

## Republic of Haiti

République d'Haïti (French); Repiblik Ayiti (Haitian Creole)



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### I. Background

The poorest country of the Americas, with the lowest [Human Development Index](#) score, Haiti has a long and troubled history. Born out of a rebellion of slaves against the French colonial rule, Haiti became independent in 1804, the first independent Caribbean state and the world's first black-led republic.

A long history of poverty, mismanagement, environmental degradation, vulnerability to natural catastrophes, violence, political instability, long and frequent dictatorships, and tense relations with neighboring Dominican Republic, with which Haiti shares the island of Hispaniola, make it an extremely challenging environment for the realization of human rights.

In 2014, the UN Independent Expert on the Situation of Human Rights in Haiti, identified five main problems that contribute to the commission of human rights violations in Haiti: a) social inequality, as a result of which much of the population lacks resources and has no access to economic, social and cultural rights; b) plight of detainees, particularly the problem of prolonged pre-trial detention; c) weakness of the rule of law; d) human rights violations committed in the past; and e) the impact on human rights of the natural disasters that hit Haiti.<sup>1</sup>

From 1957 to 1986, Haiti was governed under a personal and authoritarian regime by the Duvalier family. The Duvaliers ruled through a machinery of terror, whose main agents were called the tontons macoutes (“bogeymen”), a presidential bodyguard armed with sugar-hacking machetes. François Duvalier, a physician (a.k.a. Papa Doc), became President in 1957 and declared himself President for life in 1964. When he died in 1971, power was passed on to his son, 19-year old Jean-Claude Duvalier (a.k.a. Bèbé Doc), who ruled until 1986.

In 1986, protests against "Bèbé Doc" led him to seek exile in France. Army leader General Henri Namphy headed a new National Governing Council. General elections were aborted after dozens of inhabitants were shot in the capital by soldiers and tontons macoutes. Fraudulent elections followed. The elected President, Leslie Manigat, was overthrown some months later in a coup d'état. The coup d'état revealed the increasing prominence of former tontons macoutes in the state apparatus. General Prosper Avril led a military regime until March 1990.

In December 1990, a former Catholic priest, Jean-Bertrand Aristide, was elected President. After just a few months in power, in September 1991, Aristide was overthrown by the military, and sought refuge first in Venezuela and then in the United States. This started a new period of massive and widespread human rights violations, where thousands lost their lives, and led to a surge in refugees to other Caribbean nations — particularly neighboring Dominican Republic— and the United States. In 1994, the United States negotiated the departure of Haiti's military leaders and the peaceful entry of US forces under Operation Uphold Democracy, a military operation authorized by UN Security Council Resolution 940. This enabled the restoration of Aristide as president. In October 1994, Aristide returned to Haiti to complete his term in office.

In the 1995 election, René Préval was elected as president for a five-year term, winning 88% of the popular vote. Yet, the November 2000 election gave the presidency back to Aristide with an overwhelming 92% of the vote. The election had been boycotted by the opposition, now organized into the Convergence Démocratique, over a dispute on previous legislative elections.

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<sup>1</sup> Report of the independent expert on the situation of human rights in Haiti, Gustavo Gallón, [A/HRC/25/71](#), 7 February 2014, p. 3 and ff.

Subsequent years saw again increasing violence and human rights abuses, mostly fuelled by Aristide supporters. In March 2002, President Aristide appointed Yvon Neptune, a Senator, Prime Minister.<sup>2</sup> Human rights abuses continued, and human rights defenders came under constant harassment.<sup>3</sup> In January 2004, celebrations of the bicentennial of Haiti's independence precipitated an uprising in the town of Gonaïves, in the north, which quickly spread to other cities and the capital, Port-Au-Prince. Riots rocked the island and massacres took place. In March, Neptune resigned and Aristide was forced into exile, first to the Central African Republic and then South Africa. Neptune was arrested and incarcerated on the accusation of having ordered some of the massacres. The United Nations dispatched peacekeepers, with Brazil providing the largest contingent, to ensure peace and security (MINUSTAH). Peacekeepers have been in the island since then.

Between 2004 and 2005, a series of hurricanes and tropical storms killed thousands, devastating Haiti's fragile infrastructure. In February 2006, the first general elections since former President Aristide was overthrown, took place. After considerable controversy over spoiled ballots, René Préval was installed as President and, shortly thereafter, Jacques-Edouard Alexis as Prime Minister.

The country remained highly volatile. Between 2006 and 2008, the United Nations tried to tame the rampant violence in the country and disarm criminal gangs, both through the use of force and by buying back weapons. In April 2008, food riots exploded. The government announced an emergency plan to cut the price of rice in bid to halt unrest, while the Parliament dismissed Prime Minister Alexis. Later in that year, a new series of hurricanes pummeled the island.

On 12 January 2010, Haiti was struck by a magnitude-7.0 earthquake, the most severe earthquake to strike the region in over 200 years, devastating most of the nation's capital Port-Au-Prince, and leaving tens of thousands of people dead and up to 1.6 million homeless, out of about 10 million total population. To date, the country has not yet recovered from the disaster. In the aftermath, an epidemic of cholera killed at least 8,200 Haitians and hospitalized hundreds of thousands more while spreading to neighboring countries. Although it is suspected the epidemic might have been started by untreated run off from a UN compound, it was never conclusively proven.

General elections planned for January 2010, were postponed due to the earthquake. Eventually, they took place in November 2010, amidst protests. The run-off between Michel Martelly and Mirlande Manigat took place in March 2011, with Michel Martelly — the son of an oil company executive, educated at a prestigious Catholic school in Port-Au-Prince and colleges in the U.S., and a popular Haitian musician — being declared the President.

