

APPENDIX A: Strategy for Supporting Human Rights Reform and Promoting Freedom of the Press and Assembly in Haiti¹

Summary of Policy Context: Haiti faces numerous challenges. Emboldened gang violence and recurring political and civil unrest since July 2018 have severely exacerbated Haiti's dire economic and humanitarian conditions, such as high unemployment and inflation; a volatile national currency; recurring and severe fuel shortages; low foreign reserves; and a resurgence of cholera. About 60 percent of the population lives below the poverty line, and more than one-third face crisis- or emergency-level food insecurity. Haiti faces additional challenges stemming from the COVID-19 pandemic, an economic recession, President Jovenel Moïse's July 2021 assassination, and the 7.2 magnitude earthquake in August 2021.

Human rights abuses and governance concerns, which both cause and result from Haiti's fragility, include: unlawful killings by gangs, some of which are allegedly supported by corrupt government officials and private-sector actors; torture or cruel and degrading treatment by government agents; inhumane and life-threatening prison conditions; arbitrary arrest; prolonged pre-trial detention; lack of judicial independence; violence or threats of violence against journalists; government corruption; lack of reporting, investigation of and accountability for sexual and gender-based violence; crimes involving violence or threats of violence targeting persons with physical, mental, and developmental disabilities; widespread impunity; and forced child labor.

The implementation of activities in this strategy is subject to the availability of U.S. foreign assistance funds. Aiding the Haitian government in enforcing good policing practices, productive anti-corruption institutions, and encouraging the rebirth of civil society and an independent press will require technical and financial assistance. The United States will use its leverage with the Haitian government and civil society organizations (CSOs) to monitor human rights abuses, identify persons involved in human rights violations, and explore measures to promote accountability. We will prioritize promoting freedom of expression, including for members of the press, and freedom of peaceful assembly by supporting efforts to increase availability of reliable information to the Haitian public and to improve journalists' safety. A better-informed public can more effectively demand good governance (including accountability for human rights abuses) from its government.

¹ This document represents a draft strategy as prescribed in Sec. 107 of the Haiti Development, Accountability, and Institutional Transparency Initiative Act.

Accountability for Human Rights Abuses

The United States seeks to support Haitian government reforms to the justice system and other accountability mechanisms to strengthen Haiti's judicial institutions. To decrease incidents of human rights abuses and mass violence, the State Department, in collaboration with the Departments of Treasury and Justice, uses all appropriate tools to promote accountability among corrupt and malign actors in Haiti, such as the December 2020 designation of three former Haitian government officials under the Global Magnitsky (GloMag) sanctions program in connection with serious human rights abuses.

In addition, the State Department assists in increasing the Haitian National Police's (HNP) professionalization and development efforts, including internal accountability for corrupt or illegal behavior by officers. Through the Bureau of International Narcotics and Law Enforcement Affairs (INL), the Department will continue supporting rising leaders from the HNP to attend the Inter-American Defense College (IADC) and earn master's degrees in defense studies, with a focus on human rights in the Western Hemisphere. INL will also continue to support human rights training as part of basic training for new police recruits, and for specialized units, including SWAT, border police, crowd control, and public order units. Other efforts to improve accountability in the HNP could include organizing a virtual exchange for 25 specialized police officers (including women officers) with counterparts in the United States to exchange views on civilian policing and professional/international values, especially law enforcement ethics. INL will continue to pursue its goals of developing the integrity, accountability, and professionalization of the HNP through advisory support, equipment, financial and material resources, and vetting, allowing the Government of Haiti to focus on salary disbursements and internal management.

Benchmarks to measure progress can include: 1) number of police officers and justice officials trained and rigorously assessed in preventing human rights violations during police operations; 2) successful prosecutions of human rights violations committed by state actors; 3) successful prosecutions of individuals engaged in influence peddling or corruption within the state justice sector, including the HNP; and 4) successful application of GloMag or other designations of corrupt police or government officials who have engaged in serious human rights abuses or corruption.

Anti-Corruption

Corruption plagues the Haitian state and prevents the implementation of rule of law and the establishment of democratic institutions. The United States seeks to help the Haitian government build the trust of the public and development partners by holding individuals involved in corruption and illicit activities in Haiti to account. The Haitian government must also strengthen transparency and accountability in the collection and use of public resources (including with extra-budgetary agencies), strengthen the reliability, timeliness, and completeness of public financial statements, and fully implement the Financial Action Task Force (FATF)'s anti-money laundering and counter terrorist finance (AML/CFT) standards.

