Since IJDH’s last Human Rights and Rule of Law in Haiti update in December 2021,1 the human rights situation has continued to deteriorate. Increased waves of gang violence further impede all aspects of life, with incidents of mass violence and kidnappings increasing amid continuing allegations of government complicity.2 Chronic impunity, a driver as well as a consequence of the insecurity crisis, persists, as the de facto government further undermines the judiciary, dismantles accountability mechanisms, and presides over a shrinking of civic space that threatens Haitians’ civil and political rights.3 Millions of Haitians are without adequate food or water.4 Access to other core human rights such as healthcare, education, and a living wage is extremely and increasingly limited.5 Unlivable conditions and pervasive insecurity are driving Haitians to emigrate; those who have sought refuge in the United States and other American countries have been subject to mass expulsions under racist,6 illegal policies that violate their right to seek asylum.7 Civil society, government officials, and other observers continue to call attention to the de facto government’s failure to provide security, ensure basic services, or protect or vindicate the rights of Haitians.8 Equivalent concerns were raised during Haiti’s third Universal Periodic Review (UPR) in January,9 with the de facto government downplaying some of the challenges the country faces.10

Below, this update details (a) violations of rights to life and security of the person; (b) government abuse, including institutionalized violence and corruption; (c) lack of access to justice and chronic impunity; (d) lack of equal protections for socially vulnerable individuals, especially women and girls; (e) the collapse of economic and social rights; and (f) emigration pressures.

These challenges and abuses are first and foremost the legacy of persistent foreign extractive policies and interference – referenced as neocolonial practices throughout the update.11 The acute crisis Haiti faces now was further directly precipitated by ten years of misrule by the corrupt Pawi Ayisyen Tèt Kale (PHTK), for which Prime Minister Ariel Henry is a long-standing operative and political heir.12 As a consequence, none of these challenges can be understood or confronted without also tackling the PHTK-caused governance crisis that has left Haiti without a legitimate government, functioning democratic institutions,13 or even elected government officials.14

The international community, led by the U.S. government, has continued to support Henry after installing him as de facto Prime Minister in July 2021, despite a lack of constitutional and popular support for his rule.15 Haitians themselves have continued to mobilize for government reform and to protest its misrule, despite omnipresent risks to their lives and severe economic challenges.16 One example of this mobilization is the “Montana Accord,”17 a political consensus movement with broad support from civil society and political groups that were historically at odds but came together to put forward a mechanism for government transition and for addressing structural injustices. During the reporting period, the Montana group took concrete steps to actualize that transition.18 At the same time, the group has faced criticisms for insufficiently including marginalized voices and for undue concessions to the de facto regime.19
International support for Henry, especially the U.S. State Department’s insistence that any accord include his government, undermines Haitians’ self-determination and hobbles civil society initiatives. The support hands Henry an effective veto, reducing his incentives to negotiate in good faith or relinquish power through elections.20 U.S. support also forces potentially counter-productive power-sharing discussions with the PHTK in spite of its role in causing the present crisis.21 Diaspora and civil society groups, as well as lawmakers, have been putting pressure on the Biden administration to stop such interference.22 A path to genuine democracy and reconciliation will also require that Haiti’s marginalized majority in fact has a claim on their government: a social compact of rights, protections, and participation that does not currently exist.

Violations of the rights to life and security of the person

Haiti’s catastrophic insecurity crisis has deepened since IJDH’s last human rights update. Gangs remain in control of most of Port-au-Prince and block major arteries for circulation around the country,23 with some reports describing an effective state of siege in parts of the capital.24 Mass violence, often as a result of intergang warfare, is prevalent and has resulted in large-scale death and displacement.25 Gangs continue to use kidnapping as a means of control and a method for acquiring significant funds.26 The resulting ubiquitous threat of violence is curtailing every aspect of life in Haiti, forcing closures of critical social infrastructure such as hospitals, schools, and courts, and impeding Haitians’ access to their most basic rights like food and water.27 There are increasing reports of child recruitment by gangs, sometimes by force. An important structural driver of Haiti’s growing gang numbers is the lack of opportunities for children and youth in poor areas28 – a consequence of Haiti’s stagnating economy and neocolonial failures to invest in education and livelihoods that are further exacerbated by the current crisis.29 The Henry regime remains unable or unwilling to address insecurity and its consequences.30 Police lack adequate resources to confront gangs effectively.31 Regular and credible indications of government collusion with gang members persist.32 Yet, despite dangerous conditions and the government’s own brutal crack-downs on protesters,33 Haitians continue to advocate for their rights through demonstrations and call on the government to protect their right to life and security.34

Violence and displacement driven by gang violence

- According to Guardians for Human Rights, gangs were responsible for at least 295 civilian deaths in the first quarter of 2022.35 Port-au-Prince is the epicenter of the violence – at least 250 people were killed in the Ouest department, which includes Port-au-Prince, from January to March,36 with the National Episcopal Commission for Justice and Peace reporting 112 deaths from violence in Port-au-Prince in February 2022 alone.37
- The 400 Mawozo gang and, to a lesser extent, the G-9 an Fanmi gang alliance (G-9), dominated accounts of brutal attacks on civilians during the reporting period.38 A territorial dispute between 400 Mawozo and G-9 member Chen Mechan39 in Croix-des-Bouquets40 resulted in intense fighting that lasted for at least two weeks41 and killed at least 188 people.42 Gang members employed particularly horrific methods, with survivors reporting decapitations, people set on fire, mutilation, and rape.43 The gangs also destroyed infrastructure, blocked roads – including key escape routes – and burned houses.44 The violence displaced over 9,000 residents.45 Those who were displaced by the violence are now living in makeshift shelters with limited access to humanitarian assistance and are vulnerable to exploitation.46
- A report by the National Network for the Defense of Human Rights (RNDDH) on the violence revealed that authorities failed to intervene in a timely or effective manner.47 Residents and advocates pointed to the authorities’ delayed response as evidence of the government’s failure to respond effectively or even to take the bloodshed seriously.48
- The violence in Croix-des-Bouquets is reminiscent of the massacre that took place in Martissant in June 2021, which displaced approximately 19,000 people.49 Many of those displaced are still
Continuing kidnapping epidemic

- Haiti continues to have the highest rate of kidnappings per capita in the world. The government’s delayed response to the Martissant massacre and the lack of accountability since is yet another example of its failure to prioritize Haitians’ rights to life and security. 
- Gangs have been increasingly vying for territory as they seek to expand their political influence. Another territorial dispute between armed gang members in Cité Soleil from May 2 to May 5 resulted in at least 20 deaths. Ten others were killed in another territorial dispute in Mariani on March 4.
- Insecurity hangs over the lives of most Haitians, preventing access to basic rights and quality of life. Violence has forced the closure of a number of health centers, impacting Haitians’ right to healthcare. This impact is felt disproportionately by women, who are particularly vulnerable to gang violence and already lack access to specialized healthcare. Gangs still maintain effective control over Martissant and have cut off critical access between Port-au-Prince and the south of Haiti, severely impacting the movement of people and critical goods like fuel and food. Civilians have been forced to travel by air or sea to avoid being targeted by gang members on the roads, putting those without the means to do so – i.e. the vast majority of Haitians – at even greater risk or leaving them unable to exercise their rights to freedom of movement. Haitians’ rights to food, water, and education are also impacted: UNICEF reported nearly 1,700 school closures in the Port-au-Prince metropolitan area as a result of gang violence in late April, and the Office for the Protection of the Citizen (OPC) reported additional closures of hospitals and markets in Croix-des-Bouquets in early May. People who have been internally displaced by violence have even greater difficulty accessing basic necessities like food, water, and shelter. Insecurity also plays a significant role in Haiti’s economic downturn, as gangs’ control of critical transportation routes and infrastructure around Port-au-Prince impedes commerce and freedom of movement.
- Haiti’s deteriorating economic landscape is a principal driver of gang violence, as young men and boys without economic opportunities see joining a gang as their only option for survival.
- The Henry regime remains unwilling and unable to address the pervasive violence and its consequences, or to offer meaningful protections to the affected population. Human rights and media reports document the government’s collusion with gang members, with the Haitian state allegedly “the largest supplier of weapons and ammunition” to armed gangs. RNDDH executive director Pierre Espérance has specifically accused de facto Prime Minister Henry of maintaining close relations with gang members and even financing them.
- Police remain severely under-resourced, particularly in comparison with Haiti’s gangs, leaving them unable to effectively confront gang violence. The spokesperson of the National Union of Haitian Police Officers questioned the ability of the police to respond to gang violence and criticized the government’s failure to adequately arm and train officers. Although acting Director-General of the Haitian National Police (PNH) Frantz Elbé has claimed significant progress in terms of security over the past six months, Center for Analysis and Research in Human Rights (CARDH) reports indicate that the number of kidnappings actually increased during that period. Meanwhile, UN officials cite the PNH’s inability to curb the violence as a major hurdle to establishing security in the country.
- The pervasive insecurity has resulted in protests against the government’s complicity and failures to protect. In addition to general protests, trade unionists and hospital workers have been demonstrating since March to denounce the government’s failure to protect workers from kidnappings and other violence.

Continuing kidnapping epidemic

- Haiti continues to have the highest rate of kidnappings per capita in the world. CARDH reported 225 kidnappings in the first quarter of 2022 – nearly 100 more than during that same
time period in 2021. In that same update, CARDH reported that there were 1,009 kidnappings in 2021; December had the highest rate, with 166 kidnappings.

- Gangs continue to kidnap civilians from different sectors of the population. For example, within one week in late April and early May gangs kidnapped twelve people, including businessmen, children, government officials, students, and a Dominican embassy official. The kidnappings of several medical professionals triggered hospital closures and strikes by healthcare workers, critically impacting access to healthcare. Kidnappers have increasingly been targeting both private and public transportation, including buses and personal cars, impacting people’s freedom of movement. Gangs often demand huge sums of money as ransom, making kidnapping a primary means of income generation that enables further gang activity.

- The vast majority of those being kidnapped are Haitians. International media has nevertheless dedicated a disproportionate amount of attention to kidnappings of foreign citizens.

- The government remains unable and unwilling to curb the kidnapping epidemic, despite continued promises to restore safety. Credible allegations of government complicity in kidnappings persist – for example, in January, three police officers were arrested for involvement in the kidnapping of a man in La Victoire.

**Government abuse and failure to protect human rights defenders, including journalists**

- The government continues to fail to protect human rights defenders, including journalists, from threats by gang members, and is itself often complicit in these threats. Several human rights defenders have been forced to flee Haiti as a consequence.

- In February, RNDHH documented death threats by former President Michel Martelly against its Executive Director, Pierre Espérance. Espérance and his colleagues also reported receiving death threats from former director general of the Ministry of the Interior Fednel Monchéry as well as by members of the Eskwad Demokratic and Krache Dife gangs in March.

- As previously reported, human rights defenders Emmanuela Douyon and Pascale Solages left Haiti for the United States in 2021. Due to persistent threats against them, they remain unable to return to Haiti due to personal risk. Solages and the staff of her feminist organization, Nègès Mawon, are still receiving threats, which have paralyzed their work on behalf of women and girls in Haiti. Solages is also having to relocate her family. Police have failed to help. These experiences are representative of the risks facing human rights defenders. In combination with government failures to protect its citizens, the result is a continued shrinking of civic space in Haiti and severe impediments to human rights protections and advancement.

- Freedom of the press in Haiti remains in jeopardy. In May, the Committee to Protect Journalists and the Inter-American Press Association both called Haiti the most dangerous country for journalists in the Western Hemisphere.

- On January 6, 2022, gang members brutally killed two journalists, John Wesley Amady and Wilguens Louissaint, who were investigating the murder of a PNH divisional inspector by armed men. Wilmann Vil, a journalist and the only survivor of the massacre that killed Amady and Louissaint, was forced to flee Haiti due to threats against his life. This is yet another example of the Henry regime’s inability or unwillingness to protect human rights defenders and an illustration of how insecurity is choking off Haitian freedoms of expression and access to critical public information. The government is also sometimes directly responsible: police officers killed a third journalist, Maxiben Lazarre, on February 23 while he was covering a garment workers protest in Port-au-Prince.

- Gangs also target judicial actors, including lawyers and judges – at least seven lawyers were kidnapped by armed gangs in February 2022 alone, and judges are subject to persistent threats and intimidation. The government’s consistent failure to protect judicial actors from threats and violence has contributed profoundly to the dysfunction of the justice sector.
• Impunity has persisted for individuals who attack and threaten human rights defenders, with no known progress in the investigations into the deaths of several prominent human rights activists and journalists, including Diego Charles, Antoinette Duclaire, and Vladimir Legagneur.\textsuperscript{108}

**Government misconduct, including institutionalized violence and corruption**

Government corruption at the highest level remains a mainstay of de facto Prime Minister Henry’s regime, which has continued the PHTK trend of using access to power to extract resources from Haitians.\textsuperscript{109} The de facto government, which lacks a constitutional mandate to govern,\textsuperscript{110} has continued to violate Haitians’ rights by impeding democratic processes. As discussed above, the government fundamentally fails to protect citizens from violence and insecurity, instead sometimes using the police as weapons and colluding with gangs to suppress dissent and consolidate power.\textsuperscript{111} Anti-government protests have consistently been met with police brutality and excessive force, leaving civilians with nowhere to turn for protection.\textsuperscript{112}

• Henry, whose de facto government is operating in the absence of institutions needed for democratic governance, has continued his campaign, begun in October 2021, to reestablish the Provisional Electoral College (CEP) – which he dismantled in September 2021\textsuperscript{113} – even though the above-described conditions on the ground make it impossible to hold elections that are free, fair, credible, and safe.\textsuperscript{114} Meanwhile, he has impeded democratic progress by repeatedly refusing to engage with civil society and the Haitian Senate to work toward a solution to the political crisis.\textsuperscript{115}

• Particularly notable examples of the government abuse that pervades Henry’s administration are the allegations of his own involvement in the assassination of former President Jovenel Moïse and his efforts to impede the investigation (see further below), all left without adequate response.\textsuperscript{116}

• High-ranking government officials continue to be involved in credible allegations of corruption and embezzlement. Two former directors general of the National Telecommunications Council, Léon Jean Marie Guillaume and Jean Marie Altéma, are being investigated for embezzling funds in the early 2010s from the Free and Compulsory Universal Schooling Program, (PSUGO) which subsidizes school fees for first and second graders.\textsuperscript{117} Former Presidents Michel Martelly and Jocelerme Privert are currently being sued in U.S. federal court for their involvement in a separate PSUGO embezzlement scheme.\textsuperscript{118} A scandal of theft and embezzlement has embroiled the National Identification Office under the Henry government.\textsuperscript{119}

• Two Haitian consulates in the United States were audited this year following allegations that embassy and consulate employees embezzled millions of dollars in passport fees.\textsuperscript{120}

• As discussed above, there are numerous allegations of the government funding and arming gang members.\textsuperscript{121} Observers on the ground likewise report on collusion between gangs and Haiti’s business elite – who hold significant political power. Meanwhile, investigations into the assassination of former President Moïse brought to light the long-time involvement of Justice Minister Berto Dorcé, former President Michel Martelly, and prominent businessman Charles Saint-Rémy with drug trafficking in Haiti.\textsuperscript{122}

• Police continued to use excessive force against civilians, particularly in the context of anti-government demonstrations, using tear gas, throwing rocks, and shooting at protesters.\textsuperscript{123} General insecurity and the government’s failure to protect protesters makes it extremely difficult for Haitians to exercise their civil rights; police brutality and government repression of protesters has further shrunk that civic space.

