



HAITI's UPR: VOTING RIGHTS AND FREEDOM OF ASSEMBLY & ASSOCIATION

Despite having ratified the International Covenant on Civil and Political Rights (ICCPR), the Haitian state has frequently violated the voting rights of its citizens, as well as their freedom of speech and assembly.

Long-delayed elections were held in August and October 2015, but were marked by widespread fraud, violence, voter intimidation and low turnout. In addition, many would-be voters could not participate because of difficulties in obtaining a *Carte d'identification nationale* (CIN) from the *Office Nationale d'Identification* (ONI). The ONI's failure to update the voter registry opened the door to abuses by political parties who used CINs of deceased individuals to cast fraudulent votes. Voters often had to travel long distances to polling places, which represented a significant obstacle for those suffering from physical disabilities.

Only 4 of 45 political parties respected the requirements of the Constitution and the electoral decree calling for at least 30 percent of their candidates to be women.

Police have on numerous occasions used excessive force against peaceful demonstrations and resorted to arbitrary arrests against political dissidents, in violation of the ICCPR and the Constitution.

The interim authorities that took over from President Michel Martelly in February 2016 have addressed some of these violations of voting rights. An independent commission determined that 40 percent of votes in the October 2015 elections were cast without proper identification and thus untraceable. On the basis of the commission's recommendation, the presidential elections results were discarded and a new first-round presidential election set for October 9 2016. Political parties, candidates and sympathizers who committed fraud or acts of violence during the 2015 elections, however, continue to enjoy impunity.

On October 3-4, Hurricane Matthew devastated the south of the country and forced the elections to be rescheduled for November 20. The electoral council has warned that respecting the new electoral calendar is possible only if repairs are made to 280 voting centers and access roads leading to another 161 voting centers are rehabilitated. The ONI must also issue new identification cards to those who lost them due to the storm. Some candidates and political parties have distributed humanitarian aid in affected regions in a partisan and poorly-managed manner.

QUESTIONS

1. What measures has the Government taken to protect the voting rights of Haitian citizens in the south (Grand'Anse, Sud and Nippes departments) where many have lost their National Identify Cards (CINs) and have had their voting centers damaged or destroyed?
2. What is the Government doing to ensure a higher turnout than in previous rounds of voting when less than one-quarter of eligible voters participated?

3. What measures have the Government and the electoral council taken to hold candidates and political parties that committed acts of violence or fraud accountable, especially during the August 9 legislative elections?
4. What measures has the Government taken to address the kinds of irregularities and fraud identified by the independent verification commission in its May 2016 report?

RECOMMENDATIONS

1. Take all necessary measures to prevent a repetition of the electoral fraud that marked the 2015 elections, including ensuring the neutrality and proper training of election workers and updating the electoral registry;
2. Launch a civic education campaign to improve voter turnout and encourage the participation of civil society organizations in the electoral process;
3. Encourage the participation of female candidates in order to meet the constitutional requirement for 30 percent female representation in all aspects of political life;
4. Ensure that arrangements needed to allow citizens in hurricane-affected areas to vote, such as repairs to voting centers and access roads, are completed before holding elections;
5. Formally prohibit candidates and political parties from using Hurricane Matthew humanitarian aid to gain political support, and punish those that violate these prohibitions;
6. Determine which candidates, political parties, supporters, and election personnel were involved in instances of electoral fraud and apply the necessary sanctions contained in the electoral decree and the Haitian Constitution; and
7. Provide training to Haitian police on human rights in how to deal with demonstrations and arrests in a manner that respects Constitutional provisions concerning civil liberties and freedom of association.

For more information see civil society coalition reports: “*Rapport sur les Violations du Droit de Voter et de la Liberté de Réunion et d’Association en Haïti*”¹

¹ Submission of a coalition of Haitian and American human rights organizations including Mouvement de Liberté, d’Égalité des Haïtiens pour la Fraternité (MOLEGHAF) ; Komisyon Fanm Viktim pou Viktim (KOFVIV) ; Réalité Femmes Fort-Nationnal en Action (RFFA) ; Programme d’engagement civique du Boucan Carre ; Programme d’engagement civique du Saut d’Eau ; Programme d’engagement civique du Commune Lachapelle ; Fanm Viktim Leve Kanpe (FAVILEK) ; Kouraj ; Institute for Justice and Democracy in Haiti (IJDH)