

APPENDIX D: U.S. Government Engagement on Human Rights, Haitian Government Response to Civic Protests, and Impact of Presidential Decrees

U.S. Government Efforts to Consult and Engage with the Haitian Government and Civil Society Focused on Monitoring Corruption and Human Rights Abuses and Promoting Democracy and Press Freedom

U.S. Embassy Port-au-Prince works daily with many human rights and civil society organizations to support reporting, programming, and high-level visits. These efforts include information sharing, one-on-one meetings with working-level staff, and roundtable discussions between organizations and senior State Department officials. In recent years, Embassy staff have made a concerted effort to reach out to a more diverse pool of human rights and civil society contacts, as exemplified by a reception for Young and Emerging Leaders hosted by Chargé d’Affaires Merten April 8, 2022. The Embassy also hosted two events focused on youth and university students to commemorate International Youth Day and engage young Haitians. The Political and Public Diplomacy sections, with support from across the Embassy, hosted 26 summer camp attendees aged seven to 24 for an all-day event that included discussions on human rights and responsible migration. The Embassy’s roster of key civil society contacts that focus on corruption and human rights includes the National Human Rights Defense Network (RNDDH), the Eyes Wide Open Foundation (FJKL), Centre for Analysis and Research in Human Rights (CARDH), and Nou PaP Domi. In the United States, State Department officials consult regularly with U.S.-based human rights groups, Haitian diaspora organizations and individuals, think tanks, religious and secular NGOs, and the private sector. These conversations in Port-au-Prince, Washington, Miami, New York, and elsewhere on human rights, corruption, and democracy inform Department policy decisions. These partners also provide information used in the Department’s public *Human Rights Report*, the *Trafficking in Persons Report*, and the *International Religious Freedom Report*. Staff share this reporting with Haitian government counterparts and civil society partners to foster broader discussion and facilitate positive policy changes.

2015

Throughout 2015, Embassy staff at all levels, including the Chief of Mission, Deputy Chief of Mission, Political Counselor, and Economic Counselor engaged Haitian leadership at national, regional, and departmental levels, as well as key members of civil society and human rights organizations. This engagement primarily focused on preparations for free and fair elections, including extensive

regional consultations with departmental and local authorities. Several Congressional delegations, including one led by Representative Nancy Pelosi, emphasized U.S. commitment to Haitian democracy. Election observers from the U.S. and Canadian embassies represented the largest international observation mission for the August 2015 elections. Embassy engagement continued after elections, and officials worked with representatives of civil society, human rights organizations, and religious groups to understand public perceptions of election results. In November 2015, the Chief of Mission also visited migrant camps in the Anse-à-Pitres area of the Southeast department. This trip highlighted the importance the U.S. government places on achieving a coordinated and effective response to migrants' needs. USAID and INL programming emphasized women's social protection and inclusion.

2016

In 2016, Embassy staff began preparing for the eventual departure of the UN Mission for Justice Support in Haiti (MINUJUSTH) and engaged key Haitian actors and the international community to ensure that the Haitian National Police (HNP) was adequately equipped and informed on international human rights norms. The Embassy frequently served as an intermediary between civil society and human rights groups and the Haitian government. For instance, when RNDDH raised concerns regarding the HNP's vetting procedures for new police officers, the Embassy discussed these concerns with both the HNP Inspector General and RNDDH, gathered facts and reviewed reporting conducted by both sides, and encouraged the HNP to implement a one-year probationary period for new officers in order to incorporate RNDDH concerns. Embassy staff also intervened on key judicial and human rights issues. After the murder of three disabled women in Leveque 20 miles north of Port-au-Prince on March 17, Ambassador Mulrean urged President Privert and Justice Minister Pierre-Richard Casimir to pursue investigation and prosecution of those responsible. The U.S. embassy continued advocating for LGBTQI+ rights throughout 2016, including releasing a statement expressing regret for the cancellation of Haiti's first LGBTQI+ film festival in September and condemning discrimination. National press carried the Embassy's statement widely, and the Ambassador met with President Privert to express the importance of LGBTQI+ rights to the United States. Additionally, in the wake of Hurricane Matthew in October 2016, USAID, the State Department, and a visiting Congressional delegation evaluated the ongoing emergency response and humanitarian needs. In December, an embassy-hosted event for more than 40 activists provided exposure and a key networking opportunity for many Haitian human rights advocates not traditionally included in Haiti's national human rights dialogue or in the work of the larger NGOs. The

Embassy also supported freedom of expression and journalist training through the USG-funded International Visitors Leadership Program (IVLP). These exchange programs provide professional development and network-building opportunities in the United States for young leaders from foreign countries. In 2016, one Haitian journalist participated in the New and Traditional Broadcast Media IVLP program. In 2016, USAID also launched a three-year alliance, in partnership with the Haitian government, to reduce violence against children, mitigate trafficking and forced labor, protect unaccompanied and separated children, and explore alternative care and protection services through research and pilot interventions.