**Lack of access to justice and chronic impunity**

The Henry administration has continued dismantling Haiti’s judiciary and accountability mechanisms, rendering the judiciary unable to provide justice, accountability, and due process of law to Haitians.\textsuperscript{124} Such executive interference, along with corruption, has resulted in persistent impunity for grave human rights violations and violent crimes,\textsuperscript{125} which is in turn a driver of insecurity – and thus further disruptions
to governance. The failures of the Moïse investigation, particularly in light of credible allegations of complicity by government officials, including Henry himself, are a salient illustration. Addressing these challenges is fundamentally dependent on re-establishing a legitimate, democratic government committed to safeguarding Haitians’ rights.

**Justice sector dysfunction and denial of due process**

- Courts are barely functioning. Haiti’s highest court has lacked a quorum since February, with only three judges out of the mandated twelve currently on the bench. Meanwhile, going to court has become so dangerous due to general insecurity that in one tribunal, no cases were heard for months. In March, the Port-au-Prince Bar Association asked the government to relocate the Port-au-Prince courthouse to a safer location after several attacks in the area over the last few years, including the murder of a bailiff by armed men in 2019. Judicial personnel, including lawyers, clerks, and judges, have expressed repeated concerns for their safety given the general insecurity in Port-au-Prince and have criticized the Henry regime’s failure to protect them.

- Henry’s renewal of 58 judicial mandates on March 18 was met with concern from judicial actors and human rights organizations that the renewals were extra-constitutional.

- Theft of evidence from courthouses and other government offices continues to be a serious, unaddressed problem. Items were stolen from the offices of at least five investigating judges and six deputy government commissioners on May 10. This comes less than one month after the Senate – located in the same area – was robbed by unidentified individuals, who stole weapons, computers, documents, and other items.

- The Haitian government continues to starve the judiciary of badly needed resources. An RNDDH study, first published in October 2021 and updated in April 2022, revealed that the judiciary is chronically under-resourced, with over 77 percent of courts lacking basic necessities for proper functioning, including electricity, toilets, computers, and other critical equipment.

- The functioning of the justice sector is further impeded by regular strikes as clerks demand better working conditions and increased salaries and benefits. Clerks called for a strike on April 12 to protest discrimination, inadequate wages, lack of benefits, and unsafe working conditions and as of May 31, clerks across the country remained out indefinitely.

- High rates of prolonged pretrial detention remain a serious violation of human rights arising out of Haiti’s dysfunctional judiciary. Police arrest more individuals than the judiciary can process, while the politicization of the judiciary means that some cases are processed while others languish. In its response to recommendations offered during Haiti’s January UPR, the de facto government claimed that it has taken steps to improve pretrial detention rates, but reports indicate that at least 85 percent of the prison population is in pretrial detention; the real number is likely even higher.

- Conditions of detention likewise remain deplorable and far below minimum human rights standards. Haiti’s prisons remain severely overcrowded. Detainees lack access to food, sanitation, and healthcare, resulting in malnutrition and the spread of disease. In recent weeks, the food crisis has intensified, with detainees reporting that they had not been given food or let out of their cells for 72 hours. In an April 14 letter to the Director of the Prison Administration, RNDDH reported that detainees in the prison received food only once per day and were kept in their cells all day without access to a shower, in violation of their rights under Haiti’s Internal Regulation of Prisons, and that the prison itself was not supplied with electricity. RNDDH also reported that the Croix-des-Bouquets prison is severely understaffed and under-resourced, making it easier for illicit weapons and drugs to enter the prison and increasing detainees’ vulnerability to violence. Human rights organizations are concerned that the horrific conditions will lead to a prison revolt.
Impunity for human rights abuses and other crimes

- Haiti’s chronic impunity is largely driven by lack of political will to investigate cases and a politicized judiciary. Prosecutorial dysfunction also plays a role, with offices operating “in complete and total disorder,” according to RNDDH’s Rosy Auguste Ducena.
- The murders of several human rights defenders and journalists remain unsolved. There has been no progress in the cases of journalist Diego Charles and human rights activist Antoinette Duclaire, who were murdered by armed men in July 2021. The disappearance of Vladimir Legagneur likewise remains unsolved four years on.
- Now nearly five years later, there likewise has been virtually no accountability for the 2018 La Saline massacre, despite calls from Haitians and the international community for justice. Accountability for the other 17 massacres that occurred from 2018 to 2021 remains equally lacking. The government’s failure to respond adequately to this year’s massacres in Croix-des-Bouquets suggests a concerning continuation of this trend.
- Impunity also persists for Haitian government officials involved in the PetroCaribe corruption scandal, who embezzled over $2 billion – originally intended for social spending – from Venezuela’s PetroCaribe project from 2008 to 2016.
- The lawyers of the Port-au-Prince Bar continue to demand justice for Monferrier Dorval, the former president of the Port-au-Prince Bar Association who was assassinated in August 2020. The investigation, like many others, has been impeded by evidentiary theft and instances of judicial intimidation. As of the time of writing, the Central Directorate of the Judicial Police (DCPJ) has failed to appoint a new judge after the previous one retired due to threats to his safety, and the investigation is on hold.
- The lack of progress in the investigation into the July 2021 assassination of former President Jovenel Moïse is emblematic of the chronic impunity for perpetrators of all forms of human rights abuses and other crimes in Haiti.
  - Several high-level officials have been implicated in the assassination, including de facto Prime Minister Henry. In August 2021, the top prosecutor, Bed-Ford Claude, released an official report revealing connections between Henry and a top suspect in the case and requested that Henry appear for questioning. Several days later, Henry dismissed Claude from office. The allegations were echoed by Judge Orélien, who had been overseeing the investigation in 2021. Other implicated officials include former President Michel Martelly, Henry’s Justice Minister Berto Dorcé – both close allies of Henry – and former Haitian Supreme Court judge Wendelle Coq-Thelot.
  - Although more than 40 individuals have been arrested, these arrests, and the investigation in Haiti, have gone nowhere. The investigation was on hold from April 25 until May 31 because the government failed to renew the mandate of the last investigating judge, Merlan Belabre, which expired on April 25, and did not appoint a new judge, Judge Walter Wesser Voltaire, until May 31. This is reflective of the complete lack of political will to investigate the assassination, with top officials, including de facto Prime Minister Henry, accused of obstructing the investigation by multiple law enforcement officials in Haiti.
  - Allegations of corruption by former investigating Judge Garry Orélien and the administration, as well as evidentiary theft and mismanagement, have further impeded the investigation. The government has also fundamentally failed to protect judicial actors involved in the investigation from threats – two previous investigating judges withdrew from the case citing security concerns. RNDDH also reported that approximately thirty DCPJ investigators assigned to the case have left Haiti since 2021, citing persecution.
  - Both the assassination and the subsequent lack of accountability as outlined above embody and result from the combination of factors described in this report, and are
critical to understanding how government corruption and interference is working in this space.

Lack of equal rights and protections for socially vulnerable individuals, especially women and girls

Vulnerable individuals, particularly women and girls, continue to be marginalized in all aspects of life in Haiti. The government has failed to ensure women’s participation in political and public life, particularly as decision-makers; and women and girls remain extremely disadvantaged with respect to their economic, social, and political rights. The government has consistently failed to prioritize women’s safety, including through legislative reform and the provision of legal and social resources. As a result, women are disproportionately impacted by Haiti’s intersecting crises, and are increasingly fleeing Haiti alone, with one activist referring to the phenomenon as the “feminization of migration.” Gender-based violence (GBV) remains pervasive, and perpetrators operate with virtual impunity. The practice of using children – mostly girls – as domestic workers known as “restavèks,” persists, increasing their vulnerability to sexual and other forms of abuse and rights violations. Individuals with other intersecting identities subject to social disadvantage, including people with disabilities and LGBTQIA+ individuals, are also particularly vulnerable to Haiti’s security, political, and economic crises. Despite these challenges, women and other marginalized groups in Haiti continue to emphasize the importance of women’s leadership and the need for inclusive engagement and solidarity around these issues.

- Despite efforts by some political groups, including the Commission for a Haitian Solution to the Crisis and a new political party called “En Avant” to prioritize gender parity in the political sphere, women’s participation remains abysmally low – far below the 30 percent quota mandated by the Haitian Constitution. They are also systematically excluded from decisions around Haiti’s development, despite offering critical perspectives in navigating Haiti’s intersecting crises.

- Women face higher levels of poverty than men and lack equal access to education and formal work opportunities, deepening the gender divide in the long-term. Rural women are particularly impacted.

- Women’s unequal status in society and restricted legal rights make them especially vulnerable to GBV. Chronic underreporting – largely due to social stigma and lack of recourse – makes it difficult to quantify GBV incidence. In January 2022, Global Protection Cluster reported that there were an average of 75 victims of sexual and GBV per month between June and November 2021. The most recent national survey, in October 2020, found that more than one in three women have suffered intimate partner violence and 29 percent of women and teenage girls are survivors of physical violence. Rural and poor women are especially at risk, with human rights observers citing poverty as one of the key factors leading to sexual and gender-based abuse. The actual rates of GBV are almost certainly higher than those reported.

- Gangs target women and girls for special violence. According to a February 2022 report by the United Nations Integrated Office in Haiti (BINUH), gangs use “sexual violence, rape and sexual slavery...to terrorize and assert control over the local population.” Women who are internally displaced due to gang violence are particularly at risk of sexual abuse and exploitation.

- Police and judicial actors are failing in their duty to protect women and girls. Lawyers from human rights organization Bureaux des Avocats Internationaux reported that judicial response to GBV reports has declined and that bribery and stigma were common occurrences, with judges often blaming the victims.

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• Medical and social support resources for women are severely lacking, with only a few select health centers offering specialized care for survivors of sexual and GBV. Numerous hospital closures – including a maternity clinic – due to insecurity and fuel shortages have further limited women’s access to health and trauma-related care. The closure of the Doctors Without Borders (MSF) facility in Cité Soleil also affected women’s access to legal resources – lawyers from BAI reported that survivors are referred to them from organizations such as MSF.

• Maternal mortality rates in Haiti are the highest in the Western hemisphere. Reproductive care remains extremely difficult to access, largely due to the government’s chronic failure to invest resources into maternal and reproductive care, and what the UN called a “severe midwifery workforce shortage.” Security further impacts access. Haiti continues to maintain a complete ban on abortions. Pregnant Haitian women in the Dominican Republic, many of whom are undocumented and therefore at risk of arbitrary arrest and expulsion, are disproportionately at risk – Haitian women represented 56 percent of maternal deaths in the Dominican Republic in 2022, despite accounting for only 30.8 percent of total births.

• A report by IJDH, Nègès Mawan and the Global Justice Clinic (GJC) at New York University School of Law outlines how the climate crisis disproportionately impacts women in Haiti due to their unequal status in society, their reliance on small-scale farming, and their exclusion from resilience and recovery planning and responses despite being a powerful resource. Climate change and natural disasters also increase women’s susceptibility to gender-based violence – women and girls who are displaced or whose livelihoods are destroyed by natural disasters are exponentially more vulnerable to domestic violence and sexual abuse and exploitation. Another report by Solidarite Fanm Aysisyen (Haitian Women’s Solidarity), GJC, and IJDH found that government land-grabs – for example, the expropriation of farming land for the creation of free trade zones – also disproportionately impacted women, depriving them of their livelihoods and contributing to both their economic marginalization and their vulnerability to the impacts of climate change.

Collapse of economic and social rights

The social and economic landscape has seen some of the most significant decline since our last update. Cost of living has skyrocketed, complicating already-limited access to food and water and spurring protest movements across Haiti. The healthcare and education sectors continue to face massive problems due to under-resourcing and insecurity. Haiti also remains vulnerable to natural disasters and extreme weather patterns, to which the government has failed to adequately respond or prepare for. Concerns about the quality of international aid and the humanitarian response also persist, with Haitians calling for more autonomy and involvement in decision-making. The UN Sustainable Development Solutions Network found that Haiti was the seventh unhappiest country in the world, largely based on an evaluation of the socioeconomic landscape.

Economy in decline

• Inflation, which was at 15.94 percent in 2021, has increased sharply to 25.49 percent so far in 2022. The gourde has depreciated 13 percent since our last update. The rise of consumer prices in the global market has compounded the issue. Everyday consumer products – including staples like rice, flour, sugar, powdered milk, and cooking oil – have become unaffordable for many. This has had a profound impact on Haitians, whose wages have not increased to meet the rising cost of living. The National Food Security Coordination warns that prices may increase further over the summer.

• Russia’s invasion of Ukraine is also negatively impacting the price of basic goods, such as oil, propane, and food. CARDH stresses that the global fuel crisis will likely cause a second economic shock in Haiti.
• Insecurity has had a profound impact on the Haitian economy, with protracted incidents of violence halting virtually all economic activity for days or weeks at a time. Gangs’ control of critical fuel infrastructure, compounded by the government’s failure to settle its massive debts with oil companies, has prolonged Haiti’s fuel shortage and impacts the movement of goods throughout Haiti and critical services and infrastructure.

• The lack of economic opportunities for young people is a principal structural driver both of gang violence – as gangs recruit young men and boys with no economic alternatives – and emigration.

Workers’ rights violations

• The Conseil Supérieur des Salaires (Superior Council on Wages), the entity in charge of annually analyzing the socioeconomic situation in Haiti and revising the minimum wage accordingly, has not increased the minimum wage since July 2019, despite the rising costs of living. At the beginning of 2022, the minimum wage was just USD $4.50 per eight-hour workday; by contrast, the most recent estimate of the living wage for garment workers in Haiti, conducted by Solidarity Center in April 2019, put the living wage at approximately USD $15.50 per day. After months of protests by workers calling for an increase in wages to approximately USD $13 per eight-hour work day, on February 21 the government finally granted garment workers a 37 percent wage increase – still less than half what protesters were demanding, and nowhere near a living wage. Workers have been protesting again since May.

