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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

**Replies of Haiti to the list of issues in relation to its second
periodic report***

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Introduction

1. In accordance with article 40 of the International Covenant on Civil and Political Rights, Haiti submitted its second periodic report to the Human Rights Committee in December 2018, four years after the consideration of its initial report on the implementation of the Covenant. The Committee then adopted a list of issues in relation to this second report, at its 128th session (2–27 March 2020), in order to help the delegation of Haiti to prepare for the consideration of the report. The Committee requested Haiti to submit its replies by 27 July 2020 at the latest. The technical secretariat of the Haitian Interministerial Human Rights Committee gathered the necessary information from relevant sectors and prepared the present replies. Human rights organizations were consulted about the replies on 23 July 2020. The replies were then submitted to the Government for approval before being transmitted to the Human Rights Committee.

I. Constitutional, legal and institutional framework within which the Covenant is implemented and right to an effective remedy

2. The country's various courts have always endeavoured to apply the national laws in force and the conventions and covenants to which Haiti is a party. The provisions of the Covenant are applied when litigants refer to them. In the 2018/19 judicial year, detainees who considered that the judiciary had been too slow to decide their cases filed petitions for habeas corpus in accordance with article 9 (4) of the Covenant. In the 2017/18 judicial year, 41 petitions for habeas corpus were filed, of which 37 have been heard by the courts.

3. In the 2018/19 judicial year, 197 cases were dealt with in special hearings held in the Port-au-Prince judicial district, and the detainees were released if they were not being held for any other reason.

4. In 2020, 806 detainees have been identified to be heard in connection with lesser indictable offences or habeas corpus proceedings because the time limit for trial, as prescribed in the Code of Criminal Investigation, has been exceeded.

A. Accession to the Optional Protocol

5. Haiti takes a very close interest in the Optional Protocol to the Covenant on individual communications. Studies and analyses are already being carried out in preparation for the possibility of accession.

B. Increasing the budget of the Office of the Ombudsman

6. In accordance with the amending budget for the fiscal year 2019/20, which was adopted by the Council of Ministers, the budget of the Office of the Ombudsman was increased by 38.9 million gourdes, from 70 million to 108.9 million gourdes.

II. Anti-corruption measures

7. With regard to the Petrocaribe fund case, civil society actors are suing for damages and filed a complaint in February 2018. A judge was then assigned to the case. The Senate took up the matter by establishing a commission. Following the submission of the senatorial commission's report, the Superior Court of Auditors and Administrative Disputes prepared several reports on the case, the most recent of which dates from 31 May 2019. On 3 February 2019, the competent authorities submitted this report to the public prosecutor's office attached to Port-au-Prince Court of First Instance, and the case has now gone to trial.

8. As shown by the visits made by the former Prime Minister on 21 September 2018 and 24 January 2019, the Government has spared no effort to identify those responsible and

ensure that they are punished through the judicial system, in the interests of supporting the Superior Court of Auditors and Administrative Disputes in its task of monitoring the management of public funds and thereby facilitating accountability. To this end, the Government put together a file containing the various resolutions adopted by the Council of Ministers as part of the implementation of the Petrocaribe projects. In addition, on 28 June 2019, a visit was made to demonstrate support for the Superior Court of Auditors and Administrative Disputes in the wake of threats made against its members.

9. On 7 June 2019, in partnership with the United Nations Mission for Justice Support in Haiti and the United Nations Office on Drugs and Crime, the Anti-Corruption Unit launched an online programme on judicial integrity.

10. Six members of the judiciary, including three government commissioners, have been removed from the judicial system under the law on corruption.

11. The Central Financial Intelligence Unit is a public body established under the Act of 21 February 2001 on the Laundering of Assets Originating from Drug Trafficking and Other Serious Offences. The legislature takes the view that this body, which was set up to fight corruption, cannot be the judge of causes in which it has an interest. The intention is to dispel any suspicion of corruption involving this body. The office of the Director General of the Central Financial Intelligence Unit has thus been stripped of certain powers, including the power to initiate investigations. In addition, the Director General, who is appointed by presidential order, may be dismissed by the President of the Bank of the Republic of Haiti, the country's central bank, if allegations of serious misconduct are made against him or her. The central bank therefore has the power to dismiss the Director General but is not the oversight or appointing authority.