2017

U.S. government advocacy in 2017 began with a presidential delegation led by Under Secretary of State for Political Affairs Thomas Shannon, which traveled to President-elect Jovenel Moïse's inauguration February 6-7 to celebrate peaceful democratic transition. Embassy staff at all levels engaged a variety of new cabinet ministers to emphasize the importance of human rights and democratic values. Throughout 2017, INL continued to advocate prison reform, in particular, adequate provision of food, in the wake of starvation-related prisoner deaths. Embassy Port-au-Prince celebrated Pride with an "Artists for Equality" event that welcomed more than 80 Haitian civil society and human rights partners. When a law criminalizing same-sex marriage passed the Haitian Senate in August 2017, Embassy staff engaged with Haitian government officials at all levels as well as the international community to advocate for the protection of LGBTQI+ individuals. When a new Deputy Chief of Mission arrived in September, she prioritized meeting with leaders from underrepresented groups across Haitian society and the political spectrum. Embassy staff continued to advocate against trafficking in persons, including through a tour of International Organization for Migration (IOM) facilities on the border with the Dominican Republic and engagement with Haitian officials. The Embassy also identified two Haitian participants for the Human and Civil Rights and Tolerance IVLP program and the New and Traditional Broadcast Media IVLP program.

2018

Throughout 2018, U.S. government staff at all levels engaged with members of the Haitian government to push for democratic values and the importance of human rights. Pre-trial detention and impunity emerged as two major advocacy points for Embassy staff at all levels. The Ambassador held dozens of meetings with cabinet ministers, the Prime Minister, and the President on topics ranging from trafficking in persons, to health issues, to allegations of child abuse in the orphanage system. Embassy staff traveled extensively to nearly all of Haiti's departments to meet with

departmental and local leadership. Additionally, Embassy staff began advocating the creation and passage of a reformed penal and criminal procedural code. After the 2017 Human Rights Report's release in April 2018, the Ambassador hosted a roundtable discussion with the leaders of Haiti's five most prominent human rights organizations to discuss Haiti's most pressing human rights issues. Embassy staff also began consulting authorities on preparations for the planned August 2019 elections, including adequate budgeting of resources for elections security. Women's rights and protection remained a key issue for the Embassy, and local entrepreneurs discussed the unique and shared obstacles women encounter in the Haitian business sector during a forum on "Economic Empowerment of Haitian Women" the Embassy hosted in November. Embassy staff closely monitored growing gang violence throughout 2018, with a special emphasis on pressing for justice and fair investigations into mass casualty events such as the La Saline violence in November. Embassy staff nominated two Haitians for IVLP programs on Combatting Trafficking in Persons and an Edward R Murrow program for journalists. The Embassy also hosted a U.S. speaker on Strengthening Civil Society and Safe Communities.

2019

Advocacy against violence continued in 2019. The Ambassador met with President Moïse and the Prime Minister January 7 to insist on an investigation into the La Saline violence and assistance to Haitians left homeless by the violence. High-level Department officials and a Congressional delegation visited Haiti and also called for a fair investigation and emphasized the need to address growing security challenges. Embassy staff continued to monitor prison conditions throughout Haiti and advocate for a reduction in pre-trial detention rates. The Embassy's political section hosted several roundtable events with human rights activists to discuss growing insecurity concerns and violence, including a dinner with LGBTQI+ activists. Countrywide protests in the "Peyi Lok" movement put a significant strain on the Haitian government and led to an economic downturn. In a December visit, the USAID Administrator and Assistant Administrator for Latin America and the Caribbean met with civil society organizations, religious groups, and implementing partners to better understand how to help Haiti's most vulnerable, including those affected by violence and food insecurity. The United States supported the transition of MINUJUSTH, the peacekeeping mission whose mandate concluded in October 2019, to the UN Integrated Office in Haiti (BINUH), which includes a human rights team. The United States has strongly advocated the extension of BINUH's mandate every year since its formation. A USAID-supported four-year project commenced in May to support Government of Haiti efforts to structurally address and deter all forms of trafficking in persons.