• Protesters were met with retaliation from employers, who fired unionists, and brutality from police, who fired tear gas, threw rocks, and even shot at demonstrators – further violating workers’ rights to unionize and protest.

• The international community bears much responsibility for these rights violations. For example, the Caracol Industrial Park, where the wage protests began, was conceived and funded by the United States and the Inter-American Development Bank. Many of the factories that are perpetrating workers’ rights abuses are either owned by or supply foreign companies – 62 U.S. companies have their clothing manufactured in Haiti, in factories that have been shown year after year to be non-compliant with international labor standards.

Access to water

• According to International Action for Human Rights, Haiti is the worst country in the Caribbean for access to water. Some 3.3 million Haitians do not have access to drinking water, with advocacy groups warning of an impending water crisis in Haiti.

• Haiti’s weakened democracy – particularly the government’s inability to provide basic services – and failures in the international community’s approach to aid are largely to blame for the crisis. For example, the gang violence in Croix-des-Bouquets in April and May, which was exacerbated by the government’s failure to respond effectively, complicated access to drinking water by interrupting access for treated water plants and home deliveries. The UN’s failure to fulfil its promise to improve water, sanitation, and health infrastructure after UN peacekeepers introduced cholera to Haiti in 2010 – particularly egregious in light of its legal obligation to provide reparations to victims of the outbreak – has compounded the problem and is a striking example of how the international community has failed Haiti.

• The lack of access to water has severe consequences for Haitians. Working-class Haitians are particularly impacted, with residents in the southern city of Jérémie – parts of which have been without drinking water for three years – accusing the National Directorate of Drinking Water of discrimination against people from working-class neighborhoods. Farmers have lost livestock and crops to drought, and Haitians’ vulnerability to waterborne diseases has increased.
Access to food

- Haiti is among the world’s worst ten hunger crises. According to the World Food Programme, 4.5 million Haitians – nearly half the population – are food insecure. The overall number is expected to increase to 4.6 million by June 2022, with 1.3 million facing extreme food insecurity. UNICEF reported that in 2021, more than 325,000 Haitian children suffer from malnutrition.

- The current acute food crisis is a direct result of inflation, rising prices of food and fuel, and the increasing intensity of extreme weather events, which destroy crops and kill livestock. The war in Ukraine has had a further profound impact on global food security, including in Haiti, which imports at least 70 percent of its goods. In recent years, the Haitian government has exacerbated the crisis by expropriating land used for subsistence farming and giving it to companies for the production of export goods.

- Haiti’s chronic food insecurity, however, is largely a result of decades of irresponsible foreign lending that decimated Haiti’s food sovereignty. In response, Haitians continue to call for international accountability and greater investment into subsistence farming to reinvigorate the agricultural sector. Anse Rouge, a commune in the Artibonite department whose residents rely primarily on subsistence farming, is a particularly salient example of how urgently the government and the international community needs to prioritize investment into agriculture and small-holder farming – it is one of the areas most impacted by food insecurity, and its residents are fleeing or dying.

Access to healthcare

- Several hospitals have been forced to close due to gang violence, including two in Port-au-Prince and the MSF facility in Cité Soleil. As a result, MSF head of mission Thierry Goffeau noted, “access [to healthcare] will be drastically reduced while the needs are only increasing.” MSF took in over 15,000 trauma cases alone in 2021 – a clear indication of the dire need for medical care and improved investment into the health sector. Women’s access to healthcare has been particularly impacted by the closures: both hospitals that closed in May provide critical reproductive health services, and a maternity clinic in Haiti’s southern region was forced to close for a week in January after gang members stole its generator, without which it could not treat pregnant women and newborns.

- Hospitals in Haiti remained chronically under-resourced, largely due to the government’s failure to prioritize healthcare spending. Sanitary conditions in hospitals have deteriorated, with patients forced to pay for access to latex gloves and other supplies. Reports indicate that beds at the hospital of the State University of Haiti in Port-au-Prince have holes in them and are filled with bedbugs, and patients often resort to using plastic bags in the absence of toilets.

- Medical personnel have been striking on and off since February to protest insecurity and to demand better working conditions and increased wages. The strikes have impacted Haitians’ access to healthcare, already difficult due to the insecurity that prevents many people from leaving their homes to seek medical attention.

- Haiti and the rest of the Caribbean continue to be vulnerable to COVID-19 with healthcare professionals expressing concern about the physical and mental toll of the pandemic on Haitians. Haiti has the worst vaccination rate in the Caribbean and Latin America; as of March 10, 2022, less than two percent of the population was vaccinated. The impact of the COVID-19 crisis has been magnified by Haiti’s pre-existing institutional deficiencies, including the political crisis, earned mistrust of the government, and the government’s failure to invest in the healthcare system.
Access to education

- The government has failed to invest sufficient resources into rebuilding the education sector in Haiti’s South after the August 2021 earthquake. More than 300,000 children in Haiti are still unable to go to school because the buildings were destroyed in the earthquake and have yet to be rebuilt.

- Insecurity has made access to education incredibly difficult for many – approximately 500,000 children currently lack access to education as a result of gang violence. In May, the Ministry of National Education and Professional Training reported 772 schools closed in Croix-des-Bouquets, 446 in Tabarre, 274 in Cité Soleil, and 200 across Martissant, Fontamara, Centre-Ville, and Bas-Delmas due to violence. Meanwhile, university students have resorted to sleeping at school to avoid having to commute through gang-controlled areas.

- Public schools in the Northeast of Haiti are nearly dysfunctional, largely due to lack of government investment.

Private schools, meanwhile, continue to operate, further driving inequality and deepening the divide between those who can afford to pay exorbitant private school fees and those who cannot.

Emigration pressures

- Haiti’s ongoing political, economic, and security crises, fueled by the Haitian government's inability to provide services and address gang violence, continue to force Haitians to seek security elsewhere. Haitian have increasingly resorted to making the dangerous journey over sea; since October 2021, the U.S. Coast Guard has intercepted approximately 4,500 Haitian migrants at sea.

- Haitian migrants who make it to places of hoped-for safety continue to be subject to mass expulsions and racist policies with over 27,000 Haitian migrants returned to Haiti since January 2021. Many of those being expelled from countries like the United States originally emigrated to Brazil or Chile, but were forced to seek refuge elsewhere in recent years by racism and severe economic downturns, exacerbated by the inability to obtain immigration documents and work permits.

- Most expulsions from the United States – which is responsible for about 80 percent of Haitian migrant returns – have been conducted pursuant to the racist, illegal Title 42 policy, which experts deem “a clear violation” of Haitians’ right to seek asylum.

- The Dominican army continues to employ cruel measures to intercept Haitian individuals at their border, including building a border fence. The Dominican army has also continued targeting undocumented pregnant Haitian women – between November 2021 and January 2022, 200-300 pregnant Haitians were chased, arrested, and expelled from the Dominican Republic.

- Haitians are being returned to a “humanitarian nightmare.” Returnees are further particularly vulnerable to violence and extortion as they often lack social or familial support networks, and are explicitly targeted because gang members believe that their friends or family abroad are able to pay a significant ransom. Humanitarian observers reported that returnees who are flown into Port-au-Prince are especially at risk because of the proximity of the airport to gang-controlled areas such as Tabarre, Croix-des-Bouquets, La Plaine and Croix-des-Missions. As a result, recent surveys indicate that most returnees are likely to flee Haiti again.

- Women are increasingly fleeing Haiti alone and face additional risks at every step. During the journey, they are vulnerable to sexual assault from smugglers. After they are deported to Haiti, women and girls are disproportionately in need of specialized trauma services, which are extremely difficult to access.
Failure of the international community to respect the rights of Haitians

The international community bears significant responsibility for the challenges described in this update. Foreign intervention in Haiti’s governance and aid policies that failed to respect the rights of Haitians forced Haiti into a neocolonial cycle of debt and aid dependence and laid the foundations for the current crisis. An especially egregious example, which recent reporting concludes cost Haiti between USD $21 billion and USD $115 billion in growth and social investment, was an immense “debt” forcefully imposed by France for the freedom Haitians won from enslavement and colonialism.

When foreign assistance is provided in collaboration with Haitians and in a manner that is accountable, transparent and sustainable, foreign engagement can be a positive – but the presumption of knowing better than Haitians is not. The extent to which past aid has reflected a deeply flawed approach is evident in how little it has accomplished: despite USD $13 billion of foreign aid since 2010, many Haitians affected by the 2010 earthquake still lack permanent, safe housing. Another striking illustration of ongoing international interference disguised as good intentions is the persistent support for de facto Prime Minister Henry and the PHTK regime from the United States and the broader international community. Haitians and their allies are not asking for the international community to endorse any particular party or initiative or to oppose one; rather, they ask external actors to stop trying to direct Haiti’s political transition and instead to center Haitian majority perspectives in dialogues about Haiti’s future. At the same time, proposed solutions that focus on security in isolation from governance do not consider the complexity of and cannot hope to solve Haiti’s intersecting crises. The international community should therefore be very careful about how it chooses to assist and ensure that it does so in a way that centers Haitian rights, civil society perspectives, and best practices.

Two recent pieces of U.S. legislation offer some hope of a shift towards a rights-based framework. The 2022 U.S. Appropriations Act, which emphasizes the need for either genuinely free and fair elections or the installation of a broadly representative transitional government, is an important reflection of bipartisan Congressional opinion that the Biden administration needs to stop propping up the de facto Henry government. A report on the Moïse investigation required by the Appropriations Act, due on June 13, will be a good litmus test. The inclusion on April 1 of Haiti as a partner country in the U.S. Global Fragility Act – which emphasizes participatory political solutions and the promotion of local perspectives over external pressure – is another important opportunity for the Biden administration to end neocolonialist policies.

Finally, the international community, whose extractive and interventionalist policies are at the root of so many of Haiti’s challenges, must itself accept responsibility for violations of Haitians’ human rights and take steps to ensure redress for victims. The UN has an obligation to take responsibility and provide redress for harms perpetrated by UN peacekeepers, including the 2010 cholera outbreak and sexual exploitation and abuse of women and girls. France likewise has an obligation to pay Haiti restitution for the immense and illegal debt it imposed at Haiti’s hard-won independence. BINUH, whose mandate expires on July 15, 2022 and is currently undergoing review, has persisted in supporting de facto Prime Minister Henry, even as it refuses to criticize his regime’s rampant repression and corruption. The renewal of BINUH’s mandate will only be helpful to Haitians if the mission lives up to its own human rights obligations and is run by human rights professionals insulated from political pressure by the U.S. government and Henry regime. As the UN mechanism tasked with supporting human rights in Haiti, BINUH should adopt a rights-based approach that sees Haitians as rights-holders rather than charity cases. In doing so, it should seriously engage with the UN’s – and the broader international community’s – lack of accountability for the harms it has perpetrated on Haitians.

1 Institute for Justice and Democracy in Haiti (IJDH), Human Rights and Rule of Law in Haiti: Key Recent Developments June through November 2021 (2021), http://www.ijdh.org/wp-content/uploads/2021/12/IJDH-Human-Rights-Update-November-2021.pdf (hereinafter IJDH December 2021 Update); see also Institute for Justice and Democracy in Haiti (IJDH), Human Rights and Rule of Law in Haiti: Key Recent Developments
See e.g., Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe, HUMAN RIGHTS WATCH, (Mar. 24, 2022), https://www.hrw.org/news/2022/03/24/haitians-being-returned-country-chaos (reporting that “Haiti is experiencing a dire security situation, including loss of government control over strategic areas to the hands of dangerous armed gangs, widely believed to be financed by politicians and to have police officers on their payroll”); What Is Behind the Rise in Gang Activity in Haiti?, The Dialogue (May 17, 2022) (concluding that “the current Ariel Henry interim regime has only emboldened gangs into quasi-politicized networks – more extortion and even less governance”); see infra section Violations of the rights to life and security of the person.

See e.g., Lawyers fed up with paralyzed judicial system in Haiti, FRANCE24 (Apr. 9, 2022), https://www.france24.com/en/live-news/20220409-lawyers-fed-up-with-paralyzed-judicial-system-in-haiti; Emmanuel Mariano Bruno, Justice: Nouvelle mise en garde contre toute tentative de nomination incostitutionnelle et illégale de juges à la Cour de Cassation en Haïti, ALTERPRESSE (Apr. 27, 2022), https://www.alterpresse.org/spip.php?article28234; What Is Behind the Rise in Gang Activity in Haiti?, supra note 2 (concluding that “[i]f impunity continues to thrive, the justice system is still corrupt and there are no economic opportunities for young people, gangs will continue to flourish in Haiti”); see infra section Lack of access to justice and chronic impunity.


See Brian Concannon, *Biden must stop propping up the old guard in Haiti*, Responsible Statecraft (Nov. 12, 2021), [https://responsiblestatecraft.org/2021/11/12/how-biden-can-support-democracy-in-haiti/](https://responsiblestatecraft.org/2021/11/12/how-biden-can-support-democracy-in-haiti/); Fried, supra note 11, (reporting that Henry “has presided over the continued dismantling of Haiti’s democratic structures” since being installed by the U.S.-led Core Group in July).

Haiti’s Senate has been reduced to one-third of its capacity; there is no electoral council; the Supreme Court is currently nonfunctional; de facto Prime Minister Henry himself was installed unconstitutionally; and many of his appointed officials, including judges, were either appointed extra-constitutionally or as part of an effort to consolidate his own power. See *The Senate of Haiti meets, for Lambert the PM is de facto*, HAITI LIBRE (Jan. 11, 2022) [https://www.haitilibre.com/en/news-35685-haiti-politic-the-senate-of-haiti-meets-for-lambert-the-pm-is-de-facto-speech.html](https://www.haitilibre.com/en/news-35685-haiti-politic-the-senate-of-haiti-meets-for-lambert-the-pm-is-de-facto-speech.html); Haiti’s Outgoing Senate Chief to Continue Holding Sessions as Term Expires, U.S. NEWS &
WORLD REPORT (Jan. 10, 2022), https://www.usnews.com/news/world/articles/2022-01-10/haitis-outgoing-senate-chief-to-continue-holding-sessions-as-term-expires; Evens Sanon, Haiti’s Senate reconvenes after 1 year amid instability, ABC NEWS (Jan. 10, 2022), https://abcnews.go.com/International/wireStory/haitis-senate-reconvenes-year-amid-instability-82183514; Francklyn B Geffrard, Paraison décline l’invitation du gouvernement à participer à la formation d’un nouveau CEP, RHINES (Feb. 6, 2022), https://www.rhnews.com/actualites/edwin-paraison-decline-l-invitation-du-gouvernement-a-participer-a-la-formation-dun-nouveau-cep; Monique Clesca, Haiti’s Fight for Democracy, Why the County Must Rebuild Before It Votes, FOREIGN AFFAIRS (Feb. 1, 2022), https://www.foreignaffairs.com/articles/haiti/2022-02-01/haitis-fight-democracy (concluding that “[t]here is only enough for people to vote freely and democratic institutions are strengthened, Haiti would only be going through the motions of democracy, rather than putting in place a government elected by the people...With only ten democratically elected officials in the entire country and in the presence of a near-total constitutional void, someone needs to decide when and how elections will happen and who will oversee them.”); Concannon, supra note 13 (reporting in November that “[t]here is no electoral council, the judiciary has been cowed by illegal arrests and firings of judges, and government anti-corruption agencies were neutralized”); see also infra sections Government misconduct, including institutionalized violence and corruption and Lack of access to justice and chronic impunity.  