12. The Government is analysing these issues with a view to taking the appropriate measures.

III. Efforts to combat impunity and to address human rights violations

13. The Jean Claude Duvalier case remains an important one for the Government. There have been two legal decisions in the case, one of which has been appealed on points of law. Further progress in the case will depend on the handing down of a judgment, which will lead to fair and equitable compensation for the damage caused to the victims.

A. Judicial reform

14. As part of its judicial reforms, the Government is taking steps to make the National Council on Legal Assistance fully operational. It has also strengthened the public prosecutor's offices in the country's 18 judicial districts by increasing the number of government commissioners from 228 to 248. In the 2018/19 judicial year, 70 government commissioners, including 10 women, received in-service training at the Legal Service Training College. In addition to the in-service training provided to members of the judiciary, initial training was provided to 47 registrars.

B. Impunity

15. To speak of widespread impunity in a country is to deny all the efforts made by its authorities to operationalize the bodies responsible for enforcing the laws in place to punish offences committed by citizens. In Haiti, the judicial bodies are independent, and their decisions are implemented in accordance with the procedures in force. The Government does not interfere in the decisions of members of the judiciary nor does it give them instructions.

16. Whenever a complaint is filed with the judicial bodies, every step in the proceedings is respected so as not to undermine the rights of the litigants. Whenever the time limits for rendering decisions are not respected, judicial inspectors are dispatched to the public

prosecutors' offices and courts in order to report back on any shortcomings to the authorities that oversee the work of those bodies. Remedial action is then taken in accordance with the Constitution.

C. Measures taken in the La Saline case

17. An action has been brought to have the case removed from the investigating judge who had been assigned and have it referred to another investigating judge, on grounds of bias. The matter is currently before the Court of Cassation.

18. The action to have the case transferred to another investigating judge was brought by the defendants. The Court of Cassation has yet to rule on the matter. As cassational appeals have a suspensive effect, no investigation can be carried out until a judgment on the admissibility of the appeal has been rendered.

D. The President's condemnation of killings

19. With regard to the accusation that the President has failed to condemn the incidents that occurred in several poor neighbourhoods, including La Saline, it should be pointed out that, on 10 December 2018, on the occasion of the seventieth anniversary of the Universal Declaration of Human Rights, the Head of State strongly condemned these acts and promised to shed light on them. Moreover, on 9 November 2019, the Minister of Justice publicly condemned the events in Bel-Air and announced that investigations would be carried out.

E. The Tête ti Source case in Baillergeau

20. An investigation revealed that the victim died as a result of physical abuse. The perpetrator was arrested, tried, convicted and dismissed from the police force.

F. The Lilavois case

21. In the Lilavois case, which involves officers of the National Police, an investigation was carried out by the Inspectorate General of the National Police. The investigation revealed that some of the police officers had acted wrongfully. Their files have been transferred to the investigation unit for legal action.

G. The Grand Ravine case

22. In this case, the Inspectorate General of the National Police ordered an investigation, which resulted in the police officers suspected of involvement being placed in solitary confinement. The files of the alleged wrongdoers are now with the investigation unit.

IV. Non-discrimination and equality between men and women

23. Articles 17 and 18 of the 1987 Constitution establish the principle of non-discrimination and equality between men and women. Steps were taken to ensure that the most recent elections were held in compliance with the provisions of article 17.1 of the Constitution concerning the quota of 30 per cent. The Electoral Act of 2015 thus introduced the requirement that each municipal council, communal section administrative council and communal section assembly should include at least one woman. As a result, at the most recent elections, women accounted for 34.04 per cent of members of municipal councils, including 12 women mayors or heads of mayoral teams, 41.30 per cent of members of communal section administrative councils and 34.10 per cent of members of communal section assemblies.