Embassy staff identified two Haitian leaders for the Disability Rights and Combatting Trafficking in Persons IVLP programs and nominated three participants for the Edward R. Murrow journalist program.

2020

In 2020, despite the spread of the COVID-19 pandemic, U.S. government staff continued to engage with Haitian officials, activists, and members of civil society to encourage protections for all Haitians. During a January 16-18 visit, the International Religious Freedom Office Director met with government officials and religious leaders to gauge the state of religious freedom and tolerance in Haiti. Department officials, including the Ambassador, Political Counselor, Economic Counselor, and the Washington-based Haiti Affairs Office Director met with a variety of Haitian government officials and civil society contacts. On June 19, the Haitian government adopted a new penal code – which included significant protections for LGBTQI+ people -- and a new penal procedural code by decree after almost 20 years of parliamentary and government discussion and substantial USAID support. USAID also supported an eighteen-month Public Governance Review of Haiti, implemented by the Organization for Economic Cooperation and Development (OECD), to provide an assessment and diagnostics of the current governance environment and reform efforts and conclude with specific recommendations for reform. The U.S. Ambassador continued to meet with HNP leadership to advocate for increased anti-gang efforts. In December, the USG announced sanctions against Jimmy Cherizier, Fednel Monchery and Joseph Pierre Richard Duplan in connection with their involvement in the La Saline violence. Embassy staff identified one Haitian journalist to participate in the Edward R Murrow IVLP program for journalists and hosted two U.S. speaker programs on Open Government and Civil Society and Law Enforcement and Safe Communities.

In 2020, USAID also launched the Resilience and New Partners Engagement (RNPE) unit to increase coordination and collaboration among existing and future programs within the Mission's portfolio and to expand its collective institutional strengthening efforts towards local Haitian organizations. The RNPE unit works to expand USAID's networking, collaboration, and engagement with civil society, faith-based, and Haitian diaspora organizations to help strengthen their operational capacities while leveraging their expertise to ensure effective and inclusive programming.

2021

Throughout the tumultuous events that marked 2021 in Haiti, U.S. government staff continued impactful engagements with civil society, government actors, and

human rights groups. The Department's Bureau of Democracy, Human Rights, and Labor supported media and journalists to conduct their work safely and effectively, providing the tools to counter dis- and misinformation that sow division and diminish trust in media in Haiti. Embassy leadership advocated a path to overdue legislative elections, and progress on high profile human rights cases still pending in the Haitian justice system, including the killings in La Saline and Bel Air, the Raboteau massacre involving Emmanuel "Toto" Constant, and the La Mansion trafficking in persons case. After a dramatic prison break in April 2021, INL and Embassy leadership continued advocating improved prison conditions and reduced pretrial detention. USAID continued providing emergency food aid to large areas of Haiti that remained at elevated levels of food insecurity. As kidnappings for ransom increased throughout the country, Embassy staff continued to engage with civil society, the HNP, and Haitian government actors to identify needs and strengthen Haitian authorities. In the aftermath of the assassination of President Moïse in July, Embassy leadership worked with civil society, human rights groups, and Haitian government officials to advocate for the formation of a transitional government, a political accord, and a path towards elections. On August 14, when a magnitude 7.2 earthquake hit southern Haiti, the U.S. government mobilized a whole-of-government effort to help Haiti respond and recover, including a Disaster Assistance Response Team deployed by USAID to Haiti. Multiple high-level visits in the wake of the assassination and earthquake, including by the Special Envoy for Haiti, the USAID Administrator, the Assistant Secretary for Western Hemisphere Affairs, the Under Secretary for Civilian Security, Democracy, and Human Rights, and the Assistant Secretary for International Narcotics and Law Enforcement Affairs engaged representatives from the Haitian government, the Commission for a Haitian Solution ("Montana Group") religious groups, and all corners of civil society. Even as the global COVID-19 pandemic continued to impact global travel, Embassy staff facilitated the participation of five Haitians in virtual IVLP programs, including the Edward R. Murrow program for journalists; Ending Gender-Based Violence; Human and Civil Rights for Marginalized Communities; and Rule of Law.