20 See Francklyn B Geffrard, Daniel Foote : « Ariel Henry doit démissionner immédiatement s’il veut du bien pour son pays et faciliter une sortie de crise en Haïti », RHINES (Mar. 21, 2022), https://www.rhnews.com/actualites/daniel-foote-ariel-henry-doit-demissionner-immédiatement-sil-veut-du-bien-pour-son-pays-et-faciliter-une-sortie-de-crise-en-haiti/ (former U.S. Special Envoy to Haiti Daniel Foote “again insisted that the Biden administration withdraw its support for the de facto government of Dr. Ariel Henry, which he said had done nothing to seek a broad consensus with the various sectors present to solve the crisis, pointing out that the situation has worsened further in the last eight months”); Fried, supra note 11 (U.S. support “effectively hands
Henry and the PHTK a veto over any transitional agreement or government, allowing them to make unreasonable demands that would upset the Accord’s balance, with the assurance that civil society must satisfy them or risk the United States scuttling the process”); Valéry Daudier, SYLVIE TABESSE: « Croyez-vous que si les gens voulaient vraiment se parler, trouver une solution, ils n’auraient pas pu le faire », LE NOUVELLE (May 10, 2022), https://lenouvelliste.com/article/235702/sylvie-tabesse-croyez-vous-que-si-les-gens-voulaient-vraiment-se-parler-trouver-une-solution ils-nauraient-pas-pu-le-faire (EU Ambassador to Haiti Sylvie Tabesse notes the lack of political will by Henry to resolve the crisis); Robenson Geffrard, Joseph Lambert demande à la population de prendre note du refus d’Ariel Henry de dialoguer, LE NOUVELLE (Mar. 18, 2022), https://lenouvelliste.com/article/234761/joseph-lambert-demande-a-la-population-de-prendre-note-du-refus-dariel-henry-de-dialoguer (Joseph Lambert, president of Haiti’s Senate, criticizes Henry’s refusal to engage with opposition groups to resolve the political impasse).


See, e.g., Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe, supra note 2; Global Protection Cluster, supra note 5 (reporting that “[a]ccording to local analysts, gangs control territories which account for more than 3.5 million potential electors”).

Jacqueline Charles, Chaos, gang violence erupt again in Haiti. Even human rights advocates are targets, MIAMI HERALD (Apr. 27, 2022), https://www.miamiherald.com/news/nation-world/world/americas/haïti/article260775917.html; see also Renata Segura, Haiti’s State of Paralysis: How to Break the Deadly Relationship Between Politics and Crime, FOREIGN AFFAIRS (Apr. 20, 2022), https://www.foreignaffairs.com/articles/haïti/2022-04-20/haïti-state-paralysis (reporting that “it is everyday insecurity that most Haitians see as their top concern…. Rampant kidnappings have reshaped daily life.”); UNGA, Report of the Working Group on the Universal Periodic Review: Haiti, supra note 9 (even out of 47 member states of the Human Rights Council (HRC) issued recommendations during Haiti’s third UPR in January that the government take urgent steps to address insecurity); Evens Sanon & Dânica Coto, Gangs strangle Haiti’s capital as deaths, kidnappings soar, ABC NEWS (May 22, 2022), https://abcnews.go.com/International/wireStory/gangs-strangle-haitis-capital-deaths-kidnappings-soar-84892283. At least some observers on the ground point out that gangs have a complicated – and not always negative – relationship with the communities in which they operate, sometimes advocating or providing for them in the absence of government services. They also note that reporting on gangs often fails to consider these nuances and misses important context, instead bluntly criminalizing gangs and consequently ignoring opportunities for reintegration and reconciliation.


See Wisner, Starved for Justice, supra note 11.


Global Protection Cluster, supra note 5, at 7 (reporting that “generally under-resourced and unrenumerated, police officers and magistrates have also been widely accused of corruption”).

See, e.g., Haitians Being Returned to a Country in Chaos, supra note 23 (reporting that gangs are “widely believed to be financed by politicians and to have police officers on their payroll”); RNDDH, supra note 25 (concluding that “successive state authorities...supply arms and ammunition to armed gangs, and they practice and promote smuggling to facilitate the entry of illegal weapons into the national territory”); Haïti-Justice : Le Rnddh indexe des proches d’Ariel Henry dans la libération de membres du gang 400 Mawozo arrêtés par la police, ALTERPRESSE (Mar. 21, 2022) https://www.alterpresse.org/spip.php?article28106 (reporting that according to RNDDH executive director Pierre Espérance, “[m]embers of the cabinet of de facto Prime Minister Ariel Henry are reportedly involved in the release of members of the 400 Mawozo armed gang”); see also IJDH December 2021 Update, supra note 1 (IJDH’s previous update in December 2021 also reported prevalent government collusion with gang members).


See, e.g., Protests over Labour Rights, Insecurity and Political Crisis in Haiti, supra note 16.


See Melissa Belarus, Ils ont « coupé la tête d’un de mes voisins », témoigne une victime de la violence des gangs, Ayibo Post (Apr. 28, 2022), https://ayibopost.com/ils-ont-coupe-la-tete-dun-de-mes-voisins-temoigne-une-victime-de-la-violence-des-gangs; Haiti-Criminalité: De nombreuses familles aux abois dans la Plaine du Cul-de-sac assiégée par des gangs armés, ALTERPRESSE (May 2, 2022), https://www.alterpresse.org/spip.php?article28253; Gessika Thomas & Brian Ellsworth, Haiti gangs raped women, burned people alive during turf wars - rights group, REUTERS (May 11, 2022) https://www.reuters.com/world/americas/haiti-gangs-raped-women-burned-people-alive-during-turf-wars-rights-group-2022-05-11/; RNDDH, supra note 25, at ¶¶ 46, 51; Daniels, ‘Incredible Cruelty’, supra note 30 (“During a bloody fortnight of battle, gang members raped women and girls and burned people alive...In one neighbourhood, gangs killed 47 people before burning 17 of the bodies and burying the rest in mass graves.”); OHCHR, supra note 41 (“Extreme violence has been reported, including beheadings, chopping and burning of bodies, and the killing of minors accused of being informants for a rival gang. Sexual violence, including gang rape of children as young as 10, has also been used by armed gang members to terrorize and punish people living in areas controlled by rival gangs.”).


said it had no choice but to hastily reopen the emergency center in Cité Soleil.

Jacqueline Charles, Damien hospitals closed their doors completely, even to emergencies, following Dr. Augustin’s kidnapping; Geffrard, « La population doit se soulever contre ceux qui alimentent les gangs armés pour mettre fin à l’insécurité », selon Pierre Espérance, supra note 30 (RNDHH’s Pierre Espérance called the gang war in Croix-des-Bouquets “the repetition of what has been happening for almost a year in Martissant”).


Dix morts à Mariani, dont un policier, lors d’une attaque de gang pour contrôler la zone, LE NOUVELLE (Mar. 7, 2022), https://lenouvelliste.com/article/234555/dix-mort-a-mariani-dont-un-policier-lors-dune-attaque-de-gangs-pour-controler-la-zone (reporting that six civilians, one police officer, and three bandits were killed in the exchange of fire between the armed groups and the police).

See Haïti-Droits humains : « Un enfer sous le joug des gangs armés », selon le Binuh, ALTERPRESSE (Dec. 10, 2021), https://www.alterpresse.org/spip.php?article27752; BINUH, Statement of Special Representative Helen La Lime, supra note 52; Press Release, OHCHR, Haiti: Bachelet deeply disturbed by human rights impact of deteriorating security situation in Port-au-Prince, supra note 41 (the UN High Commissioner for Human Rights noted that “[g]ang violence has had a severe impact on the most basic human rights of people. Dozens of schools, medical centres, businesses and markets remain closed, and many people are struggling to find basic products including food, water and medicines”).

See NOTICE: Bernard Mevs Hospital closes its doors, ICI HAÏTI (May 20, 2022), https://www.icihaiti.com/en/news-36706-icihaiiti-notice-bernard-mevs-hospital-closes-its-doors.html (reporting that Bernard Mevs Hospital, one of the main hospitals in Haiti, closed from May 19 to 21 to protest the kidnapping of pediatrician Benetty Augustin on May 5, saying “[w]e are tired of being preyed on by kidnappers, while we risk our lives to save others”); Marie Laurette Numa, Insécurité : deux hôpitaux ferment leurs portes!, HAÏTI LIBERTE (May 18, 2022), https://haitiliberte.com/insecurite-deux-hopitaux-ferment-leurs-portes/ (reporting that Saint Luc and St. Damien hospitals closed their doors completely, even to emergencies, following Dr. Augustin’s kidnapping); Jacqueline Charles, Twelve days after one of their doctors was abducted, these Haiti hospitals are still closed, MIAMI HERALD (May 16, 2022), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article261494997.html (reporting that the MSF facility in Cité Soleil closed on April 1 due to gang violence, but “[a]fter violence flared up on the eastern edge of Port-au-Prince 21 days later, the charity said it had no choice but to hastily reopen the emergency center in Cité Soleil”); Haiti - Insecurity: Doctors Without Borders worried about the temporary closure of hospitals, HAÏTI LIBERE (May 23, 2022), https://www.haitilibere.com/en/news-36733-haiti-insecurity-doctors-without-borders-worried-about-the-temporary-
closure-of-hospitals.html; Daniels, ‘Incredible Cruelty’, supra note 30 (discussing the impact of hospital closures on access to health, MSF mission head noted that “[t]he number of trauma admissions received per week tripled compared to mid-April, and most of them are very serious gunshot wounds that require extensive care”); see also infra notes 216-17, 283-87.

57 See Global Protection Cluster, Haiti under Gang Control: The Uprising of Sexual Violence, at 9 (Jan. 2022), https://www.globalprotectioncluster.org/wp-content/uploads/GPC_Article_Haiti-Under-Gang-Control-The-Uprising-of-Sexual-Violence_Final-1.pdf; Charles, Twelve days after one of their doctors was abducted, these Haiti hospitals are still closed, supra note 56; see also infra notes 216-17, 287. Even as gendered vulnerabilities affect women’s safety, men are more likely to face recruitment pressures. See infra note 68.


60 This also includes aid supplies which remain critical even nine months after the earthquake that devastated Haiti’s South in August 2021. See Jess DiPierro Obert & Paula Dupraz-Dobias, In Haiti, gang violence strains aid operations and demands new approaches, NEW HUMANITARIAN (Feb. 27, 2022), https://www.thenewhumanitarian.org/news-feature/2022/2/7/Haiti-gang-violence-strains-aid-operations-demands-new-approaches.

61 See Blaise, supra note 59.


64 See Haïti-Criminalité : De nombreuses familles aux abois dans la Plaine du Cul-de-sac assiégée par des gangs armés, supra note 43; Molière Adely, Cet entrepreneur a refusé de collaborer avec les bandits à Pernier, AYIBO POST (May 26, 2022), https://ayibopost.com/cet-entrepreneur-refuse-de-collaborer-avec-les-bandits-a-bernier/ (reporting that gang violence in Pernier, a district of Pétion-Ville, displaced “dozens of families” in mid-May, “cré[ant] un formidable obstacle to the reconstruction of a normal human rights”).


66 For example, gang members have targeted fuel transport trucks, exacerbating problems caused by Haiti’s chronic fuel shortage. See Six camions-citernes transportant du carburant détourés à Varreux par des bandits, LE NOUVELLISTE (May 3, 2022), https://lenouvelliste.com/article/235542/six-camions-citernes-transportant-du-carburant-detournes-a-varreux-par-des-bandits; IJDH December 2021 Update, supra note 1 (reporting that the fuel shortage in 2021 had a profound effect on Haitians’ access to critical services and infrastructure as a result of “Haiti’s unreliable electric grid” and its consequent reliance on fuel-powered generators); see also Les Cayes residents, cut off by gang blockades, demand access, HAITIAN TIMES (Apr. 8, 2022), https://haitiantimes.com/2022/04/08/les-cayes-residents-cut-off-by-gang-blockades-demand-access; Obert & Dupraz-Dobias, supra note 60; Daniels, ‘Incredible Cruelty’, supra note 30 (MSF reported that due to roadblocks by gang members “some patients they saw could only reach a hospital after delays of 24 hours”).
See Les Cayes residents, cut off by gang blockades, demand access, supra note 66; Daniels, ‘Incredible Cruelty’, supra note 30; First Person: Visions of hell, in Haiti, UN NEWS (Apr. 3, 2022), https://news.un.org/en/story/2022/04/1115382; Press Release, OHCHR, Haiti: Bachelet deeply disturbed by human rights impact of deteriorating security situation in Port-au-Prince, supra note 41 (reporting that “[m]ovement along the two main national roads connecting the capital to the rest of the country has been seriously compromised as gangs have controlled access to areas under their influence. Such restrictions on the movement of people and goods could also have long-term devastating impacts on the already difficult economic situation in Haiti.”); Melissa Belarus, Le clairin de Léogâne est en grand danger à cause de la rareté du sirop de canne, Ayibopost (Apr. 16, 2022), https://ayibopost.com/le-clairin-de-leoganest-en-grand-danger-a-cause-de-la-rarete-du-sirop-de-canne/;


Kolo, Enrôlement de garçonnet dans des groupes de gangs à Port-au-Prince, supra note 28 (reporting that gangs prey on young boys in poor neighborhoods, some of whom join willingly and some of whom are recruited by force); Charles, He survived a gang ambush in Haiti that killed two reporters. Now this journalist is in exile, supra note 58.


See, e.g., Haitians BeingReturned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe, supra note 2; Geffrard, « La population doit se soulever contre ceux qui alimentent les gangs armés pour mettre fin à l’insécurité », selon Pierre Espérance, supra note 30. Individuals displaced by the violence have expressed the belief that the government’s lack of response and contempt for their plight is indicative of government complicity with gang members. Predvil, Insécurité: le BAI interpelle les autorités, supra note 63.