24. The Government remains committed to ensuring that the 30 per cent quota is applied when elections to the municipal councils are next held and that this quota is reflected in the presidential order on municipal councils. Successive governments have taken measures upon coming to power to improve women's participation in public affairs:

- The Government of Prime Minister Jean-Henry Céant, which came to power on 17 September 2018, had 21 ministerial posts, including 3 ministers attached to the Office of the Prime Minister, of which 6 were held by women (28 per cent)
- The Government of Acting Prime Minister Jean Michel Lapin, which came to power on 23 May 2019, had 12 ministerial posts, including 3 ministers attached to the Office of the Prime Minister, of which 8 were held by men (67 per cent) and 4 by women (33 per cent)
- The Government of Joseph Jouthe, which came to power on 3 March 2020, has 17 ministerial posts, including 2 ministers attached to the Office of the Prime Minister, of which 4 are held by women (22 per cent, versus 78 per cent for men)

25. The following table shows the representation of women at the highest level of public life (ministers and secretaries of State) over the last two years, spanning three successive Governments.

<i>Administration</i>	<i>Period</i>	<i>Number of posts created</i>	<i>Number of posts held by women</i>	<i>Percentage</i>	<i>Number of posts held by men</i>	<i>Percentage</i>
Moïse-Céant	2018–2019	21	5	22.7	16	77.3
Moïse-Lapin	2019–2020	12	4	25	8	75
Moïse-Jouthe	2020	18	5	29	13	71

26. In December 2019, with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Ministry for the Status of Women and Women's Rights held a workshop on discriminatory Haitian laws in order to present the strategy put in place to ensure the equality of women and girls before the law by 2030. Campaigns continue to be carried out during public gatherings such as the Carnival and fairs to raise awareness of the dangers of objectifying women and to prevent violence, under the slogan "My body, my dignity".

V. Violence against women

27. With the support of the Organization of American States, the Ministry for the Status of Women and Women's Rights prepared a preliminary bill on the punishment, prevention and eradication of violence against women. This preliminary bill was transformed into a legislative proposal and submitted to the Senate in 2019. The Ministry is also implementing the third National Plan to Combat Violence against Women and Girls, for the period 2017–2027. In addition, a tripartite protocol for the issuance of medical certificates free of charge in cases of violence against women and girls remains in force.

28. Over a three-year period, the Legal Service Training College provided training on gender-based violence to members of the judiciary (prosecutors and judges) and police officers across the country's 18 judicial districts. In 2019, training on gender-based violence was provided to 35 persons, including 20 women.

VI. Voluntary termination of pregnancy and reproductive rights

29. In an effort to reduce the country's high rates of maternal mortality and morbidity and early pregnancy, the Government has set up some 40 basic obstetric and neonatal care centres. These facilities are managed by midwives posted across the country to strengthen both preventive and curative maternal health services. The other measures adopted concern access

to family planning services free of charge and the availability of key maternal health medicines.

30. The Ministry of Public Health and Population has a national strategic plan on reproductive health for the period 2019–2023 aimed at reducing the high rates of maternal mortality and morbidity and early pregnancy. The plan is divided into three specific areas:

(a) Expanding access to quality health services with a view to reducing maternal and neonatal mortality and morbidity and unmet need for family planning services;

(b) Helping to reduce the number of early and/or unwanted pregnancies, sexually transmitted infections and HIV infections among young people aged 15–24 years;

(c) Improving governance, leadership and the management of sexual and reproductive health interventions. The budgetary resources required to achieve the expected results are identified in the plan.

31. A bill on the decriminalization of abortion has been drafted by a State commission and submitted to Parliament.

VII. Discrimination based on sexual orientation

32. Haitian culture has its peculiarities. It does not allow itself to be swayed with regard to practices that have long been sharply criticized. These attitudes might change over time. Until then, it is no simple task to turn disapproval into acceptance through legislation.

33. Nevertheless, under Haitian law, no one may inflict violence against a person who identifies as lesbian, gay, bisexual or transgender. The perpetrators of acts of violence against such persons are punished through the justice system, either in response to a complaint filed by the victim or where the offence is discovered while it is being committed.

VIII. Right to life

34. The right to demonstrate peacefully is recognized in the Constitution. However, such demonstrations very often descend into violence, sometimes leading to widespread abuses. Despite this high-risk environment, the officers of the National Police have never faltered in their constitutional obligation to “protect and serve”. They have always harnessed their professionalism to limit the damage caused. The extent of the criminal violence recorded against law enforcement officials shows the constant provocation they face from the armed men who infiltrate the demonstrations.

A. Allegations of the disproportionate use of force by police officers

35. The Inspectorate General ensures that allegations of the disproportionate use of force by police officers are handled in accordance with the internal regulations of the National Police. In this regard, the Inspectorate General has taken thorough action in response to all the complaints received with a view to reassuring the public about the ethical obligations and professional standards of officers of the National Police.