The United States has a range of tools and authorities, including financial sanctions, visa restrictions, and anti-money laundering measures, that support U.S. Haiti policy objectives and target Haitians involved in corruption and illicit activities. The U.S. Council on Transnational Organized Crime (USCTOC) identified opportunities to further some of these tools. GloMag remains one of the most powerful tools the U.S. government has to punish foreign persons involved in serious human rights abuse and/or corruption. The U.S. government will continue to identify and prioritize individuals for GloMag consideration. The United States will also continue to leverage 7031(c) authorities² to designate current or former government officials and immediate family members as ineligible for entry into the United States. In addition, the U.S. government will consider the use of the Immigration and Nationality Act Section 212(a)(3)(c), which allows designation of foreign nationals (and their family members) as inadmissible to the United States if granting the foreign national a visa would cause potentially serious adverse foreign policy consequences for the United States.

Furthermore, the United States will continue to support Haitian justice system institutions' efforts to root out corrupt actors. In April 2022, the HNP issued a plan to dismiss 1,013 police officers and 174 civilian staff from the force for abandoning their duties from March 2012 through 31 December 2021. The United States also supports the implementation of Haiti's new Criminal Code –

² Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act 2020 provides that in cases where the Secretary of State has credible information that officials of foreign governments have been involved in a gross violation of human rights or significant corruption, those individuals and their immediate family members are to be designated publicly or privately and are ineligible for entry into the United States.

developing plans for implementing a witness/victim protection program and developing a standard procedure for plea bargaining or alternative resolutions. Benchmarks to measure progress can include:

- 1) Haitian government regularly publishes a thorough end-of-year budget report and iterative reports on public assistance funds, and the budget includes revenues and expenditures of state-owned enterprises;
- 2) Supreme audit institution Cour Supérieure des Comptes et du Contentieux Administratif (CSCCA) meets international standards of independence and publishes timely and substantive audit reports;
- 3) Haiti's Council of Ministers approves revisions to the AML/CFT law to address technical deficiencies identified in Haiti's FATF Action Plan and brings it into line with FATF international standards;
- 4) Haitian authorities institute and implement an appropriate risk-based AML/CFT supervision for all financial institutions;
- 5) Haitian authorities identify, investigate, and initiate prosecutions of different types of money laundering cases in a manner that is consistent with money laundering and terrorist financing risk profile;
- 6) The Haitian government implements legislation to address targeted financial sanctions and drafts legislation to address deficiencies in conducting risk assessments of the nonprofit organization sector for potential terrorism finance abuse;
- 7) The Haitian government reforms the Haitian Criminal Code and its implementation assists in resolving cases, ensuring efficiency in prosecutions, and protection to citizens who may come forth with valuable information regarding corrupt acts or other key information.

Support for Freedom of the Press and Freedom of Assembly

Civil society and the general public in Haiti lack the capacity to effectively demand or advocate for transparent governance. Meanwhile the media face constant political pressure, hampering their ability to convey objective or accurate information to the Haitian people, which further weakens the Haitian people's ability to engage in effective self-advocacy. Improving the information environment in Haiti will allow citizens to feel more empowered to demand better governance. In order to help Haitian media disseminate more and higher quality information about political developments, the Department plans to host trainings for media practitioners on journalistic practices and fact-based reporting, and trainings that will address the media's role in a system of checks and balances, including reporting on gross violations of human rights.

Journalists must also feel empowered to perform their work more safely. Beyond ongoing efforts to improve security in Haiti, CSOs should work with journalists to advocate for improved operations, management, and oversight of the HNP, and HNP human rights trainings should reinforce the protection of civilians – to include journalists. Efforts are underway at Embassy Port-au-Prince to provide training for journalists on safety and security, and to train civil society on media monitoring, including how to identify inaccurate/untruthful reporting and to hold the media to account for it.

Benchmarks to measure progress can include quantifying: 1) threats to journalists reported by watchdog organizations; 2) CSOs incorporating investigative journalism into advocacy efforts; 3) relevant meetings between CSOs and HNP representatives; and 4) CSO recommendations regarding HNP reform adopted.