, causing the closure of many economic activities and a significant reduction in wages. At the same time, the national currency depreciated significantly (23% on average). In addition, the \$27 million mobilized for the state of emergency was solely used for a new corruption operation, and not to strengthen the fragile health system (70% of the population has no access to health care).
3. The 2019-2020 and 2020-2021 budgets have not been used to improve living conditions, but are part of the logic to consolidate corruption and waste public funds: explosion of debt service (14 billion gourdes in 2018; 20 billion in 2019; 46 billion in 2020); budget deficit (42.9 billion gourdes). The efforts of the Bank of the Republic of Haiti (BRH) to assess the gourde has not had the expected economic boost, reinforcing, on the contrary, the precariousness of the population already in difficulty. In addition, the surge in kidnappings has given a blow to poor families and the “middle class” who have to pay large sums of money (up to 200 thousand U.S. dollars) for the release of a kidnapped person.
4. **Serious Violations of Civil and Political Rights.** The decree of March 20, 2020, declaring a state of health emergency throughout the country, does not follow the framework defined by the International Covenant on Civil and Political Rights and the American Convention on Human Rights to which the Haitian State is a party. The failure to hold legislative and local elections in 2017 and 2019, as well as the October 2020 elections to elect the 59th President of the Republic, is also a violation of the population's right to vote as enshrined in the aforementioned Covenant and Convention, as well as of articles 134-2 and 239 of the Constitution and the Electoral Decree of March 2, 2020.
5. Police brutality (use of force, process of creation of the SPNH, terror of the Fantòm 509 group, etc.), at least 297 murders - 257 of them by gunshot -, 26 policemen killed (24 by gunshot and 2 murders), at least 796 kidnappings, as well as the G9 federation in fanmi e alye controlling at least 35% of the electoral territory, and the organization of kidnappings in almost the whole territory aggravate the violation of civil and political rights.
6. The establishment, almost throughout the country, of this criminal organization, which has at least 8 sources of funding, explains a process of institutionalization of crime.

7. **Erosion of the rule of law.** The dysfunction of the Parliament, caused by President Jovenel Moïse, and the almost complete non-existence of the judiciary, consolidate the erosion of the process of building the rule of law in Haiti and wipe out the democratic gains made after 86. Today, the President has taken over all the powers of the State. He is setting himself up as the legislative executive, a violation of the citizens' right to vote and of democratic principles, including the separation and independence of the powers of the State. It issued 41 decrees and 120 orders for the year 2020, including three on: a new penal code (decree of June 24, 2020); a Provisional Electoral Council with the task of organizing a referendum to amend the Constitution (orders of January 5, 2021); and an intelligence service (ANI) (decree of November 26, 2020).
8. **Situation of human rights defenders.** Impunity also affects human rights defenders. The files of journalists and leaders of human rights organizations remain in the drawers, with the intention of blocking them.
9. **Inefficient Police.** Faced with an internal crisis (non-compliance with regulations by a fringe of police officers) and an external crisis (extension of armed gangs throughout the country, socio-political crisis), the Haitian National Police (PNH) does not have the material, human, financial and strategic means to fulfill its mission: “to protect and serve.” As an example, the institution has received from donors for the first and second year, respectively 14.92% and 4.24% of the investment budget of its Strategic Development Plan (PSD-PNH 2017-2021). This contribution, which is certainly insufficient and in considerable decline, illustrates a “cheap” policy, as its former Director General, Michaël Gédéon, pointed out.
10. **Judicial vacuum.** While the 2019 “lockdown” came to an end, Justice was forced to close its doors again with the state of emergency triggered by COVID-19. Then, a series of strikes followed: judges, court clerks, government commissioners. In the meantime, the Court of Appeal did not sit. The prison situation has worsened. Prisoners are dying of starvation and chronic diseases (often hidden). More and more are awaiting trial (10,974). Deaths were around 111. Physical and mental torture are practiced in some centers. At the Mirogoâne “prison,” detainees remain in their cells for the whole duration of their detention, even to relieve themselves.
11. **Corruption.** The state of emergency was a vast operation of corruption during the year 2020. Thirty contracts totaling US\$27 million were executed without the opinion of the Superior Court of Auditors and Administrative Litigation (CSCCA). No information was provided to the population on these contracts.

N.B. *The complete version of this report can be requested at info_cardh@yahoo.com or direction@cardh.org*