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# Haiti Under President Martelly: Current Conditions and Congressional Concerns

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## Summary

Haiti shares the island of Hispaniola with the Dominican Republic. Since the fall of the Duvalier dictatorship in 1986, Haiti has struggled to overcome its centuries-long legacy of authoritarianism, extreme poverty, and underdevelopment. Economic and social stability improved considerably, and many analysts believed Haiti was turning a corner toward sustainable development when it was set back by a massive earthquake in January 2010 that devastated much of the capital of Port-au-Prince. Although it is recovering, poverty remains massive and deep, and economic disparity is wide: Haiti remains the poorest country in the Western Hemisphere.

Throughout President Michel Martelly's five-year term, Haiti has found itself in a prolonged political crisis due to the government's failure to hold a series of elections that were long overdue. The government failed to hold elections by the end of 2012, leaving the Senate without one-third of its members. Thousands of Haitians took to the streets to protest the lack of elections. When the terms for another third of the Senate as well as the entire 99-seat Chamber of Deputies expired on January 12, the legislature was immediately dissolved, and Martelly began ruling by decree. A new Provisional Electoral Council (CEP) organized legislative elections in August, which were marred by violence, and runoff legislative, presidential, and local elections in October 2015. Some presidential candidates have led protests alleging fraud but have failed to file legal complaints. Runoff presidential elections scheduled for December 27 have been postponed while an independent commission makes recommendations. No new date has been set.

Haiti is a key foreign assistance priority for the Obama Administration in Latin American and the Caribbean. Haiti's developmental needs and priorities are many. The Haitian government and the international donor community are implementing a 10-year recovery plan focusing on territorial, economic, social, and institutional rebuilding. An outbreak of cholera in late 2010 has swept across most of the country and further complicated assistance efforts. Progress has been made in developing democratic institutions, although, as evident in the current crisis, they remain weak.

The United Nations Stabilization Mission in Haiti (MINUSTAH) has been in Haiti to help restore order since 2004. The mission has helped facilitate elections, combated gangs and drug trafficking with the Haitian National Police, and responded to natural disasters. MINUSTAH has been criticized because of sexual abuse by some of its forces and scientific findings that its troops apparently introduced cholera to the country. The U.N. says it will not compensate cholera victims, citing diplomatic immunity. As of June 30, 2015, MINUSTAH had decreased its military troops from 5,021 to 2,338, leaving peacekeeping troops in only 4 of Haiti's 10 departments. The Haitian National Police had primary responsibility for election security.

The Dominican Republic ended its "immigrant regularization" process in June 2015. Since then tens of thousands of Dominican-born people of Haitian descent have relocated to Haiti, some out of fear of or intimidation by Dominican communities or authorities, increasing bilateral tensions.

The main priorities for U.S. policy regarding Haiti are to strengthen fragile democratic processes, continue to improve security, and promote economic development. Other concerns include the cost and effectiveness of U.S. aid; protecting human rights; combating narcotics, arms, and human trafficking; and alleviating poverty. Congress shares these concerns. The immediate priorities are that free and fair elections be held as quickly as possible and a new administration takes office, with hopes that that will reduce political tensions and instability.

Current legislation related to Haiti includes P.L. 114-113, P.L. 113-76, P.L. 113-162, P.L. 113-235, H.R. 52, H.R. 1295, H.R. 1891, H.Res. 25, S. 503, S. 1009, and S. 1267.

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Figure I. Map of Haiti



Source: Map Resources. Adapted by CRS.

## Political Background

Haiti shares the island of Hispaniola with the Dominican Republic; Haiti occupies the western third of the island. Since the fall of the Duvalier dictatorship in 1986, Haiti has struggled to overcome its centuries-long legacy of authoritarianism, extreme poverty, and underdevelopment. While significant progress has been made in improving governance, democratic institutions remain weak. Poverty remains massive and deep, and economic disparity is wide. In proximity to the United States, and with such a chronically unstable political environment and fragile economy, Haiti has been a constant policy issue for the United States. The U.S. Congress views the stability of the nation with great concern and has evidenced a commitment to improving conditions there.

## Haitian Democratic History in Brief

Haiti has been struggling to build and strengthen democratic institutions for 25 years, ever since massive popular protests and international pressure forced dictator Jean-Claude Duvalier to abandon his rule and flee the country in 1986. Known as “Baby Doc,” Duvalier came to power in 1971, succeeding his father, Francois “Papa Doc” Duvalier, who had ruled since 1957. Their 29-year dictatorship was marked by repression and corruption. Hoping to reverse almost 200 years of mostly violent and authoritarian rule, Haitians overwhelmingly approved a new constitution creating a democratic government in 1987.

De facto military rule, coups, and thwarted attempts at democratic elections continued until a provisional civilian government conducted what were widely heralded as Haiti's first free and fair elections in 1990, in which Jean-Bertrand Aristide, a former Catholic priest, was elected president. In 1991, the Haitian military overthrew Aristide in a coup, just eight months after he was inaugurated. Aristide went into exile in the United States. Three years later, under the threat of a U.S. military intervention, the military finally bowed to international pressure and allowed Aristide to finish his term. Aristide returned to Haiti in 1994 under the protection of some 20,000 U.S. troops, who transferred responsibility to a United Nations mission in 1995. With U.S. assistance, President Aristide disbanded the army and began to train a professional civilian police force.

In 1996 Haitians saw their first transfer of power between two democratically elected presidents in Haitian history when Aristide was succeeded by René Préval.<sup>1</sup> Five years later, in 2001, Aristide was reelected, and there was another peaceful transfer of power. Political conflict embroiled Aristide and the opposition, however, and led to the collapse of his government in 2004, and Aristide again went into exile, eventually ending up in South Africa. An interim government followed, from 2004 to 2006. Charges of corruption against Aristide, dissolution of the parliament by Préval in his first term, questions regarding the interim government's legitimacy, and flawed elections under all of them contributed to their inability to establish a fully accepted or functioning government. Nonetheless, with the support of the United Nations Stabilization Mission for Haiti (MINUSTAH)—which arrived in Haiti in 2004—and other donors, security conditions improved, reform of the country's police force began, and elections were held in 2006.

As a result of those elections the Parliament, which had not been fully functional since the collapse of the Aristide government in 2004, was reestablished, and René Préval began his second five-year term as president of Haiti. During his first three years in office, Préval established relative internal political stability and oversaw a period of economic growth. In 2007, the Préval Administration published its Poverty Reduction Strategy, a key step in meeting International Monetary Fund (IMF) requirements for debt relief. International donors pledged more than \$1.5 billion in economic assistance to Haiti.

In the long term, democratization in Haiti has contributed to the slow strengthening of government capacity and transparency. From 2004 to 2009, Haiti made what the IMF and others called "remarkable progress" toward political stability and economic stabilization.<sup>2</sup> With much international support, the government conducted democratic presidential and parliamentary elections and enacted wide-ranging reforms, especially in economic governance. Elected governments have developed long-term development plans resulting in international technical and financial assistance. They have developed national budgets and made them public. The number of employees in bloated state enterprises has been reduced. The government carried out the fiscal management and transparency reforms necessary to qualify for debt relief from multilateral and some bilateral creditors under the Enhanced Heavily Indebted Poor Countries Initiative in 2009.

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<sup>1</sup> Jean Bertrand Aristide served as president in Haiti from February through September 1991; 1994-1996; and 2001-2004. René Préval served as president from 1996-2001; and 2006-2011. The Haitian constitution limits presidents to two nonconsecutive terms.

<sup>2</sup> Ugo Fasano, "Haiti's Economic, Political Turnaround," IMF Survey Magazine: Countries & Regions, September 17, 2007; and World Bank, "Haiti Country Brief," September 2008, at <http://go.worldbank.org/55NM6XIVQ0>. See also, "Remarks by United Nations Secretary-General Ban Ki-Moon at a High-Level Donor Conference on Haiti (as released by the UN)," and "Statement by Ambassador Susan E. Rice, United States Permanent Representative to the United Nations, in the U.N. Security Council (as Released by the US Mission to the U.N. in New York)," Federal News Service, April 21, 2009.

Human rights violations have been drastically reduced. Although crime and violence continued to undermine Haitian development, security improved significantly enough during this period that the United Nations Stabilization Mission in Haiti (MINUSTAH) was shifting the focus of its biggest contingent from security to development.<sup>3</sup>

Haiti's fragile stability has been repeatedly shaken, however, if not by political problems, then by climatic ones. During this same period of relative stability, a worsening food crisis led to violent protests and the removal of Haiti's prime minister in 2008. U.N. officials said political opponents and armed gangs infiltrated the protests and fired at U.N. peacekeepers in an effort to weaken the government. Without a prime minister, Haiti could not sign certain agreements with foreign donors or implement programs to address the crisis for over four months. There were some 19 political parties in the legislature competing for influence and positioning themselves for legislative and presidential elections, further complicating governability.

And then a devastating earthquake struck the nation in January 2010, ravaging the Haitian capital of Port-au-Prince and surrounding areas.<sup>4</sup> Political stability was especially uncertain after the disaster, due to the loss of many political figures and government officials and massive damage to government infrastructure. Some 17% of the country's civil service employees were killed, and the presidential palace, the parliament building, and 28 of 29 ministry buildings were destroyed.<sup>5</sup> Along with the buildings, government records were destroyed; reestablishing and expanding transparency in government spending has been particularly challenging.

After yet another controversial election cycle, Peasant Response party candidate Michel Martelly, one of Haiti's most popular entertainers, was sworn into office as Haiti's new president on May 14, 2011, for a five-year term. When outgoing President René Prével, of the Unity party, gave him the presidential sash it was the first time in Haitian history that a peaceful, democratic transfer of power occurred between presidents of opposing parties. Much of his term to date has been characterized by gridlock between the executive and legislative branches.

There is still much to be accomplished in the democratization of Haiti. Some parts of the government are not fully independent, the judicial system is weak, and corruption and political violence still threaten the nation's stability. Haitian governance capacities, already limited, were considerably diminished by the earthquake. President Martelly said that "all problems we are facing today result from the weakness of our institutions," and called on the international community to keep helping Haiti strengthen its institutions.<sup>6</sup> Much of the Haitian public perceives progress in reconstruction and distribution of over \$9 billion in pledged international assistance as much too slow, adding to mounting public frustration with international donors and the government. The government's failure to hold elections that are several years overdue is contributing to unrest and public calls for Martelly's resignation.

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<sup>3</sup> Jonathan M. Katz, "Largest UN Force in Haiti to Focus on Development," Associated Press, April 25, 2009.

<sup>4</sup> For more information on the earthquake, see CRS Report R41023, *Haiti Earthquake: Crisis and Response*, by (name redacted) and (name redacted).

<sup>5</sup> U.S. Department of State and U.S. Agency for International Development (AID), FY2010 Haiti Supplemental Budget Justification, p. 4.

<sup>6</sup> Text of report by Haitian Radio Vision 2000 on 30 April, "Haitian President Returns, Calls for Unity, Seeks Strengthening of Institutions," *BBC Monitoring Americas*, May 1, 2012.

## **The 2010-2011 Election of President Martelly and a New Parliament<sup>7</sup>**

The president, senators, and deputies are elected to serve five-year terms. The constitution limits presidents to two nonconsecutive terms. There are no term limits for the legislature, although turnover for its members has been high. The first round of both the presidential and legislative elections took place on November 28, 2010. According to the Haitian constitution, if no candidate receives an absolute majority of the vote, a runoff vote between the top two candidates is held for presidential and Chamber of Deputies seats. For Senate seats, candidates who lack an absolute majority but have at least 20% more votes than the next candidate are declared the winner.

President Préval was completing his second nonconsecutive term, the maximum allowed by the Haitian constitution. Nineteen candidates vied to succeed him in the first round. Like most previous elections in Haiti, this one centered more on personalities than on parties or issues. A group of Haitian journalists, the Public Policy Intervention Group, with the support of the National Democratic Institute and the Commission on Presidential Debates, tried to encourage more substantive discussions among the presidential candidates by holding a series of debates that were broadcast nationwide. All 19 presidential candidates participated.

The first round produced contested results involving the governing party's candidate, and politically motivated violence. After the Haitian government accepted the recommendations of international observers, the dispute was resolved and the vote went to a second round between Mirlande Manigat, a professor of constitutional law and former first lady, and Michel Martelly. Martelly, a famous Haitian kompa dance musician known for his bawdy performances, and called "Sweet Micky," was popular with young voters. Martelly, also a businessman, had personal financial issues. He defaulted on over \$1 million in loans and had three properties in Florida go into foreclosure, raising questions about his financial management skills.<sup>8</sup> Although Martelly won 68% of the votes cast in the March 20, 2011, elections, turnout was low, so those votes constituted the support of only 15% of all registered voters. Martelly, age 50, was inaugurated on May 14, 2011, for a five-year term ending in 2016.

The legislative offices up for election included the entire 99-member Chamber of Deputies, and 11 of 30 Senate seats. The results of the second round of voting for legislative seats were contentious. Charges of fraud led to violent demonstrations across the country resulting in the deaths of at least two people, including the director of a hospital that was set on fire.

The legislature sworn in on April 25, 2011, was incomplete: at that time the results in 19 districts had been challenged. International observers reported that the final results released by the provisional electoral council (CEP) for those districts had been changed to favor candidates associated with then-President Préval's Inité (Unity) coalition, and demanded that all 19 results be annulled. The CEP reviewed the cases and endorsed 15 of the 19 original results; the government published the official results; and those 15 legislators were able to take their seats. It appears that the four remaining disputed seats in the chamber of deputies will be voted on in the next elections. The Inité coalition captured a majority in both houses of the legislature, so President Martelly had to negotiate with them to get his proposals passed.

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<sup>7</sup> For more in-depth discussion of the 2011 presidential and legislative elections, see CRS Report R41689, *Haiti's National Elections: Issues, Concerns, and Outcome*, by (name redacted)

<sup>8</sup> Frances Robles, "Haiti Candidate Martelly Lost three S. Florida Properties to Foreclosure," *Miami Herald*, March 7, 2011.



## **Adoption of Constitutional Reforms**

The new legislature began to work before Martelly was sworn in, including adopting constitutional reforms that had been passed under the previous legislature, in hopes of getting them to take effect quickly. Constitutional amendments passed by two consecutive legislatures go into effect when the next president takes office. Controversy arose around the status of these amendments as well.

The amendments were in a state of constitutional limbo for about a year. To become law, bills passed by the legislature must be published by the executive branch. The wording of the amendments sent to be published by the outgoing Préval Administration differed from that actually passed by the legislature, according to the State Department, so the amendments did not become law. In June 2011, Martelly stopped the altered version from being printed, and there was debate over whether the original version should be printed, or the process started anew.

In June 2012, the Martelly Administration finally published the constitutional amendments that had been passed by two legislatures.<sup>9</sup> These allowed Haitians with dual citizenship to vote and hold many government positions, including cabinet positions. This had been a sore point for Haitians in the diaspora who wanted to be able to vote, or return and serve in the government. Those with dual citizenship will still be prohibited from becoming president, prime minister, or members of either chamber of the legislature. Martelly said that leaders of the executive, legislative, and judicial branches had agreed to publish the corrected amendments, cooperation he described as a great step forward in Haiti's democratic process.<sup>10</sup>

The amendments also included a streamlined process for creating a permanent electoral council to replace the previous method of nine sectors of government civil society naming the CEP, as had been stipulated in the 1987 constitution. Under the reformed constitution, the three branches of government—executive, judicial, and legislative—each name three members of the CEP. Despite that new process, forming an electoral council has been fraught with disputes and is a key reason why Haiti has still not held long-overdue elections.

## **Overdue Elections Process: Delays and Disputes Under Martelly**

An electoral council is the entity responsible for setting dates for and organizing new elections. President Martelly fired the members of the previous CEP in December 2011. He did not begin to form a new electoral council until June 2012, even though one-third of the Senate seats expired on May 8, 2012. Elections to replace those legislators should have taken place by January 2012 at the latest, according to Haitian law. Local elections for municipal councils, town delegates, and other posts were also long overdue.

Because the Senate had only 20 members since May 2012, it was more difficult to meet the 16-member quorum needed to conduct business, including naming its representatives to the CEP and passing necessary electoral laws. The Inité party lost four senators and some of its clout in that chamber. President Martelly's Peasant Response party had no members in the Senate, and he lost about four allies there, which may explain in part why his administration had such difficulty dealing with the Senate.

The government failed to meet the minister's pledge that the elections would be held by the end of 2012; instead the process became contentious, progressed in fits and starts, and contributed to

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<sup>9</sup> *Le Moniteur*, Journal Officiel de la République d'Haiti, June 19, 2012, p. 17.

<sup>10</sup> Joseph Guylér Delva, "Haiti Constitutional Amendments Finally Take Effect," Reuters, June 19, 2012.

political tensions. Thousands of Haitians took to the streets over the next couple of years to protest the failure to hold elections and to call for Martelly's resignation.

Additional concern has been raised over the Martelly Administration's decision to replace most of the 120 mayors elected in 2006, whose terms have expired, with government appointees. According to the then-U.N. Independent Expert on the Situation of Human Rights in Haiti, Michel Forst, this decision "was met with bafflement and incomprehension on the part of the national and international communities."<sup>11</sup>

Tensions heightened as political deadlines loomed and elections were still not organized. In December 2014, Prime Minister Laurent Lamothe (a close ally of Martelly) resigned under pressure over the government's failure to resolve the electoral impasse between the executive and legislative branches. As Haiti entered 2015, the crisis escalated: street protests continued to grow, and the executive and legislative branches failed to reach a political compromise. The terms for another third of the Senate as well as the entire 99-seat Chamber of Deputies expired on January 12; the legislature was immediately dissolved, and President Martelly began ruling by decree.