RNDDH, supra note 25, at ¶ 71-72.

Pierre Espérance, RNDDH’s executive director, alleged that customs officials “facilitate the routing of illegal weapons and ammunition to criminal gangs who kidnap, rob, rape and murder with impunity.” He also alleged that Henry placed “large sums of money” to 400 Mawozo members “to facilitate resumption of activities in the Croix-des-Bouquets market and on the road leading to Malpasse.”


See Blaise, supra note 59; BINUH, Statement of Special Representative Helen La Lime, supra note 52; BINUH Report, Feb. 15, 2022 at 14, ¶ 64 (reporting that “[t]he primary institution responsible for the security of all Haitians, the Haitian National Police, is hampered by development gaps, a chronic lack of equipment and a dearth of logistical and financial support”); Press Release, OHCHR, Haiti: Bachelet deeply disturbed by human rights impact of deteriorating security situation in Port-au-Prince, supra note 41 (according to the UN High Commissioner for Human Rights, “[o]ngoing police operations have not managed to re-establish public order and protect the local population, and there have been reports of some human rights violations during these operations”); see also Haiti - USA: 3 Haitians and an American charged with having provided weapons and ammunition to the Gang “400 Mawozo,” HAITI LIBRE (May 6, 2022), https://www.haitilibre.com/en/news-36596-haiti-usa-3-haitians-and-an-american-charged-with-having-provided-weapons-and-ammunition-to-the-gang-400-mawozo.html (discussing


54 See Jean Junior R. Celestin, Satisfait de son bilan, Frantz Elbé, Directeur général de la Police fait des promesses, LE NOUVELLISTE (May 9, 2022), https://lenouvelliste.com/article/235660/satisfait-de-son-bilan-frantz-elbe-directeur-general-de-la-police-fait-des-promesses (Original Press Conference Video available at https://www.youtube.com/watch?v=IkRtvlGscos&t=13s) (in a press conference presenting on the police’s progress combatting gang violence in the last six months, Elbé noted that “considerable progress has been made in terms of security over the past six months” and that “the efforts of the PNH contributed to a considerable drop in kidnapping cases in the country, particularly in the metropolitan area, for the month of April.” Elbé also lauded police efforts to stop the violence in Croix-des-Bouquets, which lasted from April 24 until at least May 7, claiming that “police quickly regained control [of the area] after the start of clashes between armed groups on April 24.”)


56 BINUH, Statement of Special Representative Helen La Lime, supra note 52.

See Predvil, Insecurity and high cost of living in Haiti: trade unionists announce two days of strike, supra note 11; Haitian doctors call for countrywide strikes after two colleagues kidnapped, HAITIAN TIMES (Mar. 14, 2022), https://haitiantimes.com/2022/03/14/haitian-doctors-call-for-countrywide-strikes-after-two-colleagues-kidnapped/.


CARDH, Cellule d’observation de la criminalité, supra note 76.


Trois personnes dont un enfant de 9 ans kidnappés samedi soir à Delmas, LE NOUVELLISTE (Dec. 13, 2021), https://lenouvelliste.com/alaminate/20604/trois-personnes-dont-un-enfant-de-9-ans-kidnappes-samedi-soir-a-delmas (reporting that three members of a family, including a nine-year old, were kidnapped in Delmas); Haiti - News: Zapping, HAITILIBRE (Dec. 11, 2021), https://www.haitilibre.com/en/news-35456-haiti-news-zapping.html (reporting that employees assigned to the mechanical service of the Compagnie Rhum Barbancourt were released after being kidnapped by 400 Mawozo gang members); Haiti-Criminalité : Kidnapping de deux personnes à l’avenue Poupelard, ALTERPRESSE (Mar. 11, 2022), https://www.alterpresse.org/spip.php?article28076 (reporting that two doctors were kidnapped on March 2, and were still being held captive on March 11 when another two people were kidnapped from a private vehicle); Haiti-Criminalité : 1 personne assassinée et kidnapping de 3 personnes à Poste Marchand, ALTERPRESSE (Mar. 12, 2022), https://www.alterpresse.org/spip.php?article28078 (reporting that three people, including the director of a local college, were kidnapped and one killed on March 11); Kidnapping : le cauchemar de la famille Condestin, LE NOUVELLISTE (Mar. 16, 2022), https://lenouvelliste.com/article/234717/kidnapping-le-cauchemar-de-la-famille-condestin (three members of the same family were kidnapped in less than a year).


See infra notes 291-94.


See Kidnapping : le pasteur Rémy Lochard enlevé à Tabarre, LE NOUVELLISTE (Feb. 6, 2022), https://lenouvelliste.com/alaminate/21071/kidnapping-le-pasteur-remy-lochard-enleve-a-tabarre (reporting that 400 Mawozo demanded a USD $2 million ransom after kidnapping Pastor Lochard Rémy); Des organisations syndicales réclament la libération de Paul Loulou Chéry et de sa femme, LE NOUVELLISTE (Jan. 7, 2022), https://lenouvelliste.com/alaminate/20820/des-organisations-syndicales-reclament-la-liberation-de-paul-loulou-cher-y-et-de-sa-femme (reporting that gang members demanded an exorbitant ransom was being demanded for trade union leader Paul Chéry and his wife after they were kidnapped); Haiti - DR: A kidnapped Dominican diplomat, the
L'OBS appelle à des actions judiciaires rigoureuses contre ceux qui planifient l'assassinat de Pierre Espérance (reporting that a police officer named Pipo Mabil was kidnapped by armed gang members who demanded USD $100,000 for his release).

88 Between January and December 15, 2021, CARDH reported that 55 out of 949 people kidnapped were foreigners, or 0.05 percent. État des droits humains en 2021, CARDH (Feb. 12, 2022), https://cardh.org/archives/1519.

89 See e.g., Evens Sanon & Dânica Coto, Gangs struggle Haiti’s capital as deaths, kidnappings soar, WASHINGTON (May 22, 2022), https://www.washingtonpost.com/world/gangs-struggle-haitis-capital-as-deaths-kidnappings-soar/2022/05/22/4db317ec-d9d8-11ec-bc35-91d0a94923b_story.html (mentioning only the kidnapping of eight Turkish nationals when discussing that gangs “kidnap victims daily”); Evens Sanon, Official: 8 Turkish citizens kidnapped from bus in Haiti, AP NEWS (May 9, 2022), https://apnews.com/article/europe-middle-east-caribbean-turkey-port-au-prince-12d293ed1121614eb06690d3665b4f4 (mentioning only kidnapping of foreigners when discussing “a string of high-profile kidnappings by powerful gangs”); see also UDH December 2021 Update, supra note 1 (discussing the disproportionate amount of media attention given to kidnapped foreign missionaries in 2021). U.S. officials continue to disregard the insecurity in Haiti as it pertains to Haitians’ safety, while decrying the kidnapping of foreigners in the country. Way Forward in Haiti Meeting with Assistant Secretary of State Brian Nichols, supra note 7 (in a meeting with stakeholders on January 26, U.S. Assistant Secretary of State for Western Hemisphere Affairs Brian Nichols responded to a question about whether the United States considered Haiti safe for Haitian migrant returnees by reminding listeners of the 2021 kidnapping of 17 foreign missionaries).

90 See Haiti-Criminalité : Kidnapping of two persons at l’avenue Poupelard, supra note 83.


Courthouse to protest at PM’s home

Lawyers want courthouse moved to safer area, plan to protest at PM’s home, HAITIAN TIMES (Apr. 8, 2022), https://haitiantimes.com/2022/04/08/lawyers-want-courthouse-moved-to-safer-area-plan-to-protest-at-pms-home/; Haiti - Insecurity: Exasperated and frustrated

90 Monchéry was arrested in Port-au-Prince for his involvement in the 2018 La Saline massacre on February 13, 2021, but was shortly released, and has not faced consequences in Haiti for his actions. Indéxé dans le cadre du massacre de La Saline, Fednel Monchéry arrêté puis libéré par la police, LE NOUVELLE(ste) (Feb. 18, 2022), https://lenouvelliste.com/article/226377/indexe-dans-le-cadre-du-massacre-de-la-saline-fednel-monchery-arretepuis-libere-par-la-police. The U.S. government imposed sanctions on him under the Global Magnitsky Act in 2020.

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92 In December 2021 Update, supra note 1 (discussing the threats against Douyon and Solages in 2021).

93 See also Onz Chéry, Haiti third in journalist deaths, but reporters say risks worth it, HAITIAN TIMES (Mar. 22, 2022), https://haitiantimes.com/2022/03/22/haiti-third-in-journalist-deaths-but-reporters-say-risks-worth-it/; the Committee to Protect Journalists reported that Haiti is the third deadliest country for journalists in the world.

94 Gangs have a complicated relationship with some journalists, wherein journalists are both at risk from gang violence and beneficiaries of gangs’ financial largesse, which may impact reporting. This is particularly true for Amady and Louissaint, who worked as freelance online journalists and cultivated relationships with gang members in order to do their work. See Widlore Mérancour, Barbecue a payé pour l'enterrement d'un journaliste assassin, AYIBO POST (May 20, 2022), https://ayibopost.com/barbecue-a-paye-pour-lenterrement-dun-journaliste-assassin/ (reporting that Jimmy “Barbequê” Chérizer, the leader of the G-9 gang alliance, paid for the funeral expenses of journalist John Wesley Amady, who was killed by gang members on January 6).

95 Charles, He survived a gang ambush in Haiti that killed two reporters. Now this journalist is in exile, supra note 58; Haiti - News: Zapping, supra note 99; see also Onz Chéry, Haiti third in journalist deaths, but reporters say risks worth it, HAITIAN TIMES (Mar. 22, 2022), https://haitiantimes.com/2022/03/22/haiti-third-in-journalist-deaths-but-reporters-say-risks-worth-it/; the Committee to Protect Journalists reported that Haiti is the third deadliest country for journalists in the world.

96 See infra notes 257-58.


108 See Amnesty International, supra note 93 (reporting that “[t]here was little progress in the investigation into the killing of journalist Diego Charles, a reporter for Radio Vision 2000 and co-founder of the website Larepiblik Magazine, and Antoinette Duclaire, a political and human rights activist, vocal government critic and co-founder of Larepiblik Magazine. They were murdered just a week before President Moïse. The authorities failed to protect their families, who were subjected to death threats and intimidation.”); Franclynn B. Geffrard, Le journaliste Vladjimy Legagneur toujours porté disparu : L’enquête de la police judiciaire se poursuit indéfiniment, 4 ans après, RHINES (Mar. 14, 2022), https://www.rhines.com/actualites/le-journaliste-vladjimy-legagneur-toujours-porte-disparu-lenquete-de-la-police-judiciaire-se-poursuit-indefiniment-4-ans-apres; see also infra section Impunity for human rights abuses and other crimes.


111 See What Is Behind the Rise in Gang Activity in Haiti?, supra note 2; see also supra notes 69-72.


114 See Haitian Prime Minister Ariel Henry is preparing to form a new Provisional Electoral Council (CEP), NetalkoLE (Oct. 12, 2021), https://netalkolemedia.com/en/le-premier-ministre-haitien-ariel-henry-sapprete-a-former-un-nouveau-conseil-electoral-provisoire-cep/ (reporting in October 2021 that Henry had begun the process of establishing a new CEP); Gessika Thomas & Brian Ellsworth, Haiti’s Henry urges elections amid calls for transition government, Reuters (Feb. 7, 2022), https://www.reuters.com/world/americas/haitis-henry-urges-elections-amid-calls-transition-government-2022-02-07/ (reporting that “[i]n a speech on Monday [February 7], Henry said elections were the only solution to the political impasse and rejected the idea that he had given up power to a two-year interim government - a plan proposed by a group known as the Montana Accord”). Henry’s campaign to reestablish the CEP was met with criticism by Haitians from across the political spectrum, who maintain that the government should prioritize spending resources on ensuring that conditions are met for the holding of free and fair elections. See Francklyn B. Geffrard, Le Sant Karl Leveque boude l’invitation du gouvernement sur la formation du conseil
See Geffrard, Famine, 81. See also supra note 72.


118 Assassinated former president Jovenel Moïse was also implicated in the scandal. Bojarski, Price-fixing lawsuit against Haiti’s ex-presidents, money transfer and phone companies revived, supra note 109; Emmanuel Marino Bruno, Haiti-Corruption/PSugo : Joseph Michel Martelly et Jocelerme Privert dans le collimateur de la justice americaine, ALTERPRESSE (Apr. 4, 2022), https://www.alterpresse.org/spip.php?article28155.


120 Following a request from the Haitian Senate, the Superior Court of Accounts and Administrative Litigation also decided to investigate the management of funds in the Haitian Embassy in Washington, D.C. Haiti - Justice: The Embassy of Haiti in Washington targets allegations of embezzlement, supra note 109.

s’oppose à toute nomination de juges à la Cour de Cassation en dehors de la procédure constitutionnelle.

123 See generally IJDH, Submission to the United Nations Human Rights Council: Justice Sector Challenges in Haiti (2021), http://www.ijdh.org/wp-content/uploads/2021/12/Updated-Justice-Sector-Challenges-in-Haiti_UPR-Submission_EN-1.pdf (hereinafter IJDH UPR Justice Sector Report); see also Fried, supra note 11; Concannon, Biden must stop propping up the old guard in Haiti, supra note 13; Justice : La Cran Déplore la Paralysie Continuelle du Système Judiciaire en Haïti, ALTERPRESE (Dec. 30, 2021), https://www.alterpresse.org/spip.php?article27835; BINUH, Statement of Special Representative Helen La Lime, supra note 52 (reporting that “[t]he Haitian judicial system suffers from grave structural weaknesses, as evidenced by the severe challenges in renewing the terms of judges on time. This cripples the ability of courts to investigate, process and try cases.”); UNGA, Report of the Working Group on the Universal Periodic Review: Haiti, supra note 9 (29 member states of the HRC issued recommendations during Haiti’s third UPR in January that the government urgently address the issue of impunity and strengthen rule of law).