### **More information**

For information on the state history, people, government, economy, geography, communications, transportation, and military, see [Central Intelligence Agency World Factbook](#).

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<sup>2</sup> See [Yvon Neptune v. Haiti, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 180, ¶ 5 \(May 6, 2008\)](#).

<sup>3</sup> See [Fleury v. Haiti, Merits and Reparations, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 236, ¶ 31 \(Nov. 23, 2011\)](#).

For information about Human Rights, including all relevant treaties and legal documents, see [Office of the High Commissioner for Human Rights](#).

For a state profile, including crucial facts, historical timeline, information on leaders and media, see [British Broadcasting Corporation – BBC](#).

## **II. Relevant Legal Events**

**MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: AUGUST 21, 1950**

**RATIFIED AMERICAN CONVENTION: SEPTEMBER 14, 1977**

(From <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

By way of an instrument dated September 14, 1977, the President of this State, in accordance with Article 93 of its national constitution, ratified the American Convention on Human Rights, promising that it would be strictly observed.

**ACCEPTED JURISDICTION OF THE IA COMMISSION FOR “INTERSTATE COMMUNICATIONS” (ART. 45): SEPTEMBER 27, 1977**

**ACCEPTED JURISDICTION OF IACHR (ART. 62): MARCH 20, 1998**

### Recognition of Competence

Having seen the Constitution of the Republic of 1987; and

Having seen the law dated August 18, 1979, whereby the Republic of Haiti ratified the American Convention on Human Rights.

Hereby declare that we recognize as binding, *ipso facto*, and not requiring special agreement, the jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the Convention. This declaration has been issued for presentation to the General Secretariat of the Organization of American States, which shall transmit copies thereof to the other member states of the Organization and to the Secretary of the Court, pursuant to Article 62 of the Convention.

Attached to the present declaration is the law of August 18, 1979, whereby the Republic of Haiti ratified the American Convention on Human Rights, which was promulgated in the Official Journal of the Republic.

Done in the National Palace, in Port-au-Prince, on March 3, 1998, the 195th year of independence.

**PROTOCOL OF SAN SALVADOR: SIGNED ON NOVEMBER 17, 1988; NOT RATIFIED YET.**

**INTER-AMERICAN CONVENTION TO PREVENT AND PUNISH TORTURE: SIGNED ON JUNE 13, 1986; NOT RATIFIED YET.**

**PROTOCOL TO ABOLISH THE DEATH PENALTY: NEITHER SIGNED NOR RATIFIED.**

**INTER-AMERICAN CONVENTION ON THE PREVENTION, PUNISHMENT AND ERADICATION OF VIOLENCE AGAINST WOMEN “CONVENTION OF BELEM DO PARA”:** RATIFIED ON APRIL 7, 1997.

**INTER-AMERICAN CONVENTION ON FORCED DISAPPEARANCE OF PERSONS:** NEITHER SIGNED NOR RATIFIED.

**INTER-AMERICAN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES:** RATIFIED ON MAY 29, 2009.

**INTER-AMERICAN CONVENTION AGAINST ALL FORMS OF DISCRIMINATION AND INTOLERANCE:** SIGNED ON JUNE 25, 2014; NOT RATIFIED YET.

**INTER-AMERICAN CONVENTION AGAINST RACISM, RACIAL DISCRIMINATION, AND RELATED FORMS OF INTOLERANCE:** SIGNED ON JUNE 25, 2014; NOT RATIFIED YET.

### **III. DECISIONS, JUDGMENTS AND ORDERS**

#### **A. CASES**

##### **i. Case of Yvon Neptune v. Haiti**

*Mr. Yvon Neptune was a high-level politician and former Prime Minister, who was accused of ordering and participating in a massacre. On June 27, 2004, as a result of these allegations, Mr. Neptune was wrongly incarcerated, inhumanely treated while in detention, and denied a fair trial. The Court found that the State violated the American Convention on Human Rights.*

**Key Words:** *Access to Legal Procedures; Arbitrary Arrest and Detention; Compensation and Remedies (Right to); Due Process Rights; Judicial Protection (Right to); Participation in Government (Right to); Politicians; Prison and Detention Conditions*

#### Merits, Reparations and Costs

Judgment of May 6, 2008. Series C No. 180

#### Monitoring Compliance with Judgment

[None]

##### **ii. Case of Lysias Fleury et al. v. Haiti**

*On June 24, 2002, Mr. Lysias Fleury, a human rights defender, was accused of stealing a water pump by authorities. Mr. Fleury denied the accusation and invited the agents to search his home. Instead, the policemen arrested Mr. Fleury without a warrant. The Court found that the State violated the American Convention on Human Rights.*

**Key Words:** *Access to Legal Procedures; Arbitrary Arrest and Detention; Human Rights Activists; Due Process Rights; Judicial Protection (Right to); Freedom from Torture and Other Cruel, Inhumane, and Degrading Treatment*

#### Merits and Reparations

Judgment of November 23, 2011. Series C No. 236

#### Monitoring Compliance with Judgment

[None]

#### **B. PROVISIONAL MEASURES (ART 63.2)**

- 1) Matter of A.J. et al. regarding Haiti [August 24, 2009] (Available only in Spanish)
- 2) Matter of A.J. et al. regarding Haiti [September 21, 2009]
- 3) Matter of A.J. et al. regarding Haiti [February 22, 2011]