2022

Thus far in 2022, Embassy staff have continued to encourage political consensus and a path towards elections and a Haitian-led solution in all interactions and at all levels. A variety of high-level visits, including the Assistant Secretaries for Western Hemisphere Affairs, and Conflict and Stabilization Operations and several Deputy Assistant Secretaries have met with Prime Minister Henry's government, the Montana Group, and other stakeholders. Working with a local organization, the Embassy sent 12 journalists in August of 2022 for U.S.-based training on

investigative reporting and will send an additional 12 journalists for training on media management in October 2022. This effort will increase the capacity of Haiti's journalists to investigate and expose government and private sector corruption. In addition, the United States continued to strongly advocate for the renewal of BINUH, which when extended in July 2022, expanded the human rights unit's mandate to dedicate personnel and resources to address gender-based violence, including the identification of women's protection advisors, as applicable.

Haitian Government Response to Civic Protests and Allegations of Human Rights Abuses

2018

The Haitian constitution provides for freedom of assembly, and the government generally respected this right. Although some impromptu political demonstrations provoked aggressive law enforcement responses, police generally responded to protests in a professional and effective manner. Following July 6-7 protests against the government's decision to increase fuel prices, Port-au-Prince prosecutor Dameus ordered the arrest of 64 individuals accused of looting. Three of the individuals lived on property owned by opposition Senator Antonio Cheramy. Some members of the opposition called the arrests politically motivated and illegal because a prosecutor can arrest only individuals caught in the process of committing a crime. Dameus denied the allegations of "political persecution"; the detainees were subsequently released.

As a result of isolated incidents of actions against journalists by national and local government officials, some independent media felt unable to criticize the government freely. On March 14, Vladjimir Legagneur, an independent journalist, went missing after entering Grand-Ravine, a gang-controlled area of Port-au-Prince, to pursue a story about gang activities. Following his disappearance, journalists organized marches and called for a full investigation. On April 5, police announced two arrests in the case while waiting for results from forensic testing on human remains found in the area where Legagneur was last seen.

On August 20, government officials alleged that persons with small arms fire and a grenade had attacked Parliament. Within a few days, however, various media establishments questioned the official narrative since a preliminary investigation concluded the shots had likely come from inside the building. During the investigation, tensions flared between police investigators and parliamentary security personnel, and the latter attempted to bar journalists from covering those

exchanges. In the melee, security agent Ernst Lee Raphael allegedly assaulted a journalist and was later fired. Following the incident, several journalists noted constant threats from security agents at the parliament who blamed journalists for the public's negative perception of parliament. In December 2018, a fire destroyed the headquarters of Radio Quisqueya, which was co-owned by Lilianne Pierre Paul, a well-known critic of the majority PHTK Party, whom former President Michel Martelly publicly vilified on several occasions. Pierre Paul filed a complaint demanding that authorities investigate the "real causes" of the fire.

2019

The RNDDH reported approximately 40 deaths and 82 persons injured during violent anticorruption and antigovernment protests in February. The report did not allege HNP responsibility for these deaths or injuries and also counted 20 officers among the injured. The RNDDH reported HNP officers were responsible for the deaths of four protesters during antigovernment protests in June. BINUH and RNDDH said police killed 16 to 22 protesters from September 15 to November 19. The HNP opened investigations into eight alleged cases of police-involved killings, three of which the HNP Inspector General's Office confirmed as unlawful killings, but in one incident, one officer believed responsible evaded justice, while four other officers were suspended for failing to intervene to prevent the incident.

Journalists reported a deteriorating security climate for journalists and said some journalists were resorting to self-censorship to avoid being publicly targeted by political or gang leaders. Complaints against police for assaults and attacks on journalists increased, compared with 2018. Gédéon Jean, director of CARDH, claimed that members of a security detail accompanying former President Martelly assaulted and threatened to kill Jean, a fervent critic of Martelly, in March. In October, the body of radio journalist Nehemie Joseph was found in Mirebalais. Eleven days later, the government fired Mirebalais prosecutor Faublas Romulus, who publicly declared knowing the perpetrators with "90 percent certainty" but failed to make any arrests.