124 See BINUH, Statement of Special Representative Helen La Lime, supra note 52.

125 See Matt Rivers et al., supra note 116; see also infra notes 165-83.

126 The court requires five judges for a quorum, which it had in January 2022; however, the mandates of two of those judges expired in February 2022, rendering the court once again dysfunctional. Meanwhile, an attempt by de facto Prime Minister Henry in February to appoint additional judges to the court was rejected by the Superior Council of the Judiciary on the ground that the appointments were not constitutional. See Emmanuel Moïse Yves, Comprendre la bataille engagée pour remplir les sièges vides à la Cour de cassation, AYIBO POST (Feb. 20, 2022), https://ayibopost.com/comprendre-la-bataille-engagée-pour-remplir-les-sieges-vides-a-la-cour-de-cassation/; Bruno, Justice : Nouvelle mise en garde contre toute tentative de nomination incostitutionnelle et illégale de juges à la Cour de Cassation en Haïti, supra note 3; Francklyn B. Geffrard, Martin Ainé : « Toute nomination de juges à la Cour de Cassation sans un large consensus risque de déclencher des crises dans l’appareil judiciaire », AYIBO POST (Apr. 28, 2022), https://www.rhinews.com/actualites/martin-aine-toute-nomination-de-juges-a-la-cour-de-cassation-sans-un-large-consensus-risque-de-declencher-des-cras-dans-l-appareil-judiciaire/.

127 See Lawyers fed up with paralyzed judicial system in Haiti, supra note 3.

128 See Jean, supra note 104; Lawyers want courthouse moved to safer area, plan to protest at PM’s home, supra note 104; Haiti - Insecurity: Exasperated and frustrated Haitian lawyers, supra note 104.

129 See, e.g., Assassinat de Jovenel Moïse, le nouveau juge d’instruction craint pour sa sécurité, supra note 104 (reporting that the investigating judge in the Moïse assassination fears for his safety and that of his family); Haiti-Judicial Constraints to the APM and the FJKL Appellant les Autorités a Garantir la Securite du Judge Louima Loudior, Menace de Mort par un Gang Arme, supra note 106 (reporting that Judge Louima Loudior received death threats from the Kokorat sans ras gang in December, 2021, following a case before him involving members of that gang); Justice : L’Association Nationale des Greffiers d’Haïti Demande de Garantir la Securite du Judge Louima Loudior et du Greffier Agony Gachette, ALTERPRESSE (Dec. 29, 2021), https://www.alterpresse.org/spip.php?article27831 (reporting that on December 23, 2021, the gang killed two of the Judge Loudior’s family members); Haiti-News: Zapping, supra note 106 (reporting that armed individuals attacked Judge Annie Fignolè on March 14 in the Delmas neighborhood of Port-au-Prince).

per cent, with 9,005 inmates in makeshift prisons, which means they are not counted as part of the official prison population.

Many people who have been arrested and charged, but not tried and convicted, are held in police stations or pretrial detention centers (reporting that the theft occurred in the same courthouse in Port-au-Prince that lawyers have been asking be moved for safety reasons).

Webinar: Haiti’s Latest Universal Periodic Review & the Human Rights Situation in Haiti


A humanitarian observer emphasized that the high number of arrests, non-functional courts, and overcrowded prisons all point to a much higher percentage of pretrial detention than official reports would indicate. They added that many people who have been arrested and charged, but not tried and convicted, are held in police stations or makeshift prisons, which means they are not counted as part of the official prison population.

BINUH Report, Feb. 15, 2022 at 7, ¶ 29 (reporting that “[a]s at 19 January [2022], Haitian prisons held a total of 11,003 inmates, including 387 women, 237 boys and 18 girls, and had an estimated overall occupancy rate of 322 per cent, with 9,005 inmates awaiting trial. The issue of prison overcrowding, with some prisons currently housing
five times as many inmates as they were designed to hold, was further exacerbated by the relocation of hundreds of individuals detained in three southern region prisons which suffered extensive damage during the 14 August earthquake.


146 See Charles & Maria Delgado, supra note 139. Insecurity has compounded the problem, with prisoners who previously relied on their family members or human rights organizations to bring them food now going hungry because it is too dangerous for them to make the journey to the prison. Id.


148 Id.; see also Charles & Maria Delgado, supra note 139 (reporting that the walls of the National Penitentiary are “visibly crumbling”).

149 Le gang « 400 Mawozo » menace d’attaquer la prison de la Croix-des-Bouquets pour faciliter l’évasion de détenus, supra note 147. A salient example of this is the leader of the 400 Mawozo gang, Joly Germaine, who was able to run 400 Mawozo operations out of the Haitian prison where he was being held using “unmonitored” cell phones, until he was extradited to the United States on weapons smuggling charges in early May. See Jordan Freiman, Haitian gang leader charged in kidnapping of missionaries, CBS NEWS (May 10, 2022), https://www.cbsnews.com/news/joly-germaine-400-mawozo-gang-haiti-charged-kidnapping-missionaries; Glenn Thrush, Haitian Gang Leader Is Charged With Abducting American Missionaries, NY TIMES (May 10, 2022), https://www.nytimes.com/2022/05/10/us/politics/haitian-mawozo-gang-kidnapping-charges.html.

150 See Charles & Maria Delgado, supra note 139.

151 See Charles, Haiti cops caught soldier in stolen car. His fast release raises questions of unequal justice, supra note 140 (discussing impunity for a Haitian soldier involved in a stolen car ring as just one of many examples of Haiti’s “troubled and corrupt justice system,” which gives special treatment based on political affiliation. A PNH officer “cited several instances where police have attempted to dismantle gangs by arresting their leaders based on police investigations, only to have judges free the individuals, sometimes after mere hours.”); see also supra notes 127, 131.

152 See Charles, Haiti cops caught soldier in stolen car. His fast release raises questions of unequal justice, supra note 140.

153 See Amnesty International, supra note 93.


155 At least 71 people were killed in the 2018 La Saline massacre, which was believed to be politically motivated. Many of those involved in the massacre – including then-police officer-turned gang leader Jimmy Chérizier and then-government officials Fednel Monchery and Joseph Pierre Richard Duplan – have faced no consequences. See, e.g., IJDH UPR Justice Sector Report, supra note 124, at ¶ 6(b).


158 See IJDH UPR Justice Sector Report, supra note 124, at ¶ 6. (“These massacres include eight massacres in La Saline (2018-2020), two massacres in Nan Tokyo (2019), three massacres in Bel Air (2019-2021), one massacre in
Martissant (2020), two massacres in Citè Soleil (2020-2021), Delmas 32 (2021), and...[one] massacre in the Martissant/Bas-Demalas/Cité Soleil/Croix-des-Bouquets areas (2021)."

159 See also supra notes 47-48, 51.
160 See IJDH December 2021 Update, supra note 1.
162 Dorval was a vocal critic of Moïse’s administration, and his assassination in August 2020 was widely described as politically motivated. See IJDH UPR Justice Sector Report, supra note 124, at ¶ 6(d); Les Avocats du Barreau de Port-au-Prince Contiennent de Demander Justice pour la Bâtonnier Dorval, LE NOUVELLISTE (Dec. 29, 2021), https://lenouvelliste.com/alaminute/20745/les-avocats-du-barreau-de-port-au-prince-continuent-de-demandер-justice-pour-le-batonnier-dorval.


biden-s-interesse-a-lenquete;


170 See id. (Claude told CNN “I wanted to indict Ariel Henry after questioning him and I think Ariel knew it, and fired me, and ignored my request (to come in for questioning!)”).

171 See id.


173 See Johnston, supra note 116 (including at least twelve Haitian police officers, eighteen retired members of the Colombian military, and the alleged mastermind, Haitian-American pastor Christian Emmanuel Sanon).
The U.S. Federal Bureau of Investigations has been conducting its own investigation into the assassination, on the ground that the crime was partially planned in the United States. Three suspects have been charged in this investigation. In March, President Biden signed legislation requiring the State Department to compile a report on the investigation’s progress in Haiti and the United States. See Widlore Mérandcourt et al., Haiti’s assassination probe has stalled. The U.S. one is advancing, WASHINGTON POST (Apr. 8, 2022), https://www.washingtonpost.com/world/2022/04/08/haiti-moise-assassination-investigation/; US Charges Third Suspect in Assassination of Haiti’s Moïse, VOA NEWS (May 9, 2022), https://www.voanews.com/a/us-charges-third-suspect-in-assassination-of-haiti-s-moise/6564416.html; Consolidated Appropriations Act, 2022, H. R. 2471, Div. V ¶ 107, 108 (Jan. 2022), https://www.govinfo.gov/content/pkg/BILLS-117hr2471enr/pdf/BILLS-117hr2471enr.pdf.

The U.S. investigation also calls attention to allegations by suspects that “various U.S. agencies were aware of or directly supported their actions.” Johnston, supra note 116; Abi-Habib, Haiti’s Leader Kept a List of Drug Traffickers. His Assassins Came for It, supra note 122 (reporting that “[i]n November, the Senate Judiciary Committee criticized the D.E.A. for corruption allegations that have swirled around its Haiti operations, citing a Times investigation in August linking Mr. Moïse’s head of palace security to the drug trade”); Press Release, Chuck Grassley Office, Judiciary Committee Leaders Press DEA On Lack Of Internal Oversight (Nov. 16, 2021), https://www.grassley.senate.gov/news/news-releases/judiciary-committee-leaders-press-dea-on-lack-of-internal-oversight.


enquete-sur-le-comportement-du-juge/; Haitian judge in Moise murder investigation quits as corruption accusations emerge, HAITIAN TIMES (Jan. 23, 2022), https://haitiantimes.com/2022/01/23/haitian-judge-in-moise-murder-investigation-quits-as-corruption-accusations-emerge/ (reporting that the Superior Council of the Judiciary opened an investigation into Judge Orélien in February based on a request from RNDDH “saying that the judge received USD $20,000 to lift a ban on leaving the country that had been issued against one person implicated in the murder. Orélien had also requested money from fugitives against whom Haitian authorities had issued arrest warrants.”); Haiti - News: Zapping, HAITI LIBRE (Apr. 12, 2022), https://www.haitilibre.com/en/news-36410-haiti-news-zapping.html (reporting that the administration allegedly blocked key information from inclusion in the DCP’s official report of the assassination, which contains only 20 percent of the relevant information).

181 See Assassination of Jovenel Moise, le nouveau juge d’instruction craint pour sa sécurité, supra note 104 (reporting that Judge Belarde, who was appointed to replace Judge Orélien, expressed fears for his safety and that of his family); Le ministre de la Justice promet les moyens nécessaires au juge Belarde, LE NOUVELLISTE (Mar. 13, 2022), https://lenouvelliste.com/article/234729/le-ministre-de-la-justice-promet-les-moyens-necessaires-au-juke-belarde; Geffrard, Assassinat de Jovenel Moïse : L’enquête toujours dans l’impasse. Le mandat du magistrat instructeur expire, supra note 107; Assassination of Jovenel Moise : the juge d’instruction, en fin de mandat, n’a encore ni des moyens ni le dossier, supra note 176.

182 See Newest Moise assassination case judge does not have docket, fears for safety, supra note 179.


186 See Geffrard, La FJKL plaide pour le respect systématique des droits des femmes Haïtiennes, supra note 8; UNGA, Summary of Stakeholders’ submissions on Haiti, supra note 185, at ¶ 32.

187 See Hernández & Schmidt, supra note 185; see also infra notes 324-26.


189 See UNGA, Summary of Stakeholders’ submissions on Haiti, supra note 185, at ¶ 40.


193 The Commission is the body behind the Montana Accord, and one of its leaders is a woman. See Commission for Haitian Solution to the Crisis: Notice for launching, HAITI WATCH (May 12, 2021), https://www.haitiwatch.org/home/commissionforhaitiansolution; Ives, MOLEGHAF se retire de l’accord de Montana, supra note 21.


195 Other programs to improve women’s participation are starting to take form in Haiti. See The Governance of the Spotlight Program in Haiti is Strengthening, HAITI LIBRE (Feb. 14, 2022), https://www.haitilibre.com/en/news-35498-haiti-politic-the-governance-of-the-spotlight-program-in-haiti-is-strengthening.html (the Spotlight Program, which is backed by multiple UN Agencies like UN Women and UN Development Programme, is intended to strengthen women’s participation and is part of a partnership with the UN and EU aims to eliminate violence against women across 51 municipalities in Haiti).

196 There are almost no women elected officials in Haiti, and only several appointed high officials. There are no female judges in Haiti’s highest court, Cour de Cassation, and no female senators or members of parliament – due at least in part to the fact that no elections have been held in Haiti since 2017. Henry has appointed only six women as Ministers, including two in 2022, and no women serve as Directors General of ministries. See Ministerial reshuffle, 8 New Ministers, HAITI LIBRE (25 November 2021), https://www.haitilibre.com/en/news-35323-haiti-flash-ministerial-reshuffle-8-new-ministers.html; Haiti – Politic: 10 new appointments to the Government (Jan. 12, 2022), https://www.haitilibre.com/en/news-35694-haiti-politic-10-new-appointments-to-the-government.html; UNGA, Compilation on Haiti, supra note 188, at ¶ 47.

197 See UNGA, Compilation on Haiti, supra note 188, at ¶ 47.


199 See SOFA, GJC & IJDH, supra note 185.

200 See Joseph, Genre : Les acquis du mouvement des femmes de plus en plus fragilisés en 2021 en Haïti, supra note 192 (reporting that “[t]he country's moribund economy considerably compromises the economic activities and purchasing power of Haitian women, particularly rural women. Generally living from subsistence farming, women traders and farmers are largely affected by the accelerated depreciation of the gourde.”); SOFA, GJC & IJDH, supra note 185 (reporting that “[r]ural women face financial insecurity, with rural female-headed households substantially poorer than male-headed households,” and discussing government land grabs of territory used for subsistence farming to establish free-trade zones used for the export of goods, to the financial benefit of politicians and wealthy businessmen); IJDH, Nègès Mawon & GJC, supra note 198 (reporting that “as increasing desertification (both due to logging and climate-driven changes to rainfall patterns) in Haiti has reduced the amount of farmable land and thus increased land competition, women’s predominance in small-scale farming for personal consumption and exclusion from larger, irrigated farming operations renders them more vulnerable even to small climate shifts, subject to competition-related violence, and less able to access resources that might increase their resilience.”).

201 For example, to this day, cohabitation is the most common type of union in Haiti; however, because cohabitation is not recognized in the Civil Code, women are not afforded certain rights, such as the right to inherit property after the death of a spouse. See Melissa Beralus, Le Concubinage ne Donne pas aux Femmes Haïtiennes le Droit d’hériter de Leur Conjoint, AYIBO POST (Dec. 29, 2021), https://ayibopost.com/le-concubinage-ne-donne-pas-aux-femmes-haitiennes-le-droit-d-heriter-de-leur-conjoint/.