Under Haitian law, the president appoints and the legislature confirms the prime minister. In early 2015, Martelly swore in a new cabinet, including Evans Paul, a former mayor of Port-au-Prince, as his fifth prime minister, although the legislature declined to confirm Paul before it dissolved. The Haitian government subsequently took steps to address its ongoing crisis: it established a new Provisional Electoral Council (CEP)—the fifth iteration under Martelly—on January 23 and announced dates in March for local, legislative, and presidential elections in 2015.

### **2015 Elections**

The new CEP finally set about scheduling elections for 2015. They faced a difficult process: electoral council personnel were largely inexperienced in elections work, and internal procedures had to be established. The races would also be complex: the CEP deemed 166 political parties and platforms qualified to participate and 1,857 candidates qualified to run for the 20 Senate seats and 118 Chamber of Deputies seats (the latter was recently expanded from 99 seats). Among the Senate candidates is Guy Philippe, leader of the 2004 coup overthrowing President Jean-Bertrand Aristide; Philippe is wanted in the United States under sealed indictment. About 70 candidates registered to run for president. (Martelly cannot run for reelection: the Haitian constitution limits presidents to two nonconsecutive terms.)

The CEP rejected about 170 candidates. The CEP did not clear former Prime Minister Laurent Lamothe and six other former government ministers to run for president and did not list its reasons. According to Haitian law, the Senate must certify that candidates have not misused government funds before they can run for office. None of the rejected candidates had received the required "discharge." Lamothe said he requested a discharge but that Parliament was dissolved before it could issue one. He said that on May 20, 2015, a judge issued a ruling confirming that, without a functioning parliament, it is impossible to comply with the discharge requirement and that it should therefore be waived, and that his exclusion was politically motivated.<sup>12</sup> According to another report, the superior court of auditors and administrative disputes alleged that irregularities had taken place under Lamothe's role as minister of planning (a post he held simultaneously with being prime minister); Lamothe contested the findings.

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<sup>11</sup> *Report of the Independent Expert on the Situation of Human Rights in Haiti, Michel Forst*, U.N. General Assembly Human Rights Council, report A/HRC/22/65, February 7, 2013, p. 5.

<sup>12</sup> Communications Office of Laurent Lamothe, "Elections Will Not Be Free or Fair in Haiti," PRNewswire, June 17, 2015.

First Lady Sophia Martelly was rejected as a Senate candidate, apparently on the basis of dual citizenship and for failing to get a discharge. Although she was not elected, she had handled public funds through a government program. President Martelly said that if his wife's rejection was politically motivated, it could discredit the process. Others saw the action as a sign of the CEP's independence.

The protests and political tensions preceding the elections led to worries over security for the election cycle. Also fueling security concerns has been the United Nations' reduction in the number of international troops in the country. As of June 30, 2015, the United Nations Stabilization Mission in Haiti (MINUSTAH) had decreased its military troops from 5,021 to 2,338, leaving peacekeeping troops in only 4 of Haiti's 10 departments (slightly below the mandated level of 2,370). The Haitian government asked the U.N. Security Council to delay the plan until after elections were held, but the drawdown proceeded as scheduled. The Haitian National Police has primary responsibility for election security.

**First-round legislative elections.** Haiti began to ease its long-term political crisis by holding the first round of legislative elections on August 9, 2015. Polling in some areas was marred by delays, disorder, low turnout—only 18% of voters cast ballots—and sporadic violence. Organization of American States (OAS) electoral observers found that such irregularities were not sufficient to invalidate the results as a whole. Nonetheless, violence and technical irregularities were severe enough that the CEP invalidated the vote in 13% of polling centers; these races were re-held in the ensuing October elections. Local observer organizations said the problems were more widespread, reporting fraud, irregularities, and violence in half of all voting centers. For the first time, according to the head of the United Nations Stabilization Mission in Haiti (MINUSTAH), Sandra Honoré, Haiti had penalized instigators of electoral violence. Electoral officials disqualified 14 candidates for engaging in or inciting violence during the elections.

Some opposition parties and protesters expressed a lack of confidence in the CEP, citing election-day problems and inconsistent decisions on election outcomes. Verite, a major party backed by former President Rene Preval, said it was boycotting the October elections after the CEP barred its presidential candidate, despite reportedly admitting it had made an error.<sup>13</sup> Nonetheless, the party won some congressional seats. A member of the CEP resigned in early October, expressing concerns about CEP's processes and the need for “inclusive and impartial elections.”<sup>14</sup>

**Runoff legislative, first-round presidential, and municipal elections.**

Despite those issues, the CEP managed runoff legislative elections for 18 of the 20 Senate seats and most of the 119 Chamber of Deputies seats and first-round presidential elections simultaneously with elections for 1,280 municipal administrations on October 25. There were 54 presidential candidates, most representing parties organized around personalities more than platforms.

The OAS electoral observation mission called the October round a “significant improvement” over the August vote.<sup>15</sup> The elections were relatively peaceful, and the voter turnout was higher, at about 26%. Various observers credited the Haitian National Police with improving security over the previous round. The relative calm of the election day has been followed by protests and disputes over the vote's validity.

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<sup>13</sup> Jacqueline Charles, “Haiti Presidential Campaign Opens amid Protest,” *Miami Herald*, September 9, 2015.

<sup>14</sup> Jacqueline Charles, “Haiti Election Official Resigns Ahead of Oct. 25 Vote,” *Miami Herald*, October 2, 2015.

<sup>15</sup> OAS, “Preliminary Report OAS Electoral Observation Mission to Haiti,” October 26, 2015. The author was a member of the delegation.

The CEP declared that Jovenel Moise, the candidate for Martelly's party (the Haitian Bald Head party, PHTK) and a political novice, and Jude Celestin, who lost to Martelly in 2011, would proceed to a runoff. Moise, a relatively unknown agricultural businessman who campaigned as "The Banana Man," garnered almost 33% of the vote, to Celestin's 25%. Celestin was the government's construction chief under the Préval administration. He was the government-backed candidate in the last presidential elections, and his campaign faced charges of fraud in those elections.

Eight candidates calling themselves the G-8 alleged fraud, including by the government; rallied street protests; and called for an independent commission to conduct a recount. They did not file formal complaints of their charges, however. Among them is Celestin, who says he may not run in the runoff. As in August, some called for the cancellation of the elections and the formation of an interim government. Maryse Narcysse—who ran for Fanmi Lavalas, founded by former President Jean-Bertrand Aristide—placed fourth. She and another candidate—neither are part of the G-8—filed fraud complaints that were heard and resolved by the CEP, although Narcisse's lawyer reportedly found fault with the CEP process.<sup>16</sup> Others have joined the call for an independent recount, including religious leaders and a coalition of U.S.-based diaspora groups.

A local observation group published a report with long lists of irregularities, saying that there was a "vast operation of electoral fraud."<sup>17</sup> The report stated that the majority of political parties were "clearly involved in the commission of violence and electoral fraud," and that the governing party was one of the most aggressive. It also said the CEP lacked transparency in its tabulation.

Still others acknowledge that irregularities occurred, but say that the opposition has failed to present evidence that they constitute orchestrated fraud, and instead continue to demand remedies outside established procedures for electoral dispute resolution.

One independent national observer group expressed concern that "a group of presidential candidates have refused to take the path of formal dispute and preferred to ... demand verification of the tabulation of votes by an Independent Commission."<sup>18</sup> Haiti Special Coordinator Kenneth Merten has repeatedly urged candidates to use the appeals process to file complaints and evidence of fraud with the CEP.<sup>19</sup>

In December, allegations emerged that candidates paid CEP members bribes to secure places in runoffs. This further heightened tensions and demands that an independent commission be formed.

**Runoff presidential and local elections delayed.** Just one week before they were to be held, the government postponed the runoff presidential elections scheduled for December 27. Under pressure to resolve the impasse with the opposition, President Martelly formed a five-member commission, sworn in on December 22. He said that because the commission is independent it

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<sup>16</sup> Jacqueline Charles, "Nearly Two Months After Vote, Haiti Elections Still in Dispute," *Miami Herald*, Dec. 7, 2015.

<sup>17</sup> Solidarite Fanm Ayisyen, Conseil National d'Observation Électorale, et al., "October 25, 2015 Elections: A Large Planned Electoral Fraud Operation" (in French), November 12, 2015, quotes in paragraph from pp. 2, 48-49.

<sup>18</sup> Observatoire Citoyen pour l'Institutionnalisation de la Démocratie (OCID), "Partial Results of the Oct. 25 Elections: The Urgency to Dispel the Controversy and Defuse the Emerging Crisis," (in French), press release no. 15, November 16, 2015.

<sup>19</sup> Kenneth H. Merten, "Remarks by Haiti Special Coordinator Kenneth Merten - Haiti Elections, the View from Washington," November 16, 2015, <http://www.state.gov/p/wha/rls/rm/249962.htm>.

can set the scope of its investigation, but that it only has a week to do so. The CEP says it will set a date after it receives the commission's recommendations.<sup>20</sup>

U.N. Secretary-General Ban Ki-Moon is urging that power be transferred through elections and within the constitutional time frame. According to the constitution, the newly elected legislators are to take office on January 11 and the new president on February 7, 2016.

Elections for 1,280 local administrations were to be held simultaneously with the presidential runoff elections. About 38,000 candidates are participating in those races. Those are single-round political contests; a simple majority suffices to win. Now it is unclear whether the local races will still be held with the presidential runoff elections, whenever they take place, or be held separately. This would simplify the process but incur additional costs.

**Election funding.** Experts estimated the cost to conduct three rounds of elections in Haiti to be \$66 million. The U.N. Development Programme (UNDP) manages the “Basket Fund” of contributions from various donors. The Haitian government has allocated the largest portion of the funding, followed by the U.S. government. See **Table 1** for the amounts pledged by international donors. Trinidad and Tobago became the first Caribbean country to make a contribution, in October. Mexico has said it would also provide a financial contribution.

**Table 1. Haiti Elections Budget Estimates—Assuming Three Rounds of Elections**

UNDP Basket Fund—Budget Estimates as of July 16, 2015	
<b>Total resources required</b>	<b>\$65,817,895</b>
<b>Total resources allocated</b>	<b>\$49,305,083</b>
Government of Haiti	\$13,825,609
United States (USAID)	11,500,000
Canada	9,235,996
European Union	6,793,478
Japan	4,500,000
Brazil	2,000,000
Trinidad and Tobago	1,000,000
Norway	400,000
Argentina	50,000
<b>Shortfall</b>	<b>\$16,512,812</b>

**Sources:** USAID, Department of State, UNDP.

Note: Pledges made at U.N. Donors Conference. Amounts for Trinidad and Tobago and Argentina announced in October 2015.

That the election process has been contentious is not surprising. As Haiti has been making its transition from a legacy of authoritarian rule to a democratic government, elections have usually been a source of increased political tensions and instability in the short term. It is important to note, however, that in the long term elected governments in Haiti have contributed to the gradual strengthening of government capacity and transparency. Still, in the present circumstances, the

<sup>20</sup> “Haiti commission installed to review electoral process,” *AP*, Dec. 23, 2015.

international community has expressed concern that continual delays have exacerbated political polarization and threatened stability.

Also fueling concern about security during the election cycle has been the United Nations' reduction in the number of international troops it has in the country. As of June 30, 2015, the United Nations Stabilization Mission in Haiti (MINUSTAH) had decreased its military troops from 5,021 to 2,338, leaving peacekeeping troops in only 4 of Haiti's 10 departments (slightly below the mandated level of 2,370). The Haitian government asked the U.N. Security Council to delay the plan until after elections were held, but the drawdown proceeded as scheduled. The Haitian National Police had primary responsibility for election security.

## **President Martelly's Administration**

During most of Martelly's first year in office, Haiti was without a prime minister, which severely limited the government's ability to act and the international community's ability to move forward with reconstruction efforts. Martelly was not able to form a government for almost five months because of disputes with a parliament dominated by the opposition Inité coalition over his first two nominees for prime minister. Dr. Garry Conille, a senior U.N. development specialist and former aide to then-U.N. Special Envoy to Haiti Bill Clinton, was confirmed as prime minister on October 4, 2011. Conille lasted only four months in the position, after which he was reportedly pressured by President Martelly to resign in part because of disagreements over an investigation of \$300 million-\$500 million in post-earthquake contracts linked to Martelly and former Prime Minister Jean-Max Bellerive. Bellerive, now an adviser to Martelly, and also his cousin, said he was the victim of a smear campaign.<sup>21</sup>

Authorities in the Dominican Republic are also investigating corruption allegations linked to President Martelly. According to Dominican journalist Nuria Piera, a company owned by Dominican Senator Felix Bautista was awarded a \$350 million contract for reconstruction work in Haiti, despite not meeting Haitian procurement requirements. Bautista allegedly gave over \$2.5 million to President Martelly before and after he won the election. Martelly has denied the charges.<sup>22</sup>

After the first prime minister resigned, another three months went by before a new prime minister was confirmed. Laurent Lamothe, Martelly's foreign affairs minister and a former telecommunications executive, was named prime minister in May 2012. Parliament approved his cabinet and government plan soon thereafter. The cabinet included two new posts: one minister to address poverty and another to support farmers.<sup>23</sup>

Because Martelly and much of his team—reportedly mostly childhood friends—lack political or management experience, many observers are concerned about the president's ability to carry out his promises of free and compulsory education, job creation, agricultural development, and strengthened rule of law. That political inexperience may have contributed to the gridlock and animosity between Martelly's administration and the parliament that have characterized Haitian politics since he took office. His justice minister resigned after police violated the immunity legislators have and arrested a legislator who had allegedly escaped from jail. Legislators

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<sup>21</sup> Associated Press, "Martelly Denies Kickback in Construction Firm Scandal," *Jamaica Gleaner*, April 4, 2012.

<sup>22</sup> Associated Press, "Martelly Denies Kickback in Construction Firm Scandal," op. cit., and "DR-Haiti Contracts Scandal," *Caribbean Update*, May 1, 2012.

<sup>23</sup> Associated Press, "Haiti's New Prime Minister Says New Mining Legislation Being Drafted to Benefit Country," *Washington Post*, May 15, 2012.

responded by blocking many of Martelly's legislative proposals, and opening an investigation into whether he held U.S. citizenship, which would make him ineligible for office.

International donors, including the United States, have been working with the Haitian government at all levels to rebuild government infrastructure, support the development of transparency and accountability within government institutions, and broaden and strengthen the provision of public services. International assistance continues to professionalize and strengthen the Haitian National Police force and reform other elements of Haiti's weak judicial system. Donors also are training Haiti's public sector workforce so that it will eventually be able to coordinate and carry out development programs. In late 2011, the Haitian government adopted a "Roadmap for the Rule of Law," created with support from MINUSTAH, outlining short-, middle-, and long-term actions to develop and guarantee the rule of law in Haiti.

Martelly began several other initiatives during his first year. He inaugurated a housing loan program and appointed advisers to an earthquake recovery panel. He launched a free education initiative being funded through taxes on phone calls and wired remittances from abroad. Critics express concern that the fund lacks transparency and a clear policy.<sup>24</sup> In May 2012 the government launched a program in which it transfers cash credits of up to \$20 a month to mothers who keep their children in school. The program initially was to benefit 100,000 families in four of Port-au-Prince's poorest neighborhoods, and then extend nation-wide by year's end.<sup>25</sup>

In May 2012 the president also launched two health initiatives in the government's Office of Workers' Compensation Insurance, Illness, and Maternity. He opened a new physiotherapy department, supported by the French Red Cross. He also announced a pilot program that will give about 500 workers, including 100 in the informal sector, free health insurance cards facilitating access to health care. Martelly stated that "we are fighting for all of Haiti to fully enjoy its right to health by the end of my term."<sup>26</sup>

President Martelly named three members to the Supreme Court, including its president. The latter post had been vacant for six years. According to the State Department, this is the first time in over 25 years that Haiti has those three branches of government in place.<sup>27</sup> As mentioned above, Martelly, the legislature, and the court finally agreed on the nine new electoral council members needed to organize overdue elections in April 2013. The publication of the constitutional amendments was supposed to have made that process easier to accomplish. The amendments also created a high council to conduct administrative management of the judicial branch, and a constitutional court to resolve disputes between the executive branch and the parliament. The amendments also require that at least 30% of government posts be held by women.<sup>28</sup>

In July 2012 then Prime Minister Lamothe visited Washington, DC, meeting with then Secretary of State Hillary Clinton. Clinton noted that she had made Haiti "a foreign policy priority" when she came into office, and has been committed to "building the capacity of the Haitian government and the Haitian society so they can have the means and the experience and the expertise to solve

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<sup>24</sup> Jacqueline Charles, "Martelly Marks 100 Days in Haiti with Little Progress," *Miami Herald*, August 22, 2011.

<sup>25</sup> "Haiti to Pay Mothers School Incentives via Mobile," *BBC News*, May 28, 2012.

<sup>26</sup> Caribbean Journal staff, "Haiti's Martelly Opens Therapy Centre, Launches Insurance Card Initiative," *Caribbean Journal*, May 29, 2012.

<sup>27</sup> Cheryl Mills, *Haiti—Two Years Post Earthquake: What You May Not Know*, U.S. Department of State, Dipnote: U.S. Dept. of State Official Blog, January 9, 2012, [http://blogs.state.gov/index.php/site/entry/haiti\\_two\\_years\\_post\\_earthquake](http://blogs.state.gov/index.php/site/entry/haiti_two_years_post_earthquake).