36. Between February and November 2019, three cases of homicide and one case of physical assault, all of them relating to street protests, were referred to the Inspectorate General. Two of the three homicide cases have been dealt with, resulting in the dismissal of the police officers responsible.

B. Police training

37. Between 7 February and 23 July 2019, five training sessions were organized for the staff of the National Police. These training sessions were focused on the identification of human rights violations (87 participants) and, for student commissioners at the National Police School, the roll-out of a new database (84 participants). Moreover, candidate police

officers at the National Police School took a training session on general disciplinary rules, professional standards and advice for candidate officers, the use of force, human rights and ethics, rules of conduct, values and behavioural attitudes. In addition, a training session on database management was organized for the various departments of the Inspectorate General of the National Police. This course had 87 participants. Overall, more than 300 law enforcement officers attended these training sessions. In addition, several police officers have taken four awareness-raising sessions on human rights.

C. Allegations of human rights violations

38. Between January and June 2020, 62 allegations of human rights violations were referred to the Inspectorate General of the National Police, 27 of which have been dealt with. These allegations concern sexual abuse, physical assault, beatings, gunshot wounds, police brutality, hitting, slapping, homicides, ill-treatment, and violence, including against children. Following the Inspectorate General's investigations into these allegations, 56 per cent of the cases were closed, 7 per cent of the officers who had acted wrongfully were placed on leave and 15 per cent were dismissed from the police force.

IX. Death penalty

39. Haiti abolished the death penalty long before it acceded to the Covenant. The death penalty had already been replaced with detention pursuant to article 1 of a decree of 23 August 1985; article 2 of that decree defines detention as a judicial sentence involving the loss of civil rights for political crimes. Under article 20 of the 1987 Constitution, the death penalty was definitively abolished. In addition, the Government adopted a decree on 4 July 1988, pursuant to which the death penalty was abolished in all circumstances. In article 1 of the decree, the death penalty was replaced by the penalty of hard labour for life, which led to the amendment of article 7 of the Criminal Code on the death penalty.

X. Prohibition of torture and cruel, inhuman or degrading treatment or punishment

40. The new Criminal Code, which was published in the Official Gazette (special issue No. 10 of 24 June 2020), establishes a prohibition on torture and cruel, inhuman or degrading treatment or punishment in articles 262 et seq. It defines torture as "any act or omission by which physical or mental suffering is intentionally inflicted on a person".

41. The new Code will enter into force 24 months after its date of publication.

42. Between January and June 2020, the Inspectorate General of the National Police received five complaints concerning allegations of torture. These complaints are currently being investigated. Once the evidence has been obtained, the police will transmit it to the competent bodies for legal action, while also taking administrative and disciplinary measures.

XI. Elimination of slavery and servitude

A. Government's approach

43. With regard to efforts to combat child labour, the Government, through the Social Welfare and Research Institute, recommends first and foremost that the *restavec* system should be abandoned. Illustrated materials have been used to communicate this recommendation to all partners and the general public. These materials were shown again in June 2020 on the occasion of National Children's Day. Today, it is more appropriate to speak of "children in domestic service", since being a *restavec* is not a status; rather, it is a situation from which children should be removed and in which they should under no circumstances

find themselves. This recommendation is beginning to be well accepted at the national level. International bodies that have not yet done so should take this development into account.

44. Further action has been taken over the last 12 months. Building on the new measures taken to provide care for children deprived of parental protection, targeted action has been taken with a view to changing behaviour at various levels, and some children have been placed in care.

B. Projects to support State bodies

45. Since 2017, in partnership with the United Nations Children's Fund, Canada and other actors, the Government has been implementing a project to combat child labour in domestic work, in line with the Convention on the Rights of the Child, which Haiti has signed and ratified. This project, which will run until June 2021, is being implemented in 16 communes in three of the country's departments (West, Grande-Anse and South). The outcomes of the project include a finalized list of hazardous occupations that children may not perform and the National Plan of Action to Combat Child Labour. On 27 June 2019, the U-Report platform was made operational in order to strengthen the engagement of young people on issues relating to the rights of the child. Through the platform, 20,000 young people, 36 per cent of them girls, have been educated about child labour and other issues affecting children and young people. In addition, 23 surveys have been carried out to give young people the opportunity to express their views on various issues relating to children's rights, such as domestic work, birth registration, violence against children and education; the average participation rate was 40 per cent.