203 See Joseph, Genre : Les acquis du mouvement des femmes de plus en plus fragilisés en 2021 en Haïti, supra note 192; IJDH, Nègès Mawon & GJC, supra note 198; UNGA, Summary of Stakeholders’ submissions on Haiti, supra note 185; Students protest against alleged sexual assault at Northern Department school, HAITIAN TIMES (Apr. 21, 2022), https://haitiantimes.com/2022/04/21/students-protest-against-alleged-sexual-assault-at-northern-department-
and specializes in children’s and reproductive care. Paralyzing medical care in the country.

 USART) COVID hospitals are still closed due to transportation or gang activities, making it sometimes impossible due to the cost of

UNGAs, Summary of Stakeholders’ submissions on Haiti, supra note 185, at ¶ 34; see also id. at ¶ 32 (reporting that the Departmental Initiative Against Child Trafficking in Haiti documented nearly 500 cases of sexual violence against women and girls in Saint-Marc and Croix-des-Bouquets between January 2018 and March 2021); Violence Against Women Prevalence Estimates, 2018, WORLD HEALTH ORGANIZATION (Mar. 9, 2021), https://www.who.int/publications/i/item/9789240022256 (the UN’s latest estimate from 2018 indicated that 23 percent of women who live with a partner are victims of intimate partner violence within their lifetimes); Haiti: Humanitarian Needs Overview (HNO) – Summary (2021), HUMANITARIAN RESPONSE (2021), https://www.humanitarianresponse.info/en/operations/haiti/document/haiti-humanitarian-needs-overview-summary-2021 (in its most recent report on the subject, the UN Office for the Coordination of Humanitarian Affairs found a

377 percent increase in reported GBV cases in 2021).

See IJDH, Nègès Mawon & GJC, supra note 198.


UNSC, United Nations Integrated Office in Haiti: Report of the Secretary-General, supra note 25, at ¶ 32; see also Cousins, supra note 184; see also supra note 43.

See Kri Fann Ayiti, supra note 50.

See Geffrard, La FJKL plaide pour le respect systématique des droits des femmes Haïtiennes, supra note 8; Global Protection Cluster, supra note 5, at 5 (a senior police officer in charge of the Coordination Nationale des Affaires Féminines (CNAF) noted that the “extremely weak” judicial and police responses to GBV are due to “the fact that survivors don’t report their cases because they fear retaliation upon their return to gang-controlled areas and because the police itself cannot access the most affected areas due to insecurity and lack of means.” The report additionally emphasizes that “police are not considered as entry point for SGBV survivors. Between June and December, officially zero cases of sexual violence were officially documented by... [CNAF].”). This is in contrast to the afore-mentioned high rates reported by other actors.

BAI has worked since 1995 in constitutional and international human rights law and grassroots solidarity to advance justice and protection of human rights in Haiti. IJDH works closely with BAI as its U.S.-based solidarity organization.

Cousins, supra note 184. Information provided by stakeholders before Haiti’s third UPR in January supports this. UNGA, Summary of Stakeholders’ submissions on Haiti, supra note 185, at ¶ 33; see also Global Protection Cluster, supra note 5.

See Cousins, supra note 184.

Global Protection Cluster, Haiti under Gang Control: The Uprising of Sexual Violence, supra note 57.

Jacqueline Charles, Readers help maternity hospital in Haiti reopen its doors with a new generator, MIAMI HERALD (Jan 20, 2022), https://www.miamiherald.com/news/nation-world/world/americas/haiti/article257544123.html; Global Protection Cluster, supra note 5 (reporting that hospital closures have “put the lives of hundreds of child-bearing women and new-born babies at risk…pregnant women were compelled to search for medical care further away, making it sometimes impossible due to the cost of transportation or gang activities”); Charles, Twelve days after one of their doctors was abducted, these Haiti hospitals are still closed, supra note 56 (reporting that “[t]wo hospitals in Haiti’s capital that specialize in the care of childhood cancer, COVID-19 and women with high-risk pregnancies remain closed more than a week after they suspended operations [on May 9] to demand the release of one of their doctors...to protest the violence that’s paralyzing medical care in the country.” St. Damien hospital – which sees approximately 80,000 patients per year and specializes in children’s and reproductive care); see also supra notes 56-57 and infra notes 283-84, 287.

See Charles, Doctors Without Borders forced to suspend Haiti medical care again due to gang violence, supra note 27.

Cousins, supra note 184.


Impacts on Maternal Health in Haiti, supra note 220.

See supra note 57.


See IJDH, Nègès Mawo & GJC, supra note 198.

See id.

See SOFA, GJC & IJDH, supra note 185.


See News Alert: Haitians Struggle to Meet Urgent Needs and Recover Six Months After Earthquake, MERCY CORPS (Feb. 14, 2022), https://www.mercycorps.org/press-room/releases/Haiti-6-month-earthquake (reporting that “six months after a devastating 7.2 magnitude earthquake struck Haiti, killing more than 2,248 people, damaging 140,000 buildings, and leaving 800,000 people in need of assistance, Haitians in the affected south west peninsula
are still struggling to recover and rebuild"); J.O. Haselhoef, In Haiti’s south, post-earthquake reconstruction efforts inch forward, HAITIAN TIMES (Apr. 13, 2022), https://haitiantimes.com/2022/04/13/haitian-reconstruction-slows/.


235 See Haiti - Social: Haiti in the TOP 10 of the least happy countries in the world, supra note 28.


238 See CARDH, Droits sociaux et économiques, supra note 229.

239 Décote de la gourde et explosion des coûts du fret maritime attisent la flambée des prix, supra note 238 (reporting that the price of rice has increased by over 36 percent since February 2021).

240 See Les prix de la farine s'envolent, des boulanger s'inquiètent, LE NOUVELLEISTE (Apr. 6, 2022), https://lenouvelliste.com/article/235100/les-prix-de-la-farine-senvolent-des-boulangers-sinquietent (reporting that the price of a 50 kilogram bag of flour increased by USD $10, from USD $29 to USD $39, from January to March 2022, with the price of wheat up by 70 percent).

241 See id. (reporting that the price of a 50 kilogram bag of sugar has gone up by USD $8, from USD $34 to USD $42).

242 See CARDH, Droits sociaux et économiques, supra note 229, at 15 (also reporting that in addition to food staples, clothing has increased drastically in price).

243 See infra section Workers’ rights violations.


246 CARDH, Droits sociaux et économiques, supra note 229, at 11.


The fuel shortage is particularly impactful in Haiti due to the lack of electricity in the country, which makes Haitians dependent on fuel for many basic life needs. See IJDH December 2021 Update, supra note 1.

249 See supra note 68.

250 See, e.g., Hernández & Schmidt, supra note 185; (reporting that women are increasingly fleeing Haiti because they are unable to provide for themselves or their children; ‘‘What we are witnessing is the feminization of migration,’’ said Romelinda Grullón of the Puerto Rico-based Center for the Dominican Woman, adding they have seen increasing numbers of women making the perilous journey alone. ‘The poor are getting poorer and they are desperate to liberate themselves from their situations.’’).


252 According to Dominique St-Eloi, coordinator of the National Central of Haitian Workers, this money is not even enough to cover breakfast and transportation to and from work for employees. Not being paid enough to eat has severe consequences beyond just hunger and malnutrition – many workers develop tuberculosis and stomach ulcers from eating so little. Most workers also have families to support, making their situation even more difficult. Milo Milfort, Un ouvrier qui travaille pendant 8 heures pour moins que 5 dollars, c’est un esclave rémunéré, Haiti Liberte (Mar. 16, 2022), https://haitiliberte.com/un-ouvrier-qui-travaille-pendant-8-heures-pour-moins-que-5-dollars-cest-un-esclave-remunere/; Onz Chéry, Caracol textile workers demand better pay, clash with police, during protests, HAITIAN TIMES (Jan. 31, 2022), https://haitiantimes.com/2022/01/31/caracol-textile-workers-demand-better-pay-clash-with-police-during-protests/.

See Factory workers strike for better wages in Port-au-Prince, want USD $14 daily, supra note 231; Sandra Wisner & Kristina Fried, Unfolding Haiti’s Garment Industry: Decades of Unaccountable Foreign Interference, OPINIO JURIS (Apr. 12, 2022), http://opiniojuris.org/2022/04/12/unfolding-haitis-garment-industry-decades-of-unaccountable-foreign-interference/ (reporting that protesters also demanded safer working conditions).

253 See Haiti hikes minimum wage by up to 54% following worker protests, CNN (Feb. 21, 2022), https://www.cnn.com/2022/02/21/business/haiti-minimum-wage-raise/index.html;--text=Haiti%20hikes%20minimum%20wage%20by%20up%20to%2054%25%20following%20worker%20protests,- Reuters&text=Haiti%20government%20on%20Monday%20hiked.the%20rising%20cost%20of%20living (reporting that the government raised wages in the garment sector by 37 percent and in all other sectors by 54 percent).


255 See Wisner & Fried, supra note 254; Alex Johnson, Strikes, protests engulf Haitian capital as workers demand higher wages, better conditions, WORLD SOCIALIST WEB SITE (Feb. 19, 2022), https://www.wsws.org/en/articles/2022/02/19/hait-f19.html.

256 RNDDH reported at least fifteen protesters injured by police during the protests. See Press Release, RNDDH, Call for a review of the minimum wage: the RNDDH supports the working class and condemns police brutality, supra note 112; see also supra note 123.

261 See Wisner & Fried, supra note 254.

262 Human rights org says half of Haiti lacks drinking water, HAITIAN TIMES (Mar. 23, 2022), https://haitiantimes.com/2022/03/23/human-rights-org-says-half-of-haiti-lacks-drinking-water/. See Haiti - News: Zapping, supra note 230. Some have reported this number as even higher: International Action for Human Rights reported in March that 54.8 percent of Haitians (approximately six million persons) lack access to drinking water. Human rights org says half of Haiti lacks drinking water, supra note 262.


264 See supra notes 47-48, 51.

265 See supra note 47.

266 See Beralus, La Guerre des gangs menace la disponibilité de l’eau à Port-au Prince, supra note 27.


268 The Haitian government and numerous international organizations, including several UN agencies, announced in 2022 the elimination of cholera in Haiti, over a decade after it was introduced by UN peacekeepers. See, e.g., BINUH, Statement of Special Representative Helen La Lime, supra note 52, at ¶ 14. The epidemic killed nearly 10,000 and infected nearly one million. Meanwhile, despite acknowledging its role in the outbreak, the UN has failed to compensate victims or improve water, sanitation and health infrastructure, as it promised to in 2016. See Victoria Klassen, Call for UN to help Haitians affected by cholera, QUEEN’S GAZETTE (Mar. 28, 2022), https://www.queensu.ca/gazette/stories/call-un-help-haitians-affected-cholera; Sandra Wisner, As the UN leaves Haiti, its victims still wait for justice, Al. JAZEERA (Oct. 15, 2019), https://www.aljazeera.com/opinions/2019/10/15/as-the-un-leaves-haiti-its-victims-still-wait-for-justice; see also infra section Failure of the international community to respect the rights of Haitians. Mining Justice Collective also blamed foreign mining companies for corrupting Haiti’s water supplies. Mining requires huge amounts of water and discharges chemicals into the groundwater, resulting in contamination and contributing to Haiti’s water crisis. 22 mars 2022, journée mondiale de l’eau : Plusieurs organisations sociales alertent sur une crise de l’eau en Haïti, supra note 264.


270 See 22 mars 2022, journée mondiale de l’eau : Plusieurs organisations sociales alertent sur une crise de l’eau en Haïti, supra note 264.

271 See Leah Quin, Protecting water and sanitation infrastructure in Haiti, PREVENTION WEB (Feb. 22, 2022), https://www.preventionweb.net/news/protecting-water-and-sanitation-infrastructure-haiti. Haitians are also increasingly vulnerable to other diseases which, while not water-borne, thrive in environments where access to clean water is limited. For example, in April, the Ministry of Public Health raised concern about the spread of a highly contagious skin infection, sarcoptosis. See Haiti – FLASH: A Health Form of highly contagious skin infection detected in several areas of the country, HAITI LIBRE (Apr. 16, 2022), https://www.haitilibre.com/en/news/36434-haiti-flash-aform-of-highly-contagious-skin-infection-detected-in-several-areas-of-the-country.html.


273 Geffrard, Haïti, 4,5 millions d’Haïtiens menacés par la faim, selon le PAM..., supra note 230; UN agencies warn of ‘unabated’ rise in hunger, supra note 27; La CNSA sonne l’alerter sur la situation de la sécurité alimentaire, LE NOUVELLISTE (Apr. 7, 2022), https://lenouvelliste.com/article/235069/la-cnsa-sonne-lalerter-sur-la-situation-de-la-securite-alimentaire. The situation is dire across Haiti, both in the south, which is still suffering from the 7.2
magnitude earthquake that hit in August 2021, and the north, which was hit by severe flooding in January. Experts are concerned that food riots, such as those that rocked the country in 2008, are imminent. See Geffrard, *Haïti, 4,5 millions d’Haïtiens menaces par la faim, selon le PAM...* supra note 230; *Des émeutes de la faim comme en 2008 sont imminentes, prévient l’économiste Enorny Germain*, LE NOUVELLEISTE (Apr. 6, 2022), https://lenouvelliste.com/article/235097/des-emeutes-de-la-faim-comme-en-2008-sont-imminentes-previent-leconomiste-enomy-germain.

275 Geffrard, *Haïti, 4,5 millions d’Haïtiens menaces par la faim, selon le PAM...* supra note 230.


278 See *UN agencies warn of ‘unabated’ rise in hunger*, supra note 27.

279 See *SOF, GJC & IDH*, supra note 185 (for example, in 2021, former President Moïse expropriated land that the government had designated “a priority area to promote food self-sufficiency” and gave it to Andre Apaid, a wealthy businessman, to farm stëvia for export, dispossessing hundreds of small-holder farmers of their land, livelihoods, and food).


281 See Michèle Duuvivier Pierre-Louis, *Haïtians Deserve a Rethink on International Aid*, AMERICAS QUARTERLY (May 3, 2022), https://www.americasquarterly.org/article/haitians-deserve-a-rethink-on-international-aid/#.YnKW5zgv9c.twitter; Wisner, *Starved for Justice*, supra note 11. Farmers have been protesting government expropriation – often heavily encouraged by international actors – of land used for subsistence farming, which has further destroyed Haiti’s agricultural sector. See *SOF, GJC & IDH*, supra note 185 (concluding that a government land grab in Savane Diane, which “was characterized by the violent taking of [land used for women’s agro-ecological training]…further impoverished women in the area, exposed them to multiple forms of violence, and aggravated climate vulnerability”); *SOF, SOFA protest note against the free trade zone project in Savane Diane*, HAITI WATCH (Feb. 22, 2021), https://www.haitiwatch.org/home/sofasavannediane-en; Wisner & Fried, supra note 254.