<sup>28</sup> Joseph Guyler Delva, "Haiti Constitutional Amendments Finally Take Effect," Reuters, June 19, 2012.

their own problems.”<sup>29</sup> Lamothe said progress had been made toward that end, as Haiti was building its capacity to collect its own revenues through taxes and custom duties, among other programs.

Lamothe said the Haitian government had made improving the fight against corruption its “number one priority,” along with education and reducing extreme poverty. In his last report before resigning in March 2013, the U.N. human rights expert, Michel Forst, acknowledged progress made against corruption, but also expressed serious concerns. Forst praised the Haitian government’s commitment to building police and judicial capacity for investigating transnational crimes, corruption, and political crimes, and the allocation of both human and financial resources to two anti-corruption units. He also said, however, that he was “struck by the corrosive effect that corruption has had on [Haiti’s] judicial institutions ...” and that “corruption remains rife at all levels.”<sup>30</sup> Some progress has been made on that front, however. By the end of 2013, the Martelly Administration had detained or indicted over 90 people, including government officials.

The U.N. human rights expert also voiced concern over the politicization of the judiciary and the national police under the Martelly Administration, stating that “the practice of appointing or removing judges to advance partisan or political ends ... continues unabated.” U.N. Secretary General Ban Ki-Moon echoed that concern, adding that institutional politicization and frequent Cabinet changes hindered the efforts of MINUSTAH and other international donors to build capacity within those institutions.<sup>31</sup> Human rights expert Forst also criticized the Martelly Administration for making arbitrary and illegal arrests and for threatening journalists.

The international community increasingly pressed the Martelly Administration to end the political impasse that donors and other analysts believed was inhibiting development and threatening stability. The outgoing head of MINUSTAH said in February 2013 that, in addition to the government’s failure to organize elections, its failure to address vast unemployment also needed to be addressed as soon as possible. “They have a work force of 4.2 million people and in formal jobs they have only 200,000,” said Mariano Fernandez, adding that “this is a permanent source of instability.”<sup>32</sup>

Throughout much of President Martelly’s five-year term, Congress and the donor community have expressed concern about his commitment to the democratic process. Members on both sides of the aisle have expressed dismay that if the Haitian government does not soon hold elections already two years overdue, Martelly might rule by decree. At a House Foreign Affairs Committee (HFAC) hearing on Haiti on October 9, 2013, they added that the failure to hold legislative and municipal elections could affect U.S. assistance to Haiti.

Martelly visited Washington in February 2014, meeting with President Obama, Secretary of State Kerry, and Members of Congress. Encouraging continuing progress towards elections appeared to be on the agenda of all of his meetings. Nine months later, elections are still not scheduled, and the international community continues to press for them. Before a meeting with Prime Minister Lamothe in Washington in October, Secretary of State John Kerry said, “the unwillingness to

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<sup>29</sup> “U.S. Department of the [sic] State” [transcript of joint press conference], *FDCH Regulatory Intelligence Database*, July 24, 2012.

<sup>30</sup> *Report of the Independent Expert on the Situation of Human Rights in Haiti*, Michel Forst, op. cit., p. 7.

<sup>31</sup> *Ibid.*, pp. 6-7, and Report of the Secretary-General on the United Nations Stabilization Mission in Haiti, U.N. Security Council report S/2013/139, March 8, 2013, p. 16.

<sup>32</sup> “Elections, Jobs Critical for Haiti’s Current and Future Stability, Says Outgoing UN Envoy,” M2 Presswire, February 1, 2013.



allow the people to be able to have this vote—really challenges the overall growth and development progress of the country. You need to have a fully functioning government.”<sup>33</sup>

Some observers are concerned that, without the checks and balances of a legislature, corruption may expand unchecked. There have been investigations into corruption involving President Martelly, some of his advisers, and family members—including his wife, Sophia Martelly—along with reports that prosecutors who objected to interference from the executive branch in these cases were fired or fled the country.<sup>34</sup> In April 2015 Woodly Etheart, an indicted head of a kidnapping ring with close ties to the president’s family, was freed from prison. Etheart’s trial lasted about two hours and was run by a judge who has previously been accused of bowing to the executive branch’s wishes. Human rights activists and other critics say the hasty decision was a setback in the fight against organized crime.<sup>35</sup>

## **Stability and the Investigation of Former Heads of State; Death of Duvalier**

A potentially destabilizing factor over the last four years has been the reappearance on the scene of two of Haiti’s most divisive leaders shortly before Martelly’s election and the possibility of trials for both of them. Former dictator Jean-Claude “Baby Doc” Duvalier returned unexpectedly from 25 years in exile on January 16, 2011. Two days later, the Haitian government under President Préval formally charged him with corruption and embezzlement. Private citizens filed charges of human rights violations against Duvalier for abuses they allege they suffered under his 15-year regime. Duvalier died of a heart attack on October 4, 2014. The Office of the U.N. High Commissioner for Human Rights said that investigations into abuses committed during his regime by Duvalier associates must continue after Duvalier’s death.<sup>36</sup>

After Duvalier’s return, former President Jean-Bertrand Aristide, in exile since his government collapsed in the face of political conflict in 2001, then said that he would also like to return. He did so, with a Haitian government-issued passport, on March 18, 2011, two days before the second round elections. Reportedly greeted by thousands of supporters, Aristide did not directly support any candidate, and has kept a low profile since his arrival. President Préval, once an Aristide protégé, had long said Aristide was free to return, but that he should be prepared to face corruption and other charges as well. For details on the status of charges against both Aristide and Duvalier, see “Investigations of the Late Duvalier and Aristide for Human Rights Violations” below. The investigation into the murder of reporter Jean Dominique, in which Aristide associates were named as suspects, is also discussed there.

It is a significant accomplishment that Haiti, long characterized by impunity for its leaders, has brought charges against its former dictator, and is questioning another former head of state. The judicial system is not considered independent, though, and various U.N. officials have criticized the Martelly Administration for interfering in the judicial system for political purposes. Trying Duvalier or, now, his associates, and/or Aristide could be a severe strain on Haiti’s weak judicial

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<sup>33</sup> State Department Press Releases and Documents, “Remarks with Haitian Prime Minister Laurent Lamothe Before Their Meeting,” October 10, 2014.

<sup>34</sup> “Martelly Denies Kickback in Construction Firm Scandal,” Associated Press, April 4, 2012; Frances Robles, “Haiti Leader’s Power Grows amid Scandals; Without a Parliament, President Has Been Able to Shrug Off Accusations,” *International New York Times*, 18, 2015.

<sup>35</sup> Jacqueline Charles, “Indicted Head of Haitian Kidnapping Ring Freed,” *Miami Herald*, April 17, 2015.

<sup>36</sup> “UN Urges Continued Probe on Violations During Baby Doc’s Rule in Haiti,” RTT News, October 7, 2014.

system. Both Duvalier and Aristide were seen as highly polarizing figures able to stir up unrest. Aristide has said that his Lavalas party plans to participate in upcoming elections. President Martelly met privately with Aristide in September 2013, as one of a series of meetings with political party leaders.<sup>37</sup> Before his death, Duvalier opened offices for his former political party and said that his party would field candidates as well.

## **The United Nations Stabilization Mission in Haiti (MINUSTAH)**

The United Nations Stabilization Mission in Haiti (MINUSTAH) has been in Haiti to help restore order for 10 years, since the collapse of former President Jean-Bertrand Aristide's government. Armed rebellion and diminished international support for Aristide led him to flee into exile in February 2004. An international force authorized by the U.N. arrived shortly after his departure, and was replaced by MINUSTAH in June 2004. MINUSTAH worked closely with the interim government from 2004 to 2006, when, after several delays, elections were held. The mission continued to work closely with the Préval Administration. Although some Haitians call for the removal of foreign troops, former President Préval supported the mission's presence, saying that he would "not adopt a falsely nationalist position," and that MINUSTAH should stay until Haiti is ready to assume responsibility for security.<sup>38</sup> More recently, popular protests have called for MINUSTAH's removal because of allegations of its role in introducing cholera to the country, and sexual abuse by some of its forces. Although critical of some aspects of MINUSTAH, President Martelly nonetheless advocates extending MINUSTAH's term to help maintain stability and to assist in the reconstruction effort. He has called for its eventual replacement with a revived Haitian army. The U.N. Security Council and international donors call instead for a continued strengthening of the Haitian National Police.

MINUSTAH's mandate includes three basic components: (1) to help create a secure and stable environment; (2) to support the political process by fostering effective democratic governance and institutional development, supporting government efforts to promote national dialogue and reconciliation and to organize elections; and (3) to support government and nongovernmental efforts to promote and protect human rights, as well as to monitor and report on the human rights situation. MINUSTAH has played a key role in emergency responses to natural disasters, including facilitating the delivery of emergency humanitarian assistance. As part of its work, the mission has also conducted campaigns to combat gangs and drug trafficking with the Haitian police.

**Reduction of MINUSTAH troops.** MINUSTAH's current authorization runs through October 15, 2015. The mission's budget for this year (July 1, 2014-June 30, 2015) is about \$500 million. The U.N. has been gradually reducing MINUSTAH's number of troops since 2012. In October 2014 the Security Council passed a resolution that will reduce military personnel by more than half, to a maximum of 2,370 military personnel.<sup>39</sup>

The Group of Friends of Haiti (Argentina, Brazil, Canada, Chile, Colombia, France, Guatemala, Peru, the United States, and Uruguay) expressed concern during the U.N.'s debate that reducing the size of the military contingent before elections are held could hinder MINUSTAH's ability to

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<sup>37</sup> AP, September 18, 2013.

<sup>38</sup> "Haiti: MINUSTAH to Stay on for 2 to 3 Years," *Latinnews Daily*, March 13, 2006.

<sup>39</sup> MINUSTAH, Facts and Figures, <http://www.minustah.org/la-mission/faits-et-chiffres/>, accessed June 18, 2015.

respond to a crisis and that decisions regarding withdrawing MINUSTAH should be based on conditions on the ground, not just budgetary factors.<sup>40</sup> The European Union stated that while overall security had improved, the number of demonstrations accompanied by violence had doubled.

In addition to emphasizing the importance of holding elections, speakers also stressed the role economic disparity plays in instability. The European Union stated that demonstrations with a socioeconomic angle had increased by 30%, and that “there continue to be grave social and economic inequalities that represent a real threat to Haiti’s stability and security.” The Group of Friends stated that:

security, respect for human rights and the rule of law, and development are interdependent and reinforce stability. We therefore underscore the importance of systematically addressing the issues of unemployment, education and the delivery of basic social services, and of ensuring the economic and political empowerment of women.

The Security Council agreed that it could change the force level at any time if warranted. The United States supports the drawdown of military forces. Haiti supported the resolution at the time, but has since asked the Security Council to delay the plan until after elections are held because of security concerns.

When the 2014 resolution was passed, the Council said it would maintain U.N. police in Haiti at about the same level. However, figures show that the number of police is falling as well as the number of military officers. MINUSTAH had 2,449 police in December 2014 and 2,378 in June 2015; the resolution allows for up to 2,601 U.N. police officers.<sup>41</sup> According to the State Department, the U.N. has promised to try to bring the police component to its authorized level before elections, but its deployment process is lengthy and no date has been given for doing so.

**MINUSTAH and cholera.** MINUSTAH and the U.N. have been widely criticized for not responding strongly enough to an outbreak of cholera in October 2010, the first such outbreak in at least a century in Haiti. A team of researchers from France and Haiti conducted an investigation at the request of the Haitian government. They reported that their findings “strongly suggest that contamination of the Artibonite [River in Haiti] and 1[sic] of its tributaries downstream from a [MINUSTAH] military camp triggered the epidemic,” noting that there was “an exact correlation in time and places between the arrival of a Nepalese battalion from an area experiencing a cholera outbreak and the appearance of the first cases in [the nearby town of] Meille a few days after.”<sup>42</sup> Other studies have come to the same conclusion. While the authors of the study caution that the findings are not definitive, they and others have suggested that “to avoid actual contamination or suspicion happening again, it will be important to rigorously ensure that the sewage of military camps is handled properly.”

The U.N. has been under increasing pressure to take full responsibility for introduction of the disease. Over 5,000 cholera victims or relatives of victims have filed legal claims against the U.N., demanding reparations, a public apology, and a nationwide response including “medical treatment for current and future victims, and clean water and sanitation infrastructure.”<sup>43</sup> The

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<sup>40</sup> U.N. Security Council, 7262<sup>nd</sup> meeting, September 11, 2014, New York, S/PV.7262.

<sup>41</sup> MINUSTAH, Facts and Figures, op.cit; and e-mail exchange with Office of the Haiti Special Coordinator, U.S. Department of State, June 19, 2015.

<sup>42</sup> Renaud Piarroux et al., “Understanding the Cholera Epidemic, Haiti,” *Emerging Infectious Diseases*, July 2011, <http://dx.doi.org/10.3201/eid1707.110059>.

<sup>43</sup> Institute for Justice and Democracy in Haiti, *Over 5,000 Haitian Cholera Victims Sue UN, Seeking Justice*, press (continued...)

U.N. announced in early 2013, however, that it would not compensate cholera victims, claiming diplomatic immunity.

The Boston-based Institute for Justice and Democracy in Haiti filed a class action suit against the U.N. on behalf of victims in a U.S. federal court in October 2013, seeking establishment by the U.N. of a standing claims commission to address claims for harm, and compensation for victims, including remediation of Haiti's waterways, provision of adequate sanitation, and "\$2.2 billion that the Haitian government requires to eradicate cholera." In January 2015, a U.S. federal judge dismissed that class action suit, determining the U.N. to be immune because of treaties. Two other lawsuits by cholera victims are still pending in U.S. courts.<sup>44</sup>

Many Haitians' mistrust of the U.N. has manifested itself in protests and strained relations between MINUSTAH and the population for which it is there to help provide protection and stability.

**MINUSTAH and Charges of Sexual Abuse.** Charges of sexual abuse by MINUSTAH personnel have also fueled anti-MINUSTAH sentiment. The U.N. has a zero-tolerance policy toward sexual abuse and exploitation.<sup>45</sup> In the case of peacekeepers, the U.N. is responsible for investigating charges against police personnel, but the sending country is responsible for investigating charges against its military personnel. The U.N. returns alleged perpetrators to their home country for punishment. Five MINUSTAH peacekeepers from Uruguay were sent home in 2011, to be tried on charges of sexually abusing an 18-year-old man at a U.N. base while filming it on a cellphone.

According to the U.N., among 11 substantiated cases in 2012 were at least two cases of sexual exploitation of children by U.N. police.<sup>46</sup> The investigations led to three members of a Pakistani police unit being convicted of raping a 14-year-old boy in one of the cases. The trial took place in March 2012 in Haiti but was conducted by a Pakistani military tribunal, which dismissed the men from the military and sentenced them to one year in prison. The unit had five cases pending as of June 1, 2015.<sup>47</sup>

A major U.N. review of peacekeeping missions recommended that countries that disregard children's rights in armed conflict should be barred from U.N. peacekeeping missions; that disciplinary action, or lack thereof, against sexual exploitation and abuse by U.N. personnel should be made public; and that investigations should be required to be completed in six months, rather than the average 16 months it currently takes.<sup>48</sup>

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(...continued)

release, November 8, 2011, <http://ijdh.org/archives/22789>.

<sup>44</sup> Rick Gladstone, "Haiti: Judge Throws Out Cholera Suit Against U.N.," *New York Times*, January 10, 2015.

<sup>45</sup> For additional information, see CRS Report RL33700, *United Nations Peacekeeping: Issues for Congress*, by (name redacted), section titled, "Prince Zeid Report (2005)."

<sup>46</sup> U.N. News Centre, *Haiti: U.N. Opens Probe into Cases of Alleged Child Sexual Exploitation*, January 23, 2012, <http://www.un.org/apps/news/story.asp?NewsID=41008&Cr=haiti&Cr1=>.

<sup>47</sup> U.N. Conduct and Discipline Unit, "Statistics: Status of Investigations (Sexual Exploitation and Abuse), MINUSTAH," accessed June 23, 2015, <http://cdu.unlb.org/Statistics/StatusofInvestigationsSexualExploitationandAbuse.aspx>.

<sup>48</sup> André Violaz, "UN Report Makes Recommendations to Stop Sex Abuse," *Agence France Presse*, June 16, 2015.

## Haiti's Development Challenges and Socioeconomic Conditions

Long before the earthquake struck, Haiti was a country socially and ecologically at risk, possessing some of the lowest socioeconomic indicators in the world,<sup>49</sup> and in an acute environmental crisis. Following several hurricanes that hit Haiti in 2008, the president of the Inter-American Development Bank (IDB), Luis Moreno, called Haiti the most fragile of IDB's member countries, saying that no other nation in Latin America and the Caribbean is as vulnerable to economic shocks and natural disasters as is Haiti.

Plagued by chronic political instability and frequent natural disasters, Haiti is the poorest country in the Western Hemisphere. Haiti's poverty is massive and deep. There is extreme economic disparity between a small privileged class and the majority of the population. Over half the population (54%) of 10 million people lives in extreme poverty, living on less than \$1 a day; about 80% live on \$2 or less a day, according to the World Bank.<sup>50</sup> Poverty among the rural population is even more widespread: 69% of rural dwellers live on less than \$1 a day, and 86% live on less than \$2 a day.