C. Vocational training, reintegration and reunification of children with their families

46. A vocational training programme has been launched in conjunction with the National Institute for Vocational Training and the International Labour Organization. Under this programme, 841 vulnerable adolescents, including 378 girls aged 14–17 years, have already received training in such areas as tailoring, plumbing, agricultural techniques and the plastic arts.

47. In 2019–2020, 838 child domestic workers, including 503 girls, were reunited with their biological families. Such reunifications feed into a process of facilitating school or vocational reintegration and providing socioeconomic support for vulnerable households. Some 9,285 children have received school reintegration support.

48. In addition, 677 survivors of gender-based violence received temporary shelter, food, psychosocial support and medical referrals.

49. Moreover, 4,518 vulnerable households at risk of family separation – 77 per cent of which were headed by women – received assistance aimed at preventing child labour. They received cash transfers, support for income-generating activities, vocational training, financial education and psychosocial support. It should be noted that 140,146 persons, including 74,519 women, actively participated in efforts to protect children's rights and to prevent and respond to gender-based violence and child domestic labour. Child protection committees and community actors played a prominent role in such efforts.

50. The Government, through the Social Welfare and Research Institute, has accredited 120 host families, and a further 68 are awaiting accreditation. In 2019, 165 children were placed in foster families in seven of the country's departments. The Social Welfare and Research Institute provided psychosocial support for these children and their foster families.

D. Implementation of the Trafficking in Persons Act of 30 April 2014

51. The Government is continuing to focus its efforts to ensure the implementation of the Trafficking in Persons Act of 30 April 2014 (Official Gazette No. 103 of Monday, 2 June 2014). The National Committee against Trafficking in Persons was established in accordance

with article 3 of the Act. For the 2019/20 fiscal year, the Government allocated a budget of 20 million gourdes for the implementation of a project to strengthen the response capacities of the Ministry of Social Affairs and Labour through the establishment of the National Committee against Trafficking in Persons.

52. The executive secretariat provided for in article 5 of the Act of 30 April 2014 has also been made functional. The subcommittees will soon be established. In 2019, training sessions were held in Haiti and abroad (United States of America, Dominican Republic and Guyana) to strengthen the capacities of the National Committee. Following a training seminar in June 2020 for actors within the judicial system in the judicial districts of Port-au-Prince, Croix-des-Bouquets, Hinche and Fort Liberté, a task force was established to combat trafficking in persons.

53. In accordance with the Act of 30 April 2014, the Government approved the National Policy Document for Social Advancement and Welfare by an order of 5 June 2020.

E. National Strategy and Plan to Combat Trafficking in Persons

54. The National Committee against Trafficking in Persons has a National Strategy and Plan to Combat Trafficking in Persons for the period 2017–2022. In implementation of the National Strategy and Plan, activities have been carried out in four main areas: prevention, protection, prosecution and partnership. With regard to prevention, awareness-raising campaigns have been conducted for State authorities and civil society actors. The protection component is encapsulated in the services provided by the Social Welfare and Research Institute, the Brigade for the Protection of Minors and the Border Police.

55. As for prosecutions, approximately 15 cases of trafficking in persons are pending before the courts. The most recent conviction was handed down on Wednesday, 22 April 2020. The accused was sentenced to 7 years of long-term hard labour, a fine of 15,000 gourdes payable to the Treasury and payment of an amount of 2,000 gourdes towards the costs of the prosecution.

56. With the support of its partners, the National Committee against Trafficking in Persons is participating in the implementation of two flagship projects. The first is the Multi-Country Border Security Programme for Haiti, Jamaica and Dominican Republic, which is funded by the European Commission (eleventh European Development Fund). As part of the Programme, the International Organization for Migration is responsible for a border security project to prevent and combat trafficking in persons in Jamaica, Haiti and the Dominican Republic. The second is the Building Enduring Systems to End Trafficking in Persons (BEST) project, which is funded by the Government of the United States of America through the United States Agency for International Development (USAID) and implemented by Lumos, a non-governmental organization. As part of the project, a knowledge, attitudes and practices survey on trafficking in persons in Haiti is being conducted. In addition, the National Committee against Trafficking in Persons is working with the International Organization for Migration to update the standard operating procedures on combating trafficking in persons.

