

Democracy Discouraged: International Observers and Haiti's 2015 Elections

September, 2016



Democracy Discouraged – Executive Summary with Recommendations

The 2015 elections in Haiti represent a monumental failure of international electoral observation. With the Presidency, two-thirds of the Senate and the entire Chamber of Deputies at stake, the elections were crucial for Haiti's political future. Instead of assessing the vote according to international standards for democratic elections, the Organization of American States (OAS) and European Union (EU) electoral observation missions consistently downplayed, minimized and obfuscated the serious flaws and violations of voters' rights that occurred. Despite clear evidence of fraud, violence and irregularities, OAS and EU observers opposed calls for an independent verification and defended the integrity of the election results. The international observers' positions closely mirrored those of the United States and other large donor nations, raising doubts about the neutrality and independence of such missions. Overall, the presence of OAS and EU observers aggravated Haiti's electoral crisis and made a democratic outcome less, rather than more, likely.

On August 9, 2015, legislative elections were marred by widespread incidents of fraud, violence and voter intimidation. As a result, the vote was annulled at 13 percent of voting centers, and nearly a quarter of all tally sheets were destroyed, lost or excluded from the final results. Election-day unrest and poor organization led to low turnout (18 percent) and the disenfranchisement of many voters. Except in rare cases, police officers stationed at voting centers did not intervene to halt acts of violence and other disruptions, raising questions about whether officers had received an order from above directing them to stand down.

On October 25, 2015, most voters stayed away from the polls, out of apathy or fear inspired by the violent and chaotic August 9 vote. Voting centers were instead crowded with political party observers (*mandataires*), who cast multiple fraudulent votes using blank accreditations that allowed them to vote without being on the electoral list. These passes were illegally bought and sold prior to the elections after the Provisional Electoral Council (CEP) distributed nearly 1 million of them to political parties and observer groups. *Mandataire* votes and votes cast without proper documentation accounted for 40 percent of total votes and had a decisive influence on the presidential, legislative and municipal elections.

In contrast to Haitian observers who strongly denounced the August 9 and October 25 elections, the OAS and EU observer missions described the elections as a successful exercise of democracy. According to both missions, the August 9 elections were marked only by isolated incidents of violence and the October 25 elections experienced minor irregularities, neither of which significantly impacted the electoral results. The heads of the international missions told journalists that election day had unfolded in "near-total normalcy" on August 9 and that October 25 represented "a breath of hope for Haitian democracy."

This praise amounted to willful blindness on the part of the OAS and EU missions, as they neglected the well-documented accounts of fraud, violence and irregularities produced by Haitian observers and corroborated by reports from local and international journalists. Even more disconcerting, both missions ignored evidence of election-day violence and irregularities from their own observers. One quarter of OAS observers were forced to withdraw due to violence at polling places on August 9, while unrest at certain polling stations was so severe that EU observers could not leave their vehicles. The EU and OAS observer missions were aware of the risks that the CEP's massive distribution of blank accreditations entailed before October 25, but nevertheless ignored the black market trade in accreditations and denied the scale of the *mandataire* multiple voting.

The EU and OAS observers' endorsement of the October 25 election results undermined Haitians' efforts to address the irregularities. Massive protests calling for a verification of the vote erupted after October 25, backed by Haitian observers, civil society groups, popular organizations and opposition parties. The electoral crisis culminated in the indefinite suspension of elections on January 22, 2016 and the formation of an interim government. Two official commissions, the Independent Electoral Evaluation Commission (CEEI) and the Independent Commission for the Evaluation and Verification of Elections (CIEVE), were appointed to investigate claims of fraud, with the latter concluding that the presidential race should be rerun.

Every step of the way, OAS and EU observers called for elections to continue despite the tainted results and opposed verification of irregularities. In the face of mounting evidence that a mass of fraudulent votes cast with illegally-purchased accreditations distorted election results, the OAS eventually recognized that "irregularities"

(though not fraud) involving *mandataires* had become “a source of concern” (November 6) and had “generated problems” (January 7). The EU mission remained intransigent, alternately misrepresenting the conclusions or attacking the credibility of the CEEI and CIEVE. Both missions consistently defended the integrity of the official results, even after two official commissions uncovered ample evidence of fraud and massive irregularities.

The backing of the international observers lent legitimacy to the elections and hindered efforts to initiate a verification process. Opponents of an independent verification commission included former President Michel Martelly and his allies, as well as the U.S. and other leading foreign powers in Haiti. When pressing the interim authorities to move forward with the second round of presidential elections, U.S. government officials referred to the international stamp of approval given by the OAS and EU missions as the explanation for why it considered verification unnecessary. The OAS and EU reports were used to attack the credibility of Haitian observers, political parties and others demanding an investigation. In addition, the international media cited the EU and OAS observers as credible sources far more frequently than Haitian observers, shaping perceptions of the elections abroad.

The principal function of international observation missions is to ensure that the monitored elections comply with international standards for free and fair elections. Yet despite the widespread and documented violations of voters’ rights, the EU and OAS endorsed both elections as meeting international standards. The flawed assessments suggest that international observer missions are subject to influence by the powerful member-states that sponsor them. OAS and EU observers’ positions on the 2015 elections closely mirrored those of the U.S., Canada, France and Spain – especially where they deviated from the consensus of local observers and the press – an indication that protecting these states’ political and economic agendas in Haiti may have taken precedence over upholding international standards.

The following are recommendations to international electoral observation missions made by Haitian electoral observers, which should be implemented in Haiti’s upcoming elections (scheduled for October 9, 2016) and in future elections:

1. Respect Haiti’s sovereignty and refrain from all interference in the electoral process, including by economic means such as funding.
2. Improve electoral observation missions’ independence and professionalism, not only in observations, but also in public communication about the observation results.
3. Meet with Haitian civil society electoral observation missions before and after the elections to learn their perspective.
4. Improve the consideration of analyses, opinions and proposals of Haitian civil society expressed in consultations.
5. Support a constructive dialogue between political parties and Haitian civil society organizations for solutions to political matters.
6. Facilitate education campaigns and involvement of civil society organizations to make elections a civic activity.
7. Encourage participation of women candidates to meet the constitutional guarantee of 30 percent female representation in all aspects of political life.
8. Support investigation and sanctions provided by the electoral decree and the Haitian Constitution for candidates, partisans, political parties and electoral staff implicated in fraudulent operations.

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