Hunger is also widespread: 81% of the national population and 87% of the rural population do not get the minimum daily ration of food defined by the World Health Organization. In remote parts of Haiti, children have been dying of malnutrition.<sup>51</sup> Food security worsened throughout Haiti following Hurricanes Isaac and Sandy in 2012, which destroyed about 70% of Haiti's crops. Some 1.5 million people live in severe food insecurity in rural areas affected by the storms. As many as 450,000 people were at risk of severe acute malnutrition, including at least 4,000 children less than five years of age.<sup>52</sup>

Over 40 years, from the late 1960s until the early 2000s, Haiti's per capita real GDP declined by 30%. By around 2007, Haiti began making some macroeconomic progress: the Haitian economy was growing for three years prior to the earthquake, and the government had improved management of its resources. In order to reach its Millennium Development Goal of eradicating extreme poverty and hunger by 2015, Haiti's Gross Domestic Product (GDP) would have to grow 3.5% per year, a goal the IMF says Haiti is not considered likely to achieve. Therefore, economic growth, even if it is greater than population growth, is not expected to be enough to reduce poverty; programs specifically targeted at poverty reduction are needed as well.

The global economic crisis led to a drop of about 10% in remittances from Haitians abroad, which amounted to about \$1.65 billion in 2008, more than a fourth of Haiti's annual income.<sup>53</sup> Damage and losses caused by the 2010 earthquake were estimated to be \$7.8 billion, an amount greater than Haiti's gross domestic product (GDP) in 2009.<sup>54</sup> Haiti's GDP contracted by slightly

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<sup>49</sup> World Bank, *Country Report: Haiti*, 2010, <http://go.worldbank.org/GBXI5JKM50>.

<sup>50</sup> World Bank, Haiti Overview, 2014, accessed February 4, 2014, <http://www.worldbank.org/en/country/haiti/overview>.

<sup>51</sup> "Rural Haitian Children Starving," Associated Press, November 21, 2008.

<sup>52</sup> UN Office for the Coordination of Humanitarian Affairs, "Haiti: Emergency Revision of the 2012 Consolidated Appeal—Needs arising from the impact of Hurricane Sandy," November 10, 2012, pp. 1, 8.

<sup>53</sup> Mike Blanchfield, "In Recession, Haitians Abroad Send Less Money Home," Canwest News Service, March 17, 2009.

<sup>54</sup> Government of Haiti, "Haiti Earthquake PDNA: Assessment of Damage, Losses, General and Sectoral needs," March 2010, p.6.

more than 5% in 2010, but grew by 5.6% in 2011. Growth fell again, to 2.8% in 2012, slowed by hurricanes, drought, and “delays in implementing key public investment projects.”<sup>55</sup> According to the Economist Intelligence Unit, Haiti’s GDP (gross domestic product) growth rate was 4.3% in 2013; estimated at 2.7% in 2014, dropping slightly due to the effect of drought on the agricultural sector and the underperformance of government projects; and expected to rise to 4.2 % by 2016.

Compared to developing countries in Latin America and the Caribbean, however, Haiti’s socioeconomic indicators continue to rate extremely low. The GNI (gross national income) per capita in the region’s developing countries has climbed steadily since 2000, from \$4,415 to \$9,536 in 2013. During the same period, Haiti’s GNI per capita has remained stubbornly low, rising only from \$410 to \$810.

The likelihood that economic growth will contribute to the reduction of poverty in Haiti is further reduced by its enormous income distribution gap. Haiti has the second-largest income disparity in the world. Over 68% of the total national income accrues to the wealthiest 20% of the population, while less than 1.5% of Haiti’s national income is accumulated by the poorest 20% of the population. When the level of inequality is as high as Haiti’s, according to the World Bank, the capacity of economic growth to reduce poverty “approaches zero.”<sup>56</sup>

In 2009, Haiti passed a minimum wage law. The law mandated increases in wages in two phases. In 2010, the minimum wage rose from about \$1.75 per day to \$3.75 per day, and in October 2012, it increased to \$5.00 per day. The average daily wage for textile assembly workers is \$5.25, above the new minimum wage, so some manufacturers said that they would have to raise wages proportionally. Despite the wage increase, the fundamental inequality of Haitian society remains basically unchanged.

The Haitian government and international donors have focused efforts on manufacturing and agricultural production; both were initially making a steady recovery. But agriculture faces significant limitations in Haiti, with all but 2% of the forest cover deforested,<sup>57</sup> 85% of the watersheds degraded, little or no rural infrastructure, and limited access to credit. Hurricane Sandy caused further loss of agricultural land; the U.N. estimated that an additional \$40 million would be needed to address the new needs arising from that storm. High rates of unemployment, income inequality, and poverty continue to be serious roadblocks to overall economic development.

Nonetheless, U.S. Ambassador Pamela White said last year that Haiti had made much progress, including: “Tens of thousands of Haitian farmers have higher incomes, ... exports to the United States are up 41 percent since 2010 thanks to job creation in the manufacturing sector ... [c]rime rates are down, and security is improved.” She said that “Haiti has made the transition to a period of building and long-term development.”<sup>58</sup>

## **Cholera Epidemic**

Cholera broke out in October 2010, in what may be the first such outbreak ever in Haiti. There is strong evidence linking the outbreak to inadequate sanitation facilities at a MINUSTAH camp

<sup>55</sup> International Monetary Fund, *IMF Executive Board Concludes 2012 Article IV Consultation with Haiti*, Public Information Notice (PIN) No. 13/41, April 2, 2013, p. 1.

<sup>56</sup> World Bank, “Income Distribution, Inequality, and Those Left Behind,” in *Global Economic Prospects 2007: Managing the Next Wave of Globalization*, p. 83, December 1, 2006.

<sup>57</sup> World Bank, *Country Report: Haiti*, 2010, <http://go.worldbank.org/GBXI5JKM50>.

<sup>58</sup> Pamela White, ambassador to Haiti, “Still Committed to Haiti,” *New York Times*, January 20, 2014.

(see “The United Nations Stabilization Mission in Haiti (MINUSTAH)” above). Because Haitians had not been exposed to it previously and lacked immunity, and Haiti lacks adequate sewage and sanitation facilities, the waterborne disease spread quickly. Less than two years later, according to the U.S. Centers for Disease Control and Prevention, Haiti had the highest number of cholera cases in the world.<sup>59</sup> The Haitian government has recorded about 712,330 cases, with many cases believed to go unreported. Over 8,600 people have died because of cholera.<sup>60</sup> The number of new cases has decreased over time but spikes during the rainy season, when flooding spreads the disease. Haiti continues to have the largest cholera epidemic in the Western Hemisphere.<sup>61</sup>

President Martelly authorized a cholera vaccination program that began in April 2012. (The previous government declined a pilot vaccination program, arguing that vaccinating only a portion of the population would incite tensions among those not vaccinated.) The pilot program inoculated only about 1% of the population: 90,000-100,000 people in some of the poorest areas of Port-au-Prince and in the rural Artibonite River Valley. Partners in Health (PIH), a Boston-based nongovernmental organization, which has worked in Haiti for decades, and its Haitian partner in the pilot program, GHESKIO, say the program’s success led the Haitian Ministry of Health to conduct targeted immunization campaigns in other parts of the country. About 300,000 more vaccinations were planned for late 2014. The vaccination is 60% to 85% effective and costs \$3.70 per patient for the two-dose treatment.<sup>62</sup> “[T]here is zero funding available” for the Haitian government’s \$3 million plan to vaccinate 300,000 people in 2015, however, according to Senior U.N. Coordinator for the Cholera Response in Haiti Pedro Medrano.<sup>63</sup>

Other, immediate, small-scale preventive measures include building latrines and distributing soap, bleach, and water-purification tablets. Treatment includes oral rehydration salts, antibiotics, and IV fluids. The United States has spent over \$95 million for such preventive measures, and supporting staff and supplies for 45 cholera treatment centers and 117 oral rehydration posts, and working with the Haitian Ministry of Health to set up a national system for tracking the disease.

But most observers say cholera will persist in Haiti until nationwide water and sanitation systems are developed. This would cost approximately \$800 million to \$1.1 billion, according to the *New York Times*.<sup>64</sup> Haiti’s first wastewater treatment site was opened in the fall of 2011. A study released by the U.S. Centers for Disease Control and Prevention indicated that the strain of cholera in Haiti is changing as survivors develop some immunity to the original strain. This could be an indication that the disease is becoming endemic in Haiti.<sup>65</sup>

The number of total cases and deaths began to decline in 2012. Nonetheless, some critics assert that the international response to the epidemic has been inadequate, and warn that the closing of cholera treatment centers is reducing the country’s ability to respond to the disease and

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<sup>59</sup> Associated Press, “CDC Study Shows Haiti Cholera Has Changed, Experts Say It Suggests Disease Becoming Endemic,” *Washington Post*, May 3, 2012.

<sup>60</sup> United Nations in Haiti, “Haiti Cholera Response,” November 2014.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid; Partners in Health, *Cholera, Next Steps*, May 30, 2012, Cholera, PIH’s Response, February 12, 2013, <http://www.pih.org/pages/cholera>, and *Three Years in, the Fight against Haiti’s Cholera Epidemic Continues*, October 21, 2013; and Richard Knox, “WHO Calls for Emergency Stockpile of Cholera Vaccine,” NPR, August 17, 2012.

<sup>63</sup> “‘Haiti Cannot Wait 40 Years’ to Eliminate Cholera, Warns UN Envoy as Response Lags,” UN News Centre, November 13, 2014.

<sup>64</sup> Deborah Sontag, “In Haiti, Global Failures on a Cholera Epidemic,” *New York Times*, March 31, 2012.

<sup>65</sup> Associated Press, “CDC Study Shows Haiti Cholera Has Changed, Experts Say It Suggests Disease Becoming Endemic,” *Washington Post*, May 3, 2012.

contributed to an increase in the mortality rate in late 2012.<sup>66</sup> The U.N. also expressed concern, noting that, “the number of international actors engaged in cholera responses [in Haiti] has declined from 120 in 2011 to 43 in 2013, while national capacity has not increased by any comparable degree,” causing a significant gap in quality treatment coverage. The number of donors has decreased as well.<sup>67</sup>

In 2012 the U.N. announced an effort to raise over \$2 billion for a 10-year cholera eradication plan, to which it will contribute \$23 million, or about 1% of what it says is needed. Of the total amount, about \$450 million was needed for the first two years (February 2013-February 2015); only 40% of that had been “mobilized” as of November 2014. Of the \$72 million needed for 2014-2015, donors have contributed only \$40 million.<sup>68</sup> In late 2014, the senior U.N. coordinator for the cholera response in Haiti warned that, at the current “disappointing” rate of funding, “it would take more than 40 years to get the funds needed for Haitians to gain the same access as its regional neighbors to basic health, water and sanitation systems.”<sup>69</sup> Medrano suggested that with better funding cholera could be eliminated from Haiti in about a decade. “Like Ebola,” he said, “cholera feeds on weak public health systems, and requires a sustained response.... The donor community has to do better.”

## Strategies for Haiti’s Reconstruction and International Assistance<sup>70</sup>

### Reconstruction Efforts

Prior to the earthquake in 2010, the United Nations had already designated Haiti as one of the 50 least developed countries in the world, facing greater risk than other countries of failing to emerge from poverty, and therefore needing the highest degree of attention from the international community.<sup>71</sup>

After the earthquake, the Haitian government established a framework for reconstruction in the 10-year recovery plan, *Action Plan for the Reconstruction and National Development of Haiti*, with four areas of concentration:<sup>72</sup>

- **Territorial building**, including creating centers of economic growth to support settlement of displaced populations around the country and to make Port-au-

<sup>66</sup> Center for Economic and Policy Research, “Pressure Builds on UN to Take Responsibility as Cholera Still Far From ‘Under Control’,” January 11, 2013.

<sup>67</sup> U.N., “UN Fact Sheet: Combatting Cholera in Haiti,” December 2013, p. 7; and January 2014 (updated February 2014), p. 7.

<sup>68</sup> “Haiti Cholera Response: United Nations in Haiti,” November 2014, <http://www.onu-haiti.org/wp-content/uploads/2014/12/UN-Factsheet-Final-VersionCholera-October-November-2014.pdf>.

<sup>69</sup> “‘Haiti Cannot Wait 40 Years’ to Eliminate Cholera, Warns UN Envoy as Response Lags,” op cit.

<sup>70</sup> For further information, see CRS Report RL34029, *Haiti’s Development Needs and a Statistical Overview of Conditions of Poverty*, by (name redacted) and (name redacted); for background on the 2004-2007 strategy, see CRS Report RL33156, *Haiti: International Assistance Strategy for the Interim Government and Congressional Concerns*, by (name redacted).

<sup>71</sup> United Nations Office for Least Developed Countries. “Facts About Least Developed Countries (LDCs),” available at <http://www.unohrrls.org/UserFiles/File/Publications/Factsheet.pdf>, January 15, 2010.

<sup>72</sup> Republic of Haiti, “Action Plan for the Reconstruction and National Development of Haiti,” March 2010, available at <http://www.haitisantodomingo2010.org/hsd2010/content/documents>.



- Prince less congested, developing infrastructure to promote growth, and managing land tenure;
- **Economic rebuilding**, including modernizing the agricultural sector for both export and food security, promoting manufacturing and tourism, and providing access to electricity;
  - **Social rebuilding**, prioritizing building education and health systems; and
  - **Institutional rebuilding**, focusing on making government institutions operational again and able to manage reconstruction, and strengthening governmental authority while also decentralizing basic services, and creating a social safety net for the poorest population.

Some of the overarching goals of the plan are including environmental factors and risk and disaster management in all recovery and reconstruction activities; actively providing employment and vocational training; and providing assistance to the population affected by the earthquake while hastening recovery efforts with an eye to reducing dependence on foreign aid.

Some analysts emphasize that the Haitian government and civil society must be partners in designing any development strategy if they are to succeed and be sustainable. They also warn that job creation and other development efforts must occur not only in the cities, but also in rural areas, to reduce urban migration, dependence on imported food, and environmental degradation. As mentioned above, economic growth alone is unlikely to reduce poverty in Haiti. Therefore, the Haitian government and many in the international donor community maintain that donors must continue to make a long-term commitment to Haitian development. Furthermore, in order to reduce poverty across the board, some observers say that development strategies must specifically target improving the living conditions of the poor and address the inequities and prejudices that have contributed to Haiti's enormous income disparity.<sup>73</sup>

The Haitian government, the Obama Administration, other international donors, and other observers have all stated the need for improved accountability of all donor assistance to Haiti, to improve aid effectiveness and reduce the potential for corruption. Recent Haitian governments have made major progress in reducing corruption, increasing transparency, and improving fiscal management. These improvements qualified Haiti for Heavily Indebted Poor Country (HIPC) debt relief in 2009. To ensure transparency further, the U.S. Agency for International Development has helped Haiti establish an online system to monitor both donor pledges and spending and implementation of assistance.

## **Relations with Donors**

Since Haiti's developmental needs and priorities are many, and deeply intertwined, the Haitian government and the international donor community are implementing an assistance strategy that attempts to address these many needs simultaneously. The challenge is to accomplish short-term projects that will boost public and investor confidence, while also pursuing long-term development plans to improve living conditions for Haiti's vast poor population. The challenge has been made more daunting by developments such as rising food and gasoline prices world-wide, internal political crises, and, of course, the lingering damage done by the earthquake and other natural disasters.

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<sup>73</sup> See for example, Robert Maguire, "Paul Collier's Report on Economic Security in Haiti," March 2009. Focal Point, Vol. 8, Issue 2.

The Haitian government has criticized the donor community for not dispersing funds quickly enough. Some international donors complain that the instability generated first by the elections process, then by the prolonged lack of a prime minister, the ongoing gridlock between the Haitian executive and legislative branches and the inability to organize elections hinder reconstruction efforts as well.

There are other frustrations on the part of both donors and the Haitian government regarding foreign assistance. The Haitian government is frustrated that U.S. and other foreign aid is provided primarily through nongovernmental organizations (NGOs) rather than directly to the government. Donors are worried about the lack of Haitian capacity to design and implement programs, as well as corruption. The donor community has grown extremely frustrated at the lack of coordination and the inability or unwillingness of various government actors to seek consensus on development priorities and plans, such as elections that are now more than a year overdue. The State Department's Special Coordinator for Haiti, Thomas Adams, warned that, "Haiti will lose international support if it is seen as undemocratic," by failing to address corruption, human rights violations, or government accountability through elections.<sup>74</sup> At a House Foreign Affairs Committee (HFAC) hearing on Haiti on October 9, 2013, Members on both sides of the aisle suggested that the failure to hold legislative elections already two years overdue then could affect U.S. assistance to Haiti. Since then, the Haitian government and the opposition have occasionally reached consensus only to fall back into gridlock. The United States and other donors continue to press all sides to reach an agreement and move forward on elections now three years overdue. They are not likely to take place until mid-2015 at the earliest, when it will also be time to prepare for the next presidential elections.

### **Coordination of Foreign Assistance**

The Interim Haiti Reconstruction Commission (IHRC) was created after the earthquake to coordinate foreign aid and reconstruction activities. It was co-chaired by the Government of Haiti and the U.N. Special Envoy to Haiti, former President Bill Clinton. Its 18-month mandate expired in October 2011 without the establishment of the Haitian-run Haitian Development Authority, which was to take its place. (Clinton's mandate as Special Envoy expired January 31, 2013, and was not extended.) While there has been criticism that the IHRC was not approving and distributing aid effectively, there has also been widespread concern that the Haitian government is not ready to assume full control of the process either. The government's nascent institutions, which had limited capacity before the earthquake, were set back severely by the earthquake's destruction. The president asked the legislature to pass an extension of the IHRC while an alternative mechanism was developed; it failed to do so. In the meantime, the 12 largest international donors continued to coordinate among themselves and with the Haitian government.