57. Between 2015 and 2020, the Government held several training sessions for police officers, Directorate of Immigration and Emigration officials, members of human rights organizations, journalists, judges and government commissioners with a view to improving the implementation of the Trafficking in Persons Act of 30 April 2014.

XII. Liberty and security of person

A. Measures to reduce prison overcrowding

58. The Haitian justice system continues to make efforts to combat prison overcrowding. These efforts are focused not only on improving conditions of detention, but also on determining the status of detainees and combating prolonged pretrial detention, which often amounts to an infringement of personal liberty.

59. With this objective in mind, the Ministry of Justice and Public Security and the High Council of the Judiciary have instructed public prosecutor's offices and courts of first instance to increase the number of hearings for both lesser and serious indictable offences. For example, in the judicial district of Port-au-Prince, which has 35 per cent of the prison population, such hearings are being held more frequently, which has led to a reduction in the number of persons in prolonged pretrial detention. The number of detainees in this judicial district decreased from 4,198 in December 2018 to 3,196 in April 2019, reflecting a 35 per cent reduction in the number of persons in prolonged detention. This reduction in the number of persons in prolonged pretrial detention means that other inmates have significantly more space. These measures were taken in implementation of a Ministry of Justice and Public Security plan to combat prolonged pretrial detention.

60. As at 21 November 2019, it was estimated that 11,084 persons (10,484 men, 365 women, 222 boys and 13 girls) were incarcerated in the country's 18 judicial districts. However, by the first quarter of 2020, this population had increased to 11,103 persons, of whom 2,803 (25.25 per cent) had been convicted; the remaining 8,300 (74.75 per cent) were being held on remand. The pretrial detainee population is predominantly male: it consists of 7,780 men, 336 women, 172 boys and 12 girls. The increase in this population can be attributed to the rise in acts of violence in the last quarter of 2019.

B. Situation of prisons in the context of the coronavirus disease (COVID-19) pandemic

61. As part of the management of the COVID-19 pandemic, the Directorate of Prisons Administration has taken steps to decongest prisons. A commission was established to draw up criteria for selecting inmates to receive a presidential pardon. In order to be eligible, inmates must meet one of these criteria, according to which a person must:

- Have served at least 60 per cent of his or her sentence
- Be held in detention as a result of insolvency, weakness and/or administrative violations
- Be aged 60 years or over
- Suffer from a serious illness declared prior to the outbreak of the pandemic and confirmed by a medical certificate accepted by the Directorate of Prisons Administration
- Have been in pretrial detention for at least 5 years for a crime other than kidnapping, rape, armed robbery, murder, trafficking in persons and illicit drug trafficking
- Have been in pretrial detention for at least 2 years for attempted murder without the use of a firearm
- Have been in pretrial detention for at least 1 year for criminal association, even where this offence is linked to another lesser indictable offence, excluding illegal possession of firearms or ammunition
- Have committed an offence deemed minor and have been in pretrial detention for more than 6 months
- Be a woman who is six months pregnant or is breastfeeding a baby aged up to six months
- Be a minor in detention for a lesser indictable offence

62. On the basis of these criteria, a list of 806 persons was submitted to the competent authorities. The judiciary is currently analysing their cases to see what action to take.

63. A computerized judicial case management system is already operational in 11 of the country's 18 judicial districts in order to facilitate more rational management of open cases.

64. As part of the management of the COVID-19 pandemic, Saint-Marc Court of First Instance heard 102 cases concerning lesser and serious indictable offences involving 111 detainees and rendered its decisions immediately in all of them.

65. In accordance with article 95 of the Code of Criminal Investigation, the courts may grant provisional release from detention on remand to certain detainees. The new, recently published version of the Code introduced provision for the suspension of sentences.

66. All persons held in the country's prisons were identified, and those who had finished serving their sentences but remained incarcerated were released.

67. With regard to arbitrary arrests, the Constitution states that there are times at which a person may not be arrested unless he or she is caught while committing an offence.