283 See *Les kidnappeurs frappent, rendent « ordinaire » la terreur*, supra note 63 (reporting that two hospitals, St. Damien and Saint Luc, closed on May 9, citing the kidnapping of pediatrician Benetey Augustin on May 5); Charles, *Twelve days after one of their doctors was abducted, these Haiti hospitals are still closed*, supra note 56.


285 Charles, *Doctors Without Borders forced to suspend Haiti medical care again due to gang violence*, supra note 27; see also *Haiti - Insecurity: Doctors Without Borders worried about the temporary closure of hospitals*, supra note 56.

See Charles, Readers help maternity hospital in Haiti reopen its doors with a new generator, supra note 216; Charles, Twelve days after one of their doctors was abducted, these Haiti hospitals are still closed, supra note 56.


See id.


See iciHaiti – Health: The OPC deeply concerned about the strike in the country’s hospitals, ICI HAÏTI (Mar. 26, 2022), https://www.icihaiti.com/en/news-36268-icihaiti-health-the-opc-deeply-concerned-about-the-strike-in-the-country-s-hospitals.html (reporting that the OPC is concerned that the strikes have “harmful consequences on the population, the sick, particularly those infected and affected by HIV/AIDS who constitute a very vulnerable category requiring medical care on a daily basis” and urges authorities to come to an agreement with medical personnel); Emmanuel Marino Bruno, Santé : L’Opè souhaite la reprise des activités dans les centres hospitaliers publics en Haïti, ALTERPRESSE (Mar. 25, 2022), https://www.alterpresse.org/spip.php?article28125.

See Charles, Doctors Without Borders forced to suspend Haiti medical care again due to gang violence, supra note 27; see also supra notes 55-61.


301 See UNICEF: 300,000+ children in Haiti still have no school buildings to attend, supra note 232 (reporting that “[m]ore than 1,000 schools in Haiti’s Sud, Grand’Anse and Nippes departments are yet to be rebuilt, six months after the Aug. 14 earthquake...[a]n estimated 320,000 children are left to study in environments that are not conducive to learning”).

302 En Haïti, l’avenir des enfants est menacé par les gangs, selon l’Unicef, supra note 62.


309 See David Goodhue, 179 Haitian migrants stopped in overloaded sailboat off the Bahamas, MIAMI HERALD (Mar. 1, 2022), https://www.miamiherald.com/article/258926243.html (reporting that the U.S. Coast Guard intercepted an overloaded boat with 179 Haitian migrants in the Bahamas on Feb. 27); Migration : Plus de 150 migrants d’Haïti interceptés au large de la Floride, ALTERPRESSE (Mar. 7, 2022), https://www.alterpresse.org/spip.php?article28056 (reporting that the U.S. Coast Guard intercepted over 150 Haitian migrants off the Florida Keys on March 6, calling it a “human smuggling event”); Sam Bojarski, More than 300 Haitians face deportation after reaching Florida by boat, HAITIAN TIMES (Mar. 8, 2022), https://haitiantimes.com/2022/03/08/more-than-300-haitians-face-deportation-after-reaching-florida-by-boat/ (reporting that 356 Haitian migrants landed in the Florida Keys on March 6, and immediately faced deportation); Tim Craig, As Haitian migration routes change, compassion is tested in Florida Keys, WASHINGTON POST (Apr. 9, 2022), https://www.washingtonpost.com/nation/2022/04/09/florida-keys-haitian-immigration/?emci=a8ca2018-
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197c2fdeee6e5974d70d05569c1a89c8 (Oct. 14, 2021),
A (reporting that as of May 25, the Biden administration had expelled over 25,000 Haitians from th-
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Die On Overloaded Week-Long Boat Voyage to Puerto Rico, ST. KITTS NEVIS OBSERVER (Mar. 10, 2022),
https://www.thestkittsnevisobserver.com/haiti-9-migrant-babies-die-on-overloaded-week-long-boat-voyage-to-
puerto-rico/ (reporting that nine Haitian babies died on an overloaded boat carrying Haitian migrants to Puerto Rico
in late February); José A. Iglesias, It’s risky to go, but even riskier to stay: Why Haitians are fleeing in deadly
where Haitian refugees who arrive in the U.S. on boats end up, MIAMI HERALD (May 24, 2022),
As desperate Haitians take to the sea, they turn to Vodou to help guide their journeys, MIAMI HERALD (May 24, 
& Schmidt, supra note 185 (reporting that eleven women died on a boat carrying Haitian migrants near Puerto Rico).
310 Adam Isacson, Weekly U.S.-Mexico Border Update: Title 42 ruling, family “self-separations,” more drownings,
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311 See Charles & Maxineau, supra note 7; Adam Isacson, A tragic milestone, 20,000th migrant deported to Haiti
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312 See, e.g., Tucker & Saintil, supra note 7; Syra Ortiz-Blanes, Mexican government’s response to Haitian migrant
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Mexican and U.S. immigration policies toward Haitian migrants “reinforced a preconceived view of Haitians as
unworthy of refuge”); Adelson, supra note 7.
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https://haiti.iom.int/sites/g/files/tmzbdl1091/files/documents/factsheet-migrant-returns-and-reception-assistance-in-
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Humanitarian, Security Crisis Makes Deportations Unsafe, supra note 2 (Human Rights Watch reported that from 
January 2021 to February 2022, 25,765 Haitians were returned to Haiti); Isacson, Weekly U.S.-Mexico Border
Update: Title 42 ruling, family “self-separations,” more drownings, Haiti expulsion flights, supra note 310 (reporting 
that as of May 25, the Biden administration had expelled over 25,000 Haitians from the United States
since January 2021).
314 See Sibylla Brodzinsky, Refugees and migrants brave jungle wilderness in search of safety, UN REFUGEE
wilderness-search-safety.html; Eva Vergara, In Chile, Haitians grow weary of waiting, eye journey to US, AP NEWS
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note 310 (reporting an increase in expulsion flights from the United States since February 2022).
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advocates, and others in the Biden administration have stated that there is no public health basis for the continued 
use of Title 42, and that the policy’s continued use is racist and illegal. See Jaya Ramji-Nogales, How an Internal
State Department Memo Exposes “Title 42” Expulsions of Refugees as Violations of Law, JUST SECURITY (Oct. 5, 
refugees-as-violations-of-law/; As CDC Eases Mask Guidance, It Must End the Misuse of Title 42, CENTER FOR
GENDER AND REFUGEE STUDIES (Feb. 25, 2022), https://cgrs.uchastings.edu/news/cdc-eases-mask-guidance-it-must-
end-misuse-title-42; Alison Durkee, Fauci Saus Immigrants Are “Absolutely Not” Driving Covid-19 Surge: “Let’s
women who were more than six months pregnant.


This comes after the Dominican government’s announcement in September 2021 that it would no longer accept women who were more than six months pregnant. Les Femmes Haïtiennes Enceintes, Nouvelle Cible de predilection
de l’Immigration Dominicaine, supra note 318. Pregnant Haitian women in the Dominican Republic continue to be at risk in other ways, as well – Haitian women represent 56 percent of all maternal deaths in the Dominican Republic in 2022. See supra note 224.

321 Amnesty International et al., supra note 208 (reporting that “[m]any expelled Haitians have disembarked US deportation flights sick, handcuffed, hungry, traumatized, and disoriented only to find themselves in a ‘humanitarian nightmare,’ including widespread gang violence, an ongoing political crisis following assassination of Haiti’s President Jovenel Moïse, food insecurity, a health system ‘on the brink of collapse,’ devastation following a recent earthquake, and at risk for Covid-19 in a country where vaccination rates are reportedly around 0.4%’”); see also Haitians Being Returned to a Country in Chaos: Humanitarian, Security Crisis Makes Deportations Unsafe, supra note 2.


324 See Hernández & Schmidt, supra note 185.

325 See id.


327 Decades of foreign-imposed debt and problematic aid policies have eroded Haiti’s development capacities and laid the foundation for the economic, political, and insecurity crises. The same factors also made it highly aid-dependent. See Catherine Porter et al., supra note 11; Wisner, Starved for Justice, supra note 11; Jake Johnston, Who decides who runs Haiti?, MONDE DIPLO (May 23, 2022), https://mondediplo.com/2022/02/06haiti.


330 See Wisner, Starved for Justice, supra note 11.

331 See Catherine Porter et al., supra note 11; Wisner, Starved for Justice, supra note 11.

332 See Carrie Kahn & Jeffrey Pierre, A 'Lost Decade': Haiti Still Struggles To Recover 10 Years After Massive Earthquake, NPR (Jan. 12, 2020), https://www.npr.org/2020/01/12/794298546/a-lost-decade-haiti-still-struggles-to-recover-10-years-after-massive-earthquake; see also Johnston, Who decides who runs Haiti?, supra note 327 (reporting that only three percent of post-earthquake aid went to Haitians, while “[m]ore than half [of U.S. post-earthquake aid] went to a handful of companies located inside the Beltway, in Washington DC, Maryland and Virginia. Thousands of Westerners now live off ‘aid’ of which Haiti sees very little.”); K. Jessica Hsu and Mark Sattler & Alexander, Haiti’s Earthquakes Require a Haitian Solution, NORTH AMERICAN CONGRESS ON LATIN AMERICA (Aug. 16, 2021), https://nacla.org/news/2021/08/16/haiti-earthquakes-solution (calling out root problems of NGOs’ responses to the 2010 earthquake, like ignoring Haitian capacity and local priorities, and suggesting how many of these problems still need addressing in the international community’s response to disasters); Ground Truth Solutions, Trust must be earned: Perceptions of aid in Haiti, supra note 235; Sattler & Alexander, supra note 235; Pierre-Louis, Haitians Deserve a Rethink on International Aid, supra note 281 (reporting that “[a] 2019 study by USAID makes clear how Haiti’s small farmers are not included in traditional financial and economic mechanisms that might lead to their growth…”Farmers, on the other hand, are left with very few options besides obtaining loans from the microfinance sector at high interest rates or advances from market intermediaries and processors.”); Meetings Coverage, UNSC, Amid Fraught Situation in Haiti, Foreign Minister, Briefing Security Council, Urges Adjusting Mission Mandate to Bolster Rule of Law Institutions, SC/14652 (Oct. 4, 2021), https://www.un.org/press/en/2021/sc14652_doc.htm (in a briefing to the UNSC, Emmanuela Douyon, Executive Director of POLICITÉ referred to previous development assistance as “crumbs of humanitarian aid that only acts as
a Band-Aid,” and emphasized the need for aid that goes through “capable local civil society groups to ensure efficiency and accountability”).


335 See Fried, supra note 11; Clesca, Haiti’s Fight for Democracy, Why the County Must Rebuild Before It Votes, supra note 14; Clesca, My Group Can Save Haiti, Biden Is Standing in Our Way, supra note 22; Chéry, Activists: We’re fed up with international calls for Haitian-led political accord, supra note 11; US Hands Off Haiti’s Democracy – A unified advocacy campaign for Haiti – April 21- May 18, 2022, supra note 19; Abi-Habib & Kitroeff, supra note 22; Ellsworth, Seven U.S. members of Congress call on Biden to withdraw support for Haiti’s Henry, supra note 22; Gefrard, Sheila Cherfilus McCormick insiste pour que l’administration Biden retire son soutien au Dr. Ariel Henry, supra note 22; Gefrard, Daniel Foote: « Ariel Henry doit démissionner immédiatement s’il veut du bien pour son pays et faciliter une sortie de crise en Haïti », supra note 20; Gefrard, Andy Levin: « L’Accord de Montana est la bonne décision pour Haïti », supra note 22.


337 Consolidated Appropriations Act, 2022, supra note 174.

338 Id. at Sec. 7045(c); see also Jacqueline Charles, A new spending bill approved by Biden also has language on Haiti policy, MIAMI HERALD (Mar. 17, 2022) https://www.miamiherald.com/news/nation-world/world/americas/haiti/article259467899.html.


340 See Filippova, With New Global Frailty Act, US Must Avoid Past Mistakes and Let Haitians Control Their Own Democracy, supra note 339 (concluding that “the strategy seems to indicate that the U.S. government is
explicitly recognizing Haitians as effective partners in reclaiming their democracy and promoting a stable and peaceful society even as they face serious challenges…. But whether the U.S. government actually treats Haitians as empowered partners and transforms its policy in line with the GFA’s laudable parameters remains to be seen.”).

341 See Klassen, supra note 269; Wisner, As the UN leaves Haiti, its victims still wait for justice, supra note 269.

342 Despite over a decade of advocacy by the Haitian and international communities on behalf of SEA victims and their children, most of them have yet to see justice or reparations, and the UN has failed to address the chronic impunity for peacekeeper perpetrators of SEA. See generally Carla King et al., ‘MINUSTAH is doing positive things just as they do negative things’: nuanced perceptions of a UN peacekeeping operation amidst peacekeeper-perpetrated sexual exploitation and abuse in Haiti, 21 CONFLICT, SECURITY & DEVELOPMENT 749 (2021), https://www.tandfonline.com/doi/pdf/10.1080/14678802.2021.1997453?needAccess=true; see also 265 Children Abandoned by their Fathers, UN Peacekeepers, HAITI LIBERTE (Jan. 5, 2022), https://haitiliberte.com/265-enfants-abandonnes-par-leurs-peres-les-casques-bleus-de-lonu/.


345 See BINUH, Statement of Special Representative Helen La Lime, supra note 52 (statements by UN Special Representative to Haiti Helen La Lime in February reveal the UN’s failure to recognize and center Haitian civil society perspectives, in lieu of persistent support for de facto Prime Minister Henry). The UN has also displayed a lack of transparency around BINUH’s mandate renewal, failing to publicize an assessment of its mission that was due in mid-April. Haiti: Briefing on the UN Integrated Office in Haiti (BINUH), SECURITY COUNCIL REPORT (Feb. 17, 2022), https://www.securitycouncilreport.org/whatsinblue/2022/02/haiti-briefing-on-the-un-integrated-office-in-haiti.php. The last BINUH official to criticize the regime’s corruption and repression, Ambassador Susan D. Page, the head of the MINUJUSTH mission, was removed from her post after President Moise complained, and received no public support from the U.S. Catherine Porter & Natalie Kitroeff, ‘It’s Terror’: In Haiti, Gangs Gain Power as Security Vacuum Grows, NY TIMES (Oct. 21, 2021), https://www.nytimes.com/2021/10/21/world/americas/haiti-gangs-kidnapping.html.

346 See Meetings Coverage, UNSC, supra note 333 (in a briefing to the UNSC, Emmanuela Douyon emphasized that “BINUH must not be seen ‘as picking political winners’; it must work with civil society to promote dialogue, reforms, accountability and reduce gang violence.”).