The Haitian government presented to the donor community a plan for the coordination of foreign aid, the Framework for Coordination of Foreign Aid for Haitian Development (Cadre de Coordination de l'aide Externe au Developpement d'Haiti, CAED) in November 2012. Headed by the Prime Minister and the Minister of Planning and External Cooperation, it will have an international committee that is supposed to meet at least twice a year, a national committee that is supposed to meet four to six times a year, and working groups to address various development priorities such as education, employment, energy, extreme poverty, and rule of law. Although some parts of the framework have begun to function, the government is seeking donor funds to support the CAED. In February 2013, donors told the government they would not attend a CAED

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<sup>74</sup> U.S. Institute of Peace, "Haiti's Election Conundrum: Fraught But Necessary?," March 27, 2013.

international committee meeting because it still had no plans or date for elections. Coordinating aid and funding the CAED have been made more difficult by the political gridlock between the Haitian executive and legislative branches.

## **Outlook Regarding Haitian Development**

Despite the economic and social problems currently existing in Haiti and the comprehensive and complex challenges facing the country, Haiti could become a middle-income country, according to the State Department's Special Coordinator for Haiti, Thomas Adams. Such a transition could take about 30 years, even with good economic growth, Adams said, and would require continued development of "credible democratic institutions" and private investment, in addition to support from the international donor community.<sup>75</sup>

Statements by U.N. officials and other donors indicate growing frustration with the ongoing political stalemate in Haiti, however. Political polarization is inhibiting the capacity building needed to strengthen democratic institutions, keeping away private investment, they say, and contributing to donor fatigue. As discussed earlier, donors and other analysts say that unless some sort of national consensus is reached on a legislative agenda and development priorities, Haiti's reconstruction will continue to be stalled, and stability and security threatened.<sup>76</sup>

Prior to the earthquake, prominent analysts noted with optimism the progress Haiti had made and its potential for sustainable development. In the wake of the damage wrought by the earthquake, Haiti must recover from the enormous losses suffered and build on the advances and advantages pointed out by these analysts.

The U.N. Security Council noted in 2009 that the country had made significant improvements in security and judicial reform, although it still needed to contend with widespread poverty and susceptibility to natural disasters. The two governments preceding the Martelly government (the Préval and the preceding interim government) also made progress toward goals outlined in Haiti's international assistance strategy, including improved macroeconomic management, procurement processes, and fiscal transparency; increased voter registration; and jobs creation. The government had also made progress in providing broader access to clean water and other services.<sup>77</sup>

The U.N. secretary-general also had commissioned a report, which recommended a strategy to move Haiti beyond recovery to economic security.<sup>78</sup> Although published in 2009, many of its findings still apply to a post-earthquake Haiti. According to the U.N. report, "the opportunities for [economic development in] Haiti are far more favorable than those of the 'fragile states' with which it is habitually grouped." The report's author, economist Paul Collier, is known for his book, *The Bottom Billion*, which explores why there is poverty and how it can be reduced. Among his reasons for optimism regarding Haiti: Haiti is part of a peaceful and prosperous region, not a conflictive one; and while political divisions and limited capacity make governing

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<sup>75</sup> Associated Press, "Haiti Faces 30-Year Climb to Middle Income Status," *Jamaica Observer*, May 28, 2012.

<sup>76</sup> See "Overdue Elections Process Grows Contentious," "President Martelly's Administration," above; and International Crisis Group, "Governing Haiti: Time for National Consensus," *Latin America and Caribbean Report* no. 46, February 4, 2013; and "Gridlock in Haiti; Our Opinion: Political Infighting Threatens to Paralyze the Recovery Without Elections," *Miami Herald* editorial, April 3, 2013.

<sup>77</sup> "Haiti: U.N. Council Mission Reports Strides in Security, Worrisome Poverty," *States News Service*, March 19, 2009.

<sup>78</sup> Paul Collier, "Haiti: From Natural Catastrophe to Economic Security, A Report for the Secretary-General of the United Nations," January 2009, available at <http://www.securitycouncilreport.org>.

difficult, Collier believed that Haiti's leadership at the time was "good by the standards of most post-conflict situations ... [exhibiting] integrity, experience and ability, and a deep concern with the maintenance of social peace." The U.N. report recommended that modest and focused actions be taken to build economic security on the foundation of social stability that has been built in Haiti in recent years. Because that stability was—and remains—fragile, the report advised that such actions should be taken immediately and should focus on strengthening security by creating jobs, especially in the garment and agricultural sectors; providing basic services; enhancing food security; and fostering environmental sustainability. These strategies remain part of the post-earthquake approach to development.

Collier and other analysts note that Haiti has an important resource in the 1.5 million Haitians living abroad, for their remittances sent back home, technical skills, and political lobbying. The efforts of Haitian Americans and others lobbying on Haiti's behalf led to another advantage Haiti has: the most advantageous access to the U.S. market for apparel of any country, through the HOPE II Act (the Haitian Hemispheric Opportunity through Partnership Encouragement Act, P.L. 110-246; see "Trade Preferences for Haiti" section below). Supporters say the HOPE Act provides jobs and stimulates the Haitian economy. Critics worry that it exploits Haitians as a source of cheap labor for foreign manufacturers, and hurts the agricultural economy by drawing more people away from farming.

### **Potential for Mining**

U.S. and Canadian companies have conducted exploratory drilling in Haiti, reporting a potential \$20 billion worth of gold, copper, and silver below Haiti's northeastern mountains.<sup>79</sup> While discoveries of such mineral wealth have led to economic booms in many countries, they also bring risks such as environmental contamination, health problems, and displacement of communities. And like many poor countries that could use the revenue from mineral extraction, Haiti does not have the government infrastructure to enforce laws that would regulate mining—reportedly, the last time gold was mined there was in the 1500s. The Préval government negotiated the agreement with the only company that has full concessions; the terms of that agreement would return to Haiti \$1 out of every \$2 of profits, a high return. Prime Minister Lamothe said the government is already drafting mining legislation to establish royalties paid to the government and safeguards for citizens and the environment in mining areas.

## **U.S. Policy Objectives and Assistance**

Obama Administration officials have said that Haiti is a key foreign policy priority and the Administration's top priority in the Latin America and Caribbean region in terms of bilateral foreign assistance.<sup>80</sup>

In its FY2016 budget request, the Administration stated that Haiti had made progress by taking steps to improve the business climate, attract investments, and create jobs; and by supporting judicial sector reforms, which have contributed to the increased capability of Haitian officials to

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<sup>79</sup> Figures and dates in this paragraph from Associated Press, "Haiti's New Prime Minister Says New Mining Legislation Being Drafted to Benefit Country," *Washington Post*, May 15, 2012; and Martha Mendoza, "Gold! Haiti Hopes Ore Find Will Spur Mining Boom," Associated Press, May 12, 2012.

<sup>80</sup> "U.S. Department of the [sic] State" [transcript of joint press conference], *FDCH Regulatory Intelligence Database*, July 24, 2012; and briefings, conversations with State Department and USAID officials, February 22, 2011, June 22, 2012; refers to combined State Department and USAID funding; U.S. Department of State, Congressional Budget Justification (CBJ): Foreign Operations, Appendix 3, Fiscal Year 2016, p. 411.

deliver better services. It also said the Haitian government had “reinforced its commitment to improving and strengthening the health system,” and was working to enhance school standards and increase student enrollment “drastically” by 2016. The Administration noted that “despite these positive developments, however, the pace of much needed progress is still hindered by weak public institutions, conflicts between the executive and legislative branches, lack of accountability, and weak state capacity to provide basic services.”<sup>81</sup>

The Administration says that current U.S. assistance programs are emphasizing country leadership and ownership, and strengthening local institutions, so that Haiti can “further chart its own development and promote sustainability.” To spur greater progress, the Administration says Haiti “needs to enact key laws to improve its investment climate, enact the new Criminal Code ... and enact an anti-corruption law.”

Other concerns for U.S. policy regarding Haiti include the cost and effectiveness of U.S. aid; protecting human rights; combating narcotics, arms, and human trafficking; addressing Haitian migration; and alleviating poverty. The United States and other members of the international community continue to support efforts to hold free and fair elections in Haiti in the belief that in the long run they will contribute to improved governance and, eventually, improved services to Haitian citizens and greater stability, which will allow for increased development. Congress has given bipartisan support to this policy approach.

## **U.S. Assistance to Haiti**

The Obama Administration’s request for FY2016 assistance for Haiti is approximately \$242 million. This represents about a \$33 million decrease from the FY2015 funding request. (See **Table 2.**)

U.S. assistance to Haiti focuses on the four key sectors outlined in the Action Plan for Reconstruction and National Development of Haiti, with funding directed toward infrastructure and energy projects, governance and rule-of-law programs, programs for health and other basic services, and food and economic security programs. Many of the latter type of programs are carried out under the President’s Feed the Future initiative, which aims to implement a country-led comprehensive food security strategy to reduce hunger and increase farmers’ incomes. The Administration’s approach is detailed in its “Post-Earthquake USG Haiti Strategy toward Renewal and Economic Opportunity.” **Figure 2** shows the distribution of reconstruction and development spending by type of program.

The FY2016 Consolidated Appropriations Act (P.L. 114-113) prohibits assistance to the central Haitian government unless the Secretary of State certifies and reports to the Committees on Appropriations that the Haitian government “is taking effective steps” to hold free and fair parliamentary elections and seat a new parliament; strengthen the rule of law in Haiti, including by selecting judges in a transparent manner; respect judicial independence; improve governance by implementing reforms to increase transparency and accountability; combat corruption, including by implementing the anti-corruption law enacted in 2014 and prosecuting corrupt officials; and increase government revenues, including by implementing tax reforms, and increase expenditures on public services.

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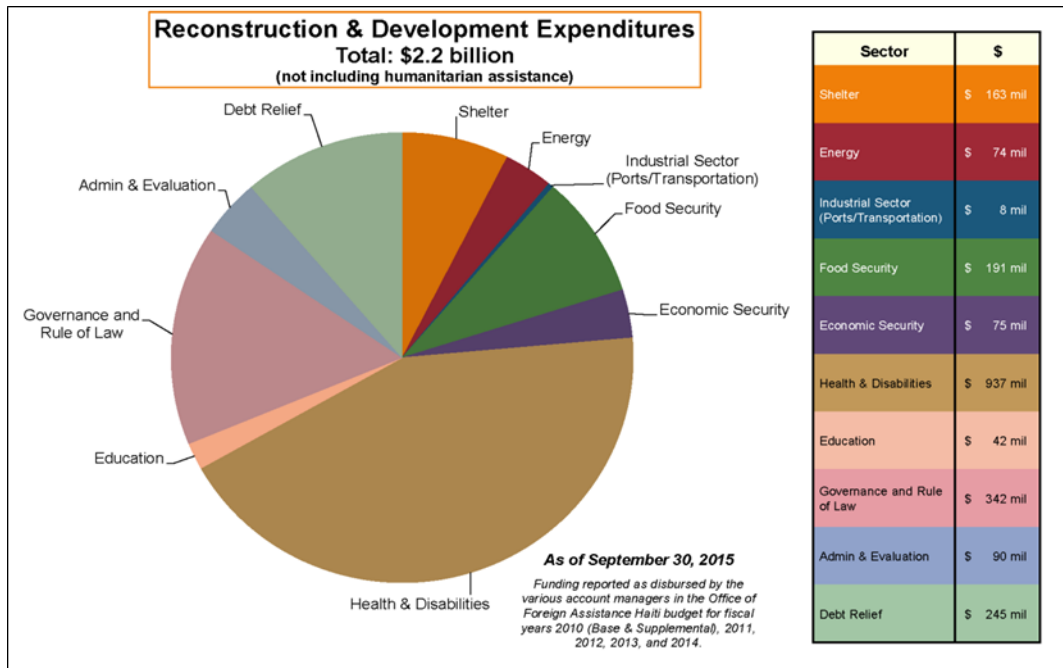
<sup>81</sup> U.S. Department of State, CBJ: Fiscal Year 2016, op.cit; p. 411.

**Table 2. U.S. Assistance to Haiti Fiscal Years 2010 to 2016**

(\$ in thousands)	FY2010 Actual			FY2012 Actual	FY2013 Actual	FY2014 Actual	FY2015 Request	FY2016 Request
	FY2010 Actual Base	FY2010 Actual Supp	FY2011 Actual Base					
<b>TOTAL</b>	<b>504,738</b>	<b>907,660</b>	<b>380,261</b>	<b>351,829</b>	<b>332,540</b>	<b>300,796</b>	<b>274,313</b>	<b>241,668</b>
Economic Support Fund	160,750	760,000	131,000	148,281	135,985	119,477	110,000	97,000
Foreign Military Financing	1,600	–	1,597	–	1,519	1,600	800	1,200
Global Health Programs - State	121,240	–	156,240	141,240	129,865	124,013	124,013	104,013
Global Health Programs - USAID	22,800	–	26,946	25,000	25,017	25,200	25,200	25,200
International Military Education and Training	92	–	220	224	208	241	300	255
International Narcotics Control and Law Enforcement	21,107	147,660	19,420	19,420	17,448	12,000	6,000	6,000
P.L. 113-480 Title II	177,149	–	44,838	17,664	22,498	18,265	8,000	8,000

**Sources:** U.S. Department of State, “Budget by Year-Haiti,” February 11, 2014 (FY2010-FY2011), *Congressional Budget Justification (CBJ), Fiscal Year 2014, Foreign Operations, Annex: Regional Perspectives*, p. 667 (FY2012); CBJ, *Fiscal Year 2015, Foreign Operations, Annex: Regional Perspectives*, p. 666 (FY2013, FY2015); CBJ, *Fiscal Year 2016, Foreign Operations, Appendix 3*, p. 411 (FY2014, FY2016).

**Figure 2. U. S. Government Post-Earthquake Assistance in Haiti**



**Source:** U.S. Agency for International Development, U.S. Department of State.

## **Temporary Protected Status<sup>82</sup> and Haitian Family Reunification Parole Program**

Over the years, after various domestic crises, Haitians repeatedly sought Temporary Protected Status (TPS), which would allow them to remain in the United States without threat of deportation for a specific amount of time. The Haitian government and others argued that the return of deportees would contribute to instability and be a further drain on already inadequate services, and that Haiti depends on the remittances those in the United States send back to Haiti. Opponents of TPS argued that granting it could encourage a wave of new immigrants. After 2010's devastating earthquake, the United States granted TPS to Haitians living in the United States at the time of the disaster. Department of Homeland Security (DHS) Secretary Janet Napolitano has extended TPS on a yearly basis, and allowed eligible Haitians who came to the United States up to one year after the earthquake to be granted TPS. The policy of interdicting Haitian migrants on the high seas and returning them to Haiti continues.

U.S. citizens or permanent residents may apply for a residency visa, or green card, on behalf of relatives living in Haiti. Currently, over 100,000 Haitians must wait—some for as long as 12 years—to join family members in the United States, even though they have already been approved by the U.S. government to do so, because of annual caps on such visas. In 2015 DHS began to implement the Haitian Family Reunification Parole Program to expedite the reunification of eligible families. Because this program will expedite reunification only for those scheduled to receive their entry visas within two years, just a small portion of all Haitians approved for residency will benefit from the program. DHS also warned Haitians against trying to enter the United States illegally, stating that only people living in Haiti would be eligible to participate in the reunification program.<sup>83</sup> Potential beneficiaries in Haiti cannot apply for themselves. The sponsoring family members in the United States, or “petitioner,” must wait for the Department of State’s National Visa Center to invite them to apply for the program.

## **Congressional Response and Concerns**

There has been bipartisan support in Congress to assist Haiti both before and since the earthquake. In the years preceding the earthquake, Congress passed several bills, in addition to appropriations bills, to support Haiti. This included a series of trade preferences for Haiti, which are described in more detail below. Another issue of concern to Congress has been efforts to ensure that free, fair, and safe elections are held in Haiti. As mentioned above (see “Overdue Elections Process: Delays and Disputes...”), one-third of the Haitian Senate seats expired on May 8, 2012. Elections for those seats and for municipal councils, town delegates, and other posts, which are also long overdue, have yet to be held, although they have finally been scheduled for later this year. At a House Foreign Affairs Committee (HFAC) hearing on Haiti on October 9, 2013, Members on both sides of the aisle suggested that the failure to hold legislative elections already two years overdue could affect U.S. assistance to Haiti.

Other congressional concerns include post-earthquake reconstruction; transparency and accountability of the Haitian government; respect for human rights, particularly for women;

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<sup>82</sup> For further information, see CRS Report RS21349, *U.S. Immigration Policy on Haitian Migrants*, by (name redacted).

<sup>83</sup> U.S. Citizenship and Immigration Services, “DHS to Implement Haitian Family Reunification Parole Program,” Washington, DC, October 17, 2014; and Erick Eckholm, “Obama Administration to Expedite Reunification for Some Haitians,” *New York Times*, October 17, 2014.

security issues, including Martelly's proposal to reconstitute the Haitian army; and counternarcotics efforts.

Another concern is the consequences for Haiti of a September 2013 court ruling in the Dominican Republic that could retroactively strip some 200,000 Dominicans, mostly of Haitian descent, of citizenship. The end of the registration period in June 2015 raises concerns that there will be mass deportations to Haiti.