C. Separation of prisoners

68. The following arrangements have been put in place to ensure that convicted persons are held separately from accused persons and minors from adults: convicted prisoners are held at the prison in Croix-des-Bouquets; male minors are detained at the Rehabilitation Centre for Children in Conflict with the Law; and women are incarcerated at the prison in Cabaret. In the other judicial districts, special cells are used to ensure the separation of prisoners.

69. In partnership with civil society organizations, the Government has implemented projects to support minors in conflict with the law in order to combat the prolonged pretrial detention of minors and provide them with better conditions of detention. These projects, which are funded by the United Nations Mission for Justice Support in Haiti, facilitated the social reintegration of 103 minors between 2017 and 2019. By May 2019, only 59 minors remained in detention.

70. In addition, the Government has a special national child protection strategy document to improve the general conditions of minors in detention. The two projects mentioned above, one of which is still being implemented, are based on this document.

71. With regard to women detained on remand, special hearings for lesser indictable offences were held at Port-au-Prince Court of First Instance. They began on 8 March 2019, on the occasion of International Women's Day, and continued until 3 April, the national day of the Haitian women's movement. These hearings led to the release of 21 women.

72. International standards for the minimum space that should be available to each detainee are respected in all prisons, including those in Cabaret, Fort Liberté and Hinche, with the exception of the civilian prison in Port-au-Prince. The Government is nevertheless making every effort to improve overall conditions of detention.

D. Contingency plan of the Directorate of Prisons Administration

73. In response to the COVID-19 pandemic, the Directorate of Prisons Administration adopted a contingency plan on 19 March 2020. This plan was drawn up in partnership with Haitian institutions and international organizations, including the Directorate General of the National Police, the Ministry of Justice and Public Security, the Ministry of Public Health and Population, the United Nations Integrated Office in Haiti, the organization Health Through Walls and the Bureau of International Narcotics and Law Enforcement Affairs of the United States Department of State.

74. As part of this plan, the Directorate of Prisons Administration has adopted a set of measures to protect inmates and prevent the spread of COVID-19 in prisons. These measures include awareness-raising campaigns among prison staff and inmates, the creation of hand-washing stations in prisons and a campaign to systematically screen members of staff, officers and other persons who regularly visit prisons.

75. On the logistical front, measures have been taken to ensure that the 30-seater bus of the Prison Intervention and Escort Team, which serves as a shuttle for transferring inmates,

is in working order. The Directorate of Prisons Administration has repaired four Prison Intervention and Escort Team vans for security escorts. Four emergency centres have been set up to accommodate inmates who test positive for COVID-19.

76. A preventive screening system has been set up in prisons to diagnose new inmates before they join the prison population. In addition, arrangements have been made to place new inmates in quarantine for the duration of the incubation period. Symptomatic cases of COVID-19 among inmates have been managed in accordance with a protocol drawn up in conjunction with the Ministry of Public Health and Population.

XIII. Independence of the judiciary and right to a fair trial

77. The Government's criminal policy is implemented by its commissioners in the country's 18 judicial districts. This power does not amount to government interference in the decisions of the public prosecutor's offices. The latter operate in accordance with the laws in force, in particular the law on the organization of the judiciary, and the international instruments signed and ratified by Haiti in this area.

78. The High Council of the Judiciary plays a role in the appointment and promotion of judges, safeguards their activities and provides training for them (initial and in-service training). In addition, it has begun the process of accrediting members of the judiciary and helps to improve their treatment.

79. This process has resulted in the expulsion from the system of 5 judges with false diplomas and the accreditation of some 100 judges.

XIV. Right to liberty of movement and right to privacy and protection of the family

80. The Government does not encourage forced evictions. After the incident that occurred in the neighbourhood of Pèlerin 5 in July 2018, the President himself resolved to come to the aid of the victims: the seven demolished houses were rebuilt by the Public Enterprise for the Promotion of Social Housing. The owners of four of the seven newly rebuilt houses have already taken possession of them.

XV. Freedom of opinion, expression and assembly

81. The Government has always respected laws on press freedom, even during the flashpoints of the political unrest of 2019. The Government has been a consistent advocate for the protection of press workers and has always expressed its solidarity with victimized journalists and encouraged the press to work for stability and lasting peace. It has always condemned verbal and physical attacks against journalists, attempts to intimidate them and all cases in which freedom of expression, in particular the freedom of the press, has been violated.