Video of June 9-10 protests showed several members of the HNP Departmental Crowd Control Unit (UDMO) attacking with stones a protester lying on the ground near the Port-au-Prince residence of President Moïse. In a separate incident in June, a local human rights organization reported that the head of the National Palace Guard, Dmitri Herard, shot and wounded two civilians in the Delmas 15 area of Port-au-Prince and two more in Delmas 31.

The HNP took steps toward imposing systematic discipline on officers found to

have committed abuses or fraud, but civil society representatives continued to allege widespread impunity. As of July, the HNP inspector general had reviewed 276 complaints against officers. As a result, the HNP disciplined 195 officers and dismissed 38 others; the dismissal recommendations included officers accused of human rights violations. MINUJUSTH and civil society groups reported that while HNP officers suspected of human rights violations at times faced administrative sanctions, there were no judicial proceedings against those officers. According to BINUH, 53 persons were killed and 112 injured during antigovernment protests between September 15 and November 19, with 22 of the 53 deaths and 55 of the 112 injuries attributable to the HNP.

2020

On June 29, protesters staged a sit-in at the Ministry of Justice. Protesters alleged police threatened, teargassed, and chased them, and tore up their banners. One week later, police fired weapons and tear gas to disperse another largely peaceful protest at the Ministry of Justice. Police stated the protest violated COVID-19 restrictions banning large gatherings.

Complaints against police for assaults and attacks on journalists were similar in number to those reported in 2019. On February 23, a group of masked and armed individuals who identified themselves as HNP officers attacked the offices of Radio Television Caraibes, a privately owned radio and television outlet in Port-au-Prince. In July, during a live radio interview, the alleged leader of a criminal gang operating in Artibonite department threatened to kill journalist Pradel Alexandre over the latter's reporting linking the alleged gang leader to kidnappings in the region.

On October 2, student Gregory Saint-Hilaire was allegedly shot and killed by security officials working for the General Security Unit of the National Palace during a protest at the Ecole Normale Superieure. The government stated it had launched an investigation.

2021

According to UN police statistics, the country witnessed 94 peaceful and 565 violent incidents of civil unrest between January 1 and August 1, with accusations of heavy-handed tactics by police to suppress protests. In addition to the conduct of inspections and training, the HNP General Inspectorate launched several investigations into allegations of excessive use of force during protests, particularly against journalists. Journalists reported a deteriorating security climate. On June 29, a journalist and an activist radio presenter, Diego Charles, and Antoinette

Duclair, were killed in the Port-au-Prince metropolitan area. Local media reported a prominent photojournalist fled the country in June due to death threats from gang members for reportedly taking photos of the gang looting a private business.

2022

On January 6, armed gangs reportedly shot and burned alive journalists John Wesley Amady and Wilguens Louissaint in Laboule in metropolitan Port-au-Prince. The Online Media Collective (CMEL) reported the journalists had visited the area to report on gang violence in Fessard. A third journalist accompanying them escaped unharmed. Prime Minister Ariel Henry, Ombudsman Renan Hédouville, and Reporters without Borders all condemned the murders.

On February 23, journalist Maxiben Lazard was shot dead, allegedly by an HNP agent, during his coverage of textile worker demonstrations. The HNP Inspector General opened an investigation into the incident, but there has not been any resolution to the investigation and the perpetrator(s) have yet to be identified. CMEL organized a March 9 demonstration to protest all journalists killed by gang members and Haitian law enforcement.

Impact of Presidential Decrees on the Health of Haiti's Democratic Institutions and the Safeguarding of Human Rights

Before his death, President Moïse issued a series of presidential decrees that alarmed members of civil society. These included a limited state of emergency declared in March 2021 following the failed HNP operation in Village de Dieu. Human rights leaders criticized the decree for its perceived illegality, disproportionality, and apparent lack of regard for individuals and their property rights. After the Superior Council of the Judiciary published a note on February 7, 2021, siding with those who believed President Moïse's term of office had already ended, President Moïse forcibly "retired" three Supreme Court justices and named three replacement judges by decree on February 11. Embassy staff coordinated with international partners and civil society contacts to publicly condemn this action. During his tenure as Prime Minister, Henry has taken some presidential actions, including the appointment of judges to the Supreme Council of the Judiciary, Courts of First Instance, and Courts of Appeal.

The primary concern for democratic health in Haiti is improving security, reaching a Haitian-led political accord, and conducting logistical preparations that would allow for free and fair elections. Corruption, impunity, and poorly funded and poorly functioning state institutions also contribute to Haiti's governance challenges.