Congress passed the Assessing Progress in Haiti Act of 2013; it was signed into law in August 2014. It directs the Secretary of State to report to Congress within 120 days, and every six months thereafter through September 30, 2016, on the status of specific aspects of post-earthquake recovery and development efforts in Haiti.

As it considered FY2016 funding for Haiti, the House Appropriations Committee said it "remains concerned about the lack of progress in self-reliance and governance in Haiti more than five years after the earthquake," and that it expects the Department of State to provide regular updates on progress in Haiti. The committee also notes "the significant unobligated balances for assistance for Haiti from prior years and, given the continued high level of need in the country, directs the Department of State and USAID to review and prioritize programs and take steps to execute these funds in a responsible manner."<sup>84</sup> See "Legislation in the 114th Congress" below.

## **Post-Earthquake Reconstruction**

In the aftermath of the earthquake, Congress appropriated \$2.9 billion for aid to Haiti in the 2010 supplemental appropriations bill (P.L. 111-212).<sup>85</sup> This included \$1.6 billion for relief efforts, \$1.1 billion for reconstruction, and \$147 million for diplomatic operations. Since then, Congress has expressed concern about the pace and effectiveness of U.S. aid to Haiti. According to the U.N. Special Envoy for Haiti's office, of the approximately \$1.2 billion the United States pledged at the 2010 donors conference for aid to Haiti, 19% had been disbursed as of March 2012, and about 33% as of December 2012. All donors had pledged about \$6.4 billion, disbursed just over 45% of that as of March 2012, and disbursed 56% of it by the end of 2012.<sup>86</sup>

The U.S. Government Accountability Office (GAO) has issued several reports on USAID funding for post-earthquake reconstruction in Haiti. In a 2013 report, GAO concluded that "the majority of supplemental funding ha[d] not been obligated and disbursed" as of March 31, 2013.<sup>87</sup> The report said that USAID had obligated 45% and disbursed 31% of the \$651 million allocated in the FY2010 Supplemental Appropriations Act for bilateral earthquake reconstruction activities. These figures refer only to Economic Support Funds (ESF) provided in the FY2010 supplemental. The supplemental required the State Department to submit five reports to Congress. GAO criticized

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<sup>84</sup> State, Foreign Operations, and Related Programs Appropriations Bill, 2016, draft report, June 2015, <http://appropriations.house.gov/uploadedfiles/hrpt-114-hr-fy2016-stateforop.pdf>.

<sup>85</sup> For further details, see CRS Report R41232, *FY2010 Supplemental for Wars, Disaster Assistance, Haiti Relief, and Other Programs*, coordinated by (name redacted) and CRS Report R41023, *Haiti Earthquake: Crisis and Response*, by (name redacted) and (name redacted).

<sup>86</sup> Office of the Special Envoy for Haiti, "New York Conference Recovery Pledge Status and Modalities as of [March 2012; December 2012] in USD Millions," [http://www.haitispecialenvoy.org/download/International\\_Assistance/6-ny-pledge-status.pdf](http://www.haitispecialenvoy.org/download/International_Assistance/6-ny-pledge-status.pdf). According to discussions with the State Department, figures for the U.S. in the Special Envoy's December 2012 table were as of September 30, 2012, and USG calculations for that date showed a disbursement rate of 46%. The Special Envoy's office is closed and therefore no longer tracking these numbers.

<sup>87</sup> GAO, Report GAO-13-558, "Haiti Reconstruction: USAID Infrastructure Projects Have Had Mixed Results and Face Sustainability Challenges," June 2013; this paragraph, pp. 8-10.



the State Department for “incomplete and not timely” reports, noting that only four reports were submitted and that they lacked some of the information specifically requested by the Senate Committee on Appropriations, such as a description, by goal and objective, and an assessment of the progress of U.S. programs. The State Department countered that it provides information to Congress through other means as well, such as in-person briefings, according to GAO.

In June 2015 GAO released its latest report, *Haiti Reconstruction: USAID Has Achieved Mixed Results and Should Enhance Sustainability Planning*. GAO reported that the USAID Mission in Haiti reduced planned outcomes for 5 of 6 key infrastructure activities and 3 of 17 key non-infrastructure activities. USAID met or exceeded the target for half of all performance indicators for key non-infrastructure activities. Mission officials said that inadequate staffing and unrealistic initial plans affected results and caused delays. The mission has therefore increased staffing and extended its reconstruction time frame for another three years, to 2018. GAO concluded that although the mission in Haiti took steps to ensure the sustainability of its reconstruction efforts, sustainability planning could be improved at both the mission- and agency-wide levels.

Looking at the broader range of funding available for Haiti, USAID and the State Department report that 100% of the \$1.3 billion allotted for humanitarian relief assistance, and 71% of the \$2.3 billion allotted for recovery, reconstruction, and development assistance had been distributed as of March 31, 2015. The recovery, reconstruction, and development assistance includes the amount pledged at the U.N. recovery conference (and appropriated through the FY2010 supplemental appropriations bill), plus other appropriated fiscal year funds (base FY2010, and FY2011-FY2014). (It does not include USAID prior year funds reallocated to meet urgent Haitian recovery and reconstruction needs.) Using these figures, the Administration calculates that it has disbursed 80% of funding available for Haiti. (See **Figure 3** below.)

### Figure 3. Total Post-Earthquake USG Funding to Haiti Summary

All accounts as of September 30, 2015

<i>Totals may not add up due to rounding</i>	Available funding	Obligations	Disbursements	% of Available Funding Disbursed
<b>Humanitarian Relief Assistance</b>	\$1.3 billion	\$1.3 billion	\$1.3 billion <sup>2</sup>	100%
<b>Recovery, Reconstruction &amp; Development Assistance</b>	\$2.9 billion	\$2.6 billion	\$2.2 billion	76%
<b>TOTAL</b>	<b>\$4.2 billion</b>	<b>\$4.0 billion</b>	<b>\$3.5 billion</b>	<b>84%</b>

**Future spending**

The Office of U.S. Foreign Assistance Haiti FY 2015 funding is \$244 million and the FY 2016 request is \$242 million.

**Terms**

**Obligations:** For the purposes of the USAID spending reflected in this chart, obligations consist of legally-binding agreements that place funds into grants and contracts with implementing partners. Transfers of USAID funds to other entities such as the Multi-Donor Trust Fund are considered fully obligated and disbursed.

**Disbursements:** Payments that liquidate obligations; i.e., usually payments made to USG implementing partners as work is done.

<sup>1</sup>: The Recovery, Reconstruction & Development Assistance category captures data from the Office of U.S. Foreign Assistance Haiti budget plus Centers for Disease Control (CDC) funding for fiscal years 2010 (Base & Supplemental), 2011, 2012, 2013, 2014, and debt relief.

<sup>2</sup>: Remaining undisbursed humanitarian assistance amounts that may appear on USG reports reflect the slowness of payments and transfers for work already done and are thus counted as disbursed.

**Source:** U.S. Agency for International Development, U.S. Department of State.

While Haiti is making some progress in its overall recovery effort, enormous challenges remain. International donors responded to the earthquake with a massive humanitarian effort. Most of the rubble created by the earthquake has been removed and three-fourths of those living in tent shelters have left the camps.<sup>88</sup> Nevertheless, many criticize the pace and methods of the recovery process regarding displaced persons. About 61,000 of those who left the camps were forcibly evicted, and about 78,000 live on private land under threat of eviction, with the U.N. expressing concern about the human rights violations involved in such expulsions.<sup>89</sup> Various 2014 estimates on the number of people still living in tent shelters range from 147,000 to 280,000. The latter figure is from the Office of the United Nations High Commissioner for Refugees, which estimates there are another 200,000 people living with host families or in internal settlements, for a total of 480,000 internally displaced persons.

**The Caracol Industrial Park.** A major element of U.S. aid to Haiti has been the development of the Caracol Industrial Park in Haiti's northern region. Although the region was not hit by the earthquake, the project is part of an effort—begun before the earthquake—to “decentralize” development, stimulating the economy and creating jobs outside of overcrowded Port-au-Prince. The Obama Administration said the Caracol park was supposed to create 20,000 permanent jobs initially, with the potential for up to 65,000 jobs; as of October 2012 then-Secretary of State Hillary Rodham Clinton said about 1,000 Haitians were employed there.<sup>90</sup> As of April 2015 there were 6,200 jobs at the park.<sup>91</sup>

The Caracol Industrial Park has generated much controversy. According to the *New York Times*, State Department officials acknowledged that they did not conduct a full inquiry into allegations of labor and criminal law violations by Sae-A in Guatemala before choosing the company to anchor the park.<sup>92</sup> Environmentalists, who had marked Caracol Bay to become Haiti's first marine protected area, were reportedly “shocked” to learn an industrial park would be built next to it. U.S. consultants who helped pick the site said they had not conducted an environmental analysis before recommending the site, the *Times* reported, and in a follow-up study said the site posed a high environmental risk and that, even if wastewater were treated the bay would be endangered, and the U.S.-financed power plant would have “a ‘strongly negative’ impact on air quality.” Civil society groups argue that the park, built on some of Haiti's rare arable land, displaced farmers and promotes manufacturing at the expense of agriculture.<sup>93</sup>

A Haitian government website defended the park, saying Sae-A's Guatemalan branch took corrective action, and that the U.S. Department of Labor has led several delegations to review the manufacturer's compliance with labor law.<sup>94</sup> The Ministry of Economy and Finances said that

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<sup>88</sup> Department of State, Office of the Haiti Special Coordinator, “Fast Facts on the U.S. Government's Work in Haiti: Rubble,” and “Fast Facts on the U.S. Government's Work in Haiti: Shelter and Housing,” January 16, 2013.

<sup>89</sup> Oxfam, *Salt in the Wound: The Urgent Need to Prevent Forced Evictions from Camps in Haiti*, December 10, 2012, p. 3; and The Caribbean Journal, “Haiti: UN ‘Concerned’ over Forced Evictions of Displaced Persons,” March 12, 2013.

<sup>90</sup> Department of State, Office of the Haiti Special Coordinator, “Fast Facts on the U.S. Government's Work in Haiti: Caracol Industrial Park,” January 16, 2013; and Hillary Rodham Clinton, “Remarks at the Caracol Industrial Park Opening Ceremony,” October 22, 2012.

<sup>91</sup> Department of State, Office of the Haiti Special Coordinator, “Fast Facts on the U.S. Government's Work in Haiti: Caracol Industrial Park,” April 1, 2015.

<sup>92</sup> Deborah Sontag, “Earthquake Relief Where Haiti Wasn't Broken,” *New York Times*, July 5, 2012.

<sup>93</sup> Briefing with Camille Chalmers, Executive Director of the Haitian Advocacy Platform for an Alternative Development, May 22, 2012.

<sup>94</sup> Administrator, “Fact Check- The New York Times: Earthquake Relief Where Haiti Wasn't Broken,” Parc Industriel de Caracol, July 6, 2012, [http://www.ute.gouv.ht/caracol/en/news/3-newsflash/174-fact-check-the-new-york-times-\(continued...\)](http://www.ute.gouv.ht/caracol/en/news/3-newsflash/174-fact-check-the-new-york-times-(continued...))

“environmental protection activity” was already underway, including development of a modern wastewater treatment plant, and that “complementary alternative energy sources” were also being pursued. As for the agricultural issues, the government said the farmers were given compensation packages, including title to farmland elsewhere, and a U.S.-sponsored training program would help local residents gain skills for new job opportunities.

The U.S. Government Accountability Office (GAO) reported mixed results for U.S. funding at Caracol, which includes \$170 million for a power plant and port to support the Industrial Park.<sup>95</sup> USAID completed the first phase of the power plant with less funding than allocated, and in time to supply the park’s first tenant with power. GAO reports that the Caracol Industrial Park, the power plant, and the port are interdependent, that “each must be completed and remain viable for the others to succeed.” Yet port construction is at least two years behind schedule, and USAID funding will be insufficient to pay for most of the projected costs, leaving a cost gap of \$117 million to \$189 million. GAO said it was unclear whether the government of Haiti could find a private company willing to fund the rest of the port costs.

Two recent reports criticized labor practices in Haitian factories, including at the U.S.-funded Caracol Industrial Park, alleging widespread underpayment of workers and unsafe working conditions at many of them.<sup>96</sup>

## **Transparency and Accountability of the Haitian Government**

As part of its concern about the effectiveness of U.S. aid to Haiti, Congress has supported efforts over the years to improve the transparency and accountability of the Haitian government’s spending. Congress prohibited certain aid to the central government of any country that does not meet minimum standards of fiscal transparency through the foreign assistance appropriations act for 2012 (P.L. 112-74). While acknowledging Haiti’s progress toward fiscal transparency, the State Department reported that Haiti did not meet those minimum standards, but waived the restriction on the basis of national interest. In its memorandum of justification, the department argued that, “Without assistance and support, Haiti could become a haven for criminal activities. . . . Without sufficient job creation, Haiti could become a greater source of refugee flows. . . .”<sup>97</sup>

The justification noted progress made, such as the government’s routine posting of budgetary, public finance, and investment documents and legislation online, public discussions of the draft national budget for the first time, the increasing role of the parliament in budget oversight, and the adoption of an integrated financial management system to track expenditures in one central database. Some of Haiti’s transparency shortcomings include the failure to identify natural resource revenues in the budget; inadequate access to contracting procedures for investors trying to engage in public procurement; extra-budgetary spending; and the lack of skill within the Supreme Audit Authority to carry out its oversight of public enterprises.

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earthquake-relief-where-haiti-wasnt-broken.

<sup>95</sup> GAO, Report GAO-13-558, “Haiti Reconstruction: USIAD Infrastructure Projects Have Had Mixed Results and Face Sustainability Challenges,” June 2013.

<sup>96</sup> Better Work Haiti, *Better Work Haiti: Garment Industry, 7<sup>th</sup> Biannual Synthesis Report Under the HOPE II Legislation*, International Labour Organization and International Finance Corporation, October 16, 2013; and Worker Rights Consortium, *Stealing from the Poor: Wage Theft in the Haitian Apparel Industry*, October 15, 2013.

<sup>97</sup> U.S. Department of State, Action Memo for Deputy Secretary Nides, Haiti—Fiscal Transparency National Interest Waiver Request and Determination of Progress, undated (2012, probably August-October).

## Respect for Human Rights

Congress has long advocated for the respect for human rights in Haiti, which has improved dramatically under civilian democratic government. The government is no longer an agent of officially sanctioned and executed violations of human rights. Nonetheless, many problems remain. According to the U.S. Department of State's Human Rights report from 2013:

The most serious impediments to human rights involved weak democratic governance in the country; the near absence of the rule of law, exacerbated by a judicial system vulnerable to political influence, and chronic, severe corruption in all branches of government.

Basic human rights problems included some arbitrary and unlawful killings by government officials; excessive use of force against suspects and protesters; overcrowding and poor sanitation in prisons; prolonged pretrial detention; an inefficient, unreliable, and inconsistent judiciary subject to significant outside and personal influence; rape, other violence, and societal discrimination against women; child abuse; social marginalization of minority communities; and human trafficking. Allegations continued of sexual exploitation and abuse by members of ... MINUSTAH. Violence and crime within camps for approximately 369,000 internally displaced persons (IDPs) remained a problem.

Other human rights problems included torture and excessive use of force against suspects and prisoners; overcrowding and poor sanitation in prisons; prolonged pretrial detention; an inefficient, unreliable, and inconsistent judiciary subject to significant outside and personal influence; rape, other violence, and societal discrimination against women; child abuse; and human trafficking. In addition there were multiple incidents of mob violence and vigilante retribution against both government security forces and ordinary citizens, including setting houses on fire, burning police stations, throwing rocks, beheadings, and lynchings.<sup>98</sup>

The U.N. Independent Expert on the Situation of Human Rights in Haiti, Michel Forst, made a blunt assessment of the current state of human rights in Haiti in his final address before the U.N.'s Human Rights Council. Before stepping down from the position he said, "I cannot, and I do not want to hide from you my anxiety and disappointment regarding developments in the fields of the rule of law and human rights...."<sup>99</sup> Saying that "impunity reigns," the human rights expert said, "It is inconceivable that, under the rule of law, those responsible for enforcing the law feel authorized not to respect the law and that such behavior goes unanswered by the judicial system."

Forst strongly criticized the nomination of magistrates for political ends, citing the case in which he said the current Minister of Justice appointed a judge especially for the purpose of ordering the release of Calixte Valentin, a presidential adviser being held in preventive detention on a murder charge. His statement bemoaned threats against journalists, arbitrary and illegal arrests, and the failure to implement identified solutions that would improve conditions in the Haitian prison system—which he said "remains a cruel, inhuman and degrading place." He expressed his wish that the Martelly Administration take up the work of the Ministry of Justice under President Préval in the revision of the penal code. Forst applauded the strong efforts of the Préval and

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<sup>98</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2011: Haiti*, May 24, 2012, [http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic\\_load\\_id=186522](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dynamic_load_id=186522).

<sup>99</sup> "Departing UN official Blasts Haiti's Human Rights Record in Open Letter," AP, March 28, 2013; "Michel Forst vide son sac," *Le Nouvelliste*, March 27, 2013, at <http://lenouvelliste.com/article4.php?newsid=115004>, author's translation; U.N. Office at Geneva, "Council Holds Interactive Dialogue with Independent Experts on the Situation of Human Rights in Cote d'Ivoire and in Haiti," March 19, 2013.