82. The Government urges human rights defenders who have been subjected to violence by officers of the National Police to file complaints with the competent bodies so that legal action can be taken in response. Whenever complaints are filed with the Inspectorate General of the National Police following such incidents, the officers found to have acted wrongfully are punished.

83. The public prosecutor's office in Mirebalais has already issued warrants against the suspects in the Néhémie Joseph case.

84. A suspect has been arrested in connection with the murder of journalist Rospide Pétiou. In general, all cases in which the victim is a human rights defender or journalist are referred to an investigating judge.

85. Incitement to violence is punishable under the Criminal Code. Persons who commit this offence are therefore liable to punishment.

XVI. Right to freedom of movement

86. The Inspectorate General of the National Police always strives to address shortcomings in the work of the police. The Inspectorate General has the power to investigate any misconduct by law enforcement officials in the performance of their duties. During the recent events, law enforcement officials have had to face heavily armed and violent groups on an almost daily basis.

87. In its report, Amnesty International mentioned 35 killings in the context of the protests held between 16 September and 17 October 2019, including 9 for which the National Police was allegedly responsible.

88. However, only three deaths of demonstrators have been linked to allegations of the excessive use of force by police officers. These allegations are being thoroughly investigated by both the Inspectorate General of the National Police and the Central Directorate of the Criminal Investigation Service.

89. Certain organizations have accused the police of using excessive force during mass assemblies. It is important to recall the environment in which police officers carry out their duties. They frequently have to deal with violent and unlawful gatherings. Indeed, over the relevant period, only 38 demonstrations were duly notified to the police, but gangs posing as demonstrators were on the streets every day, carrying out criminal acts of violence akin to terrorism. In order to deter these gangs and protect the lives and property of citizens, as well as public and private property, officers of the National Police resorted to the use of devices that are legally permitted and widely used in law enforcement operations.

90. However, the Government has not ruled out the possibility that some officers of the National Police might have used these anti-riot devices improperly. Whenever incidents of this kind take place, they are recorded and analysed, and any perpetrators identified receive administrative penalties in accordance with the internal regulations of the National Police. The Inspectorate General of the National Police has a detailed report on such cases.

91. The police made effective use of rubber bullets (defence ball launchers) against persons who failed to follow an order to desist from violence. Officers have been issued with instructions on the required standards for the use of such devices.

92. However, it should be noted that the National Police, which did everything to preserve the rights of demonstrators, remains one of the principal victims of the unrest: 23 police vehicles were totally or partially destroyed and 24 police stations were attacked with large-calibre firearms, explosive devices, stones or bottles, some of which had been set on fire.

93. The Government also deplors the fact that, between 1 January and 30 October 2019, the National Police recorded 40 cases in which police officers were killed by firearms. In 25 of these cases, the officers were killed in armed attacks before or after their shifts on demonstration days.

XVII. Participation in public affairs

94. The elections of the members of the Chamber of Deputies and two thirds of the members of the Senate did not take place in October 2019, as had been planned, for the following reasons:

- In 2017, the Government submitted a bill on electoral law to Parliament, but it could not be passed as a result of the political upheaval in the Senate
- The buildings that house the offices of the National Registry Office and the Departmental Electoral Offices were vandalized
- The sociopolitical violence of 2019 has undermined the President's efforts to create a climate conducive to holding the elections

95. Since 13 January 2020, as a result of this situation, there has been an institutional vacuum. In order to ensure the continuity of the State, the President has been obliged to adopt certain appropriate measures by decree.

96. The Head of State has repeatedly reiterated his firm determination to hold the elections as soon as possible.

97. To this end, the President has already launched talks with various actors, including international partners and sectors of Haitian civil society that have sent representatives to the Provisional Electoral Council. For example, by a letter dated 23 July 2020, the President requested the rector's office of the State University of Haiti to confirm that it had sent a representative to the Provisional Electoral Council or to appoint another representative.

Conclusion

98. Haiti was already under great strain as a result of repeated political disturbances, and the COVID-19 pandemic has worsened the situation in the country. These events have had a negative impact on the Government's activities in the area of fundamental rights. Nevertheless, the Government is stepping up its efforts to ensure respect for human rights and is resolutely committed to promoting the rule of law, even with limited means.