Martelly Administrations in strengthening the police, with international support, and the renewed public confidence in the police. He noted persisting problems however, commenting that the case of a person tortured to death in a police station in a Port-au-Prince suburb was not an isolated incident.

The human rights specialist also noted positive developments in human rights, including the role played by the Office of Citizen Protection, Haiti's human rights ombudsman, in promoting respect for human rights, and a strong civil society with professional human rights organizations advocating for issues such as women's rights and food security. Forst also praised the appointment of a Minister for Human Rights and the Fight against Extreme Poverty.

An aide to the Prime Minister, George Henry Honorat, was killed March 23, 2013, in a drive-by shooting. Motives are not known, but Honorat was also the editor in chief for a weekly newspaper, *Haiti Progres*, and was secretary general of the Popular National Party that opposed the Duvalier regimes.

### **Concerns over Haitians and People of Haitian Descent in the Dominican Republic<sup>100</sup>**

A September 2013 court ruling in the Dominican Republic caused enormous controversy because it could deny citizenship to some 200,000 Dominican-born people, mostly of Haitian descent, making them stateless. The Dominican Republic's 1929 constitution adhered to the principle that citizenship was determined by place of birth. The country's 2010 constitution excluded from citizenship "those born to ... foreigners who are in transit or reside illegally in Dominican territory." For decades, Haitians have been brought into the Dominican Republic to work in sugar fields and, more recently, construction.

The Dominican Constitutional Court ruled that the 2010 definition must be applied retroactively. It also reinterpreted the provision in the 1929 constitution which excluded from citizenship children born to foreigners "in transit," so that it excluded all those born to undocumented foreigners. (Previously, the "in transit" clause had mostly been applied to members of the diplomatic corps or others in the country for a limited, defined period.) The decision stripped a 29-year old Dominican-born woman of Haitian descent of her citizenship, and denied citizenship to her Dominican-born children. The court also ordered Dominican authorities to conduct an audit of birth records to identify similar cases of people formally registered as Dominicans since 1929, saying they would no longer qualify for citizenship under the new constitution. The decision cannot be appealed.

Dominican authorities argue that such people will not be stateless, because they will qualify as Haitian citizens or will be given a path to Dominican citizenship. The Haitian constitution grants citizenship to children born of a Haitian parent, but does not address second and third generations descended from Haitian citizens. There are thousands more who will not be on Dominican registries because for decades, Dominican officials have denied birth certificates and other documents to many Dominican-born people of, or perceived to be of, Haitian descent.

The ruling has heightened tensions with Haiti. With the possibility that the Dominican Republic could render thousands of second and third generation Dominicans of Haitian descent stateless and deport them to Haiti, the potential impact on Haiti could be enormous. Haiti has limited resources to deal effectively with an influx of that size of possible deportees who were not born in

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<sup>100</sup> For more information, see CRS Report R41482, *Dominican Republic: Background and U.S. Relations*, by (name redacted)

Haiti and have little or no ties to Haiti. The Haitian government initially recalled its ambassador from the Dominican Republic in response to the court ruling. Relations were further strained when the Dominican Republic repatriated over 200 Haitians in November 2013, after the murder of an elderly Dominican couple in a border town, which locals blamed on Haitians. Nonetheless, some activists have criticized the Martelly Administration for not speaking out strongly enough against the court decision.<sup>101</sup>

Haitian and Dominican officials held talks in January 2014. The Dominican government said it would not negotiate the court decision or how it plans to implement it. According to a press report, Haiti recognized Dominican sovereignty on migration policy and the Dominican government assured Haiti that “concrete measures will be taken to safeguard the basic rights of people of Haitian descent” living in the country.<sup>102</sup>

But Haitians also advocated at the talks for better treatment of Haitian migrant workers in the Dominican Republic, long a subject of human rights concerns. The U.S. Department of Labor issued a report in September 2013 citing evidence of violations of labor law in the Dominican sugar sector such as payments below minimum wage, 12-hour work days and 7-day work weeks, lack of potable water, absence of safety equipment, child labor, and forced labor.<sup>103</sup> Haiti also asked for better treatment of its students in the Dominican Republic.

Further talks in February 2014 led to agreement on several immigration issues, according to the Dominican government, including a new type of Dominican visa for workers.<sup>104</sup> The Dominican Republic reviewed its rules and practices related to Haitian students. The Haitian government reportedly reaffirmed its commitment to expedite the issuance of passports and national civil registration cards at border posts and in consulates in the Dominican Republic. The Dominican Republic says it provided details of how it will implement its “National Plan for regularization of foreigners.”

Dominican President Danilo Medina issued a decree in November 2013, outlining the plan as a special naturalization process for undocumented “foreigners” and their children born in the Dominican Republic who currently lack any documentation. The decree said that those who do not choose to seek eligibility can request repatriation or will face deportation.<sup>105</sup>

The Dominican government says it is trying to normalize a complicated immigration system. But U.N. and Organization of American States (OAS) agencies, foreign leaders, and human rights groups have challenged the decision’s legitimacy, concerned that it violates international human rights obligations to which the Dominican Republic is party. The Inter-American Commission on Human Rights (IACHR) concluded that the Constitutional Court’s ruling “implies an arbitrary deprivation of nationality” and “has a discriminatory effect, given that it primarily impacts Dominicans of Haitian descent.”<sup>106</sup> The Caribbean Community (CARICOM) “condemn[ed] the

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<sup>101</sup> Jacqueline Charles, “U.S. Expresses ‘Deep Concern’ over Dominican Court Citizenship Ruling,” *Miami Herald*, December 18, 2013.

<sup>102</sup> Ezra Fieser, “Can Haiti and Dominican Republic Repair Relations After Citizenship Ruling?,” *Christian Science Monitor*, January 8, 2014.

<sup>103</sup> U.S. Department of Labor, “US Labor Department Issues Report on Labor Concerns in Dominican Sugar Sector, Announces \$10 million project in Agriculture,” new release 13-1979-NAT, September 27, 2013.

<sup>104</sup> Embajada de la Republica Dominicana, Washington, DC, letter summarizing meeting of 2/3/2014, EDW-0076-14, Feb. 4, 2014.

<sup>105</sup> Manuel Jimenez, “Dominican Government Gives Details of Naturalization Plan for ‘Foreigners’,” Reuters, November 30, 2013.

<sup>106</sup> Organization of American States, Inter-American Commission on Human Rights, “IACHR Wraps Up Visit to the (continued...)”

abhorrent and discriminatory ruling,” and said it was “especially repugnant that the ruling ignores the 2005 judgment made by the Inter-American Court on Human Rights that the Dominican Republic adapt its immigration laws and practices in accordance with the provision of the American Convention on Human Rights.”<sup>107</sup> CARICOM then suspended the Dominican Republic’s request for membership.

The Obama Administration did not publicly address the Dominican court ruling until almost three months after it was issued, in mid-December 2013. It then said it had “deep concern” about the ruling’s impact on the status of people of Haitian descent born in the Dominican Republic.<sup>108</sup> Some Members of Congress have expressed concern that the ruling places hundreds of thousands of Dominican born persons, most of whom are of Haitian descent, at risk of statelessness (see H.Res. 443 in “Legislation in the 114th Congress”).

In May 2014, the Dominican Congress passed a bill proposed by President Medina setting up a system to grant citizenship to Dominican-born children of immigrants. The law created different categories, depending on whether people have documents proving they were born in the country. According to the Dominican government, those with birth certificates that are “irregular” because of their parents’ lack of immigration status will have their certificates legalized and will be confirmed as Dominican citizens. People without documents had 90 days to prove they were born in the Dominican Republic and register with the government; after two years of residency they could then apply for citizenship.<sup>109</sup> Critics say the law continues to discriminate against people without documents.<sup>110</sup>

On November 14, 2014, the Dominican Republic withdrew its membership in the Inter-American Court of Human Rights. The Inter-American Court found that the Dominican Republic discriminates against Dominicans of Haitian descent and gave the government six months to invalidate the ruling of the Constitutional Court. The Dominican government charged that the findings were “unacceptable” and “biased.”<sup>111</sup>

The Dominican Republic ended its “immigrant regularization” process on June 17, 2015, raising concerns that it may deport tens of thousands of people to Haiti. Most of those, according to the United Nations High Commissioner for Refugees (UNHCR), are Dominican-born people of Haitian descent. The UNHCR appealed to the Dominican Republic government to ensure that “people who were arbitrarily deprived of their nationality as a result of [the] 2013 ruling ... will not be deported.”<sup>112</sup> The UNHCR expressed concern about the possible expulsion of people who are not considered Haitian citizens, which could create a new refugee situation. The UNHCR offered to work with the Dominican authorities to find an “adequate solution for this population and to ensure the protection of their human rights.”

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Dominican Republic,” press release, December 2013.

<sup>107</sup> CARICOM Secretariat, “CARICOM Statement on Developments in the Aftermath of the Ruling of the Constitutional Court of the Dominican Republic on Nationality,” press release 265/2013, Nov. 26, 2013.

<sup>108</sup> Jacqueline Charles, December 18, 2013, op.cit.

<sup>109</sup> Embajada de la Republica Dominicana, “Dominican National Congress Approves Historic Citizenship Legislation,” press release, Washington, DC, May 21, 2014.

<sup>110</sup> *BBC News*, “Dominican Republic Lawmakers Pass Citizenship Bill,” May 22, 2014.

<sup>111</sup> Panky Corcino, Danica Coto, “Dominican Republic Quits OAS’s Human Rights Court,” AP, November 4, 2014.

<sup>112</sup> UNHCR, “UNHCR Urges Dominican Republic to Refrain from Deportations of Stateless Individuals,” Briefing Notes, June 19, 2015.



The government is giving conflicting signals of its intentions, which are said to reflect internal divisions over the issue. The head of the Dominican immigration agency, Army General Ruben Paulino, said his agency and the army would begin patrolling neighborhoods with high numbers of migrants and would deport those who were not registered.<sup>113</sup> Meanwhile, Interior Minister Ramon Fadul issued a statement saying there would be no mass deportations after the registration period expired.<sup>114</sup>

## **Investigations of the Late Duvalier and Aristide for Human Rights Violations**

Legal proceedings against both the late former dictator Jean-Claude “Baby Doc” Duvalier and former President Jean-Bertrand Aristide have posed extremely challenging tests of Haiti’s judicial system and its ability to prosecute human rights abuses and other crimes. As mentioned above, about a third of U.S. assistance to Haiti supports governance and rule-of-law programs, which include judicial reform and strengthening.

Duvalier died at age 63 in Haiti on October 4, 2014. After he had unexpectedly returned from exile in 2011, private citizens filed charges of human rights violations against him for abuses they allege they suffered under his 15-year regime. In 2012 a judge ruled that Duvalier could be tried for corruption, but that a statute of limitations would prevent him from being tried for any murder claims. Upon appeal, however, a three-judge panel reversed that decision in February 2013. The appellate court ruled that Duvalier could be charged with crimes against humanity—such as political torture, disappearances and murder—for which there is no statute of limitations under international law. Haitian human rights lawyer Pierre Esperance called the decision “monumental.” Duvalier’s defense attorney Fritzto Canton said the judicial panel acted under the influence of “extreme leftist human rights organizations.”<sup>115</sup>

After Duvalier’s return, the U.N. High Commissioner for Human Rights offered to help Haitian authorities prosecute crimes committed during Duvalier’s rule.<sup>116</sup> U.N. Secretary General Ban Ki-Moon called on the international community to continue to work with the Haitian government to bring about systemic rule-of-law reform, saying that

... the return of Jean-Claude Duvalier has brought the country’s turbulent history of State-sponsored violence to the fore. It is of vital importance that the Haitian authorities pursue all legal and judicial avenues in this matter. The prosecution of those responsible for crimes against their own people will deliver a clear message to the people of Haiti that there can be no impunity. It will also be incumbent upon the incoming Administration to build on the achievements of the Préval presidency, which put an end to State-sponsored political violence and allowed Haitians to enjoy freedom of association and expression.<sup>117</sup>

Duvalier repeatedly failed to appear in court, then, under threat of arrest from the judge, appeared in court on February 28, 2013, much to the astonishment of many observers. When asked about murders, political imprisonment, summary execution, and forced exile under his government, the

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<sup>113</sup> Ezequiel Abiu Lopez, “Official: Dominican Republic Ready to Resume Deportations,” *Washington Post*, June 16, 2015.

<sup>114</sup> *Ibid.*

<sup>115</sup> George Rodriguez, “Victims Rejoice at Haitian Judges’ Decision to Allow Charges of Human Rights Violations Against Former Dictator Jean-Claude Duvalier,” *Notices*, Sept. 18, 2014.

<sup>116</sup> United Nations Radio, *UN Offers to Help Haitian Authorities Prosecute Duvalier*, February 1, 2011, <http://www.unmultimedia.org/radio/english/detail/112772.html>.

<sup>117</sup> UN Security Council, Report of the Secretary-General on the United Nations Stabilization Mission in Haiti, March 24, 2011, S/2011/183, available at <http://www.unhcr.org/refworld/docid/4d9448d32.html>, paragraphs 81-82.

former dictator replied that “Murders exist in all countries; I did not intervene in the activities of the police.”<sup>118</sup> Initially, Duvalier was not allowed to leave Haiti, but in December 2012 the Martelly government re-issued his diplomatic passport.<sup>119</sup> He remained in the country, and was President Martelly’s guest at official government ceremonies.

After Duvalier’s death, the Office of the U.N. High Commissioner for Human Rights called it “essential” that legal proceedings and investigations against people associated with Duvalier continue.<sup>120</sup>

Former President Jean-Bertrand Aristide is also facing charges since his return in March 2011. A small group of people has filed a complaint against Aristide, alleging they were physically abused and used to raise money when they were children in the care of Aristide’s *Fanmi se Lavi* organization, created in the late 1980s to house and educate homeless children. A prosecutor questioned Aristide in January 2013. Now a court must decide whether to dismiss the case or refer it to a judge to decide whether to file formal charges.

In May 2013 Aristide testified before a judge regarding an investigation into the murder of prominent Haitian journalist Jean Dominique in 2000. Thousands of supporters followed his motorcade through the capital. Earlier in the year, former President Rene Prével, who was in office at the time of the murder, also testified in the case. Both men were once friends of Dominique. At the time of his death Dominique was seen as a possible presidential candidate; Aristide was already preparing to run for a second term. Several people allegedly involved in the assassination and witnesses have been killed or disappeared over the years.<sup>121</sup> Dominique’s widow, Michele Montas, is a former journalist and U.N. spokeswoman. She says, “The investigation has led to people close to the high levels of the Lavalas Family party that Aristide headed.... I am sure he knows who did it.” In January 2014 a Haitian appellate judge recommended that nine people be charged for their alleged roles in Dominique’s murder. The investigative report alleged that a former Lavalas senator was the mastermind behind the crime and that several others involved belonged to Aristide’s Lavalas Family party as well.<sup>122</sup> It is now up to the Court of Appeals to accept or reject the judge’s report.

The government has an ongoing investigation into corruption, money laundering, and drug trafficking charges against Aristide. A judge issued an arrest warrant for Aristide in August 2014, after which protesters blocked access to Aristide’s home. The same judges placed Aristide under house arrest on September 9, 2014. Some in the opposition claim the judge is close to President Martelly. According to IHS Global Insight, Aristide’s house arrest “is likely to strengthen opposition claims of persecution ... [and] reduces the likelihood of a compromise agreement that would allow a second candidate registration process and the participation of opposition parties” in the overdue elections.<sup>123</sup>

Because the judicial system is not fully independent, the attitudes of the president could have a large impact on any judicial process. As a candidate, Martelly called for clemency for the former

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<sup>118</sup> “Haiti-Duvalier: Everything That Was Said at the Hearing of 28 February,” *HaitiLibre.com*, March 2, 2013.

<sup>119</sup> Trenton Daniel, “Attorney: Haiti’s ‘Baby Doc’ Duvalier Hospitalized,” *Associated Press*, March 4, 2013.

<sup>120</sup> “UN Urges Continued Probe on Violations During Baby Doc’s Rule in Haiti,” *RTT News*, Oct. 7, 2014.

<sup>121</sup> Susana Ferreira, “Ex-Haiti Leader Aristide Testifies on Assassination; Statement to Aid Investigation into Journalists’s Death,” *Chicago Tribune*.

<sup>122</sup> “International Press Freedom Group Urges Haiti’s Government to Act in Case of Slain Journalist,” *AP Newswire*, January 21, 2014.

<sup>123</sup> Arthur Dhont, “Arrest of Former Haitian President Likely to Increase Risk of Rioting and Disorder in Port-au-Prince,” *IHS Global Insight Daily Analysis*, September 10, 2014.

leaders, saying that, “If I come to power, I would like all the former presidents to become my advisors in order to profit from their experience.”<sup>124</sup> He also said he was “ready” to work with officials who had served under the Duvalier regimes,<sup>125</sup> and adult children of Duvalierists hold high positions in his government.<sup>126</sup> Since becoming president, Martelly repeated the possibility that he would pardon Duvalier, citing a need for national reconciliation.<sup>127</sup> He retracted at least one of those statements, and Prime Minister Lamothe stated that the Haitian state was not pursuing a pardon for Duvalier.<sup>128</sup>

The U.N.’s Deputy High Commissioner for Human Rights, Kyung-wha Kang, in a visit to Port-au-Prince in July 2011, urged the creation of a truth commission, which she said would help promote national reconciliation in Haiti.

The U.N. expert on human rights in Haiti, Michel Forst, called the appearance of former president Jean-Claude Duvalier before the Haitian courts a victory for the rule of law. He also said that despite assurances “at the highest level of State” that the executive branch would not interfere in the judicial proceedings, “that unfortunately was not the case.”<sup>129</sup>

### **Curbing Violence Against Women**

Some Members of Congress have expressed special concern about violence against women in Haiti. Discrimination against women has been practiced in Haiti throughout its history. The widespread nature and Haitian society’s tolerance of this sexual discrimination, says the Inter-American Commission on Human Rights, “has in turn fueled brutal acts of violence and abuse towards women on a regular basis.”

Gender-based or sexual violence against women and girls has been described by many sources for many years as common and under-reported in Haiti. The most prevalent forms of this violence are domestic abuse, rape—sometimes as a political weapon—and childhood slavery. Violence against women has also included murder. Haitian girls and women in the poor majority are at particular risk of violence. The issue gained new attention after the earthquake, when women in tent camps became especially vulnerable to gender-based violence. Haitian government enforcement of or adherence to its obligations to protect rights that would protect women and girls from gender-based or sexual violence in particular is weak and inadequate.

The Martelly Administration has dramatically increased the budget of the Ministry for Women’s Affairs and Rights, which is responsible for developing national equality policies and the advancement of women. The FY2012 budget for the ministry was US\$40.76 million, an increase of 828.2% (from 0.17% of the government’s budget in FY2011 to 1.41% in FY2012).

### **Security and the Debate over Reestablishing the Haitian Army**

For years, Congress has expressed concern over citizen security in Haiti. Congress has supported various U.N. missions in Haiti, and the professionalization and strengthening of the Haitian

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<sup>124</sup> Clarens Renois, “Haiti Politicians Hope for Reconciliation,” Agence France Presse, January 21, 2011, <http://www.abs-cbnnews.com/global-filipino/world/01/21/11/haiti-politicians-hope-reconciliation>.

<sup>125</sup> “Haitian Candidate Open to Including Duvalier Officials,” Agence France Presse, March 2, 2011.

<sup>126</sup> Jacqueline Charles, “The Case Against Haiti’s ‘Baby Doc,’” *Miami Herald*, February 27, 2013.

<sup>127</sup> Niko Price, “Haitian Leader Could Pardon Duvalier,” Associated Press, January 27, 2012.

<sup>128</sup> Statement at Center for Strategic and International Studies, Statesmen’s Forum, April 18, 2013.

<sup>129</sup> “Michel Forst vide son sac,” op.cit.

National Police force and other elements of Haiti's judicial system in order to improve security conditions in Haiti. In what proved to be a very controversial move, President Martelly proposed recreating the Haitian army to replace MINUSTAH in a few years. The army, which committed gross violations of human rights over decades, according to numerous reports by the State Department, the OAS Inter-American Human Rights Commission, Amnesty International, and others, and carried out numerous coups, was disbanded by President Aristide in 1995.

Martelly's initial plan called for creation of a 3,500-member army<sup>130</sup> to be built over three and a half years, at a cost of approximately \$95 million, including \$15 million to compensate former soldiers who were discharged.<sup>131</sup> In January 2012 Martelly reportedly acknowledged that a new army was not realistic, but also pledged to build a new Haitian security force of 3,000-5,000 members. It was not clear what difference there was between an army and a new security force.<sup>132</sup> Martelly is proceeding with steps for re-creating a military force, although on a smaller scale for now. Ecuador trained 41 Haitian military recruits—30 soldiers, 10 engineers, and 1 officer—in 2013, who will now work on engineering projects such as road repair, and will report to the Defense Ministry. According to a press report, Defense Minister Jean-Rodolphe Joazile said the troops “won't carry weapons for now but could carry handguns, in three to four years, if either the recruits pay for the weapon themselves or the government receives financing to do so.”<sup>133</sup> While some observers express concern over such steps, others say they are token gestures to address Martelly's campaign promise to reinstate the army. State Department officials have said that there has been virtually no funding of the Defense Ministry to carry out larger plans.

Former members of the Haitian army and would-be soldiers have protested in favor of reestablishing the army, and in 2012 occupied 10 old military bases. About 50 such protestors, wearing fatigues and some bearing arms, disrupted a session of parliament in April 2012 to voice their demands. After months of inaction, and under pressure from the U.N., the Haitian government closed the occupied bases and arrested dozens of pro-army protesters—including two U.S. citizens—after a march turned violent in May 2012.<sup>134</sup>

Under Haitian law, Parliament is supposed to approve recreating the force, which it has not done. The majority *Inité* coalition said the government cannot afford an army, and should further develop the Haitian National Police, which MINUSTAH is already training to assume its functions.<sup>135</sup> The United States and other international donors support reform and capacity building in the police force as the best means of continuing to improve citizen security. Others have also suggested establishing civilian corps to carry out disaster response and other duties Martelly is proposing for the army.

A U.N. Security Council mission to Haiti lamented the slow pace of police strengthening and worried that it could foster pro-army sentiments:

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<sup>130</sup> “Haiti President Wants to Start Recruiting New Army,” *Agence France Presse*, September 28, 2011.

<sup>131</sup> “Martelly Moves Ahead with Plan to Restore Army,” *Latin American Caribbean & Central America Report*, RC-11-10, October 2011, p. 16.

<sup>132</sup> Niko Price, “Haitian Leader Could Pardon Duvalier,” *Associated Press*, January 27, 2012.

<sup>133</sup> Trenton Daniel, “Haiti Takes Step Closer to Restoring Abolished Army as Trainees Return to Repair Roads,” *Associated Press*, September 17, 2013. See also “Haiti Takes Steps to Rebuild its Army,” *VOA*, September 17, 2013.

<sup>134</sup> *Associated Press*, “Mass. Man Jailed in Haiti Could Face Three Years behind Bars,” *CBS Boston*, May 24, 2012, <http://boston.cbslocal.com/2012/05/24/mass-man-jailed-in-haiti-could-face-three-years-behind-bars/>. The two men are Jason William Petrie of Ohio and Steven Parker Shaw of Massachusetts. If convicted of conspiracy charges, the two could face up to three years in prison according to a Haitian prosecutor.

<sup>135</sup> *Ibid.*

Although the performance of the Haitian National Police has been slowly improving ... it still lacks the quantity and quality of personnel necessary to assume full responsibility for internal security.... The pace of recruitment, vetting and training, however, has been unsatisfactory. The mission was informed that the start of training for the next group of cadets was delayed owing to funding shortfalls and other administrative difficulties. The mission heard accounts that the slower-than-expected pace of development of the Haitian police risks fuelling support among certain Haitian sectors for the near-term creation of a national army.<sup>136</sup>

When MINUSTAH arrived in Haiti in 2004, there were about 5,000 officers in the HNP. About 1,000 new officers have been graduated from the police academy in recent years. The HNP now has about 11,900 officers, including 1,022 women. MINUSTAH's goal was to have at least 15,000 police officers trained by 2016.

## Counternarcotics

Haiti is a transit point for cocaine being shipped by both sea and air from South America, and for marijuana coming from Jamaica to the United States, Canada, Europe, and other Caribbean countries. Some drugs are also sent through Haiti by land to the Dominican Republic. Weak institutions, poorly protected borders and coastlines, and widespread corruption are conditions that make Haiti attractive to drug traffickers and make it difficult for Haiti to combat trafficking.

Nonetheless, the Haitian government has committed itself to combating narcotics trafficking in recent years. According to the State Department's *International Narcotics Control Strategy Report (INCSR)* published in March 2013, the Martelly Administration is planning to strengthen the Haitian National Police to make them more effective in counternarcotics efforts, approving a new five-year development plan for the Haitian National Police (HNP) which will expand the counternarcotics unit to 200 officers.<sup>137</sup> The Obama Administration worked with other donors to update the development plan for the Haitian Coast Guard, and coordinate international efforts.

Although corruption is a widespread problem, the State Department reports that the government does not encourage or facilitate distribution of illicit drugs or the laundering of drug trafficking profits, and has fully staffed the HNP Inspectorate General at the upper leadership level for the first time in its 17-year history. Low pay and widespread poverty make low-level police and other officials vulnerable to bribery, however. The State Department has noted in the past that Haitian law enforcement officials cannot investigate allegations that some legislators may be involved in illicit activities because the constitution provides them with blanket immunity. The 2013 INCSR adds that "... resource shortages, a lack of expertise, and insufficient political will represent substantial obstacles to anti-corruption efforts."

Since 2008, Congress has included counternarcotics funds for Haiti in regional initiatives in addition to bilateral funding—first through the Merida Initiative, and then through the Caribbean Basin Security Initiative (CBSI). The Merida aid package aimed to "combat drug trafficking and related violence and organized crime."<sup>138</sup> Although the Merida Initiative initially included Central America, the Dominican Republic, and Haiti, its main focus was Mexico. CBSI, launched by the

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<sup>136</sup> U.N. Security Council, *Report of the Security Council Mission to Haiti, 13-16 February 2012*, S/2012/534, July 11, 2012, p. 3.

<sup>137</sup> U.S. Department of State, *International Narcotics Control Strategy Report*, Vol. I, Drug and Chemical Control, "Haiti," March 5, 2013.

<sup>138</sup> U.S. Department of State, *The Merida Initiative*, U.S.-SICA Dialogue on Security, December 11-12, 2008, Washington, DC, December 2008, p. 3, [http://pdf.usaid.gov/pdf\\_docs/PCAAB861.pdf](http://pdf.usaid.gov/pdf_docs/PCAAB861.pdf).

Obama Administration in 2010, is a regional security effort by the United States and Caribbean nations aiming to reduce illicit trafficking, advance public safety and security, and promote social justice.<sup>139</sup> U.S. counternarcotics programs in Haiti aim to enhance the professionalism and capability of the Haitian National Police. Such support ranges from providing police cadets with food and uniforms, to training in community-oriented policing and investigation methodology, to renovation of an operating base for the police's counternarcotics unit, joint enforcement operations, and support of five Haitian Coast Guard vessels.<sup>140</sup> In its 2013 report the Administration concludes that, "despite progress, the tempo of drug enforcement actions in Haiti remains stubbornly low."

## **Trade Preferences for Haiti**

Congress passed several bills, before and after the earthquake, to provide trade preferences for Haiti. In 2006 Congress passed the HOPE Act, or the Haitian Hemispheric Opportunity through Partnership Encouragement Act (P.L. 109-432, Title V), providing trade preferences for U.S. imports of Haitian apparel. The act allows duty-free entry to specified apparel articles 50% of which were made and/or assembled in Haiti, the United States, or a country that is either a beneficiary of a U.S. trade preference program, or party to a U.S. free trade agreement (for the first three years; the percentage became higher after that). The act requires ongoing Haitian compliance with certain conditions, including making progress toward establishing a market-based economy, the rule of law, elimination of trade barriers, economic policies to reduce poverty, a system to combat corruption, and protection of internationally recognized worker rights. It also stipulates that Haiti not engage in activities that undermine U.S. national security or foreign policy interests, or in gross violations of human rights.

Those trade preferences were expanded in 2008 with passage of the second HOPE Act as part of the 2008 farm bill (Title XV, P.L. 110-246), in response to a food crisis and then-President Préval's calls for increased U.S. investment in Haiti.<sup>141</sup> HOPE II, as it is commonly referred to, extended tariff preferences through 2018, simplified the act's rules, extended the types of fabric eligible for duty-free status, and permitted qualifying apparel to be shipped from the Dominican Republic as well as from Haiti. The act mandated creation of a program to monitor labor conditions in the apparel sector, and of a Labor Ombudsman to ensure the sector complies with internationally recognized worker rights.

Congress again amended the HOPE Act after the 2010 earthquake. Through the HELP, or Haiti Economic Lift Program Act (P.L. 111-171), Congress made the HOPE trade preferences more flexible and expansive, and extended them through September 2020. Supporters of these trade preferences maintain that they will encourage foreign investment and create jobs. Others argue that while the textile manufacturing sector may create jobs, some of the new industrial parks are being built on arable land and putting more farmers out of jobs, and that the manufacturing sector is being supported at the expense of the agricultural sector.<sup>142</sup>

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<sup>139</sup> U.S. Department of State, *Caribbean Basin Security Initiative*, <http://www.state.gov/p/wha/rt/cbsi/>, undated, after November 10, 2011, June 22, 2012.

<sup>140</sup> U.S. Department of State, *International Narcotics Control Strategy Report*, Vol. I, Drug and Chemical Control, March 2012, pp. 247-250, and March 5, 2013.

<sup>141</sup> For more information see CRS Report RL34687, *The Haitian Economy and the HOPE Act*, by (name redacted)

<sup>142</sup> Briefing with Camille Chalmers, Executive Director of the Haitian Advocacy Platform for an Alternative Development, May 22, 2012.

In October 2013, two reports by nongovernmental organizations criticized labor practices in Haitian factories, alleging widespread underpayment of workers and unsafe working conditions at many of them.<sup>143</sup>

Both the House and Senate passed versions of the Trade Preferences Extension Act of 2015 (H.R. 1295), which would extend the preferential duty treatment program for Haiti, in spring 2015. In June, the two chambers were resolving their differences.

## Legislation in the 114<sup>th</sup> Congress

**P.L. 113-76/H.R. 3547.** The Consolidated Appropriations Act, 2014, prohibits assistance to the central government of Haiti until the Secretary of State certifies that Haiti has held free and fair parliamentary elections, is respecting judicial independence, and is taking effective steps to combat corruption and improve governance. The bill also prohibits the obligation or expenditure of funds for Haiti except as provided through the regular notification procedures of the Committees on Appropriations, but allows Haiti to purchase defense articles and services under the Arms Export Control Act for its Coast Guard. Signed into law January 17, 2014.

**P.L. 113-162/H.R. 1749/S. 1104.** The Assessing Progress in Haiti Act would measure the progress of recovery and development efforts in Haiti following the earthquake of January 12, 2010. It directs the Secretary of State to coordinate and transmit to Congress a three-year strategy for Haiti that identifies constraints to economic growth and to consolidation of democratic government institutions; includes an action plan that outlines policy tools, technical assistance, and resources for addressing the highest priority constraints; and identifies specific steps and benchmarks for providing direct assistance to the Haitian government. The act also requires the Secretary of State to report to Congress annually through December 31, 2017, on the status of specific aspects of post-earthquake recovery and development efforts in Haiti. Signed into law August 8, 2014.

**P.L. 113-235/H.R. 83.** The FY2015 Consolidated and Further Continuing Appropriations Act conditions aid to Haiti. It prohibits assistance to the central government of Haiti until the Secretary of State certifies that Haiti “is taking steps” to hold free and fair parliamentary elections, respecting judicial independence, selecting judges in a transparent manner, combating corruption, and improving governance and financial transparency.

**H.R. 52.** The Save America Comprehensive Immigration Act of 2015 would authorize adjustments of status for certain nationals or citizens of Haiti and would amend the Haitian Refugee Immigration Fairness Act of 1998 to (1) waive document fraud as a ground of inadmissibility and (2) address determinations with respect to children. Introduced January 6, 2015, referred to the House Judiciary Committee, Committees on Homeland Security and Oversight and Government Reform January 23, 2015.

**H.R. 1295.** The Trade Preferences Extension Act of 2015 would extend preferential duty treatment program for Haiti. Introduced March 4, 2015; House passed on April 15; Senate passed amended version May 14; resolving differences as of June 11, 2015.

**H.R. 1891.** AGOA Extension and Enhancement Act of 2015 would extend the African Growth and Opportunity Act, the Generalized System of Preferences, and the preferential duty treatment

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<sup>143</sup> Better Work Haiti, *Better Work Haiti: Garment Industry, 7<sup>th</sup> Biannual Synthesis Report Under the HOPE II Legislation*, International Labour Organization and International Finance Corporation, October 16, 2013; and Worker Rights Consortium, *Stealing from the Poor: Wage Theft in the Haitian Apparel Industry*, October 15, 2013.

program for Haiti, and for other purposes. Introduced April 17, 2015, referred to the House Committee on Ways and Means. Referred to the Union Calendar, Calendar No. 70, May 1, 2015.

**H.Res. 25.** Would recognize the anniversary of the tragic earthquake in Haiti on January 12, 2010, honoring those who lost their lives, and expressing continued solidarity with the Haitian people. Introduced January 9, 2015, referred to the House Foreign Affairs Subcommittee on the Western Hemisphere on February 11, 2015.

**S. 503.** Haitian Partnership Renewal Act would amend the Caribbean Basin Economic Recovery Act to extend (1) the 60% applicable percentage requirement for duty-free entry apparel articles assembled in Haiti and import from Haiti or the Dominican Republic to the United States, and (2) duty-free entry for such articles through December 19, 2030. Introduced, referred to the Senate Finance Committee, read twice, and referred to the Committee on Finance on February 12, 2015.

**S. 1009.** AGOA Extension and Enhancement Act of 2015 would extend the African Growth and Opportunity Act, the Generalized System of Preferences, the preferential duty treatment program for Haiti, and for other purposes. Introduced, referred to the Senate Finance Committee, read twice and referred to the Committee on Finance on April 20, 2015.

**S. 1267.** The Trade Preferences Extension Act of 2015 would amend the Caribbean Basin Economic Recovery Act to extend through December 19, 2025, the duty-free entry of apparel articles, including woven articles and certain knit articles, assembled in Haiti and imported from Haiti or other Dominican Republic to the United States; the special duty-free rules for Haiti shall now extend through September 30, 2025. Introduced May 11, 2015, referred to Senate Finance Committee. By Senator Hatch from Committee on Finance filed written report, S.Rept. 114-43, on May 12, 2015.

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